

South Australia

Plastic Shopping Bags (Waste Avoidance) Bill 2008

A BILL FOR

An Act to restrict the supply of single use plastic shopping bags.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Plastic Shopping Bags (Waste Avoidance) Act 2008*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

5 3—Interpretation

In this Act—

authorised officer means a person who is an authorised officer for the purposes of the *Environment Protection Act 1993*;

plastic shopping bag means—

- 10 (a) a carry bag—
- (i) the body of which comprises (in whole or in part) polyethylene with a thickness of less than 35 microns; and
 - (ii) that includes handles; or
- 15 (b) a bag that is of a kind brought within the ambit of this definition by the regulations,

but does not include a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale;

prescribed day means a day prescribed by regulation for the purposes of this definition.

20 4—Retailer must provide alternative shopping bag until prescribed day

- (1) From the day on which this section comes into operation until the day immediately preceding the prescribed day, a retailer who at any premises makes plastic shopping bags available to customers as a means of carrying goods purchased, or to be purchased, from the retailer must—

- 25 (a) be in a position to provide an alternative shopping bag to a customer who requests that the retailer provide him or her with such a bag; and

- (b) display a notice, or notices, in the premises in accordance with the requirements prescribed by regulation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- 5 (2) This section does not prevent a retailer from requiring a customer to pay a fee for the provision of an alternative shopping bag.

- (3) In this section—

alternative shopping bag means a carry bag that—

- (a) is biodegradable in accordance with *AS 4736/2006*; or
- 10 (b) is designed to be used on a regular basis over a period of approximately 2 years; or
- (c) is of a kind brought within the ambit of this definition by the regulations.

5—Retailer not to provide plastic shopping bag

- (1) If—

- 15 (a) a retailer provides a plastic shopping bag to a customer on or after the prescribed day; and
- (b) the plastic shopping bag is provided to the customer as a means of carrying goods purchased, or to be purchased, from the retailer,

the retailer is guilty of an offence.

20 Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) This section applies whether or not a fee is charged to the customer for provision of the plastic shopping bag.

6—Interaction with Environment Protection Act

- 25 (1) This Act and the *Environment Protection Act 1993* will be read together and construed as if the 2 Acts constituted a single Act.
- (2) Without derogating from subsection (1), authorised officers may exercise their powers under the *Environment Protection Act 1993* for the purposes of the administration and enforcement of this Act.
- 30 (3) In the event of an inconsistency between this Act and the *Environment Protection Act 1993*, the provisions of this Act prevail.

7—Regulations

- (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.
- 35 (2) The regulations may, either unconditionally or subject to conditions, exempt any specified person or class of persons from the operation of this Act or of any specified provision of this Act.
- (3) Regulations under this Act may—
 - (a) be of general application or limited application; or

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- (b) make different provision according to the matters or circumstances to which they are expressed to apply; or
- (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other person or body prescribed by the regulations; or
- (d) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or another prescribed body.