



New South Wales

Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to prohibit retailers from supplying certain plastic shopping bags to their customers.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a date that is 6 months after the date of assent to the proposed Act.

Clause 3 prohibits retailers from supplying certain plastic shopping bags to their customers to carry goods bought, or to be bought, from the retailer. This does not prevent a retailer from charging a customer a fee for the provision of an alternative shopping bag.

Clause 4 provides for the Governor to make regulations under the proposed Act.

Clause 5 provides that notes in the proposed Act do not form part of the Act.

Schedule 1 amends the *Protection of the Environment Operations Act 1997* to extend the operation of the enforcement provisions of that Act to the proposed Act so that offences by retailers under the proposed Act can be investigated and prosecuted (including by penalty notice) under the 1997 Act.



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New South Wales

Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2016

No. , 2016

A Bill for

An Act to prohibit retailers from supplying certain plastic shopping bags to their customers.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2016</i> .	3
2 Commencement	4
This Act commences on the day that is 6 months after the date of assent to this Act.	5
3 Retailers must not supply certain non-biodegradable plastic shopping bags	6
(1) A person who sells goods in trade or commerce must not supply a plastic shopping bag that is not biodegradable to another person for the purpose of that other person carrying goods sold, or to be sold, from the premises where the bag is supplied.	7
Maximum penalty: 50 penalty units.	8
(2) This section does not prevent a person from supplying any of the following bags:	9
(a) a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale,	10
(b) a barrier bag (that is a bag dispensed from a roll that is intended to be used solely to carry unpackaged perishable food for human or animal consumption),	11
(c) a bag prescribed by the regulations as not being a prohibited plastic shopping bag.	12
Note. This section does not prevent a person from supplying bin liners, because such liners are not used to carry goods from the person's premises.	13
This section also does not prevent a person from supplying a heavy retail bag of the kind usually used by clothing and department stores, because such bags have a thickness of more than 35 microns.	14
(3) In this section:	15
biodegradable means comprised entirely of materials of a type that:	16
(a) have been assessed and tested in accordance with AS 4736—2006, <i>Biodegradable plastics—Biodegradable plastics suitable for composting and other microbial treatment</i> (as in force from time to time) or any other standard that replaces that standard and is prescribed by the regulations, and	17
(b) can, in accordance with that standard, be designated as compostable.	18
plastic bag means a bag that is made (in whole or in part)	19
(a) of polyethylene with a thickness of less than 35 microns, or	20
(b) of any other plastic that is prescribed by the regulations, with a thickness of less than 35 microns.	21
4 Regulations	22
The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	23
5 Notes	24
Notes included in this Act do not form part of this Act.	25

Schedule 1	Amendment of Protection of the Environment Operations Act 1997 No 156	1 2
[1]	Section 186 Extension of Chapter to other environment protection legislation	3
	Insert before section 186 (c):	4
	(b5) <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2016</i> and the regulations under that Act,	5 6
[2]	Section 213 Application of Chapter	7
	Insert after section 213 (2) (c):	8
	(d) <i>Plastic Shopping Bags (Prohibition on Supply by Retailers) Act 2016</i> and the regulations under that Act.	9 10