

Australian Capital Territory

Plastic Reduction (Public Event) Declaration 2022 (No 3)

Disallowable instrument DI2022–198

made under the

Plastic Reduction Act 2021, s 15 (Declaration of public events)

EXPLANATORY STATEMENT

Overview

Section 15 of the *Plastic Reduction Act 2021* (the Act) allows the Minister to declare that a single-use plastic product must not be supplied at a declared public event. Under section 16 it is an offence to supply a declared product to a person at a declared event. This instrument provides that certain single-use plastic items cannot be supplied at certain events.

Items

The items listed are single-use plastic takeaway containers, and single-use plastic plates and bowls. Vendors will be required to supply non-plastic alternatives to these plastic items at the listed events.

The supply of items that are already prohibited under the Act (including single-use expanded polystyrene containers for serving food or a beverage, single-use plastic beverage stirrers, and single-use plastic cutlery) and regulation (including, from 1 July 2022, single-use plastic straws, cotton buds with plastic stems, and oxo-degradable plastics) is also prohibited at the listed events.

Events

The events listed include Spilt Milk 2022, as well as the 2023 National Multicultural Festival, Australia Day in the Capital, Enlighten Festival, Lights! Canberra! Action!, Canberra Balloon Spectacular, Symphony in the Park, Canberra Day and Reconciliation Day events.

Spilt Milk music festival is not a government event so the requirements in section 15(2) of the Act apply, including that this declaration has been made not less than 3 months before this event.

Single-use plastic plates and bowls have been banned at all of the listed events, and single-use plastic takeaway containers have been banned at all listed events except the National Multicultural Festival. Prohibiting these plastic items from these events will

reduce plastic waste. It will also provide a demonstration of the types of alternatives available to single-use plastics.

Human rights

As a result of this instrument, certain conduct is made an offence under section 16 of the Act. This is a strict liability offence, which may be seen to engage the presumption of innocence. The Explanatory Statement for the *Plastic Reduction Bill 2020* addressed the human rights considerations related to the creation of the offence.

Regulatory Impact Statement (RIS)

Section 34 of the *Legislation Act 2001* requires the preparation of a Regulatory Impact Statement (RIS) if a subordinate law or disallowable instrument is likely to impose appreciable costs on the community, or part of the community. The RIS prepared for the *Plastic Reduction Bill 2020* includes analysis of the impact of declaring that certain single-use plastics cannot be supplied at events. The RIS found that declaring single-use plastic products to be prohibited at events would have a higher regulatory burden than a policy approach but would create certainty and an even playing field. It identified this as the preferred approach.

Section notes

Section 1 Name of instrument

This section names the instrument.

Section 2 Commencement

This section provides for the commencement of the instrument.

Section 3 Declared public event

This section provides that Part 4 of the Act, which deals with supplying other single-use plastic products at declared public events, applies to the events listed in the schedule.

Section 4 Declared single-use plastic products

This section provides that the products listed in the schedule must not be supplied at the listed events.

Section 5 Expiry

This section provides that the instrument expires on 30 May 2023, which is the day after the final listed event.

Schedule

The schedule lists the events that s 3 applies to and lists the products to which s 4 applies.