

Single-use plastic product bans in Australia

Cristy Gelling, BSc (Hons), MA, PhD
Research Analyst

December 2023



Key points

- Single-use plastic (SUP) bans target a small number of problematic and unnecessary products, often with the aim of reducing plastic litter.
- The impact of SUP bans depend on which products and processes replace the banned SUP. Some of these alternatives have their own environmental challenges.
- SUP bans are one of the most common plastic pollution policies worldwide. A small number of governments are regulating to favour reusable SUP alternatives rather than disposable ones.
- Australian governments and industry are phasing out certain problematic and unnecessary SUPs, but SUP regulations are inconsistent between jurisdictions.

Contents

1. Introduction	3
2. Role of SUP bans in plastic policy	5
2.1 SUP bans aim to reduce leakage of plastic to the environment	5
2.2 SUP bans target a small number of problematic and unnecessary products ..	6
2.3 The impacts of SUP bans depend on how the SUP is replaced.....	7
3. SUP bans in international jurisdictions	12
3.1 Globally, SUP bag bans are widespread and other types of SUP bans are becoming increasingly common	12
3.2 A small number of countries are introducing laws to favour reusable rather than disposable alternatives	12
4. SUP bans in Australian jurisdictions	14
4.1 Some types of SUP packaging are being phased out by industry via the Australian Packaging Covenant.....	14
4.2 States and territories agreed to a slightly different set of priorities for industry phase out	18
4.3 States and territories have banned or will ban many of the products prioritised for industry phase out.....	19
4.4 There is little consistency in the other products banned by states and territories	21
Acronyms	25
Appendices	26
Appendix 1. SUP bans in selected international jurisdictions	26
Appendix 2. Key legislation and policies related to SUP product bans	28

1. Introduction

Between 1950 and 2017, around 9 billion tonnes of plastic were produced—more than a tonne for every person alive today. By 2017, more than 5 billion tonnes of this plastic had become waste in landfill, unsealed dumps or the open environment.¹ Unable to biodegrade, plastic pollution is now accumulating in the ocean, rivers, soils and within human bodies.² Concern about the impacts of plastic waste has led to 175 nations agreeing to negotiate a global plastic pollution treaty by the end of 2024.³ Despite such concerns, plastic's useful and versatile properties mean it is being manufactured in increasing quantities and the use of plastics is projected to almost triple by 2060.⁴

In Australia, most plastic waste is landfilled. In 2020–21, Australians generated more than 2.65 million tonnes of plastic waste, of which 12.6% was recycled, 1.4% was converted to energy and the remainder sent to landfill.⁵ Since China began restricting waste imports in 2018, Australian governments have implemented policies to expand the nation's recycling infrastructure, including funding major capacity increases in plastics sorting and processing by 2025.⁶ However, this increased plastic recycling capacity is estimated to be more than 2 million tonnes per year short of projected plastic waste generation for 2024–25.⁷

Globally, one of the most common policy responses to increasing plastic waste has been to ban a small number of single-use plastic (SUP) consumer products.⁸ In NSW, a number of such bans, including on lightweight bags, straws and cutlery, were introduced by the [Plastic Reduction and Circular Economy Act 2021](#) under the [2021 NSW Plastics Action Plan](#). Further

¹ R Geyer, [Production, use, and fate of synthetic polymers](#) in TM Letcher, (ed), *Plastic Waste and Recycling*, Academic Press, 2020.

² United Nations Environment Programme (UNEP), [From Pollution to Solution: A global assessment of marine litter and plastic pollution](#), 2021; F Büks, M Kaupenjohann, [Global concentrations of microplastics in soils – a review](#), *SOIL*, 2020, 6: 649-662, doi: 10.5194/soil-6-649-2020; A Pinto-Rodrigues, [Microplastics are in our bodies. Here's why we don't know the health risks](#), *Science News*, 24 March 2023, accessed 29 November 2023.

³ UNEP, [Intergovernmental Negotiating Committee on Plastic Pollution](#), n.d., accessed 29 November 2023.

⁴ Organisation for Economic Cooperation and Development (OECD), [Plastic use projections to 2060](#), in [Global Plastics Outlook: Policy Scenarios to 2060](#), 2022, doi: 10.1787/aa1edf33-en.

⁵ K O'Farrell et al., [Australian Plastics Flows and Fates Study 2020-21 – National Report](#), Blue Environment, prepared for the Department of Climate Change, Energy, the Environment and Water (DCCEEW), Australian Government, 2022, p 2; J Pickin et al. [National Waste Report 2022](#), Blue Environment, prepared for DCCEEW, Australian Government, 2022, p 43.

⁶ J Pickin et al. [National Waste Report 2022](#), Blue Environment, prepared for DCCEEW, Australian Government, 2022, p 82-83.

⁷ K O'Farrell et al., [Australian Plastics Flows and Fates Study 2020-21 – National Report](#), Blue Environment, prepared for the Department of Climate Change, Energy, the Environment and Water (DCCEEW), Australian Government, 2022, p 110.

⁸ R Karasik et al., [2023 Annual Trends in Plastics Policy: A Brief](#), Nicholas Institute for Energy, Environment and Sustainability, 2023 p 9; OECD, [The policy landscape](#), in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en.

bans were proposed by the NSW Government in October 2023, including on takeaway cups, plastic in cigarette filters and heavyweight plastic bags.⁹

This paper examines the role of SUP bans in addressing plastic pollution, outlines current debates on how to replace banned SUP products and compares SUP bans in international and Australian jurisdictions.

⁹ NSW Environment Protection Authority (NSW EPA), [NSW Plastics: Next Steps](#), n.d., accessed 29 November 2023.

2. Role of SUP bans in plastic policy

SUP bans are among the most prominent plastic policies of recent years.¹⁰ However, the 2022 Global Plastics Outlook by the Organisation for Economic Cooperation and Development (OECD) concluded that bans and taxes on single-use items ‘only target a small share of plastics by volume and may not always have positive environmental outcomes.’¹¹ The OECD argued that a broad array of policy instruments is needed to reduce plastic pollution, but no measure—including bans—would be highly effective on its own (Box 1).

Box 1: Approaches to plastic policy

The OECD categorised plastic pollution policy instruments into 5 approaches:

- **Restrain demand**, e.g. taxes, promoting reuse
- **Design for circularity**, e.g. recycled content standards for products, hazardous chemicals regulation
- **Enhance recycling**, e.g. extended producer responsibility, landfill taxes
- **Close leakage pathways**, e.g. banning or taxing frequently littered items, using sanitary landfills
- **Clean up**, e.g. litter clean-up campaigns, capturing plastics in rivers.¹²

2.1 SUP bans aim to reduce leakage of plastic to the environment

In general SUP bans are primarily intended to ‘close leakage pathways’, which means to prevent the transfer of plastic waste to the environment. Although not likely to reduce overall demand for plastic, SUP bans can complement other policies by reducing the impact of litter-prone and other problematic plastic products.

Globally, the major sources of plastic leakage are:

¹⁰ OECD, The policy landscape, in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en, s 6.3.

¹¹ OECD, The policy landscape, in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en, ch 6.

¹² OECD, The policy landscape, in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en, s 6.1.

- Waste mismanagement, such as inadequate waste collection or the use of uncontrolled landfill sites¹³
- Microparticle generation, such as from tyre wear and clothing fibres.¹⁴ For example, it is estimated that around two thirds of the plastic waste leaked to the environment in Australia each year is tyre dust¹⁵
- Littering, including illegal dumping. In Australia, littering is likely to be the major source of macroplastic leakage (that is, excluding microplastic particles).¹⁶

Some plastic products are more prone to leakage than others. For example, the lightweight and brittle nature of expanded polystyrene (EPS) contributes to the prevalence of EPS litter.¹⁷ SUP products, particularly consumer products used away from the home, are also highly prone to being littered. Single-use plastics were littered at around 20 times the rate for all plastics and made up nearly half of NSW's plastic litter in 2019–20.¹⁸

2.2 SUP bans target a small number of problematic and unnecessary products

The term SUP encompasses a wide range of items, including consumer packaging, transport packaging and disposable food and drinkware, along with many products used in agriculture, medicine, construction and manufacturing. SUP products vary in the ease with which they can be replaced by non-plastic products. For example, plastic packaging plays a critical role in preventing food spoilage and ensuring food products are safe to eat. SUP bans usually target only a handful of consumer products that are relatively easy to replace.

SUP products currently banned in NSW represent less than 2% by weight of the plastic consumed in NSW in 2019–20.¹⁹ However, the banned products make a disproportionate

¹³ OECD, Plastic flows and their impacts on the environment, in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en, s 2.4-2.5.

¹⁴ OECD, Plastic flows and their impacts on the environment, in [Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options](#), 2022, doi: 10.1787/de747aef-en, s 2.5.

¹⁵ K O'Farrell et al., [Australian Plastics Flows and Fates Study 2019-20 - National Report](#), Envisage Works, prepared for the Department of Agriculture, Water and the Environment (DAWE), Australian Government, 2021, p 114-115.

¹⁶ K O'Farrell et al., [Australian Plastics Flows and Fates Study 2019-20 - National Report](#), Envisage Works, prepared for DAWE, Australian Government, 2021, p 114-115.

¹⁷ S Barmand et al., [Polystyrene Pollution in the Yarra River: Sources and Solutions](#), Yarra Riverkeeper Association, 2020; A Turner, [Foamed Polystyrene in the Marine Environment: Sources, Additives, Transport, Behavior, and Impacts](#), *Environmental Science & Technology*, 2020, 54(17): 10411-10420, doi: 10.1021/acs.est.0c03221; HHS Chan et al., [Variations in the spatial distribution of expanded polystyrene marine debris: Are Asian's coastlines more affected?](#), *Environmental Advances*, 2023, 11: 100342, doi: 10.1016/j.envadv.2023.100342..

¹⁸ Single-use and oxo-degradable plastic litter was estimated at 47% by weight of all plastic litter in 2019-20, see NSW Department of Planning and Environment (NSW DPE), [Reducing the impacts of problematic plastics - Better regulation statement](#), NSW Government, 2021, p 18.

¹⁹ Products under consideration for banning in 2021 made up 2.2% of plastic consumed in NSW in 2019-20. However, the figure for products actually banned after consideration would be significantly less because oxo-

contribution to pollution; the NSW SUP bans introduced in 2022 were estimated to be able to reduce the number of plastic items littered over a 20-year period by around 22%.²⁰

Some SUP bans are also designed to support recycling systems and improve the quality of recycled material. For example, bans on rigid polyvinylchloride and polystyrene packaging aim to reduce contamination of plastic recycling streams, while bans on plastic fruit stickers and teabags aim to keep non-compostable plastic out of organics recycling streams.²¹

2.3 The impacts of SUP bans depend on how the SUP is replaced

Enforced SUP bans and taxes or levies have generally been found to reduce consumption of the targeted items.²² However, the ultimate environmental outcome of SUP restrictions depends on the products or practices that replace the banned goods, such as alternative plastic types (Box 2) or product reuse systems (Box 3).²³ Consumer behaviour can reduce the environmental benefits of a ban, for instance, if a ban on lightweight carry bags increases the sale of thicker plastic rubbish bags.²⁴ Some substitutions may have even worse environmental outcomes than the banned product, depending on the dimensions considered. For example, while disposable paper bags have fewer littering impacts than SUP bags, they may contribute more to climate change.²⁵ SUP alternatives may also have undesirable social, economic or health impacts, such as greater costs for businesses or exposure of consumers to toxic chemicals in treated paper products.²⁶

degradable plastic, SUP cups and bowls with lids and heavyweight bags were excluded from the 2022 bans; NSW DPE, [Reducing the impacts of problematic plastics - Better regulation statement](#), NSW Government, 2021, p 7.

²⁰ Calculation based on data for option 1 b from NSW DPE, [Reducing the impacts of problematic plastics - Better regulation statement](#), NSW Government, 2021, p 24-25.

²¹ Australian Packaging Covenant Organisation (APCO), [Action Plan for Problematic and Unnecessary Single-Use Plastic Packaging](#), August 2023, p 35, p 38; M Hilton et al., European Commission, Directorate-General for Environment [Relevance of biodegradable and compostable consumer plastic products and packaging in a circular economy](#), European Union, p 155.

²² Z Diana et al. [The evolving global plastics policy landscape: An inventory and effectiveness review](#), *Environmental Science and Policy*, 2022, 124: 34-45, doi: 10.1016/j.envsci.2022.03.028; R Karasik et al., [2023 Annual Trends in Plastics Policy: A Brief](#), Nicholas Institute for Energy, Environment and Sustainability, 2023; A March et al., Global Plastics Policy Centre, [A global review of plastics policies to support improved decision making and public accountability](#), 2022.

²³ E. Cornago et al., [Preventing single-use plastic waste: Implications of different policy approaches](#), OECD Environment Working Papers, No. 182, 2021, doi: 10.1787/c62069e7-en, p 31-37.

²⁴ RLC Taylor, [Bag leakage: The effect of disposable carryout bag regulations on unregulated bags](#), *Journal of Environmental Economics and Management*, 2019, 93: 254-271, doi: 10.1016/j.jeem.2019.01.001.

²⁵ UNEP Life Cycle Initiative, [Single-use plastic bags and their alternatives: Recommendations from Life Cycle Assessments](#), 2020.

²⁶ M Mckenzie, [WA Government's Plan for Plastics will cost retail and hospitality nearly \\$2b](#), *The West Australian*, 28 September 2023, accessed 15 November 2023; P Boisacq et al., [Assessment of poly- and perfluoroalkyl substances \(PFAS\) in commercially available drinking straws using targeted and suspect screening approaches](#), *Food Additives & Contaminants: Part A*, 2023, 40(9): 1230-1241, doi: 10.1080/19440049.2023.2240908.

Box 2: Alternative plastic types

Biodegradable plastic

Biodegradable plastics are capable of being converted by microorganisms into water, carbon dioxide or methane, and biomass (biological material). The speed and extent of biodegradation is highly dependent on environmental conditions.

Compostable plastic

Compostable plastics are a subset of biodegradable plastics that have been certified as decomposing within a specified amount of time under defined conditions. Under Australian Standards, plastics can be certified [compostable](#) (will break down in industrial composting facilities) or [home compostable](#) (will break down in domestic compost bins under certain conditions).²⁷

Bio-based plastics

Bio-based plastics are made partly or entirely from renewable biological sources, such as sugar cane, as opposed to petroleum. There are both biodegradable and non-biodegradable types of bio-based plastic.

Fragmentable plastic

Fragmentable plastics, such as oxo-degradable bin liners, contain additives to accelerate the fragmentation of the plastic after exposure to a trigger such as heat, oxygen or sunlight. There is substantial debate about the extent of the fragmentation of fragmentable plastics, any subsequent biodegradation in various natural environments and whether the products of degradation are toxic or damaging to ecosystems.²⁸

²⁷ Certification is administered by the [Australasian Bioplastics Association](#). Mulch films for use in agriculture and horticulture can also be certified as [soil biodegradable](#).

²⁸ F Sciscione et al. [The performance and environmental impact of pro-oxidant additive containing plastics in the open unmanaged environment—a review of the evidence](#), *Royal Society Open Science*, 2023, 10:230089.230089, doi: 10.1098/rsos.230089.

Box 3: Consumer packaging reuse systems

Refill at home

User owns the packaging and refills it at home (e.g. with purchased refill packs)

Refill on the go

User owns the packaging and refills away from home (e.g. from in store dispenser)

Return from home

Business owns the packaging and picks it up from the user's home

Return on the go

Business owns the packaging and users return the packaging to a store or drop-off point

Source: [APCO](#)

How jurisdictions define exemptions and banned items can strongly influence the uptake of certain alternatives. For example, SUP bans in China typically only restrict 'non-degradable' plastics. This seems to have prompted a substantial increase in the production of biodegradable plastics.²⁹

Stakeholders disagree on which alternatives should be encouraged, with recent debates focussing on the disposal challenges of compostable plastic and the choice between reusable and disposable alternatives to SUP.

2.3.1 Compostable plastic has disposal challenges in the current waste system

Unlike conventional plastics, compostable plastics can biodegrade; however, compostable plastics have their own disposal challenges. While some conventional SUP items can be recycled, compostable plastics are often regarded as contaminants by recycling facilities because they can decrease the quality of recycled plastic.³⁰ Compostable plastics are also rarely composted, due to limited collection and facilities.³¹ Most compostable plastic in

²⁹ G Baiyu, [China cools on biodegradable plastic](#), *China Dialogue*, 3 March 2022, accessed 8 September 2023.

³⁰ M Hilton et al., European Commission, Directorate-General for Environment [Relevance of biodegradable and compostable consumer plastic products and packaging in a circular economy](#), European Union, p 67-74.

³¹ K O'Farrell et al., [Australian Plastics Flows and Fates Study 2019-20 - National Report](#), Envisage Works, prepared for DAWE, Australian Government, 2021, p 94, 109.

Australia ends up in landfill, where it may not biodegrade efficiently and under some conditions may produce the greenhouse gas methane.³²

Uncertainty around the safety of chemicals released by compostable plastics during biodegradation has also been cited as a disposal challenge.³³ The NSW EPA does not currently allow compostable plastics in its FOGO (food organics and garden organics) collection, aside from kitchen caddy liners, stating:

Emerging research shows that the impact of increasing compostable plastic content in compost (other than kitchen caddy liners that comply with Australian Standard AS 4736-2006) may impact its safe application to land.³⁴

2.3.2 The impact of reusable compared to disposable alternatives is contested

In 2022, an evaluation by the United Nations Environment Programme of more than 50 life cycle analyses of SUP alternatives found that reusable products, including bags, cups and tableware, often have lower environmental impacts than disposable products, whatever the material.³⁵ However, reusables do not outperform disposables in every comparison, and the relative environmental impacts of SUP alternatives depend on factors such as how each product is manufactured, how it is transported, how waste is managed in the relevant area, how reusable products are washed and how many times they are reused.³⁶

These issues have been particularly controversial during ongoing negotiations over the extent to which new European Union (EU) packaging laws should favour reusable products.³⁷ Reforms proposed by the European Commission in 2022 included a variety of measures promoting reuse, including mandatory packaging reuse targets and a ban on disposable tableware for use on site in fast food restaurants.³⁸ The reuse measures have been strongly opposed by the paper packaging industry, which argues that single-use paper-based packaging is environmentally preferable to reusable packaging, cheaper and

³² For example, X Quecholac-Piña X et al., [Degradation of Plastics under Anaerobic Conditions: A Short Review](#), *Polymers*, 2020, 12(1):109. doi: 10.3390/polym12010109; QP Xochitl, [Degradation of Plastics in Simulated Landfill Conditions](#), *Polymers*, 2021, 13(7): 1014, doi: 10.3390/polym13071014; M Hilton et al., European Commission, Directorate-General for Environment [Relevance of biodegradable and compostable consumer plastic products and packaging in a circular economy](#), European Union, p 93-96.

³³ See K Proust, [EPA dumps compostable packaging from list of eligible green bin items in New South Wales - ABC News](#), ABC, 26 September 2022, accessed 16 November 2023.

³⁴ NSW EPA, [FOGO information for households](#), updated 12 September 2022, accessed 16 November 2023.

³⁵ UNEP, [Addressing Single-Use Plastic Products Pollution using a Life Cycle Approach](#), 2021.

³⁶ UNEP, [Addressing Single-Use Plastic Products Pollution using a Life Cycle Approach](#), 2021; H Pålsson, [Current state and research directions for disposable versus reusable packaging: A systematic literature review of comparative studies](#), *Packaging Technology and Science*, 2023; 36(6): 391-409. doi:10.1002/pts.2722.

³⁷ G Ragonnaud, [Revision of the Packaging and Packaging Waste Directive](#), European Parliamentary Research Service, European Parliament, 2023; L Cater and L Guillot, [Reuse or recycle? Inside Europe's takeaway tug-of-war](#), *POLITICO*, 23 October 2023, accessed, 16 November 2023.

³⁸ European Commission, [Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation \(EU\) 2019/1020 and Directive \(EU\) 2019/904, and repealing Directive 94/62/EC](#), COM(2022) 677.

less burdensome for consumers and preferable in terms of food safety.³⁹ Environmental advocacy groups have challenged the assumptions used in industry life cycle analyses and have commissioned their own studies on the benefits of reusable systems.⁴⁰

³⁹ European Paper Packaging Alliance, [Packaging and Packaging Waste Proposal](#), n.d., accessed 7 November 2023.

⁴⁰ S Hann, [Unveiling the Complexities: Exploring LCAs of Reusable Packaging in the Take-Away Sector](#), Eunomia Research & Consulting, prepared for Zero Waste Europe and Reloop, 2023; J Bradbury et al. [Assessing Climate Impact: Reusable Systems vs. Single-use Takeaway Packaging](#), Eunomia Research & Consulting, prepared for TOMRA, Zero Waste Europe and Reloop, 2023.

3. SUP bans in international jurisdictions

3.1 Globally, SUP bag bans are widespread and other types of SUP bans are becoming increasingly common

Restrictions on SUP carrier bags are widespread internationally. In 2018, plastic bag bans or taxes were in place in 91 countries.⁴¹ In a 2022 OECD analysis, 45 out of 50 countries (38 OECD countries and 12 other large countries) had either banned or taxed SUP bags.⁴²

In the past few years, SUP bans are increasingly extending to items beyond bags.⁴³ In the OECD's 2022 analysis, 31 of the 50 countries examined had restricted SUP items other than bags.⁴⁴ Jurisdictions vary widely in the items targeted, but frequently banned items include EPS takeaway containers, SUP straws, and SUP cutlery. Appendix 1 shows the range of items banned in China, England, EU member states, France and New Zealand.

3.2 A small number of countries are introducing laws to favour reusable rather than disposable alternatives

Globally, there are relatively few national SUP policy instruments aimed at promoting reuse.⁴⁵ However, there are a few notable exceptions, including where SUP restrictions have been designed to encourage reusable rather than disposable alternatives. For instance, in 2011 Wales instituted a mandatory charge for most single-use carrier bags, including those made from plastic or paper.⁴⁶ In 2023 France banned the use of disposable tableware in fast food restaurants, regardless of material.⁴⁷ Similar restrictions have been proposed for the EU as a whole and Germany.⁴⁸

⁴¹ United Nations Environment Programme, *Single-use Plastics: A Roadmap for Sustainability*, 2018, p 27-44.

⁴² OECD, The policy landscape, in *Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options*, 2022, doi: 10.1787/de747aef-en, s 6.3.

⁴³ R Karasik et al., *2023 Annual Trends in Plastics Policy: A Brief*, Nicholas Institute for Energy, Environment and Sustainability, 2023.

⁴⁴ OECD, The policy landscape, in *Global Plastics Outlook : Economic Drivers, Environmental Impacts and Policy Options*, 2022, doi: 10.1787/de747aef-en, s 6.3.

⁴⁵ R Karasik et al., *2023 Annual Trends in Plastics Policy: A Brief*, Nicholas Institute for Energy, Environment and Sustainability, 2023.

⁴⁶ C Corbyn, *Carrier bag charges: frequently asked questions*, National Assembly for Wales Research Service, 2016.

⁴⁷ *Loi n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire* [Law No 2020-105 of 10 February 2020 regarding the fight against waste and the circular economy] (France) JO 0035, 11 February 2020 ('Loi AGECE'), [art 77](#) (in French).

⁴⁸ G Ragonnaud, *Revision of the Packaging and Packaging Waste Directive*, European Parliamentary Research Service, European Parliament, 2023; Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz (BMUV), *Abstimmung des Entwurfs eines 'Dritten Gesetzes zur Änderung des*

Bans are not the only legislative measures used to encourage the replacement of SUP with reusable products. For example, in Germany, takeaway food and drinks must be offered with the option of reusable packaging that must not be more expensive than disposable options.⁴⁹ France has introduced a variety of reuse laws as part of its broader circular economy law, including:

- Water fountains must be available at large establishments open to the public⁵⁰
- Sellers of takeaway beverages must provide a lower price for consumers who bring their own containers⁵¹
- Most food, cleaning products and personal care products may be sold in bulk⁵²
- Manufacturers and sellers of packaging have obligations to financially support packaging reuse schemes⁵³
- Industry is subject to packaging reuse targets.⁵⁴

Additional reuse laws are currently under consideration in Canada and Germany.⁵⁵

[Verpackungsgesetzes – Gesetz für weniger Verpackungsmüll](#) [The vote on the draft of 'Third Act Amending the Packaging Act – Act for Less Packaging Waste'] n.d., accessed 16 November 2023 (in German).

⁴⁹ BMUV, [Gastronomen müssen To-Go-Speisen und -Getränke auch in Mehrwegverpackung anbieten](#) [Restauranters must also offer to-go food and drinks in reusable packaging], 13 December 2022, accessed 16 November 2023 (in German).

⁵⁰ Loi AGECE, [article 77](#).

⁵¹ Loi AGECE, [article 42](#).

⁵² Loi AGECE, [article 41](#); certain product classes are excepted for [public health reasons](#).

⁵³ Specifically, 5% of extended producer responsibility contributions must be used to facilitate reuse, *Code de l'environnement* [Environment Code] (France), [Article L541-10-18](#) (in French).

⁵⁴ The target includes both *réemploi* (reuse of a product for its originally designed purpose) and *réutilisation* (reuse for any purpose), [Décret n° 2021-517 du 29 avril 2021 relatif aux objectifs de réduction, de réutilisation et de réemploi, et de recyclage des emballages en plastique à usage unique pour la période 2021-2025](#) [Decree No. 2021-517 of 29 April 2021 on the objectives for the reduction, reuse and repurposing, and recycling of single-use plastic packaging for the period 2021-2025] (France), JO 0102, 20 April 2021, (in French).

⁵⁵ Government of Canada, [Share your thoughts: Development of a Pollution Prevention \(P2\) Planning notice for plastic primary food packaging](#), updated 31 August 2023, accessed 16 November 2023; BMUV, [The vote on the draft of 'Third Act Amending the Packaging Act – Act for Less Packaging Waste'] n.d., accessed 16 November 2023 (in German).

4. SUP bans in Australian jurisdictions

Between 2009 and 2022, all Australian states and territories introduced bans on lightweight SUP bags. Since 2020, states and territories have been introducing further bans on other types of SUP items, in parallel with an industry program to phase out problematic and unnecessary SUP packaging.

4.1 Some types of SUP packaging are being phased out by industry via the Australian Packaging Covenant

The [Australian Packaging Covenant](#) is a co-regulatory arrangement that aims to reduce the environmental impacts of consumer packaging. The covenant is agreed between Australian, state and territory governments and an industry body established to administer the covenant (known as the Australian Packaging Covenant Organisation, APCO). Brand owners in the packaging supply chain with a turnover of greater than \$5 million per year have a choice of either joining the APCO and becoming a signatory to the Australian Packaging Covenant or complying with obligations under the [National Environment Protection \(Used Packaging Materials\) Measure 2011](#).

In 2018, APCO announced the 2025 National Packaging Targets.⁵⁶ These targets were incorporated into the Australian Government's [National Waste Policy Action Plan 2019](#) and [National Plastics Plan 2021](#). One of the 4 targets is a commitment to phase out problematic and unnecessary SUP packaging by 2025 (Box 4).

APCO's 2020 Action Plan for Problematic and Unnecessary Single-Use Plastic Packaging (PSUP action plan) identified packaging types prioritised for immediate action by industry as well as items 'on notice' for action (Table 1).⁵⁷ The types of packaging identified for phase out by APCO are estimated to collectively represent approximately 6% by weight of the total plastic packaging placed on the Australian market.⁵⁸

⁵⁶ Australian Packaging Covenant Organisation (APCO), [Business and Government Unite to Tackle Waste Challenge](#) [media release], 26 September 2018, archived by Trove 9 October 2018.

⁵⁷ APCO, [Action Plan for Problematic and Unnecessary Single-Use Plastic Packaging](#), version 1, December 2020, archived by Trove 11 October 2021.

⁵⁸ APCO, [Action Plan for Problematic and Unnecessary Single-Use Plastic Packaging](#), version 2, August 2023, p 4.

Box 4: What is problematic and unnecessary SUP packaging?

APCO considers packaging problematic if it is difficult to collect for recovery, affects recovery of other materials, contributes significantly to plastic litter or is made with hazardous chemicals.

APCO considers packaging unnecessary if it can be reduced or redesigned without diminishing product integrity, product accessibility, ability to meet health or safety requirements or causing undesirable environmental outcomes.

Problematic and unnecessary SUP items that are not packaging, such as straws, utensils and stirrers, are not within the scope of APCO's PSUP action plan.⁵⁹

The Australian Government's priorities for the industry phase outs were identified in the 2021 National Plastics Plan and in the 2021–22 and 2022–23 Minister's priority list for product stewardship (Table 1).⁶⁰ The Minister's priority list is created under the [Recycling and Waste Reduction Act 2020](#) and indicates items that the Minister will consider regulating in the next year if industry does not take the recommended action (in this case, a nationally coordinated industry phase out).⁶¹ The timeframe for action was July 2022 for fragmentable plastic and EPS loose and moulded consumer packaging and December 2022 for EPS consumer food and beverage containers and PVC packaging labels.⁶²

⁵⁹ APCO, [Action Plan for Problematic and Unnecessary Single-Use Plastic Packaging](#), version 2, August 2023, p 5-6.

⁶⁰ DCCEEW, [Minister's priority list 2021-22](#), updated 26 October 2022, accessed 10 August 2023.

⁶¹ [Recycling and Waste Reduction Act 2020](#) (Cth), s 67.

⁶² DAWE, [National Plastics Plan 2021](#), Australian Government, 2021, p 5.

Table 1. Problematic and unnecessary SUP types prioritised for phase out

The 3 lists identified SUP types using slightly different wording. For this table, it is assumed that the definitions used in the PSUP action plan also applied to the items identified on the other 2 lists.

SUP type	APCO action plan	2022-23 Minister's priority list	Environment ministers' agreement ⁶³
Straws			✓
Utensils and stirrers			✓
Microbeads in personal care products			✓
Bowls and plates ⁶⁴			✓
<i>For immediate action:</i>			
Lightweight plastic bags	✓		✓
Fragmentable plastics	✓	✓	✓
EPS consumer food and beverage containers	✓	✓	✓
EPS loose fill consumer goods packaging	✓	✓	✓
EPS moulded consumer goods packaging	✓	✓	✓
Rigid polyvinyl chloride (PVC) packaging	✓	✓ ⁶⁵	
PVC packaging labels and films		✓	
Plastic labels or sleeves for plastic products that hinder recyclability		✓	
Rigid polystyrene (PS) packaging	✓		
Opaque polyethylene terephthalate (PET) bottles	✓		
Rigid plastic packaging with carbon black	✓		
<i>On notice for action:</i>			
Problematic multi-material laminate soft plastics	✓		

⁶³ See section 4.2

⁶⁴ Not identified in the Environment Ministers Meeting communiqué, but listed as part of the agreement in subsequent Australian Government documents, including the [National Waste Policy Progress Summary Report 2021](#).

⁶⁵ Not identified in the National Plastics Plan. First added to the Minister's priority list in 2022-23.

SUP type	APCO action plan	2022-23 Minister's priority list	Environment ministers' agreement ⁶³
Heavyweight plastic shopping bags	✓		
Pumps and trigger packs with metal components	✓		
Small caps and closures ⁶⁶	✓		
Coloured PET	✓		

Sources: [APCO](#), [DCCEEW](#), [Environment Ministers' Meeting communiqué](#)

4.1.1 Progress on industry phase outs

In April 2023, APCO published its review of the National Packaging Targets, finding that progress toward the targets is not on track. For example, the target for the percentage of plastic packaging that is recycled or composted is 70%, but the 2020–21 rate was only 18%.⁶⁷ Progress against the phase out target was not quantified by APCO's review, which found that further work is needed to enable robust monitoring, including clarifying the scope, definitions, timeframes and reporting processes. Contributing to this situation, there appear to be significant issues related to market data. For example, the market estimates for rigid PS, EPS, PVC and oxo-degradable plastics (4 of the 6 priority items reported on) are noted by APCO as 'subject to a large accuracy range and high year-on-year reporting volatility.'⁶⁸

Lightweight plastic bags are the exception to the apparent lack of progress on phase outs. By 2020–21 the amount of lightweight supermarket type SUP bags placed on the market was only 0.3% of the amount on the market in 2016–17.⁶⁹ This reflects not only APCO and industry action (such as the phase out of lightweight SUP bags by the major supermarkets), but also the commencement of bans in Queensland, Western Australia and Victoria, and potentially the effect of NSW announcing their intention to legislate a ban (see Table 2).⁷⁰

4.1.2 Reform of the co-regulatory arrangement

A September 2021 review of the national packaging waste co-regulatory arrangement found that key elements 'have not been implemented or have not been operationalised effectively'⁷¹ and that 'limited (or absent) monitoring and enforcement has undermined

⁶⁶ Such as untethered bottle lids.

⁶⁷ APCO, [Review of the 2025 National Packaging Targets](#), version 1, April 2023.

⁶⁸ APCO, [Australian Packaging Consumption And Recovery Data 2020-21](#), version 1, April 2023, p 53.

⁶⁹ APCO, [Australian Packaging Consumption And Recovery Data 2020-21](#), version 1, April 2023, p 53.

⁷⁰ M Dulaney, [Coles to follow Woolworths' lead and phase out plastic bags around the country](#), ABC, 14 July 2017, accessed 20 November 2023.

⁷¹ Matthews Pegg Consulting, [Review of the co-regulatory arrangement under the National Environment Protection \(Used Packaging Materials\) Measure 2011](#), prepared for DAWE, Australian Government, 2021, p 4.

confidence in the co-regulatory arrangement, enabled free riders and disincentivised participation in the Covenant.⁷² In October 2022, all governments agreed to reform the regulation of packaging by 2025.⁷³ In June 2023, they agreed to introduce mandatory packaging design standards and targets and to develop a product stewardship framework to support national efforts to regulate packaging.⁷⁴ In November 2023, they agreed that the Australian Government will be the regulator of new packaging standards.⁷⁵ The Australian Government removed problematic and unnecessary SUP from the Minister's product stewardship priority list for 2023–24, stating that these products will be regulated because 'industry has made insufficient progress since they were first listed'.⁷⁶

4.2 States and territories agreed to a slightly different set of priorities for industry phase out

In April 2021, shortly after publication of the National Plastics Plan and its priorities for industry phase out, Australian, state and territory environment ministers agreed on a separate priority list of problematic and unnecessary plastic product types for industry to phase out by 2025 (Table 1).⁷⁷ In addition to some of the items on the Minister's priority list, the agreed communiqué from the Environment Ministers' Meeting identified plastic utensils and stirrers, and microbeads in personal care products. In subsequent documents referencing the agreement, the Australian Government also included 'bowls and plates' in the list of SUP items that all jurisdictions agreed should be prioritised for industry phase out.⁷⁸

At the time of the agreement, microbeads in personal care products had already largely been phased out by the hygiene, personal care and specialty products industry in response to a 2016 request from Australian environment ministers.⁷⁹

⁷² Matthews Pegg Consulting, [Review of the co-regulatory arrangement under the National Environment Protection \(Used Packaging Materials\) Measure 2011](#), prepared for DAWE, Australian Government, 2021, p 6.

⁷³ Environment Ministers' Meeting, [21 October 2022 - Agreed Communiqué](#).

⁷⁴ Environment Ministers' Meeting, [9 June 2023 – Agreed Communiqué](#); T Plibersek, [Environment Ministers step in to cut packaging waste](#) [media release], 9 June 2023, accessed 10 August 2023.

⁷⁵ Environment Ministers' Meeting, [10 November 2023 - Agreed Communiqué](#).

⁷⁶ DCCEEW, [Minister's product stewardship priority list](#), updated 24 November 2023, accessed 7 December 2023.

⁷⁷ Environment Ministers' Meeting, [15 April 2021 - Agreed Communiqué](#).

⁷⁸ For example, DAWE, [National Waste Policy Progress Summary Report 2021](#).

⁷⁹ DCCEEW, [National Waste Policy Action Plan Annexure 2022](#), 2022, p 11; DCCEEW, [Plastic microbeads](#), updated 11 October 2021, accessed 20 November 2023; Accord, [BeadRecede](#), n.d., accessed 20 November 2023; Meeting of Environment Ministers, [25 November 2016 – Agreed Statement](#).

4.3 States and territories have banned or will ban many of the products prioritised for industry phase out

In 2019, South Australia was the first state to announce its intention to ban SUP products other than bags.⁸⁰ Since then, states and territories have implemented or proposed bans on most of the products prioritised for industry phase out at the 2021 Environment Ministers' Meeting (Table 2). Key legislation and policies related to these bans are listed in [Appendix 2](#). All jurisdictions have now banned lightweight SUP bags and all have either legislated or proposed bans on straws, utensils, stirrers, plates and unlidged bowls.

Despite this overall consistency, each jurisdiction differs in how it defines banned and exempt items – for example in how fragmentable plastic is defined and which items are considered banned EPS takeaway containers (Table 2).

In contrast to the other items on the Environment Ministers' agreement list, moulded EPS packaging for consumer goods has not been widely banned—so far only Western Australia has legislated a ban (for 2025). The lack of legislative action for moulded EPS packaging may reflect the technical and commercial challenges reported by APCO in the industry phase out of these items.⁸¹ This phase out has not occurred within the timeframe set by the National Plastics Plan (July 2022). In December 2022, APCO published a roadmap for the phase out of consumer EPS packaging, which commits APCO and industry to phasing out moulded EPS packaging for small to medium sized electrical, electronic, furniture and homewares products by July 2025.⁸²

⁸⁰ D. Keane, [South Australia to become first state to ban plastic items including straws, Government says](#), 6 July 2019, accessed 30 November 2023.

⁸¹ APCO, [Roadmap to Implement the National Phase Out of Business-To-Consumer EPS Packaging](#), version 1, November 2022, p 8-9.

⁸² APCO, [Roadmap to Implement the National Phase Out of Business-To-Consumer EPS Packaging](#), version 1, November 2022, p 18-23.

Table 2. Commencement year of state and territory bans on problematic and unnecessary plastic products identified by Australian environment ministers for national industry phase out

Dates in italics represent commencement dates announced but not legislated. 'Review' indicates the item has been identified for a possible future ban subject to review. To better represent jurisdictional differences, some of the prioritised product categories have been split into subtypes, for example, 'EPS food and beverage containers' has been split into EPS takeaway food containers, EPS cups and EPS trays.

Product	ACT	NSW	NT	QLD	SA	TAS ⁸³	VIC	WA
Straws	2022	2022	2025	2021	2021	<i>Review</i>	2023	2022
Utensils and stirrers	2021	2022	2025	2021	2021	<i>Review</i>	2023	2022
Attached straws/utensils ⁸⁴		2025		2026	2025		2026	
Microbeads in personal care products	2023	2022	2025	2023				2023
Microbeads in cleaning products	2023	<i>Review</i>		2023				2023
Plates and unlidded bowls	2023	2022	2025	2021	2023	<i>Review</i>	2023 <i>plates only</i>	2022 <i>unlidded</i>
Lidded bowls		<i>Review</i>						2024
Lightweight bags	2011	2022	2011	2018	2009	2013	2019	2018
Fragmentable plastic	2022	<i>Review</i>		<i>Review</i>	2022			2023
EPS takeaway food containers	2021	2022	2025	2021	2022 <i>bowls, plates, clamshells</i> 2024 <i>Others</i>	<i>Review</i>	2023	2022
EPS cups	2021	2022		2021	2022		2023	2023
EPS trays	2023	<i>Review</i>		<i>Review</i>	2024			2023
EPS loose fill	2023	<i>Review</i>	2025	2023				2023
EPS moulded packaging			2025					2025 ⁸⁵

Sources: [ACT](#), [NSW](#) (2022), [NSW](#) (proposed), [NT](#) (bags), [NT](#) (other), [Qld](#) (bags), [Qld](#) (other), [SA](#) (bags), [SA](#) (other), [Tas](#) (bags), [Tas](#) (other), [Vic](#) (bags), [Vic](#) (Other), [WA](#) (bags) [WA](#) (other)

⁸³ The Tasmanian Government states that a legislative phase out will be in place by 2025 for SUP products such as straws, bowls, plates, utensils and EPS food containers, Department of Natural Resources and Environment Tasmania, [Phasing out Problematic Single-use Plastics](#), published 6 December 2022, accessed 27 July 2023; Hobart has banned takeaway SUP cutlery, sauce sachets, food containers and lids, straws, noodle boxes, coffee cups, cup lids and sandwich wedges, City of Hobart, [Single-use plastic by-law Frequently Asked Questions](#), 2021.

⁸⁴ All jurisdictions that have banned straws and cutlery exempt items that are integral to the packaging of a product, such as juice boxes with straws attached. Dates indicate scheduled or proposed expiry of the exemption.

⁸⁵ Packaging for large or fragile products will be exempt, [Environmental Protection \(Prohibited Plastics and Balloons\) Regulations 2018](#) r 17F.

4.4 There is little consistency in the other products banned by states and territories

Most states and territories are also rolling out bans on various products that are not currently prioritised for industry phase out (Table 3).

Table 3. Commencement year of other state and territory SUP product bans

Dates in italics represent commencement dates announced but not legislated. 'Review' indicates the item has been identified for a possible future ban. 'Litter' with regards to balloon releases means the jurisdiction considers littering laws already prohibit balloon releases.

Product	ACT	NSW	NT	QLD	SA	TAS ⁸³	VIC	WA
Bags								
Heavyweight bags	2024	<i>Review</i>	2025	2023 ⁸⁶	2024			2022
Bait bags				<i>Review</i>				
Produce bags		<i>Review</i>		<i>Review</i>	2024			2024
Food service								
Cups – cold beverages		<i>Review</i>		<i>Review</i>	2024			2022
Cups – hot beverages		<i>Review</i>		<i>Review</i>	2024			2024
Cup lids		<i>Review</i>		<i>Review</i>	2024			2024
Coffee cup plugs					2024			
Dome lids				<i>Review</i>				2024
Takeaway food containers		<i>Review</i>		<i>Review</i>	2024			2022 <i>unlidded</i> 2024 <i>lidded</i>
Trays								
Packaging								
Bread tags		<i>Review</i>		<i>Review</i>	2024			
Fruit stickers		<i>Review</i>			2025			
Pizza savers		<i>Review</i>			2023			
Magazine wrapping				<i>Review</i>				
Sauce sachets		<i>Review</i>		<i>Review</i>				
Soy sauce fish		<i>Review</i>			2025			
Untethered plastic beverage bottle lids		<i>Review</i>						

⁸⁶ Bags that meet design standards and are made of at least 80% recycled material will be exempt.

Product	ACT	NSW	NT	QLD	SA	TAS ⁸³	VIC	WA
Other SUP								
Balloon releases ⁸⁷	<i>Litter</i> ⁸⁸	<i>Litter</i> ⁸⁹ <i>Review</i>	2025	2023	<i>Litter</i> ⁹⁰	<i>Litter</i> ⁹¹	2021 ⁹²	2022
Balloon sticks/ties		<i>Review</i>		<i>Review</i>	2024			
Cigarettes with plastic filters		<i>Review</i>						
Confetti					2024			
Corflute tree guards				<i>Review</i>				
Cotton buds	2022	2022		2023	2023		2023	2023
Lollipop/ice cream sticks		<i>Review</i>						
Promotional film (temporary signage)								2024

Sources: [ACT](#), [NSW](#) (2022), [NSW](#) (2023), [NT](#), [Qld](#), [SA](#), [Tas](#), [Vic](#), [WA](#)

In general, the timelines and items covered are not aligned, and the treatment of plastic-lined paper and compostable plastic alternatives varies widely (Table 4). For example, NSW prohibits compostable plastic versions of all banned products, while Queensland exempts all compostable plastic from its bans except bags.

⁸⁷ Commencement dates in the table are only listed for those jurisdictions that have announced a balloon release ban in conjunction with other SUP ban policies. According to plastic pollution advocacy organisation the Boomerang Alliance, balloon releases can be classified as littering under existing legislation in all jurisdictions, but prohibition on releases have rarely been enforced, Boomerang Alliance, [Dangerous balloon litter should be stopped across Australia](#), published 25 July 2021, accessed 7 August 2023.

⁸⁸ Release of fewer than 20 balloons is permitted, [Environment Protection Regulation 2005](#) (ACT), s 16.

⁸⁹ Release of fewer than 20 balloons is permitted, [Protection of the Environment Operations Act 1997 No 156](#) (NSW), s 146E. The 2023 *NSW Plastics: Next Steps* consulting paper proposes to phase out all lighter-than-air balloon releases.

⁹⁰ The South Australian Government considers balloon litter to fall under existing litter legislation enforced by local councils, Green Industries SA, [Turning the Tide: The Future of Single-Use Plastic in South Australia](#), SA Government, 2021, p 24.

⁹¹ Tasmania has not announced a ban on balloon releases, but since at least 2021 the EPA Tasmania website has noted that balloon releases are prohibited by the *Litter Act 2007* (Tas), EPA Tasmania, [Managing Litter and Dumping](#), n.d., accessed 4 August 2023; EPA Tasmania, [What Individuals Can Do About Litter](#), n.d., archived 22 September 2021, accessed 4 August 2023.

⁹² In 2021, new littering penalties came into force and the Environment Protection Authority (EPA) Victoria announced that these apply to balloon releases, EPA Victoria, [Report helium balloon releases](#), reviewed 23 July 2021, accessed 8 August 2023.

Table 4. Exemptions for plastic-lined or compostable plastic versions of banned products

Jurisdiction	Plastic-lined paper products that are exempt from bans	Compostable or biodegradable plastic products that are exempt from bans
ACT	Until 2024: bowls, plates	Bags
NSW	Until 2024: bowls, plates	None
NT		Bags (details of the other proposed bans are not yet available)
QLD		All except bags
SA	Until 2024: bowls, plates	Bags and food containers
TAS		Bags (details of the other proposed bans are not yet available)
VIC	Until 2024: plates	None
WA	If entire product is certified compostable: bowls, trays, food containers; lids for bowls, trays, food containers; cups.	Bowls, trays, food containers, cups, produce bags

Sources: [ACT](#) (bags), [ACT](#) (paper), [NSW](#) (compostable plastic), [NSW](#) (paper) [Qld](#), [SA](#), [Tas](#), [Vic](#) (bags), [Vic](#) (other), [WA](#)

4.4.1 National harmonisation of SUP bans

Some stakeholders, including the Australian Retailer Association, the National Retail Association and the Waste Management and Resource Recovery Association of Australia, have advocated for national harmonisation of single-use plastic regulation, arguing that the inconsistencies increase the complexity and cost of compliance for businesses and cause confusion for the community.⁹³

In October 2022, all jurisdictions agreed to ‘develop nationally harmonised definitions to support the phase out of problematic single use plastic’.⁹⁴ According to DCCEEW, ‘this work will underpin a roadmap to harmonise the phase out of single use plastics for consideration by Australia’s environment ministers later this year.’⁹⁵

⁹³ National Retail Association, [Action on Single-Use Plastics](#), n.d., accessed 14 August 2023; Australian Food and Grocery Council, Australian Council of Recycling and National Retail Association, [Joint submission to inquiry into plastic pollution in Australia’s oceans and waterways](#), 2022, p 6; Australian Retailers Association, [National Environment Ministers Meeting a missed opportunity to align nationally on single-use plastics](#) [media release], 22 October 2022, accessed 14 August 2023; Waste Management and Resource Recovery Association Australia, [WMRR welcomes Queensland’s single-use plastics roadmap; calls for national harmonisation](#) [media release], 1 July 2022, accessed 14 August 2023.

⁹⁴ Environment Ministers’ Meeting, [21 October 2022 - Agreed Communiqué](#).

⁹⁵ Parliament of Australia, Answers to questions on notice, Climate Change, Energy, the Environment and Water Portfolio, [Question No. SQ23-001139](#), Budget Estimates, 6 June 2023.

In June 2023, all jurisdictions agreed to consider ‘accelerating product stewardship efforts including by developing a framework to guide interjurisdictional efforts and drive action on problematic products.’⁹⁶ This agreement was reported in the media as endorsement of ‘a work plan to develop a road map for the harmonisation of single-use plastic phase-outs.’⁹⁷

In proposing new SUP product bans in 2023, the NSW Government cited the need to align with other states and territories, noting that the different approaches create business challenges and ‘a risk of NSW becoming a dumping ground for plastic items that have been phased out in other states.’⁹⁸

4.4.2 Reusable alternatives

Among Australian states and territories, there are few regulatory measures relevant to encouraging the replacement of banned SUP with reusable products. One major exception is Queensland’s introduction of a reusable bag standard for durability of plastic carry bags.⁹⁹ Western Australia also specifies certain properties required for reusable plastic fabric bags.¹⁰⁰ Victoria specifies that reusable plastic straws, plates, cutlery, stirrers and cotton bud sticks must come with a warranty or other written representation from the manufacturer that they are designed to last at least one year.¹⁰¹ NSW does not have any such specific reuse regulations, although like many jurisdictions it conducted a public awareness campaign to encourage consumers to remember their reusable bags for shopping.¹⁰²

⁹⁶ Environment Ministers’ Meeting, [9 June 2023 – Agreed Communiqué](#).

⁹⁷ B Judd, [Australia is phasing out single-use plastics – but what items and when depends on where you live](#), ABC, 31 July 2023, accessed 14 August 2023.

⁹⁸ NSW EPA, [NSW Plastics: Next Steps](#), NSW Government, 2023, p 13.

⁹⁹ Queensland Government, [Banned items](#), updated 1 September 2023, accessed 17 November 2023.

¹⁰⁰ [Environmental Protection \(Prohibited Plastics and Balloons\) Regulations 2018](#), (WA), r 3B.

¹⁰¹ Victorian Government, [Reducing plastic pollution starts with us](#), updated 4 September 2023, accessed 17 November 2023.

¹⁰² NSW EPA, [Let’s Stop It and Swap It](#), n.d., accessed 27 November 2023.

Acronyms

APCO	Australian Packaging Covenant Organisation
DCCEEW	Department of Climate Change, Energy, the Environment and Water
EPS	Expanded polystyrene
EU	European Union
NSW EPA	NSW Environment Protection Authority
OECD	Organisation for Economic Cooperation and Development
PS	Polystyrene
PVC	Polyvinyl chloride
SUP	Single-use plastic

Appendices

Appendix 1. SUP bans in selected international jurisdictions

Dates indicate legislated bans that have not commenced. 'Levy' indicates the item is subject to a mandatory consumer levy. For China, national SUP policies are implemented by local jurisdictions, some of which ban additional items.

SUP item	China	England	EU	France	NZ
Bags					
Carry bags	✓	Levy		✓	✓
Produce bags				✓	✓
Food service					
EPS takeaway containers	✓	✓	✓	✓	✓
Straws	✓	✓	✓	✓	✓
Cutlery	✓ <i>dine-in</i>	✓	✓	✓	✓
Stirrers		✓	✓	✓	✓
Plates		✓	✓	✓	✓
Bowls		✓			✓
Cups				✓	
Cup lids				✓	
PS packaging				✓	✓ <i>takeaway food & bev</i>
PVC food trays and containers					✓
Trays		✓			✓
Steak markers				✓	
Packaging					
Fruit & veg group packaging (e.g. nets)				✓	
Fruit & veg stickers (non-compostable)				✓	✓
Mail & courier packaging	✓ <i>certain cities; nationwide in 2025</i>				
Mailing wrap for advertising				✓ <i>newspaper/ magazine wrap in 2025</i>	

SUP item	China	England	EU	France	NZ
Fragmentable plastic			✓	✓	✓
Tea bags (non-compostable)				✓	
Untethered beverage bottle lids			2024		
Personal care					
Cotton buds	✓	✓	✓	✓	✓
Microbeads in personal care products	✓	✓	✓	✓	✓
Microbeads in cleaning products			✓	2027	✓
Other SUP					
Balloon sticks		✓	✓	✓	
Confetti				✓	
Free toys with children's meals				✓	
Hotel single-use items	✓				
Loose glitter			✓		

Sources: [China](#)¹⁰³, [England \(bag levy\)](#), [England \(2020 bans\)](#), [England \(2023 bans\)](#), [EU \(single-use plastic directive\)](#), [EU \(microbeads and glitter\)](#), [France \(environmental code\)](#)¹⁰⁴, [France \(regulations\)](#), [NZ \(microbeads\)](#), [NZ \(bags\)](#), [NZ \(2022-23 bans\)](#)

¹⁰³ For an English-language summary of the bans in China, see L Zhang, Library of Congress, [China: Single-Use Plastic Straw and Bag Ban Takes Effect](#), published 23 march 2021, accessed 8 September 2023. For additional detail on the restricted items, see National Development and Reform Commission, «[相关塑料制品禁限管理细化标准（2020年版）](#)» [Detailed Standards for the Management of Prohibitions and Restrictions on Related Plastic Products (2020 Edition)] published July 2020, accessed 8 September 2023.

¹⁰⁴ For an English-language summary of the 2020 law that enacted most of the bans in France, see Ministère de la Transition Écologique, [The anti-waste law in the daily lives of the French people: what does that mean in practice?](#), Government of France, 2020.

Appendix 2. Key legislation and policies related to SUP product bans

Jurisdiction	Legislation	Policy documents
ACT	Circular Economy Act 2023 Acts Circular Economy Regulation 2023 Circular Economy (Prohibited Products) Exemption Declaration 2023 (No 1) Circular Economy (Prohibited Products—Special Circumstances) Exemption Declaration 2023 (No 1) Circular Economy (Prohibited Products—Special Circumstances) Exemption Declaration 2023 (No 2) Circular Economy (Prohibited Products—Special Circumstances) Exemption Declaration 2023 (No 3)	Phasing out single-use plastics: Next steps policy ACT Circular Economy Strategy and Action Plan 2023-2030
NSW	Plastic Reduction and Circular Economy Act 2021	NSW Plastics Action Plan NSW Plastics: Next Steps Plastic lined paper plates and bowls exemption 2022
NT	Environment Protection (Beverage Containers and Plastic Bags) Act 2011	NT Circular Economy Strategy Single-use plastics discussion paper
QLD	Waste Reduction and Recycling Act 2011 Waste Reduction and Recycling Regulation 2023	Five-year roadmap for action on single-use plastic items Tackling plastic waste: Queensland's Plastic Pollution Reduction Plan
SA	Single-use and Other Plastic Products (Waste Avoidance) Act 2020 Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021	Turning the tide on single-use plastic products: Next steps 2022
TAS	Plastic Shopping Bags Ban Act 2013	Phasing out Problematic Single-use Plastics
VIC	Environment Protection Act 2017 Environment Protection Regulations 2021	Recycling Victoria: A new economy
WA	Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018	Western Australia's Plan for Plastics

**Single-use plastic product bans in
Australia**

Cristy Gelling

Research Paper No. 2023-14

ISSN 2653-8318

© 2023 Except to the extent of the uses permitted under the Copyright Act 1968, no part of this document may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior consent from the Senior Manager, NSW Parliamentary Research Service, other than by members of the New South Wales Parliament in the course of their official duties.

Disclaimer: Any advice on legislation or legal policy issues contained in this paper is provided for use in parliamentary debate and for related parliamentary purposes. This paper is not professional legal opinion.

The NSW Parliamentary Research Service provides impartial research, data and analysis services for members of the NSW Parliament.

parliament.nsw.gov.au

The Parliament of New South Wales acknowledges and respects the traditional lands of all Aboriginal people and pays respects to all Elders past and present. We acknowledge the Gadigal people as the traditional custodians of the land on which the Parliament of New South Wales stands.

This image comes from 'Our Colours of Country', which was created for the Parliament of NSW by Wallula Bethell (Munro) a Gumbaynggirr/Gamilaroi artist born and raised in Tamworth who has spent time living on Dughutti Country and currently living in Western Sydney on Darug Country with her husband and son.

