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### Plastic Shopping Bags

*It has been estimated that up to 1 trillion plastic bags are used worldwide each year. Most Australian retailers provide complimentary 'single use' non-biodegradable plastic carry bags (plastic shopping bags) to consumers to hold their purchases. While the primary purpose of these plastic shopping bags is to carry shopping to the car and into the home, they are often re-used for other purposes, such as lining household rubbish bins. The usefulness of plastic shopping bags for their designed purpose is seldom disputed, but the bags are often maligned on the basis that they create unsightly litter, use scarce resources, contribute to the amount of waste going to landfill, take hundreds of years to break down, cause injury to animals, and are symbolic of a 'throwaway' society.*

*This Research Brief examines the issues associated with plastic shopping bags and how they are being tackled in Australia and other countries. It commences with a description of plastic shopping bags and a breakdown of where they are initially used, and what happens to them after that. It then examines the perceived problems with plastic bags and discusses means by which plastic shopping bag use can be reduced. It concludes with a summary of how the issue is being addressed in Australia.*

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## **EXECUTIVE SUMMARY**

Plastic shopping bags are made of high density polyethylene. They are singlet shaped, lightweight, strong, moisture resistant and usually unbranded. While the primary purpose of these bags is to carry shopping from the store to the car and into the home, they are often re-used for other purposes, such as lining household rubbish bins.

Australians used about four billion plastic shopping bags in 2007. Part 2 of this Research Brief discusses how this number compares with plastic shopping bag use in previous years, and it also provides detail on where plastic shopping bags are first used, and what happens to them subsequently.

The Environment Protection and Heritage Council has described the reduction of plastic shopping bag use “*as something simple that everyone can do, as well as a potential gateway to community awareness of broader and more intractable issues affecting environmental quality and sustainability*”.<sup>1</sup> Part 3 of this Research Brief analyses some of the pros and cons of reducing plastic bag use, particularly in relation to the impact on the environment. Part 4 examines some of the ways in which plastic shopping bag use can be reduced.

In Australia, plastic shopping bag use has been reduced through a mix of voluntary efforts and statutory regulation. Parts 5-12 summarise how plastic shopping bag use is being addressed in Australia.

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<sup>1</sup> Environment Protection and Heritage Council (EPHC), *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, April 2008, p 3.



## 1 INTRODUCTION

Plastic bags are ubiquitous. It has been estimated that up to 1 trillion plastic bags are used worldwide each year.<sup>2</sup> Most Australian retailers provide complimentary ‘single use’ non-biodegradable plastic carry bags (plastic shopping bags) to consumers to hold their purchases. While the primary purpose of these plastic shopping bags is to carry shopping from the store to the car and into the home, they are often re-used for other purposes, such as lining household rubbish bins. The usefulness of plastic shopping bags for their designed purpose is seldom disputed, but the bags are often maligned on the basis that they create unsightly litter, use scarce resources, contribute to the amount of waste going to landfill, take many years to break down, cause injury to animals, and are symbolic of a ‘throwaway’ society.

This Research Brief examines the issues associated with plastic shopping bags and how they are being tackled in Australia and other countries. It commences with a description of plastic shopping bags and a breakdown of where they are initially used, and what happens to them after that. It examines the perceived problems with plastic bags and discusses certain means by which plastic shopping bag use can be reduced. It concludes with a summary of how the issue is being addressed in Australia.

## 2 PLASTIC SHOPPING BAGS

Plastic shopping bags are made of high density polyethylene (HDPE).<sup>3</sup> They are singlet shaped, lightweight, strong,<sup>4</sup> moisture resistant, and usually unbranded.

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<sup>2</sup> See e.g. reuseit.com, [Facts About the Plastic Bag Pandemic](#). Each of the websites in this Research Brief was accessed in October 2010.

<sup>3</sup> High density polyethylene (HDPE) is manufactured from ethylene, a by-product of gas or oil refining: Hyder Consulting Pty Ltd, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, April 2007, p 1. See also Nolan-ITU Pty Ltd, prepared in association with RMIT Centre for Design and Eunomia Research and Consulting Ltd, *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts: Final Report*, December 2002, prepared for Environment Australia, Department of the Environment and Heritage, pp 28-29.

<sup>4</sup> HDPE bags, which weigh between two and eight grams (an average supermarket bag weighs between five and seven grams), are able to carry over 1,000 times the weight of the bag: Australian Bureau of Statistics (ABS), ‘Plastic Bags’, *4613.0 – Australia’s Environment: Issues and Trends, 2006*.

They are given to shoppers by supermarket cashiers and some other retailers, such as those at convenience stores and service stations, to hold their purchased items. While plastic shopping bags are generally free, some retailers charge for them.<sup>5</sup> Most of the plastic shopping bags used in Australia are imported - about 19% were made locally in 2007, down from about 33% in 2002.<sup>6</sup>

Australians used around four billion plastic shopping bags in 2007. This is approximately two billion less than the number used in 2002, but is an increase on the approximately 3.36 billion bags used in 2006.<sup>7</sup>

It is estimated that in Australia in 2007, about 75% of new plastic shopping bags were used by supermarkets, with the remainder used by other food & liquor retailers (10%), general merchandise & apparel retailers (6%), fast food outlets, convenience stores & service stations (4%), and other retailers (5%).<sup>8</sup>

In a report prepared for the Environment Protection and Heritage Council, Hyder Consulting Pty Ltd estimated that around 92% of plastic shopping bags in Australia in 2007 were used to take purchases home. Of the plastic shopping bags that were taken home, it was estimated that about two-thirds were re-used (for purposes such as lining household rubbish bins) before being disposed of in landfill.<sup>9</sup> Of the remaining third, about half of the plastic shopping bags were recycled; the other half of them were put in the rubbish.<sup>10</sup>

According to Hyder Consulting, plastic shopping bags that are taken to destinations away from home in Australia are not re-used. The company estimated that, in

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<sup>5</sup> Aldi Supermarkets, for example, charge 15c for each plastic shopping bag: [simplesavings.com.au](http://simplesavings.com.au), [Guide to Shopping at Aldi](#).

<sup>6</sup> Hyder Consulting Pty Ltd, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption – Final Report*, prepared for the EPHC, February 2008, p 1, figures derived from Table 1-2.

<sup>7</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 1. Nolan-ITU estimates that the 2002 figure may be closer to 7 billion plastic shopping bags: Nolan-ITU, *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*, p 1. The drop in the number of bags used between 2002 and 2007 is due, in part, to the Retailers Voluntary Code, which is discussed in Part 5.2 of this Research Brief.

<sup>8</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, pp 11-12.

<sup>9</sup> A proportion of these may also be recycled.

<sup>10</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 27.

2007, around 88% of these bags were placed in rubbish bins and the remaining 12% were littered.<sup>11</sup>

### **3 SHOULD PLASTIC SHOPPING BAG USE BE REDUCED?**

This section of the Research Brief looks at some of the reasons why it has been suggested that plastic shopping bag use should be reduced.

#### **3.1 RATIONALE FOR REDUCING PLASTIC SHOPPING BAG USE**

In its 2002 report for Environment Australia, Nolan-ITU identified a number of reasons why the use of plastic shopping bags should be reduced, but prefaced the list by stating that plastic shopping bags “*do not consume large amounts of resources and are a comparatively minor part of the overall Australian litter stream...*”.<sup>12</sup> The reasons given by Nolan-ITU for reducing plastic shopping bag use are:<sup>13</sup>

- *Australia’s highest volume ‘add-on’ packaging;*
- *Given away for free in large numbers;*
- *Designed as a single use or disposable product;*
- *Often not essential to product integrity;*
- *Visual litter impacts;*
- *Ecological litter impacts;*
- *Persistence of the material in the environment;*
- *Potential for replacement by other materials and methods;*
- *Not currently widely accepted into the kerbside recycling system; and*
- *High level of community concern.*

Some of these matters are discussed below.

##### **3.1.1 Waste of Resources**

Plastic shopping bags are seen by some people as a waste of natural resources because they are manufactured from non-renewable resources (crude oil, natural

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<sup>11</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 27.

<sup>12</sup> Nolan-ITU, *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*, p 3.

<sup>13</sup> Nolan-ITU, *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*, p 3.

gas and other petrochemical derivatives<sup>14</sup>), are often non-essential and, in many instances, used only once.<sup>15</sup> Other people, however, are of the view that plastic shopping bags are very useful.<sup>16</sup>

### 3.1.2 Litter

A key reason for the denigration of plastic shopping bags is that millions of them are not disposed of correctly<sup>17</sup> and they become unsightly litter which can persist on land or in the water for hundreds of years.

While approximately 30-40 million plastic shopping bags were littered in 2007,<sup>18</sup> the Keep Australia Beautiful National Litter Index 2006/07 showed that HDPE plastic bags accounted for only 1.3% of the litter stream by item (excluding cigarette butts) and 0.18% of the litter stream by volume (excluding cigarette butts).<sup>19</sup> Beaches were found to have the most plastic bags; of the beaches surveyed by Keep Australia Beautiful, 2.9 plastic bags were found per 1,000 square metres.<sup>20</sup>

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<sup>14</sup> Brian Halweil, [Plastic Bags](#), in Worldwatch Institute, [Good Stuff? A behind-the-scenes guide to the things we buy](#), p 25.

<sup>15</sup> See e.g. Caroline Williams, 'Battle of the Bag', *New Scientist*, 11 September 2004, pp 30-31; [Waste Management in South Australia – Zero Waste SA](#), at 10 August 2010.

<sup>16</sup> Australians used about four billion plastic shopping bags in 2007, even though there were alternative products available, such as 'green' bags: Productivity Commission, *Waste Management*, Inquiry Report, No 38, 20 October 2006, p 213. See also, Andrew Bolt, 'Crossing a Plastic Border', *Herald Sun*, 2 April 2008, online; Melanie Reid, 'Carrier Bags Last 1,000 Years? Fantastic! The self-righteous eco-bullies at the checkout', *TimesOnline*, 3 March 2008 (a facetious article about the versatility of the plastic shopping bag).

<sup>17</sup> It was estimated that around 30-40 million plastic shopping bags became litter in 2007: Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, pp 26-27. Sometimes the littering is inadvertent as plastic shopping bags are easily caught in the wind; plastic shopping bags even blow away from landfill: see e.g. Productivity Commission, *Waste Management*, p 203; Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 27; ABS, 'Plastic Bags'.

<sup>18</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, pp 26-27.

<sup>19</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 22. The December 2002 report by Nolan-ITU (*Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*, Executive Summary, Figure E2) showed a similar percentage of littered plastic shopping bags.

<sup>20</sup> Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 22.

### 3.1.3 Hazardous to Wildlife

Plastic shopping bags that become litter can be hazardous to wildlife. They may injure or kill wildlife that ingest, or become entangled in, them.<sup>21</sup> Turtles, for example, have died as a result of ingesting plastic bags, presumably because the bags can look like jellyfish when floating in the water.<sup>22</sup> A crocodile caught at Magnetic Island in Queensland in October 2008 reportedly died as a result of eating plastic bags, which had compacted in its stomach, meaning it was unable to digest its food. Its necropsy disclosed “25 plastic shopping and garbage bags, a plastic wine cooler bag and a rubber float in its stomach”.<sup>23</sup> There is, however, uncertainty about the impact of plastic shopping bags on marine life,<sup>24</sup> with some people suggesting the impact is higher than others consider it to be.<sup>25</sup>

### 3.1.4 Time to Break Down

Sustainability Victoria has neatly described plastic shopping bags as “a short term convenience with long term impacts”.<sup>26</sup> Despite the fact that plastic shopping bags

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<sup>21</sup> See e.g. Productivity Commission, *Waste Management*, p 203; Ljubomir Jefic, Seba Sheavly and Elik Adler, *Marine Litter: A global challenge*, United Nations Environment Programme (UNEP), April 2009, p 199; EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, April 2008, pp 10-13.

<sup>22</sup> See e.g. Caroline Williams, ‘Battle of the Bag’, pp 31-32; Queensland Government, Department of Employment, Economic Development and Innovation (DEEDI), [Stemming the Plastic Tide](#).

<sup>23</sup> Queensland Government, Environment and Resource Management, [Magnetic Island Crocodile Dies from Plastic Bag Ingestion](#), *Media Release*, 2 November 2008.

<sup>24</sup> See e.g. Productivity Commission, *Waste Management*, pp 204-206; EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 10.

<sup>25</sup> See e.g. Brian Williams, ‘Bay Turtle Deaths Rise – Encroaching humans hit ecosystem’, *Courier-Mail*, 26 March 2010, p 19; cf Amanda Watt, ‘Force of Nature’, *Courier-Mail QWeekend*, 24-25 April 2010, pp 24-27.

<sup>26</sup> Sustainability Victoria, [Use Less Plastic Shopping Bags](#), last updated 1 June 2010.

are only designed to be ‘single use’, they are thought to have a lifespan of up to 1,000 years.<sup>27</sup>

### 3.1.5 Symbol of a Wasteful Society

Plastic shopping bags are seen by some people as symbols of a consumerist and wasteful society. The Hon Jane Davidson AM, the Welsh Environment Minister, reportedly described them as “*an iconic symbol of the throwaway society we now seem to live in*”.<sup>28</sup> Claire Wilton, speaking on behalf of Friends of the Earth in London, similarly said,<sup>29</sup> “[p]lastic carrier bags are symbolic of a society in which we use things without thinking and then throw them away”.

According to Caroline Williams in *New Scientist*, the plastic bag industry claims it is being targeted by environmentalists because plastic bags are “*an easy and emotive target that panders to our guilt about general environmental irresponsibility*”. Williams states that there is “*scant evidence that banning the plastic bag would have any benefits*”.<sup>30</sup>

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<sup>27</sup> See e.g. Clean Up Australia, [Report on Actions to Reduce Circulation of Single-Use Plastic Bags Around the World](#), April 2010, p 5; Juliet Lapidus, ‘Will My Plastic Bag Still be Here in 2507? How scientists figure out how long it takes your trash to decompose’, *Slate*, 27 June 2007; EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 10.

<sup>28</sup> ‘Plastic Bag Charges by May 2011’, *BBC News*, 3 November 2009.

<sup>29</sup> Claire Wilton, Senior Waste Campaigner for Friends of the Earth (London), quoted in Caroline Williams, ‘Battle of the Bag’, p 33.

<sup>30</sup> Caroline Williams, ‘Battle of the Bag’, p 31.

## 4 OPTIONS FOR REDUCING PLASTIC SHOPPING BAG USE

There is some support for restrictions on plastic shopping bag use.<sup>31</sup> The Environment Protection and Heritage Council (EPHC) has described the reduction of plastic shopping bag use “*as something simple that everyone can do, as well as a potential gateway to community awareness of broader and more intractable issues affecting environmental quality and sustainability*”.<sup>32</sup> While most consumers like the convenience of being given a plastic shopping bag to carry purchased items, it is possible for consumers to bring their own bags, carry their purchases without a bag, use a second hand cardboard box made available for the purpose, or purchase bags which can be used more times than a plastic shopping bag.

This section of the Research Brief examines some of the ways in which plastic shopping bag use can be reduced, and illustrates these with examples from various jurisdictions.

### 4.1 BAN

A ban on plastic shopping bags reduces the number of bags used and, hence, is likely to reduce the number of bags being littered and being sent to landfill. Bans on certain plastic bags have been instituted in a number of jurisdictions including Bangladesh,<sup>33</sup> Bhutan, Botswana, China,<sup>34</sup> Eritrea, Ethiopia, Kenya, Mexico,

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<sup>31</sup> See e.g. Hon Simon Corbell MLA, Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Police and Emergency Services, Minister for Energy, ‘[ACT Government Considering Ban on Plastic Shopping Bags](#)’, *Media Release*, 24 May 2010; Hon Simon Corbell MLA, [Support for Action on Plastic Bags Grow in the ACT](#), *Media Release*, 8 December 2009; UniSA Ehrenberg-Bass Institute for Marketing Science, [Plastic Bag Ban Research: Executive Summary](#), 3 November 2009. But see also the comment by the Productivity Commission that “*the actions of consumers are a more reliable indicator of their preferences*” where they noted that consumers still used 3.9 billion plastic shopping bags in 2005 “[d]espite the widespread availability and promotion of reusable bags”: Productivity Commission, *Waste Management*, Inquiry Report, p 213, citing Hyder Consulting figures.

<sup>32</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 3.

<sup>33</sup> In Bangladesh, plastic shopping bags were banned to reduce the amount of rubbish. The Government had previously unsuccessfully attempted to ban plastic bags because they had blocked stormwater drains, thereby exacerbating flooding events and assisting in creating suitable conditions for water-borne diseases: Clean Up Australia, *Report on Actions to Reduce Circulation of Single-use Plastic Bags Around the World*, p 15.

<sup>34</sup> In 2008, China implemented a ban on the production, sale and use of plastic bags of less than 0.025 mm in thickness and a prohibition on shops giving away free plastic bags. Retailers must

Rwanda, and Tanzania.<sup>35</sup> To date, South Australia is the only Australian state to have banned plastic shopping bags, although both the Australian Capital Territory and the Northern Territory Governments have announced plans to introduce similar bans.<sup>36</sup>

The Productivity Commission identified the following issues which may arise if a ban on plastic bags is implemented:<sup>37</sup>

- inconvenience to customers if they forget to take their reusable bags to the shops;
- customers facing extra cost to purchase reusable or degradable bags;
- the benefit for customers of reusing the bags, such as for household rubbish bin liners, is lost, and customers will need to buy plastic bags for such purposes, which counteracts the ban;
- retailers may switch to alternatives, such as paper bags, which also have negative environmental effects;
- retailers may face increased costs as a result of such matters as increased shoplifting; theft of shopping trolleys (to transport goods); health and safety issues relating to staff using contaminated or heavily laden reusable bags; and reduced operational efficiency at checkouts; and
- food safety may be compromised unless some exceptions are made, such as for packaging meat.

## 4.2 PER UNIT CHARGE

At present, most retailers provide free plastic shopping bags to consumers to carry their purchases, with the cost of the bags factored into the price paid for goods

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charge more for the plastic bag than it costs: 'China: Trying to Ban Plastic Bags: Effectiveness of Plastic Ban Policy is Questionable – Researcher', *Women in Europe for a Common Future*, 27 January 2010; Xiufeng Xing, 'Study on the Ban on Free Plastic Bags in China', *Journal of Sustainable Development*, 2(1), March 2009, pp 156-158; Clean Up Australia, *Report on Actions to Reduce Circulation of Single-use Plastic Bags Around the World*, p 15.

<sup>35</sup> Clean Up Australia, *Report on Actions to Reduce Circulation of Single-use Plastic Bags Around the World*, pp 12-29.

<sup>36</sup> The ban on plastic shopping bags in South Australia is discussed in Part 7 of this Research Brief. The proposed bans in the Australian Capital Territory and the Northern Territory are discussed in Parts 8 and 11, respectively.

<sup>37</sup> Productivity Commission, *Waste Management*, pp 212-213.

purchased from the store. This method of charging for plastic shopping bags does not provide a monetary incentive for consumers to reduce their use of plastic bags.<sup>38</sup>

A charge per bag that is levied on consumers “*provides the most direct signal to bag users*”, but a charge could instead be levied on bag producers or retailers. The revenue raised could go to the bag producers, retailers or the government.<sup>39</sup> The United Nations Environment Program (UNEP) points out that while a levy on consumers leads to greater reductions in plastic bag use than a levy on suppliers of plastic bags (domestic producers or importers), it may be more cost-effective, in certain circumstances, to target suppliers rather than shoppers as there are fewer suppliers.<sup>40</sup>

While a charge on plastic shopping bags has not been legislated for in any Australian jurisdiction, the idea has been examined. The EPHC, for example, investigated this possibility, amongst others, in 2008. The EPHC considered that if a charge were to be implemented (either as a mandatory retailer charge or a government levy), the minimum price of a plastic shopping bag needs to be set at a “*sufficiently high level to effect changes in consumer behaviour*”. The EPHC determined that it should be set at 25 cents; the EPHC’s models indicate that at this level there would be more than a 99% reduction in plastic bag use within two years.<sup>41</sup>

In a report on waste management in Kenya, the UNEP recommended, amongst other things, that a levy on plastic bags be introduced. The UNEP considered that the price that consumers should pay for a plastic bag is an amount “*that covers the*

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<sup>38</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 22.

<sup>39</sup> Productivity Commission, *Waste Management*, p 211.

<sup>40</sup> UNEP, *Selection, Design and Implementation of Economic Instruments in the Solid Waste Management Sector in Kenya: The case of plastic bags*, 2005, p 44.

<sup>41</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 26. In *Waste Management*, the Productivity Commission commented (p 212, footnote 20) that the Victorian Government may have decided not to introduce a government levy because of constitutional constraints. The ACT is considering introducing a ban, rather than a levy, on plastic bags, partly because of legal advice that the levy would have to be set at a “*very low level*” and therefore it would not be a sufficient disincentive to plastic shopping bag use: Hon Simon Corbell MLA, ‘[ACT Government Considering Ban on Plastic Shopping Bags](#)’, 24 May 2010. See Parts 8 and 9 of this Research Brief for further detail about how the ACT and Victoria are addressing plastic shopping bag use.

entire cost of producing, distributing and consuming [the bag]”, including the social and environmental costs.<sup>42</sup>

The Welsh Assembly Government determined the price it proposed should be charged for each plastic shopping bag (7 pence) by looking at: the cost to society of using single use carrier bags; the prices currently charged for plastic shopping bags; and the levies on plastic bags being charged in Ireland and other countries.<sup>43</sup>

Ian Kiernan, the founder of Keep Australia Beautiful, does not believe that a plastic bag levy is the best way to reduce plastic bag use. He was quoted as saying:<sup>44</sup>

*A fixed levy on plastic bags would hit low-income earners harder than high-income earners. Besides, a levy absolves people of responsibility. Paying a tax for the privilege of using a product justifies its use and that's the crux of the issue.*

#### 4.2.1 Ireland

The Irish plastic bags tax is the most well known example of a point-of-sale charge on consumers for plastic bags. A €0.15 (approximately \$0.25) charge per plastic bag at point-of-sale was instituted in Ireland in March 2002<sup>45</sup> in an attempt to reduce the amount of plastic shopping bag litter in the country.<sup>46</sup> The charge was

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<sup>42</sup> UNEP, *Selection, Design and Implementation of Economic Instruments in the Solid Waste Management Sector in Kenya: The case of plastic bags*, p 45.

<sup>43</sup> Welsh Assembly Government, [How We Propose the Charge on Single Use Carrier Bags Will Work in Wales: The draft Single Use Carrier Bag Charge \(Wales\) Regulations 2010](#).

<sup>44</sup> Liz Ginis, 'Bagging Plastic: Breaking the habit is the first step to a plastic-bag free world', *Australian Geographic*, July-September 2008, p 120.

<sup>45</sup> [SI No 605/2001 - Waste Management \(Environmental Levy\) \(Plastic Bag\) Regulations, 2001](#), art 3(1).

<sup>46</sup> See e.g. EPHC, *Plastic Shopping Bags in Australia: National Plastic Bags Working Group Report to the National Packing Covenant Council*, 2002, p 7.

increased to €0.22 (approximately \$0.35) in July 2007.<sup>47</sup> Money raised goes into a fund to improve the environment.<sup>48</sup>

It has been estimated that plastic bag consumption in Ireland initially decreased by over 90% following the introduction of the levy<sup>49</sup> and the proportion of litter consisting of plastic bags dropped from 5% in 2001 to 0.24% in 2009.<sup>50</sup> While there was a marked increase (77%) in the number of bin liners sold (an estimated maximum of 70 million per annum) after the charge on plastic shopping bags was introduced in Ireland, there is a net reduction of 1.08 billion plastic bags used per annum.<sup>51</sup>

The charge on plastic bags was implemented by the *Waste Management Amendment Act 2001* which amended the *Waste Management Act 1996*. A 'plastic bag' is defined in the 2001 Amendment Act as a bag which is made wholly or in part of plastic, and which is suitable for use by a customer at the point of sale in a supermarket, service station or other sales outlet.<sup>52</sup>

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<sup>47</sup> [Waste Management \(Environmental Levy\) \(Plastic Bag\) \(Amendment\) \(No 2\) Regulations 2007 \(SI 167 of 2007\), amending SI No 605 of 2001](#). See also 'By "bagging it", Ireland rids itself of a plastic nuisance', *New York Times*, 31 January 2008. In 2009, Dublin's Fianna Fail-Green party coalition proposed to double the charge to €0.44: Henry McDonald, 'Ireland plans to double plastic bags tax', *guardian.co.uk*, 24 September 2009.

<sup>48</sup> Waste Management Act 1996, s 72(6)(l) (inserted by Waste Management (Amendment) Act 2001, s 9); Ireland, Environment, Heritage and Local Government, [Environment Fund](#).

<sup>49</sup> See e.g. Planet Ark, [Plastic Bag Reduction Around the World](#): Ireland. Prior to the plastic bag tax, approximately 1.2 billion plastic bags were given to consumers each year: Clean Up Australia, [Report on Actions to Reduce Circulation of Single-Use Plastic Bags Around the World](#), p 20. In the first year following the introduction of the levy, around 90 million plastic bags were purchased. The following year less than 85 million plastic bags were sold, but the number of bags sold increased to about 100 million in 2004 and then to over 113 million in 2005: Planet Ark, [Plastic Bag Reduction Around the World](#): Ireland.

<sup>50</sup> The Litter Monitoring Body, *The National Litter Pollution Monitoring System: System Results Report – April 2009*, prepared for the Department of the Environment and Local Government, p 27. But see Productivity Commission, *Waste Management* (p 211), regarding doubts about the initial proportion of litter attributed to plastic shopping bags.

<sup>51</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 22. See Hyder Consulting, *Plastic Retail Carry Bag Use: 2006 and 2007 Consumption*, p 3, Table 1-4 for a comparison of the change in plastic shopping bag and kitchen tidy bag use in Australia from 2004 to 2006. With respect to this information, Hyder Consulting states (p 3): "[T]he reduction in the use of plastic shopping bags significantly outweighs the increase in kitchen tidy bag sales".

<sup>52</sup> There are, however, certain exceptions: Waste Management Act 1996, s 72 (inserted by Waste Management (Amendment) Act 2001, s 9).

The charge was set at a sufficiently high level to ensure consumers paused before accepting a plastic shopping bag: the initial charge (€0.15) was set at more than six times the average maximum willingness to pay (which was about €0.024).<sup>53</sup>

Most Irish retailers were able to integrate the revenue collection and reporting with their Value Added Tax collection systems which meant that “*net additional costs are modest, and more than counterbalanced by cost savings in terms of plastic bag purchase foregone and additional sales of bin liners*”.<sup>54</sup>

#### 4.2.2 Wales

The Welsh Assembly Government is considering introducing a minimum charge of 7p (about \$0.10) on single use carrier bags in March 2011.<sup>55</sup> It is proposed that the charge will apply to bags made wholly or partly of any type of plastic as well as bags made wholly or partly of any type of paper, or made wholly or partly of any type of plant based material or natural starch.<sup>56</sup> The Government completed consultations on the draft Single Use Carrier Bag Charge (Wales) Regulations 2010 and the Regulatory Impact Assessment in August 2010.<sup>57</sup>

### 4.3 VOLUNTARY EFFORTS

Voluntary schemes can be used to reduce plastic shopping bag use. As noted by the Productivity Commission:<sup>58</sup>

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<sup>53</sup> Prior to the introduction of the levy on plastic shopping bags, the Irish Department of the Environment, Heritage and Local Government commissioned a survey to determine people’s willingness to pay for a plastic bag: Frank Convery, Simon McDonnell and Susana Ferreira, ‘The Most Popular Tax in Europe? Lessons from the Irish plastic bags levy’, *Environmental and Resource Economics*, vol 38, 2007, pp 1-11, especially pp 3-4.

<sup>54</sup> Frank Convery et al, ‘The Most Popular Tax in Europe? Lessons from the Irish plastic bags levy’, p 7.

<sup>55</sup> See e.g. Welsh Assembly Government, [How We Propose the Charge on Single Use Carrier Bags Will Work in Wales: The draft Single Use Carrier Bag Charge \(Wales\) Regulations 2010](#).

<sup>56</sup> Welsh Assembly Government, [‘Types of Bags: Which carrier bags are affected?’](#).

<sup>57</sup> Welsh Assembly, [Single-use Carrier Bags](#), 10 August 2010. The consultation draft is available at <http://wales.gov.uk/docs/desh/consultation/100604wastecarrierbagsregen.pdf>. The proposed Regulations are made under section 77 and Schedule 6 of the [Climate Change Act 2008](#).

<sup>58</sup> Productivity Commission, *Waste Management*, p 265.

*A major attraction of voluntary schemes is they tend to have lower administration and compliance costs than mandatory approaches. For example, voluntary schemes do not require the costly monitoring and enforcement measures associated with mandatory approaches.*

In Australia, the Retailers Voluntary Code, which was in place from 2003-2005, achieved a 34% reduction in bag use across all retailers. (The Code failed to reach its target of a 50% reduction.)<sup>59</sup> While this was a fairly substantial reduction in bag use, it did not have a significant impact on the amount of plastic shopping bag litter.<sup>60</sup>

As noted earlier, some retailers have placed a charge on plastic shopping bags to reduce the number of bags used. Officeworks, for example, ceased providing free plastic bags at its checkouts on 1 December 2008 and, instead, made reusable bags available for sale.<sup>61</sup> Target and Target Country stopped providing free plastic shopping bags at their stores across Australia on 1 June 2009.<sup>62</sup> Customers are able to purchase a bag (ranging from compostable bags for 10 cents to reusable bags which may cost over \$3).<sup>63</sup> Borders (book store) charges 10 cents for plastic shopping bags.<sup>64</sup>

#### **4.4 ALTERNATIVES TO PLASTIC SHOPPING BAGS**

Gay Hawkins, in the *Australian Humanities Review*, suggests that using alternatives to plastic bags makes a statement.<sup>65</sup>

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<sup>59</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 23. The Retailers Voluntary Code is discussed in Part 5.2 of this Research Brief.

<sup>60</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 9.

<sup>61</sup> Wesfarmers, 'Sustainability Report 2009: [Environment](#)'.

<sup>62</sup> The charge was introduced in South Australia in December 2008.

<sup>63</sup> Target, [No Plastic Shopping Bags from Monday](#), *Media Release*, 29 May 2009.

<sup>64</sup> See Andrew Bolt, 'Crossing a Plastic Border', *Herald Sun*, 2 April 2008, online, for Bolt's view on retailers charging for plastic shopping bags.

<sup>65</sup> Gay Hawkins, 'More-than-Human Politics: The case of plastic bags', *Australian Humanities Review* (Online), No 46, 2009, p 49.

*When that shopper arrives at the supermarket check out and presents their green eco bags, the absence of the plastic bag is a public declaration of environmental awareness.*

There are a number of bags that are available as alternatives to plastic shopping bags. These include degradable bags, natural fibre bags, 'green' bags and paper bags.

#### **4.4.1 'Green' Bags**

'Green' bags are made from polypropylene, a by-product of oil refining.<sup>66</sup> Like plastic shopping bags, they take a long time to break down. They are, however, reusable and can hold more than a plastic shopping bag. While many people reuse their 'green' bags (and other reusable bags) regularly, others do not; whether through choice or forgetfulness. 'Green' bags are able to be recycled,<sup>67</sup> but, as noted by Hyder Consulting, recycling of green bags "*is not widely promoted or utilised by Australian consumers. As a result there is little recycling of these bags currently*".<sup>68</sup>

Coles and Woolworths have sold around 20 million reusable bags. Ian Kiernan, the founder of Clean Up Australia Day, amongst others, has expressed concern about the proliferation of green bags as a result of supermarkets encouraging sales of the green bags. Nevertheless, Kiernan still considers the green bag to be "*a good thing*" as it reduces the use of plastic shopping bags.<sup>69</sup>

#### **4.4.2 Natural Fibre Bags**

While natural fibre bags, such as those made out of linen and calico, are reusable and biodegradable, significant amounts of water are required to grow the flax and

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<sup>66</sup> 'How Green is Your Bag?' *smh.com.au*, 25 April 2005.

<sup>67</sup> They can be recycled through supermarket plastic bag recycling bins: Sustainability Victoria, [Plastic Bag FAQs](#). They are recycled in China: Queensland Government, DEEDI, [Stemming the Plastic Tide](#).

<sup>68</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 4.

<sup>69</sup> Peter Munro, 'Bag the Bag: A new green monster is on the rise', *theage.com.au*, 24 January 2010.

cotton.<sup>70</sup> Flax and cotton can also require fungicides, pesticides and fertilisers.<sup>71</sup> There have also been concerns expressed about the potential for such bags to be less hygienic than plastic shopping bags.<sup>72</sup>

#### 4.4.3 Paper Bags

Paper bags may contain recycled content and are degradable and recyclable, but the “[p]ulping and bleaching processes involved in paper manufacture produce higher air emissions and waterborne wastes than plastics manufacture”.<sup>73</sup> More energy is required to manufacture a paper bag than a plastic bag, and, because paper bags are bulkier, more vehicles are required to transport a similar number of paper bags than plastic bags.<sup>74</sup>

#### 4.4.4 Degradable Plastic Bags

Plastic bags are described as degradable if they “*can be broken down by chemical or biological processes*”.<sup>75</sup> They should “*break down cleanly, in a defined time period, to simple molecules found in the environment such as carbon dioxide and water*”.<sup>76</sup> They may be biodegradable, compostable, oxo-biodegradable, photodegradable or water-soluble.<sup>77</sup> The amount of time that a degradable bag

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<sup>70</sup> Queensland Government, DEEDI, [Stemming the Plastic Tide](#).

<sup>71</sup> David S Seigler, ‘Flax’, *World Book Student*, World Book, 2010; Queensland Government, DEEDI, [Stemming the Plastic Tide](#).

<sup>72</sup> AEA, *Welsh Assembly Government, Single Use Bag Study: Final Report to Welsh Assembly Government*, August 2009, p iv.

<sup>73</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 2.

<sup>74</sup> Jon Entine, Battle of the Bags: Are plastic bags an environmental threat?, [Global Governance Watch](#), 2 September 2009. See also, Caroline Williams, ‘Battle of the Bag’, p 33.

<sup>75</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 2.

<sup>76</sup> Nolan-ITU and ExcelPlas Australia, *Biodegradable Plastics – Developments and Environmental Impacts*, p 1.

<sup>77</sup> Biodegradable and compostable bags are broken down by microorganisms. Bags made of oxo-biodegradable material have prodegradant additives to commence and speed up the degradation process. Photodegradable bags are broken down when UV light causes the degradation of the

takes to break down depends on a number of factors, including the composition of the bag and the way in which it is disposed of.<sup>78</sup>

Hyder Consulting identified the main categories of materials of which bags are made as:<sup>79</sup>

- *thermoplastic starch-based polymers made with at least 90% starch from renewable resources such as corn, potato, tapioca or wheat*
- *polyesters manufactured from hydrocarbons (oil or gas)*
- *starch-polyester blends that mix thermoplastic starch with polyesters made from hydrocarbons.*

Degradable plastic bags are designed for single use and are expensive to manufacture compared with plastic shopping bags. Compostable bags, for example, are up to five times more expensive than normal plastic shopping bags.<sup>80</sup>

Biodegradable bags can cause problems if they are recycled with non-biodegradable bags as they may contaminate the recycled resin. This can, for example, lead to pipes made of the recyclate degrading and springing leaks.<sup>81</sup>

It has been suggested that using degradable plastic bags may encourage littering because the litterer may not worry about dropping it, thinking that it will degrade no matter how it is disposed,<sup>82</sup> and such bags may even lead to an increase in litter.<sup>83</sup>

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chemical bonds in the plastic. Water soluble bags dissolve in water within a certain temperature range and then biodegrade. See Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, pp 2-3.

<sup>78</sup> Queensland Government, DEEDI, [Stemming the Plastic Tide](#).

<sup>79</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 3.

<sup>80</sup> Target, [No Plastic Shopping Bags from Monday](#).

<sup>81</sup> The Senate, Environment, Communications, Information Technology and the Arts Legislation Committee, [Plastic Bag Levy \(Assessment and Collection\) Bill 2002 \[No. 2\] and the Plastic Bag \(Minimisation of Usage\) Education Fund Bill 2002 \[No. 2\]](#), p 32. See also, Nolan-ITU, EPT and Centre for Design, *The Impacts of Degradable Plastic Bags in Australia*, Final Report to the Department of the Environment and Heritage, September 2003, p 7. But see Nolan-ITU and ExcelPlas Australia, *Biodegradable Plastics – Developments and Environmental Impacts*, prepared for Environment Australia, October 2002, p iii for methods by which biodegradable plastics can be sorted.

<sup>82</sup> Sustainability Victoria, [Plastic Bag FAQs](#); The Senate, Environment, Communications, Information Technology and the Arts Legislation Committee, [Plastic Bag Levy \(Assessment and Collection\) Bill 2002 \[No. 2\] and the Plastic Bag \(Minimisation of Usage\) Education Fund Bill 2002 \[No. 2\]](#), November 2003, p 32.

<sup>83</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 8.

They may also add to litter problems by increasing the number of pieces of litter, making the plastic more difficult to pick up. Also, until they break down, degradable bags pose the same risks to wildlife as plastic shopping bags.<sup>84</sup> Further, the EPHC points out:<sup>85</sup>

*... a policy that encouraged a switch to degradable plastic bags would not address the broader concerns about plastic bags as a waste of resources and symbol of unnecessary consumption.*

#### **4.4.5 Low Density Polyethylene (LDPE) Bags**

‘Boutique style’ single use bags are made of low density polyethylene (LDPE). These bags are generally branded and are used by department stores and other retail outlets selling more expensive goods.<sup>86</sup> Like HDPE, LDPE is made from ethylene, a by-product of gas or oil refining. Similarly to HDPE bags, LDPE bags are a “*thin, lightweight, high strength, waterproof and reliable means of transporting shopping goods*”. Recycling, however, is not available for LDPE bags.<sup>87</sup>

#### **4.4.6 Comparing the Plastic Bag Alternatives using Life Cycle Analysis**

In 2007, Sustainability Victoria commissioned Hyder Consulting to prepare a report analysing the life cycle of shopping bag alternatives.<sup>88</sup> The company compared the

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<sup>84</sup> The Senate, Environment, Communications, Information Technology and the Arts Legislation Committee, [Plastic Bag Levy \(Assessment and Collection\) Bill 2002 \[No. 2\] and the Plastic Bag \(Minimisation of Usage\) Education Fund Bill 2002 \[No. 2\]](#), p 32.

<sup>85</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 8.

<sup>86</sup> EPHC, *Plastic Shopping Bags in Australia: National Plastic Bags Working Group Report to the National Packing Covenant Council*, p 8.

<sup>87</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, pp 1-2.

<sup>88</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 3 of 26 (preliminary pages not paginated).

environmental impacts of plastic shopping bags and their potential alternatives over the full life cycle of the bag.<sup>89</sup> The report's key findings were:<sup>90</sup>

- *Reusable bags have lower environmental impacts than all of the single use bags.*
- *A substantial shift to more durable bags would deliver environmental gains through reductions in greenhouse gases, energy and water use, resource depletion and litter.*
- *The reusable, non-woven plastic (polypropylene) 'Green Bag' was found to achieve the greatest environmental benefits.*
- *The shift from one single use bag to another single use bag may improve one environmental outcome, but be offset by another environmental impact. As a result, no single use bag produced an overall environmental benefit.*
- *Recycled content in bags generally led to lowering the overall environmental impact of bags.*
- *The end of life destination is crucial, with greater environmental savings achieved from recycling all bags at the end of their useful life.*

#### **4.5 RECYCLING**

Recycling of plastic shopping bags would not be expected to lead to reduced plastic shopping bag use, but it means that there is less use of resources and fewer of the bags sent to landfill.

Plastic shopping bags can be dropped at collection points at most supermarkets for recycling. They are generally not collected for recycling by council kerbside recycling. As noted above, at present, only a small proportion (3%) of plastic shopping bags used in Australia are recycled.<sup>91</sup>

### **5 ADDRESSING PLASTIC SHOPPING BAG USE IN AUSTRALIA**

In Australia, plastic shopping bag use has been reduced through a mix of voluntary efforts and statutory regulation. Parts 5-12 of this Research Brief summarise how the issue is being addressed in Australia.

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<sup>89</sup> See Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, pp 13-14 for the tabulated results.

<sup>90</sup> Hyder Consulting, *Comparison of Existing Life Cycle Analysis of Shopping Bag Alternatives: Final Report*, p 15 (bold removed).

<sup>91</sup> Clean Up Australia, [Learn About Plastic Bags](#).

## 5.1 ENVIRONMENT PROTECTION HERITAGE COUNCIL (EPHC)

In 2002, the EPHC<sup>92</sup> resolved to “*reduce the environmental impacts of plastic bags*”.<sup>93</sup> It established the Plastic Bags Working Group to “*identify options for consideration by the National Packaging Covenant Council*”.<sup>94</sup> Amongst its high priority recommendations were those relating to: education and awareness of plastic bag litter; actions under the National Code of Practice for the Management of Plastic Retail Carry Bags; the development of plastic bag recycling; the development of standards for the use of degradable plastics and undertaking a study on the impact of the introduction of degradable plastic bags; and legislative options for the imposition of a levy on plastic bags.<sup>95</sup>

In 2003, the Environment Ministers “*agreed to the objective of phasing out lightweight plastic shopping bags by the end of 2008*”.<sup>96</sup> Also in that year the Environment Ministers “*endorsed the voluntary code of practice for the management of plastic carry bags, which committed large retailers such as supermarkets to a 50 per cent reduction in plastic bags distributed by the end of 2005*”.<sup>97</sup>

## 5.2 RETAILERS VOLUNTARY CODE (2003-2005)

The voluntary code of practice “*for a managed reduction and recycling of current lightweight HDPE plastic bags*” prepared by the Australian Retailers’ Association

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<sup>92</sup> The EPHC is comprised of ministers from each Australian jurisdiction, New Zealand and Papua New Guinea, as well as a representative from the Australian Local Government Association. Its objective is to “*ensure the protection of the environment and heritage of Australia and New Zealand*”: EPHC, [About Us](#).

<sup>93</sup> EPHC, [Plastic Bags](#), last updated 11 October 2010.

<sup>94</sup> EPHC, *Plastic Shopping Bags in Australia National Plastic Bags Working Group Report to the National Packaging Covenant Council*, p 7.

<sup>95</sup> The recommendations are on pp 34-35 of the Report.

<sup>96</sup> Hon John Thwaites MLA, Environment Protection (Amendment) Bill 2006 (Vic), [Second Reading Speech](#), Victorian Legislative Assembly, *Parliamentary Debates*, 20 July 2006, p 2507. This position was supported at a federal level by the former Liberal-National Government and subsequently by the Labor Government: Hon Kevin Rudd MP, [Question Without Notice: Economy](#), *Parliamentary Debates*, House of Representatives, 17 March 2008, p 1876.

<sup>97</sup> Hon John Thwaites MLA, Environment Protection (Amendment) Bill 2006 (Vic), [Second Reading Speech](#), p 2507.

(ARA),<sup>98</sup> “*in agreement with the Environment Protection and Heritage Council*” (the Code), briefly mentioned above, included the following targets:<sup>99</sup>

- 25% reduction in plastic shopping bags issued by the end of 2004;
- 50% reduction in plastic shopping bags issued by the end of 2005;
- 75% reduction in bag litter by the end of 2005, working in conjunction with Clean Up Australia and other agencies;
- 30% increase in recycling rate of plastic bags by the end of 2005 (combination of in store and kerbside).

The retailers’ commitments under the code expired on 31 December 2005.<sup>100</sup>

A community education campaign – Say NO to Plastic Bags – was run in 2004 and 2005 in support of the Code.<sup>101</sup>

As noted above, the retailers did not reach their goal of a 50% reduction in shopping bags issued, but, according to the Australian National Retailers Association (ANRA),<sup>102</sup> the major retailers achieved a reduction in plastic shopping bag use of about 45% in the annualised rate of lightweight plastic carry bags issued (against the December 2002 baseline) at 31 December 2005.<sup>103</sup>

Just over 3% of HDPE bags were returned to stores for recycling between June and December 2004 - a reduction in the recycling rate from June 2004. The ARA was of the view that the reduction was because of “*an increased desire by consumers to*

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<sup>98</sup> The Australian Retailers Association (ARA) is the “*peak industry body*” in the Australian retail sector: ARA, [About ARA](#).

<sup>99</sup> ARA, [Australian Retailers Association Code of Practice for the Management of Plastic Bags](#), October 2003, pp 2-3.

<sup>100</sup> ARA, [Australian Retailers Association Code of Practice for the Management of Plastic Bags](#), p 6.

<sup>101</sup> ARA, [Australian Retailers Association Code of Practice for the Management of Plastic Bags: Final Report](#), December 2005, pp 5-6.

<sup>102</sup> The Australian National Retailers Association (ANRA) represents major supermarkets, specialty retailers and department stores: ANRA, [About ANRA](#).

<sup>103</sup> ANRA, [Plastic Carry Bags: Working Towards Continuous Environmental Improvement – Report to the Chairman EPHC](#), May 2006, p 2. But see Hyder Consulting, *Plastic Retail Carry Bag Use 2002-2005 Consumption*, pp 8–10 for Hyder Consulting’s concerns about how the results were compiled.

'hold on' to the bags for secondary uses such as bin liners".<sup>104</sup> The ANRA stated that the customers of major supermarkets "achieved a recycling rate of 14% of HDPE bags issued".<sup>105</sup>

### 5.3 PRODUCTIVITY COMMISSION REPORT (2006)

In October 2005, the Australian Government referred the issue of waste generation and resource efficiency to the Productivity Commission for inquiry.<sup>106</sup> Amongst other matters, the Commission examined the issue of plastic bag litter. On the basis of the evidence available to it, the Commission concluded:<sup>107</sup>

*[I]t appears that the Australian, State and Territory Governments do not have a sound case for proceeding with their proposed phase out of plastic retail carry bags. Similarly, there does not appear to be a sound basis for the Victorian Government's proposed per-unit charge on plastic bags. A cost-benefit study commissioned by the Governments shows that the benefits of a phase out or a per-unit charge would be significantly outweighed by the costs. This is because the policies would penalise most uses of plastic retail carry bags, whereas the potential benefit would only come from the small proportion of bags that are littered. A more cost-effective approach would be to target littering directly.*

### 5.4 EPHC DECISION REGULATORY IMPACT STATEMENT (2008)

The EPHC's Decision Regulatory Impact Statement on the investigation of options to reduce the impacts of plastic bags was published in April 2008. It "provides an economic, social and environmental analysis of four options for action [with respect to plastic bags]: a ban, a litter strategy, a [government] levy and a mandatory retailer charge".<sup>108</sup>

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<sup>104</sup> ARA, [ARA Code of Practice for the Management of Plastic Bags: 2004 End of Year Report](#), p 3 of 8 (unpaginated).

<sup>105</sup> ANRA, [Plastic Carry Bags: Working Towards Continuous Environmental Improvement – Report to the Chairman EPHC](#), p 2.

<sup>106</sup> Productivity Commission, *Waste Management*, pp iv-v.

<sup>107</sup> Productivity Commission, *Waste Management*, pp 216-217.

<sup>108</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p v.

On the basis of a multi-criteria decision analysis,<sup>109</sup> it was determined that the best of the options was a mandatory retailer charge<sup>110</sup> of 25 cents.<sup>111</sup> While both a government levy<sup>112</sup> and a mandatory retailer charge would substantially reduce the consumption of plastic bags and should result in less litter, a retailer charge was considered preferable because it is “*clear and relatively simple to administer by governments and implement by retailers and the public*” and subjects retailers to lesser costs for compliance and the Government to lower administrative costs. It was considered that a ban on bags would be effective, but it was expensive and described as “*out of proportion to the extent of the problem*”.<sup>113</sup>

## 5.5 EPHC POSITION ON PLASTIC BAGS (2008)

In light of the Decision Regulatory Impact Statement, particularly the financial costs of the regulatory options, the EPHC decided in April 2008 not to endorse “*uniform regulatory action at this time to ban or place a charge on plastic bags*”. Instead, the EPHC agreed to:<sup>114</sup>

- convene a working group to investigate additional ways in which retailers can encourage consumers to use ‘green’ bags rather than plastic shopping bags;
- undertake further work on research and innovation initiatives on plastic shopping bag alternatives, including biodegradable plastic bags;
- develop a national plan of action on litter reduction;

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<sup>109</sup> Multi Criteria Decision Analysis is described on p 30 of the Decision RIS as “*an internationally recognised tool for the analysis of issues which have more than an economic dimension. It is a comprehensive method to assess the full range of impacts arising from an environmental policy proposal, and allows comparison of ‘apples and oranges’ without having to reduce all elements to an economic valuation.*”

<sup>110</sup> A “*mandatory retailer charge at point of sale*” is described on p 25 of the Decision RIS as “*a mandatory charge for single use carry bags at point of sale. Retailers would be required to apply a minimum charge to consumers who choose to use a plastic carry bag, with the revenue to be retained by retailers*”.

<sup>111</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, pp 46-49, especially pp 47-48.

<sup>112</sup> On p 27 of the Decision RIS, it was explained that the government levy would involve consumers paying a set levy for each plastic bag at the checkout, with the monies from the levy going to the Australian Government.

<sup>113</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 48.

<sup>114</sup> EPHC, 16<sup>th</sup> Meeting of the EPHC, Communiqué, [17 April 2008](#), p 1.

- request the EPH Standing Committee to “investigate further options for nationally consistent action”, including:
  - dedicating the funds raised from a voluntary retailer charge to a specific fund for environmental purposes;
  - other means of phasing out plastic shopping bags.

In November 2008, the EPHC reiterated its concern about “*the environmental impact of plastic bag usage in Australia*” and endorsed “*the use of alternatives to plastic bags, such as reusable bags*”. It recognised “*the potential to pursue a national approach which builds on the voluntary efforts of supermarkets and the actions of various jurisdictions to reduce plastic bag use*”.<sup>115</sup>

## 6 COMMONWEALTH

Neither the current nor earlier Federal Governments have introduced legislation into the Parliament proposing to regulate plastic shopping bags.<sup>116</sup> In answer to a Question Without Notice in 2008, the then Prime Minister, the Hon Kevin Rudd MP, said, “[W]e will not be imposing a Commonwealth levy on plastic bags”. He went on to say that “[a]ction on plastic bags should not be used as a government revenue raiser”.<sup>117</sup>

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<sup>115</sup> EPHC, 17<sup>th</sup> Meeting of EPHC Communiqué, [7 November 2008](#), p 3.

<sup>116</sup> There have been Private Members’ bills on the matter, but none have been passed. See e.g. [Plastic Bag Levy \(Assessment and Collection\) Bill 2002 \(Cth\)](#); Mr Peter Andren MP, Plastic Bag (Assessment and Collection) Bill 2002, First Reading Speech, House of Representatives, *Parliamentary Debates*, 21 October 2002, pp 8121-8122; Senator Bob Brown, Plastic Bag Levy (Assessment and Collection) Bill 2002, Second Reading Speech, Senate, *Parliamentary Debates*, 21 October 2002, pp 5500-5501; [Plastic Bag \(Minimisation of Usage\) Education Fund Bill 2002 \(Cth\)](#); Mr Peter Andren MP, Plastic Bag (Minimisation of Usage) Education Fund Bill 2002, First Reading Speech, House of Representatives, *Parliamentary Debates*, 21 October 2002, pp 8122-8123; Senator Bob Brown, Plastic Bag (Minimisation of Usage) Education Fund Bill 2002, Second Reading Speech, Senate, *Parliamentary Debates*, 21 October 2002, p 5500. See also The Senate, Environment, Communications, Information Technology and the Arts Legislation Committee, [Plastic Bag Levy \(Assessment and Collection\) Bill 2002 \[No. 2\] and the Plastic Bag \(Minimisation of Usage\) Education Fund Bill 2002 \[No. 2\]](#), November 2003. Neither Mr Andren MP’s bill nor Senator Brown’s bill could actually have imposed a levy because, as Mr Andren MP noted in his speech, it is not possible under the rules of parliament for private members in the House of Representatives to introduce a bill that imposes such a levy, and it is not possible under the Commonwealth Constitution for tax bills to originate in the Senate. Thus, versions were instead tabled: see e.g. Senator Bob Brown, Plastic Bag (Minimisation of Usage) Education Fund Bill 2002, Second Reading Speech, p 5501.

<sup>117</sup> Hon Kevin Rudd MP, the then Prime Minister, [Questions Without Notice](#), House of Representatives, *Parliamentary Debates*, 17 March 2008, p 1876.

## 7 SOUTH AUSTRALIA

In May 2009, pursuant to the *Plastic Shopping Bags (Waste Avoidance) Act 2008 (SA)*,<sup>118</sup> a ban was imposed on plastic shopping bags<sup>119</sup> in South Australia so as to “reduce littering, prevent environmental harm and improve resource efficiency”.<sup>120</sup>

A retailer is guilty of an offence under s 5 of the Act if he or she provides a plastic shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer. The prohibition applies whether or not a fee is charged to the customer for provision of the plastic bag. The maximum penalty for breaching this provision is \$5,000. It is also an offence to supply a plastic shopping bag to another person, representing to the other person that the bag is not a plastic shopping bag. The maximum penalty is \$20,000: s 6.

The Act allows retailers to provide customers with biodegradable bags to carry their shopping. Barrier bags (i.e. bags without handles which are used to hold unpackaged food such as loose fruit and breads) are also permitted, as are “boutique-style reusable plastic bags”.<sup>121</sup>

The introduction of the legislation brought about changes in consumer behaviour – over nine in every ten of the 502 respondents surveyed in June 2009 (after the ban

<sup>118</sup> See also [Plastic Shopping Bags \(Waste Avoidance\) Regulations 2008 \(SA\)](#).

<sup>119</sup> ‘Plastic shopping bag’ is defined in section 3 of the [Plastic Shopping Bags \(Waste Avoidance\) Act 2008 \(SA\)](#) to mean:

- (a) A carry bag –
  - (i) the body of which comprises (in whole or in part) polyethylene with a thickness of less than 35 microns; and
  - (ii) that includes handles; or
- (b) a bag that is of a kind brought within the ambit of the definition by the regulations, but does not include –
- (c) a biodegradable bag; or
- (d) a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale; or
- (e) a bag that is of a kind excluded from the ambit of this definition by the regulations.

<sup>120</sup> Hon JW Weatherill MP, Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management, ‘Plastic Bags (Waste Avoidance) Bill’, [Second Reading Speech](#), House of Assembly, *South Australian Legislative Debates*, 24 September 2008, pp 244.

<sup>121</sup> Hon JW Weatherill MP, ‘Plastic Bags (Waste Avoidance) Bill’, [Second Reading Speech](#), pp 244.

came into effect) brought their own bags to the shops, up from approximately six in ten of the respondents surveyed in October 2008 (prior to the introduction of the prohibition).<sup>122</sup> More than half of the respondents surveyed in June 2009 were ‘completely supportive’ of the ban, with only 4% of the respondents indicating that they were ‘not at all supportive’ of it.<sup>123</sup>

## 8 AUSTRALIAN CAPITAL TERRITORY

Hon Simon Corbell MLA, the Australian Capital Territory (ACT) Minister for the Environment, Climate Change and Water, announced in May 2010 that the ACT Government was considering the introduction of a ban on light weight plastic shopping bags, similar to that in South Australia. The Government had considered a levy but had decided against it. This was on the basis that a ban would be “*a lot simpler to administer, and would achieve the desired environmental outcomes*” and on the basis of legal advice that the levy would have to be set at a low level and the Government did not consider that a small levy would be a suitable disincentive to using plastic shopping bags.<sup>124</sup>

Surveys in the ACT have shown support for restrictions on plastic bag use. A telephone survey of 560 households in the ACT in 2009 showed that there was support for restricting plastic bag use, such as through a levy or a ban. It found that 58% of respondents were in favour of restrictions; of these respondents, 40% supported a compulsory levy on plastic shopping bags and 33% were in favour of a ban on plastic shopping bags. Eighty-two percent of the 203 people interviewed at shopping centres in a related survey were in favour of restrictions on plastic shopping bag use.<sup>125</sup>

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<sup>122</sup> UniSA Ehrenberg-Bass Institute for Marketing Science, [Plastic Bag Ban Research: Executive Summary](#), p 2.

<sup>123</sup> The survey used a scale to gauge support for the plastic bag ban with 0 being ‘not at all supportive’ and 10 was ‘completely supportive’. The average level of support for the ban was 8.4/10. This was consistent with results obtained in earlier surveys – 8.2 in October 2008 and 7.7 in March 2009: UniSA Ehrenberg-Bass, [Plastic Bag Ban Research: Executive Summary](#).

<sup>124</sup> Hon Simon Corbell MLA, [ACT Government Considering Ban on Plastic Shopping Bags](#). See also ‘Ban Unlikely: ACT to trial plastic bag levy’, *ABC Online*, 7 December 2009.

<sup>125</sup> Manidis Roberts Pty Ltd, *Plastic Bags Community Consultation*, prepared for the ACT Department of the Environment, Climate Change, Energy and Water, December 2009, pp 7-10. A survey was also conducted online. See also Hon Simon Corbell MLA, [ACT Government Considering Ban on Plastic Shopping Bags](#); Hon Simon Corbell MLA, [Support for Action on Plastic Bags Grow in the ACT](#); Hon Simon Corbell MLA, [ACT Moves to Ban Plastic Bags](#), *Media Release*, 27 October 2010.

The Plastic Shopping Bags Ban Bill 2010 (ACT) was presented to the ACT Legislative Assembly by the Hon Simon Corbell MLA on 28 October 2010.<sup>126</sup> Similarly to South Australia's *Plastic Shopping Bags (Waste Avoidance) Act 2008*, the bill proposes to prohibit retailers from supplying a customer with a plastic shopping bag for the customer to carry goods bought, or to be bought, from the retailer.<sup>127</sup> The proposed offence is one of strict liability which means that "*conduct alone is sufficient to make the defendant culpable*",<sup>128</sup> but the defence of mistake of fact will be available under s 36 of the ACT Criminal Code.<sup>129</sup> The maximum penalty for breaching the ban is proposed to be 50 penalty units (\$5,500 for an individual and \$27,500 for a corporation).<sup>130</sup>

'Plastic shopping bag' is defined in cl 6 of the bill as a bag that is made wholly or partly of polyethylene with a thickness of less than 35 microns, or a bag prescribed by regulation to be a plastic shopping bag. The definition does not, however, include a biodegradable bag,<sup>131</sup> a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale, a barrier bag,<sup>132</sup> or a bag prescribed by regulation not to be a plastic shopping bag.

While the bill states that the proposed Act (apart from proposed s 7) commences on a day to be fixed by the Minister by written notice, and proposed s 7 commences four months after that date, the Minister said in his Second Reading Speech that he:<sup>133</sup>

*will bring forward a government amendment to [the] bill around the commencement provisions. The amendment will specify that the act shall commence on 1 July 2011*

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<sup>126</sup> The bill's progress can be tracked on the [ACT Legislation Register](#).

<sup>127</sup> [Plastic Shopping Bags Ban Bill 2010 \(ACT\)](#), clauses 6, 7, Dictionary.

<sup>128</sup> Plastic Shopping Bags Ban Bill 2010, [Explanatory Statement](#), p 3. See also [Criminal Code 2002 \(ACT\)](#), s 23(1).

<sup>129</sup> [Criminal Code 2002 \(ACT\)](#), s 23(1).

<sup>130</sup> [Plastic Shopping Bag Ban Bill 2010 \(ACT\)](#), cl 7; [Legislation Act 2001 \(ACT\)](#), s 133.

<sup>131</sup> 'Biodegradable bag' is defined as a plastic bag that meets the requirements prescribed by regulation for being compostable: [Plastic Shopping Bag Ban Bill 2010 \(ACT\)](#), Dictionary.

<sup>132</sup> 'Barrier bag' is defined as a bag used to carry unpackaged perishable food including fruit, vegetables, meat and fish: [Plastic Shopping Bag Ban Bill 2010 \(ACT\)](#), Dictionary.

<sup>133</sup> Hon Simon Corbell MLA, Plastic Shopping Bags Ban Bill 2010, [Second Reading Speech](#), *ACT Parliamentary Debates*, 28 October 2010, p 5247.

with a four-month transition period, with a complete ban starting on 1 November 2011.

This, he said, was to provide retailers with “clarity on timing and certainty to allow them to gear up for the change and to plan for the transition”.<sup>134</sup>

## 9 VICTORIA

In 2006, Victoria passed the *Environment Protection (Amendment) Act 2006* (Vic) which, amongst other matters, amended the *Environment Protection Act 1970* (Vic) to enable the Governor in Council, on the recommendation of the Environment Protection Authority, to make regulations for or with respect to prohibiting the provision of plastic bags by retailers, unless the retailer charges at least a prescribed amount for each bag or an exemption applies.<sup>135</sup> The Government did not intend to make such regulations immediately,<sup>136</sup> and to date, such regulations have not been made.

### 9.1 TRIAL CHARGE ON PLASTIC SHOPPING BAGS

In 2008, a trial of a charge on plastic shopping bags was held in Victoria. The “10c government and industry charge” was placed on plastic shopping bags from Coles, Safeway (Woolworths), Bi-Lo and IGA<sup>137</sup> in two towns in regional Victoria – Warrnambool and Wangaratta – and in a suburban area – around Fountain Gate – from 18 August to 14 September. The trial’s objective was to “find the best approach for consumers and the environment to reduce plastic bag use”.<sup>138</sup> It was found that plastic bag usage dropped by an average of 79% in the trial areas.<sup>139</sup>

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<sup>134</sup> Hon Simon Corbell MLA, [Second Reading Speech](#), p 5247.

<sup>135</sup> [Environment Protection \(Amendment\) Act 2006 \(Vic\)](#), ss 45, 46. See also [Environment Protection Act 1970 \(Vic\)](#), ss 4, 71(1).

<sup>136</sup> Hon John Thwaites MLA, Environment Protection (Amendment) Bill 2006 (Vic), [Second Reading Speech](#), p 2507.

<sup>137</sup> In total, 17 stores participated in the trial: *Trial of a Charge on Plastic Bags: Report of the Steering Committee to the Victorian Minister for Environment & Climate Change and the Australian Retailers Association*, October 2008, p 2.

<sup>138</sup> Sustainability Victoria, [Plastic Bag Charge Trial Information Sheet](#); resourceSmart, [Victorian Government Plastic Bag Reduction Trial](#).

<sup>139</sup> *Trial of a Charge on Plastic Bags: Report of the Steering Committee to the Victorian Minister for Environment & Climate Change and the Australian National Retailers Association*, p 3.

## 10 WESTERN AUSTRALIA

The Hon Dr Sally Talbot MLC, the Shadow Minister for Environment, Planning, Climate Change, Lands and Youth, introduced a Private Member's bill, the Plastic Shopping Bags (Waste Avoidance) Bill 2010 (WA), into the Western Australian Legislative Council on 1 April 2010. The bill proposes to restrict the supply of plastic shopping bags. The Hon Dr Sally Talbot MLC said, in her Second Reading Speech, that she introduced the bill because the EPHC failed to reach agreement on the imposition of a national ban on plastic bags.<sup>140</sup> At the time of writing, the bill had not passed the Second Reading stage.<sup>141</sup>

## 11 NORTHERN TERRITORY

In August 2010, the Northern Territory Government announced that it will introduce legislation in the November 2010 sittings of Parliament to prohibit retailers selling or giving away plastic shopping bags. It is planned that the ban will come into effect in the second half of 2011, following a phase-in period of four months. Biodegradable bags, compostable bags and barrier bags (those commonly used for fruit and vegetables) will still be permitted. The impetus for the legislation is the Government's plan to halve the amount of waste sent to landfill by 2020.<sup>142</sup>

## 12 QUEENSLAND

The Queensland Government is in favour of “*completely phasing out non-biodegradable plastic bags*”, provided a “*suitable alternative*” is available, but it does not support a levy being imposed on plastic bags.<sup>143</sup>

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See also KPMG, *Trial of a Government and Industry Charge on Plastic Bags: Report of findings*, 20 October 2008.

<sup>140</sup> Hon Dr Sally Talbot MLC, [Plastic Shopping Bags \(Waste Avoidance\) Bill](#), Legislative Council, *Western Australian Parliamentary Debates*, 1 April 2010, p 1211.

<sup>141</sup> The progress of the Plastic Shopping Bags (Waste Avoidance) Bill 2010 (WA) can be tracked on the Parliament of Western Australia [website](#).

<sup>142</sup> Hon Karl Hampton MLA, Minister for Natural Resources, Environment and Heritage, [Territory Bag-Free in 2011](#), *Media Release*, 10 August 2010. See also, [Northern Territory Climate Change Policy 2009](#), p 57.

<sup>143</sup> Hon AM Bligh MP, Premier, [Plastic Bag Levy](#), *Queensland Parliamentary Debates*, 16 April 2008, p 1025. See also, Hon AM Bligh MP and Hon Andrew McNamara MP, Minister for Sustainability, Climate Change and Innovation, ‘[Old to Back Ban on Plastic Bags but not at Expense of Qlders](#)’, *Ministerial Media Statement*, 16 April 2008; Hon John Mickel MP,

In April 2008, the Queensland Premier, the Hon Anna Bligh MP, told the Legislative Assembly that, at the upcoming Council of Australian Governments meeting, Queensland “*will oppose any levy on plastic bags being imposed on consumers*” because of the impact on Queensland families whose “*budgets are very tight ... with high interest rates and fuel prices, and the increasing cost of groceries*”.<sup>144</sup>

### 13 CONCLUSION

Plastic shopping bags, as the Environment Protection and Heritage Council commented, “*are popular with consumers and retailers because they provide a convenient, highly functional, lightweight, strong, cheap and hygienic way to transport food and other products*”.<sup>145</sup> These attributes also mean that many plastic shopping bags are re-used for many other purposes, such as storing sweaty gym gear, packing shoes, collecting dog poo and holding rubbish.

Despite the usefulness of plastic shopping bags, some surveys have shown high levels of public support for banning them.<sup>146</sup> The respondents to these surveys were concerned about the impact on the environment of the bags.<sup>147</sup> Particular environmental concerns relating to plastic bags include: the consumption of scarce resources; the death of animals which consume, or become entangled in, plastic bags; plastic bags taking hundreds of years to break down; and the blight on visual amenity if plastic shopping bags are littered.

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Minister for Environment, [Ministerial Statement: Plastic Bags](#), *Queensland Parliamentary Debates*, 27 April 2004, p 461.

<sup>144</sup> Hon AM Bligh MP, [Plastic Bag Levy](#), p 1025. See also, Hon AM Bligh MP and Hon Andrew McNamara MP, [Qld to Back Ban on Plastic Bags but not at Expense of Qlders](#).

<sup>145</sup> EPHC, *Decision Regulatory Impact Statement: Investigation of options to reduce the impacts of plastic bags*, p 2.

<sup>146</sup> See e.g., McGregor Tan Research, *The Future of Plastic Carry Bags in South Australia – A Ban or Levy*, 18 July 2003, p 7. See also ‘Vast Majority Want Plastic Bags Ban: Survey’, [theage.com.au](#), 22 May 2009. The Productivity Commission is, however, sceptical about such results. The Commission is of the view that “*actions speak louder than words*”; it points out: “*Despite the widespread availability and promotion of reusable bags, consumers still used 3.9 billion HDPE retail carry bags [in 2005]*”: Productivity Commission, *Waste Management*, p 213.

<sup>147</sup> See e.g., McGregor Tan Research, *The Future of Plastic Carry Bags in South Australia – A Ban or Levy*, p 9.

While some of the Australian states and territories have considered, or are considering, a ban or a levy on plastic bags, to date, South Australia is the only Australian jurisdiction to have passed legislation on the matter.

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