

Australian Capital Territory

Plastic Reduction (Public Event) Declaration 2023 (No 1)

Disallowable instrument DI2023–2

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

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 event.

Event

The event listed is Groovin the Moo 2023.

This 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 the event.

Single-use plastic plates, single-use plastic bowls, and single-use plastic takeaway containers have been banned at the listed event. Prohibiting these plastic items from the event 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 event 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 event.

Section 5 Expiry

This section provides that the instrument expires on 24 April 2023, which is the day after the listed event.

Schedule

The schedule lists the event that Section 3 applies to and lists the products to which Section 4 applies.