

TRANSCRIPT

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Inquiry into the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016

Melbourne — 20 April 2017

Members

Mr David Davis — Chair

Ms Harriet Shing — Deputy Chair

Ms Melina Bath

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Ms Samantha Dunn

Mr Khalil Eideh

Mr Cesar Melhem

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Participating Members

Mr Greg Barber

Mr Jeff Bourman

Ms Colleen Hartland

Mr James Purcell

Mr Simon Ramsay

Ms Jaclyn Symes

Witnesses

Ms Nina Springle (affirmed), Member of the Legislative Council for South Eastern Metropolitan Region, and
Dr Russell Marks (affirmed), Policy Adviser to Ms Springle.

The ACTING CHAIR (Mr Melhem) — Welcome, Ms Springle, and Russell Marks as well. Thank you for making yourselves available today. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Therefore the information you give today is protected by law. However, any comments repeated outside this hearing may not be protected. All evidence is being recorded. You will be provided with a proof version of the transcript in the next couple of days. I will invite you to make some comments and make any presentation to the committee, and then we will ask questions. Ms Springle, you have been sitting here all day listening to all the evidence and I take it you have read the transcript of the previous hearing, so do you want to address the committee and tell us what you think?

Ms SPRINGLE — Thank you for having us here today. I would like to start by acknowledging that we meet on the land of the Wurundjeri people of the Kulin nation, and I pay my respects to their elders past, present and emerging.

I would also like to note my disappointment in the fact that there are only two members of this committee here for this hearing today. Given that we saw a campaign launched by *The Project* last night on the prospect of banning plastic bags across the country that at lunchtime today had had 492 000 views on a video on social media and over 40 000 petition signatures, I think it is disappointing that the Liberal Party, the National Party and the Shooters and Fishers party have not deemed it important enough to attend the inquiry today. Having said that, I do thank you both for being here and for listening to our reflections on why this bill is so important for Victoria. I do have a prepared presentation, and then Russell and I are obviously very happy to take your questions. Russell is here in his capacity as my policy adviser who did most of the instructions for the drafting of the bill.

Over the course of the hearings held as part of this inquiry you have covered the scientific evidence base regarding marine plastic pollution and the impact on marine life, on garbage at sea and on our beaches, and the potential impact on humans as a result of consuming certain types of seafood. Following on from this we will be providing several key reports to the committee in soft copy following today's hearings. I would commend these to the committee as part of their consideration process, particularly given that they contain substantial data and analysis relating to many of the questions that were not answered during the morning's testimony. These reports and numerous others have found that the scientific evidence based on this issue is clear and it is compelling. On the issue of plastic pollution the world's leading scientists in this area are agreed. The evidence we do have absolutely warrants decisive action, and if action is not taken, this problem will grow exponentially with global population increases and increasing use of plastic for convenience.

Since Bangladesh introduced a ban on plastic bags in 2002, around 100 countries and jurisdictions now have put in place mechanisms to reduce the supply of plastic at source. The debate in Australia has been arduous and protracted and substantially undermined by the retail and plastic manufacturing industries. Unfortunately, as outlined this morning by Ms Rowley, the Victorian government relies apparently exclusively on litter data that is reported by Keep Australia Beautiful, an organisation whose major donor is Coca-Cola and which is known to have resisted regulation on consumer plastics, including container deposit legislation. As a result Victoria now languishes behind the majority of Australian jurisdictions and many countries and jurisdictions internationally through its failure to reduce its plastic footprint. We know that the market fails to provide adequate incentives for the recycling of plastics and foam products. Governments have a clear role when markets fail to provide environmentally sustainable solutions. Now is the time for ambitious solutions based on established evidence and the experience of so many other jurisdictions. The question is not around whether we take action; it must be about how we address this problem right now.

We have gone through a rigorous and extensive research and consultation process in reaching the conclusion you now have before you. I would like to take this opportunity to talk you through several key decision points we have addressed as part of this process, which I hope will assist you in coming to the conclusion that this bill warrants the full support of all Victorian stakeholders, regardless of their political persuasion.

The first relates to the mechanisms available to reduce plastic consumption and pollution. Taxes and charges for bags are a commonplace mechanism, especially in Europe. Bans, most with various exemptions, are another key mechanism, and voluntary measures by industry represent a third option. Each has advantages and disadvantages, and a substantial amount of analysis has been conducted both here and internationally to reach an evidence-based conclusion on the wide-ranging effects of these mechanisms, both intended and unintended.

Two particularly comprehensive and relatively recent assessments stand out. I will talk through these each of these briefly, and we will provide the committee with a copy of those. The most recent was undertaken by the Queensland Department of Environment and Heritage Protection. Extensive consultation with the retail sector found consistency between mechanisms used in different jurisdictions to be particularly important. While the retail sector's preferred regulatory mechanism was self-regulation, if state regulation were introduced, the general preference would be for a ban which applied to all retailers, with no exception. The consultation also found no support among environmental groups or scientists for exempting degradable or biodegradable bags. It also found support for restricting thicker department store bags in addition to lightweight supermarket bags.

Based on the available evidence, including from other Australian jurisdictions, the Queensland government will ban the use of single-use lightweight bags, with no exemption for biodegradable bags, and work with retailers on voluntary actions to reduce the use of heavier weight department store bags. They cited the main advantage of their approach as ease of administration; simplicity for retailers and customers; certainty of environmental outcome, including over time; and consistency with other jurisdictions that have implemented bag bans.

This is a relatively comprehensive approach, but based on data from other jurisdictions, including South Australia and Austin, Texas, we would argue that there is an inherent risk here of increasing the amount of heavy-duty plastic bags in litter streams. This is a good start, but it is not comprehensive enough to properly address the problems of plastics pollution.

The second key synthesis of evidence and assessment of options worth noting is an options paper produced by the European Commission in 2011. This paper assessed five scenarios: a baseline scenario, so business as usual; a voluntary sector-driven reduction mechanism; setting an EU-wide reduction target — bags per person per annum; an EU-wide law preventing the free distribution of single-use plastic bags; and an EU-wide ban on single-use plastic bags. The EU assessment found that plastic bag bans either matched or received a higher rating than levies across five of the 12 impact indicators. They were reduction in litter, resource efficiency, emissions, biodiversity and land use and economic impacts of litter. Bans were considered only slightly less advantageous than levies with regard to the impact on retailers, producers and consumers. The EU's analysis concluded that bans are the most effective of the five options, including levies, in reducing the use of plastic carrier bags.

The EU options paper also argued that any negative economic impact from the reduction of plastic bag use in terms of job and economic losses from EU-based plastic bag manufacturers would be at least partially offset by increased investment in research and development to develop alternative products.

Despite these conclusions, the EU has ended up with graduated reduction targets per member state over several years. Only Italy and France have implemented bans. It is important to note that though Europe's solution built on existing levies, taxes and charges, which is the language of path dependency, determined the way forward the context is very different here in Australia. Bans are the predominant mechanism here, and as analysis from both the EU and Queensland have demonstrated, bans are vastly more effective than available alternatives in terms of environmental impact.

Neither analysis recommends voluntary measures of industry. Of course this mechanism has been trialled in Australia, and frankly it has not worked. A reduction of 34 per cent in plastic bag consumption using those measures, when the target was not a complete phase-out of lightweight bags by 2009, is not a good result. There are no reputable rigorous international assessments suggesting that industry self-regulation is comparable in terms of impact with other options. We need to move on from that conversation to a real solution with a capacity to achieve real results.

There are assessments favouring charges or taxes over bans, and two key reasons are cited for this. One is impact on retail and manufacturing sectors, and the other relates to consumer choice. These have arguably been the biggest impediments to real progress on this issue, but I would argue that we have been reaching fundamentally flawed conclusions based on inadequate data.

Unfortunately in Victoria the data is particularly poor. Industry representatives today confirmed that they do not keep or collect any data on plastic bags and they defer to state agencies, but the department this morning confirmed that it does not have its own data either; it uses data supplied by Keep Australia Beautiful, whose major donor is Coca-Cola. What we need is a robust independent source of information about how many plastic bags we are consuming. We do not have that dataset, and the bill before the committee will address this deficit.

There is a huge amount of public support for reducing our consumption of plastic bags, as we have seen in the campaign I pointed to which has just recently been launched and its extreme popularity in such a short amount of time. This is not by any means an unpopular measure. Of the nearly 500 organisation and individual submissions to consultation on our bill, the overwhelming majority were in full support. Surveys have consistently shown that the vast majority of people support banning plastic bags, whether at a municipal level or a national level.

Notwithstanding high levels of support, there are circumstances in which consumer choice cannot be the primary deciding factor in dealing with problems. We do not allow consumers to choose to drink-drive, because there are clear and serious safety and public health risks associated with doing this. We do not allow people the choice to wear a bike helmet or not, for the same reasons.

In relation to our shocking overconsumption of plastic, there are clear and serious environmental threats — and potentially threats to human health. On balance, the need to take decisive action must override the consumer's choice to use plastic bags, just as we have taken similar decisions in regard to other choices with serious health and safety implications.

The committee has heard much from industry today about the costs that they bear and the costs that must be passed on to consumers, but these costs represent just a fraction of the economic cost of plastic pollution, which is currently being externalised. We are all paying that cost, either through taxes aimed at clean-up efforts or through deferring those clean-up costs to future generations. To the best of my knowledge, in the last five years there has not been any independent assessment of the economic cost of plastic pollution to Australians. We will also provide the committee with a report from the Equinox Center that explores the economic impact of plastic pollution, from 2013.

We have also heard today from representatives of the retail and plastics industries an array of reasons why we should not be banning plastic bags, microbeads and excessive supermarket packaging. We have heard much concern today on behalf of people on lower incomes. This is certainly a factor we must consider, though there are multiple ways government has for mitigating any cost impact on people on lower incomes — and I do wonder to what extent any costs that would be passed on to consumers compare with the quite massive profit margins that essentially the larger retailers enjoy at present, which are also being passed on to consumers.

The reasons to do nothing simply do not hold up any longer. Of course there are some industry players who are more prepared than others to countenance a plastic bag ban. Retailer Target trialled a ban on plastic bags in 2009, and Coles has been very constructive in discussions with me and I understand other state and territory governments. Unfortunately there are other organisations that are more problematic.

A clear message from industry in relation to plastic bags has been a preference for consistency across jurisdictions, which can be delivered by this bill. Whereas the argument for protecting local industry and jobs may have swayed some in the past, it is an increasingly irrelevant argument. Since 2007 the proportion of locally produced plastic bags has drastically decreased, in line with increased imports. As with other areas of industry and manufacturing, we need to be investing in the future and supporting damaging industries to transition to sustainable alternatives. There are very clear pathways in relation to packaging that can lead us in this direction, and it is here we need to focus our attention.

The final decision we faced in developing this bill related to what forms of plastic were included and what could potentially be exempted. This bill is without doubt ambitious in its scope. While it could potentially place Victoria as a leader in this space internationally, it is not by any measure overly ambitious in comparison to action elsewhere or in relation to the actual problem we face. France last year announced a ban on plastic cups, plates and cutlery, to come into effect in 2020, following a ban on single-use plastic bags in 2016. Delhi announced a ban on plastic bags, cups, plates and cutlery earlier this year. A number of US jurisdictions have enforced bans on polystyrene takeaway containers for some years now.

In relation to plastic bags, what this bill really does is flip the default setting. It would make all types of plastic bags, with a couple of particular exceptions — being bags for medical and security purposes — unlawful by default and then allow the minister to exempt certain bags by giving reasons. We know there are bound to be good reasons to retain certain types of bags — for instance, bags which rarely end up in the oceans, like bread bags — but we would want plastic fishing bait bags banned, for obvious reasons.

Other jurisdictions which have banned bags have retained the outdated model: all plastic bags are allowed by default and the parliament then selects particular types of bags to ban. There are a few problems with this model which our bill addresses. There is the problem of unintended consequences. Queensland's draft bill, for instance, would continue to allow plastic bait bags, because they do not have handles.

The message sent through a comprehensive ban, even if certain products are exempted, is a vitally important one. If we are to effectively tackle the issue of plastic pollution as a state, as a society and as a global community, we absolutely need to change social norms and consumer behaviour. Legislation is an important part of achieving this. Just as attitudes towards drink-driving have changed over several decades and following a concerted and effective effort by government and the public health sector, we can shift the way we think about and use plastic.

An important first step towards this is to ban the most damaging products and stem their flow into the environment. Further steps must focus on public information, particularly in relation to the reality of so-called biodegradable bags, and strengthening waste recovery and recycling. The bill we have drafted should be seen as part of a necessary suite of measures which can and should re-establish Victoria's position as a national, even world, leader in the fight against plastic pollution.

The ACTING CHAIR — I think you have covered so many issues. I will start off with witnesses having raised issues about the start date, which is September 2017. I understand that you would have had that in mind when the bill was put into the house last year?

Ms SPRINGLE — Correct. So that would obviously have to be pushed out.

The ACTING CHAIR — So that will be something you will be considering?

Ms SPRINGLE — Yes, absolutely.

The ACTING CHAIR — The second one is: there has been some evidence in relation to the microbeads ban, which is that I think Minister D'Ambrosio and the feds are talking about a voluntary ban and that subsequently if there is no voluntary ban then there will be a national action to ban them. Have you got any view on that approach of looking at a state model versus a federal model to actually ban them?

Ms SPRINGLE — From my perspective obviously a national ban would be preferable — that we are all doing the same thing. Ultimately our bill addresses issues that we think are urgent, and given that there has not been movement federally there was nothing precluding us from acting on a state level. But having said that, if there is an imminent ban that is going to come into effect asap federally, that would be far preferable. Having said that, we do not believe that voluntary bans work, and therefore I would not be in support on relying on a federal voluntary ban over a state-legislated ban.

The ACTING CHAIR — So you would be looking at either a state ban or the state government to advocate for national legislation.

Ms SPRINGLE — Absolutely; yes.

The ACTING CHAIR — So enforcement is what you are interested in.

Ms SPRINGLE — I guess what I am trying to get at is that in the absence of federal law we would go with state law, but if the federal Parliament is going to legislate on these issues, then of course we are in favour of a national ban.

Dr MARKS — I might just add to that. There is a big 'if' in that. We do not have any kind of detail to the best of our knowledge as to what that federal ban would look like at this stage. So in the absence of any concrete proposal there is the mechanism that we have put forward in this bill.

Ms DUNN — It is speculative.

The ACTING CHAIR — But what you are saying is the preference is that we get a national legislation to ban it — that would be the preferred option — but in the absence of that we have the bill.

Ms SPRINGLE — Conceptually, yes, Cesar, but at this point in time there is nothing on the table and therefore we have got our state ban on the table.

Ms DUNN — So if it happened tomorrow, fine; but the reality is there is no assurance at this time.

Ms SPRINGLE — Yes, exactly. I have not seen anything introduced into the federal Parliament that would suggest that there is a ban on microbeads that is imminent.

Dr MARKS — What we do have is some evidence that we will presenting to the committee in the form of the reports we will hand up that do show that voluntary action by industry and retailers do not work — or they are nowhere near as effective as action by states.

The ACTING CHAIR — That is right. There is always the argument about voluntary compliance versus legislation. In my view I think regulation and legislation will trump voluntary compliance any day. The other point that was raised in a lot of evidence was in relation to the potential impact on packaged fruit and vegies. You would have heard a lot of evidence from various witnesses in relation to that. Have you got any comments on that? Or do you see that the proposed bill could actually address some of these issues? Or maybe you are even contemplating — —

Ms SPRINGLE — I am glad you asked about that, because I think there may be some creative interpretation of the bill going on, particularly with the Australian Institute of Packaging, I think. Or was it — —

The ACTING CHAIR — A number of witnesses have actually talked about it a lot.

Ms DUNN — Yes, it has come up a lot.

The ACTING CHAIR — They talked about two things: one is the actual packaging in the actual supermarket itself and the second part was using polystyrene packaging or boxes to take it from the farm gate to the supermarket. They are the two points. In light of that, have you got any comments to make in relation to these two points where you might see that the current bill addresses these points or where you might need to look at clarifying or amending the bill? What sort of response do you have to these two issues?

Ms SPRINGLE — Section 53ZIB of the bill, which makes it an offence to sell, supply or provide goods in restricted packaging, makes it a burden on the retailer. It is restricting the retailer, not the supply chain or the wholesaler. Some of the interpretations that I heard earlier implied that it would have impacts on the supply chain, and that is not my understanding. I suppose if there is analysis done on this to suggest that the way this is drafted would in fact have impacts on the supply chain, then we absolutely would be prepared to amend it. But the intention of this clause is to restrict the retailer, not the supply chain. Does that make sense?

The ACTING CHAIR — Okay. So basically on the first issue from the farm gate to the supermarket or to the market the bill does not intend to have any impact on that. We were talking then about the avocado. If someone is going to use a polystyrene tray and cover it with plastic to package it — or even a lettuce or any fruit and vegies — at the retailer's end, then there is still an argument that it could be used to prolong the life span of the fruit or the vegies. What impact will this have on these retailers being able to continue the current arrangements? Will they be prohibited from doing it?

Dr MARKS — We absolutely agree that food waste is a significant and growing problem. I think we heard some evidence today to suggests that one of the effective ways of dealing with food waste is to increase their shelf life by wrapping some plastic packaging around them. There is a bit of a cane toad solution in that solution to the problem, is there not? We are kind of creating a problem out of a solution. So we would not accept that the only solution to the problem of food waste is to wrap it in plastic or foam, which then creates a subsequent huge and growing problem of marine plastic pollution, which is the problem we are trying to address with the current bill. So yes, there is a huge and growing problem of food waste, and we have a lot of faith in the innovation capacity of industry to work within the kind of regulatory environment set by the state. Our position is that the state has an absolutely legitimate role in setting those boundaries, particularly when there is evidence of a massive and growing plastic pollution problem.

Ms SPRINGLE — I guess the point is that wrapping food in plastic is not the only answer to a problem of perishables.

Ms DUNN — Of extending food life.

Ms SPRINGLE — That is right. I guess if we want to talk about industry and business and jobs, absolutely there is legitimacy in encouraging innovation in this area. I mean, that is what we should be doing anyway. That is what we should be doing in all sorts of sectors — encouraging big and small business to come up with innovative solutions. I guess in our view it is not an either/or thing; it is not an either/or scenario. It is not like, ‘It’s got to be plastic or nothing’, because we cannot afford to think like that anymore.

The ACTING CHAIR — When you have got this sort of response to the evidence given by the Australian Institute of Packaging, and I think Mr Chessell and Dr Lawrence talked about the ‘other options’ — options other than purely focusing on the bag itself — and I think we have heard further evidence from Mr Williams in relation to the bioplastic product, do you see that as an alternative? My understanding is that bioplastic, for example, is not covered by the proposed legislation so it is not a prohibited item — am I reading that correctly? Or is it?

Ms SPRINGLE — I guess we need to go to the bill with the definition.

The ACTING CHAIR — I think it is only a polyethylene product.

Ms DUNN — Yes, I think it is.

The ACTING CHAIR — That is my reading of it.

Ms SPRINGLE — ‘Plastic bag means a bag that is made in whole or in part of polyethylene’, so I guess it would depend on the make-up of the bag that we are talking about. I heard the testimony. It was talking about increasing the facility of industrial-style composting, and I suppose that if there were solutions around that that meant that those products were legitimately biodegradable — because there is quite a large body of evidence to say that a lot of products that are labelled and marketed as biodegradable or recyclable, ‘They break down’ or whatever, are not necessarily so.

So I think it depends on the integrity of the process. If we are talking about something that has an evidence base, a scientific evidence base to say, ‘Yes, this can become organic matter again’, then absolutely I think that is an innovative solution, but I have not seen enough evidence to say that we are there yet. That does not necessarily mean that we will not be there in the future, but again it is kind of like saying, ‘Are we creating another problem by trying to solve this problem?’. There is evidence out there to say that our methods at this point, particularly in terms of household recycling — so not necessarily industry recycling but household recycling — particularly of polystyrene, is not a thing.

Ms DUNN — The rates quoted were very low.

Ms SPRINGLE — That is right. Hang on; let me have a look. Sorry, I am going through my texts. The Metropolitan Waste and Resource Recovery Group have actually said that you cannot recycle polystyrene at a household level. There is no mechanism to do that at the moment; there is no collection that will allow you to do that. So I will take their word for it.

The other issue from my perspective — and look, Russell did a huge amount of research in this regard before the bill was drafted, and we were very committed to drafting a bill that was based on legitimate evidence — is that there is a distinct lack of information and really solid data in this area. It is a bit of a scenario where you are looking at a whole bunch of information and there is a whole lot of smoke and mirrors going on, because there are a lot of different agendas and it can be difficult to sift through the information and see what is legitimate and what is not.

So I guess in answer to your question — would we see bioplastics as an alternative — well, if there is an evidence base to say that they can become organic matter again, yes, we would.

The ACTING CHAIR — The reason I am asking this question is because from my perspective I can see the stakeholders and the whole debate — —

Before I go to the stakeholders, I think there is a general agreement: no-one wants to see plastic bags finishing in the waterways and landfill. I do not think any witness has come forward and said, ‘That’s a good thing’. So I

think that everyone is agreeing on that. I think more or less it is about the consumers or shoppers, ordinary people who are going to the shops who actually want to go and do their supermarket shopping, be able to have a bag — that is what they do at the moment, right or wrong — take it home and use it to put their rubbish in as well, and these bags end up either in landfill, in most cases, or in the waterways. So the question is how we find a solution. I do not think there is an argument about jobs, because we have established already that most of these plastic bags — 90 per cent of them —

Ms SPRINGLE — Come from offshore.

The ACTING CHAIR — are made overseas, so they are imported. And retailers, really the only interest they have in the whole debate is cost, and also not upsetting their customers too much, but I think it was cost that was the issue. That is why my earlier question was about if there is evidence to say that the bioplastic could be an alternative.

Ms SPRINGLE — A very straightforward answer to that question — —

The ACTING CHAIR — Is that where the exemption maybe comes in?

Ms SPRINGLE — Yes, sure.

The ACTING CHAIR — That is what I am trying to establish.

Ms SPRINGLE — The exemption would be a question for the minister, and the minister is free to exempt anything that she, or he, decides should be exempted, as long as there is a solid argument that she can put to Parliament as to why the exemption should exist. That is the mechanism within the bill. Just to divert from what we are currently talking about briefly, the idea that this bill is out of step with other jurisdictions and could not replicate the same model that we are seeing in some other states that already have a ban is misrepresentation, because the reality is that this bill allows the minister, if she saw fit, to actually exempt everything but single-use plastic bags, which would put us very much in line with the rest of the country — the other states that have bans already. But what it also allows her to do is to be nimble and flexible in terms of the reintroduction of bans for a whole range of products as we move forward. I reject wholeheartedly the idea that this is so far out of the realms of possibility that it cannot work in relation to the rest of the country, because that is just not true.

In terms of the bioplastics, at this point in time from the evidence that we have seen — the scientific evidence — it is not robust enough to say that bioplastics are a legitimate replacement for polyethylene plastics.

The ACTING CHAIR — Thank you, Ms Springle.

Ms DUNN — Thank you for your presentation today. Some of the issues I wanted to talk about have been touched on, and it is getting back to this issue of packaging, where we heard from numerous witnesses today around fruit and vegetables, meat and bread. I just wanted clarity for the record that in fact your bill is quite specific in relation to fruit and vegetables, and meat and bread are not captured as part of the intent of this bill?

Ms SPRINGLE — No. It is the prepackaged fruit and vegetables that you are seeing in some supermarkets. Sometimes their justification is that it is keeping organics in a contained area.

Ms DUNN — Yes, separate.

Ms SPRINGLE — Yes. Others are just, I am assuming, for convenience and labelling purposes. The bill in terms of pre-packaged bread, it would apply to that, but again, the minister could exempt those bags, particularly based on the fact that there is evidence to say that bread bags do not generally end up in marine environments. I am assuming that means they end up in landfill more so than they would in waterways. That would seem like a legitimate reason to exempt bread bags for the sake of convenience. It would not include meat, no.

Dr MARKS — I just might add to that. I think it is important to keep in mind why we chose to go with that particular mechanism, which is to have a blanket ban and then exemptions, as opposed to what other jurisdictions have done, which is kind of the opposite. It is really for two reasons: one, it sends a really important signal to the society as a whole that these products are not products that we should expect naturally to be in existence; and secondly, where there are products that are exempted by the minister and therefore allowed

to be circulated, there is an evidence base that can be built in relation to their consumption that we simply do not have now. We do not have that evidence, and we heard over and over again today from witnesses that that evidence base, particularly in Victoria, simply does not exist. So our bill is focused squarely on rectifying that deficit.

Ms DUNN — Thank you. We also heard — and I have heard this even outside of this hearing — about the issue of the single-use bag and its appropriateness to be used as a bin liner and what on earth would happen if we do not have these bags for bin liners.

Ms SPRINGLE — God forbid!

Ms DUNN — I just wanted your commentary — —

The ACTING CHAIR — You just go and buy other bags for it.

Ms DUNN — Are you answering her question?

Ms SPRINGLE — Feel free!

Ms DUNN — Do not mind me and Cesar. Just your commentary around it. It is just a constant issue that is raised.

Ms SPRINGLE — The prospect of what bags would be used as bin liners if we were not to have single-use plastic bags — is that your question? Okay, sure. I guess I would start by saying that we have only been using plastic bags in the sort of current consumption habits that we have now since the mid-80s, so it is not a long time — and we managed quite well for thousands of years before that, I could point to. Aside from that, because practically I suppose that is not an answer — that may be well conceptually, but practically speaking — again, I suppose there would be an argument perhaps to say that the minister could exempt bin liners if she so chose to and there was enough call for that. If not, I would also suggest that paper bags are an option; boxes.

We want to talk about market mechanisms a lot. We put a lot of faith in the market in the current social paradigm that we all live in, so I think it would be fair to say that the market would come up with alternative solutions if necessary. If we all found ourselves at such a loss without bin liners, then I have no doubt that there would be some innovative young person out there who would find a solution and that that would pop up fairly quickly in relation to that overarching issue. We cannot pick and choose our argument. We like to put our faith in the market a lot for a lot of things, so why can't we put our faith in the market for this?

Dr MARKS — And there is a kind of hard edge to that argument. The ready availability of thin plastic bags at the moment in Victoria kind of precludes the development of other alternatives because there is no economy for them.

Ms DUNN — Yes, it stops innovation.

Dr MARKS — That is right, so there is a current capstone on R and D and innovation. But as Nina said, paper is one pretty obvious alternative, and there is some debate around, we acknowledge, as to the life-cycle impact of paper products as opposed to single-use plastic products. Our best advice at this stage is that ethical sources of paper product, or paper product that is sourced from ethical sources — and there are particular manufacturers and brands in Australia that do do that or have the capacity to do that — have a much lower life-cycle environmental impact than does single-use plastic. In sum, I do not think we can accept the proposition that single-use plastic bags are the only way that we can line our bins.

Ms DUNN — The cornerstone of our domestic garbage collection!

Dr MARKS — It seems like a strange argument.

Ms SPRINGLE — I would also point to the fact that — and I have heard a couple of other witnesses talk about this today — if we were to improve our waste management habits and behaviours extensively, that would require everyone getting on board and having the same agenda, and probably I would envisage legislation like this would require an education campaign to be rolled out by the government. It is not in the legislation, because

I do not necessarily think it should be in the legislation, but one would assume that if the government were going to take this on seriously, then they would have a commitment to a community education campaign.

If that included state and local governments getting on board, or federal if it became a federal thing, with improving our recycling and our waste management habits at a household level and an industrial level, then you are probably not really going to need bin liners in all honesty. I am pretty diligent with my sorting of my household rubbish. I have very little in my red bin, the landfill bin. Once you have taken out all the organic matter and you compost that and you take out all the recycling and you put that in the yellow recycling bin and you reuse some stuff and what have you, there is actually very little left. I have a full house — it is not just me; there are lots of people that live in my house. If people were a little bit more diligent about that, I think we would probably find that the requirement for bin liners is reduced substantially.

Ms DUNN — Thank you. Today we heard evidence that surprised me to a degree. It was the issue that was raised around consumers bringing their own reusable bags to the supermarket and the staff at those supermarkets refusing to put food in those bags because the bags were too dirty and there were contamination issues, even though clearly the consumer was happy to bring that bag with them. Are you aware of any cases or studies around that, or do you have any commentary to make in relation to that example?

Ms SPRINGLE — I personally have not encountered anyone who would refuse to put my goods in a bag.

Ms DUNN — Me either.

Ms SPRINGLE — However, I have had a very regular experience of supermarket staff being very shocked that I do not want a bag — very shocked — and they like to argue the toss about it.

In terms of contamination, I understand that two studies have been done into that issue in the States, and both have largely been discredited. One of them was considered eventually to have quite severe methodological flaws, and the other one failed to find any genuine harmful bacteria — and it was actually funded by the American Chemistry Council. Whether the findings of those studies have become a bit of an urban myth I am not sure, but as far as I am aware there is no evidence base to suggest that reusing bags is going to contaminate your products.

Ms DUNN — I wanted to pick up on some of the questions that Cesar asked in relation to the certified compostable bags. For me there is still a tension. It is not an easy solution to say, ‘Well, just exchange single-use plastic bags for these certified compostable bags’, because from the evidence we heard today there are still issues in relation to those bags if they get into a marine environment and the impacts at that level. I wondered what your views were on that. From my perspective it is not that simple to just go, ‘Right, we’ll get rid of them and we’ll put them in’. What are your views on that?

Ms SPRINGLE — I would tend to agree. My understanding is that with what you would consider to be alternative means of manufacturing plastic, there are all sorts of ways. There is cornstarch, there is hemp; there is a whole bunch of different methods around alternatives to plastic manufacturing. My understanding of those products — and I am not a scientist, but we have spoken to a lot of scientists at this point in time — is that it is a very particular set of conditions that will facilitate the breakdown of those materials, and by and large most people do not allow those conditions.

Ms DUNN — It is not going to happen in the environment. It is a controlled condition.

Ms SPRINGLE — It is a controlled thing. Most people, particularly at a household level, do not provide the environment that is required for the breakdown of those things. Again, this is anecdotal — it is certainly no dataset — but I have spoken to people that will say, ‘I put a biodegradable bag or a bag that is purported to break down in my compost, and it is there 18 months later’.

I guess that is where I come back to my argument before. If we are going to have a controlled environment for these products and can assure that most of the products will end up in that controlled environment to break it down, then that is one thing. But can we actually do that? How do we enforce that?

Ms DUNN — How do we stop it going into the ocean?

Ms SPRINGLE — That is right. How do you ensure that it is going to end up in that controlled environment and actually not in your local creek or reservoir?

Dr MARKS — The other point is that, in terms of the bill that is before us, if those bags came under the definition of the plastic bag that is in the bill, then they would be default banned and then the minister would be able to exempt them by giving reasons. If they did not come within the definition of plastic bag that is in the bill, then the ban does not apply to them anyway.

Ms DUNN — Naturally.

Ms SPRINGLE — That is right.

Dr MARKS — It is almost a sideline to the actual argument that is presented by the bill. It is either an issue for the minister to address, or it is a non-issue.

Ms DUNN — Or it is a non-issue because it is outside of the scope of the bill.

Ms SPRINGLE — There was a fair bit of that discussion, in my view, that was outside of the scope of the bill.

Ms DUNN — I think we have had a fair bit of that today — which is a great segue to my next question, and Cesar did touch on this, and it was the polystyrene box issue. To my mind, in terms of a supply chain, the bill really looks at the end of the process in relation to the retailer selling those fruit and vegetables and nowhere does it impact on the supply chain before that. What I was wondering as I was listening to that particular submission is: in the instance of you being at your farmer's market and you buy a box of fruit and veg and that box is one of those polystyrene boxes, does this bill impact on the ability to actually create that, because the farmers market is a retailer?

Ms SPRINGLE — I would say yes.

Ms DUNN — So is it about making sure that that is captured back into the recycle stream rather than ending up at someone's house and who knows where?

Ms SPRINGLE — I think this bill would restrict the farmers market retailer being able to supply the product in that box, so they would need to take it out of the polystyrene, if that is what it was in, and put it into a cardboard box or a bag or a recycle bag. I think that is just such a small percentage of the population.

Ms DUNN — Exactly; it just occurred to me.

Ms SPRINGLE — The answer would be yes. It would impact on a farmers market.

Ms DUNN — The only other thing that struck me as very interesting in the evidence was from the Australian Institute of Packaging, who talked about the most environmental bag that you could use for your shopping. It was either what we would term as a green bag, those synthetic woven bags —

Ms SPRINGLE — Which are still plastic.

Ms DUNN — which are plastic, or single-use plastic bags that you use for a year. I just wondered if you had any commentary on that, because it struck me as an unusual place to get to: that single-use bags would be considered the most environmental choice.

Ms SPRINGLE — That is not our understanding of single-use plastic bags. As is well established, each plastic product has a life cycle and there is usually a determined amount of times it needs to be used for its footprint to diminish. My understanding of single-use plastic bags is they are used from between one to three times before they are ditched.

Ms DUNN — So they are not called single-use for nothing?

Ms SPRINGLE — Correct, hence the name; exactly. The idea that a single-use plastic bag would be used for a year personally I think is far-fetched. I have obviously no evidence for that right here. The fact that they break fairly easily — that you can use it once and have a volume of products in there and it breaks — —

Ms DUNN — And it is designed for that purpose.

Ms SPRINGLE — Yes, that is right. It is testament to that. Even with the thicker bags I think that the footprint diminishes after 20 or 30 uses. I suppose you have got what we call the — —

The ACTING CHAIR — The hard plastic.

Ms SPRINGLE — Yes, the green ones that you buy in the supermarket.

Ms DUNN — Yes.

Ms SPRINGLE — They would probably, I would suggest, be used maybe up to a year — I do not know.

Ms DUNN — Years in my house.

Ms SPRINGLE — That is right. I actually think it does depend on how diligent you are. The reality with all of this is that the legislation is a behaviour change mechanism. It is as straightforward as that. We would not be doing it if people were doing it anyway. But we have this problem that we need to solve. I have not seen any evidence — Russell can correct me if I am wrong — to suggest that a single-use plastic bag would be more environmentally friendly than another sort of plastic bag.

Dr MARKS — What we are aware of is those life cycle assessments, and there is a sort of variability in the way that they have been done at various times and places. I have perhaps interpreted the evidence that has been spoken about slightly differently. I had interpreted the evidence as such that the environmental impacts of alternatives to single-use plastic bags can be less than the single-use plastic bags if reused, for instance, for a year, and to take that as the interpretation of the evidence that was given this afternoon. If that evidence does exist and if it is robust enough, then the minister can exempt particular types of plastic bags from the ban by giving that reason. It is a pretty simple assessment.

Ms SPRINGLE — Further to that, and I do not know what study they were referring to, there are a lot of life cycle studies out there, and like the contamination study some of them — not all of them obviously but some of them — are based on flawed methodologies, so I think it depends on which study they are talking about.

The ACTING CHAIR — Just to conclude — one last question from me — have you had any discussions, for example, with Aldi, which has banned plastic bags? What has been their experience? We heard evidence earlier that people only go to Aldi once a month or once a fortnight to do big shops. I am not sure if that reflects reality from my own personal experience.

But as the proponent of the bill have you taken the opportunity to talk to Aldi and find out their experience and, more importantly, the experience of their customers? Because at the end of the day it is consumers. If you have not, can you take that on notice and maybe forward your findings in relation to that experience?

Ms SPRINGLE — We reached out to a number of industry retailers and industry bodies. We met with Coles; as I said in my presentation they were relatively cooperative. Woolworths we did not hear from. I am not entirely sure whether we did reach out to Aldi or not. I mean, they have probably been the most proactive in terms of their acknowledgement of the plastic pollution issue, given that they already have a price on their bags and they are not single-use plastic bags. Absolutely prepared to have a conversation with anyone actually. I did note that the polystyrene group said that we had not spoken to them, and that is not true. We did speak with them during our consultation process.

As I said, we put out an exposure draft of this bill. We got over 500 submissions to that exposure draft with various different feedback. Very few, if any, were not supportive. I fully accept that maybe the people that are not supportive are not going to put in a submission to us, but 500 submissions is a decent amount of consultation. Some people said, 'This goes too far'; other people said, 'This doesn't go anywhere near far enough'. So we have always maintained that this is the beginning of what needs to happen. This is the start of a whole suite of measures that really need to happen. Some of them are legislative and some of them are not, but we have a real problem on our hands and we need to start addressing it. So I am absolutely happy to have conversations with Aldi, and in all honesty we are happy to have dialogue with anyone who has really legitimate, evidence-based reasons why things in the bill should change, and we always have been, otherwise

we certainly would not have put it out for consultation. So if there are issues with the bill or the interpretation of the bill — I mean, as we have discussed, I hear that the polystyrene people had an interpretation that is not our interpretation of what is written, but if there is legitimacy to that interpretation — then we are prepared to make an amendment so that it reflects our intention. I am happy to do that with any bodies that are wanting to do that with us.

The ACTING CHAIR — On that note, thank you very much for bringing the bill to the house and for your contribution to the committee. I think it is a good issue; there is no question about that. A transcript will be emailed to you in the next few days, and if the secretariat has any questions or comments they want to make, I am sure they will get in touch with you. Again, Ms Springle, thank you very much for your contribution. And also to you, Mr Marks, thank you.

Ms SPRINGLE — Thank you for your time.

Committee adjourned.