



**National
Retail
Association**

SUBMISSIONS FROM THE NATIONAL RETAIL ASSOCIATION

In response to:

Single-use Plastics By-law
(By-law and Regulatory Impact Statement)

Submitted to:

City of Hobart

November 2019



Disclaimer and Reproduction Permission

To the full extent permitted by law, the National Retail Association:

- makes no statements, representations, or warranties about the accuracy or completeness of the information contained in the production or its suitability for your purposes, and
- disclaims all responsibility and all liability (including, without limitation, liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason.

Copyright protects this production and resides with the National Retail Association, Australia.

All rights are reserved and no part of this material may be reproduced without the written permission of the National Retail Association.

Enquiries:

David Stout, Director of Policy

P: 0409 926 066

E: d.stout@nra.net.au

TABLE OF CONTENTS

1. INTRODUCTION	4
2. ABOUT THE NATIONAL RETAIL ASSOCIATION	6
3. RETAILER ACTIONS TO DATE	7
3.1. Voluntary initiatives	7
3.2. State-wide bag bans	7
3.3. Industry Code of Practice for Sustainable Shopping Bags	8
3.4. Other initiatives	8
4. BY-LAW ANALYSIS	9
Single-Use Plastics By-law - The Offence (Part 3.12)	9
Part 1 - Key terms	9
Part 2 - Application.....	9
Definitions and clauses absent.....	11
5. KEY IMPACTS & CONSIDERATIONS	12
5.1. Government policy must be consistent.....	12
5.2. Health and safety must be the highest priority	14
5.3. Financial impact on businesses	15
5.4. Financial impact on consumers.....	16
5.5. Consumer behaviour and demand.....	16
5.6. Consumer understanding	16
5.7. Ensuring real benefit	17
5.8. Unintended social impacts.....	17
5.9. Investment in education, innovation and infrastructure	18
5.10. Voluntary approaches with business and industry.....	18
6. RECOMMENDED ACTIONS	19
6.1. Support current actions	19
6.2. Medium impact.....	19
6.3. High impact	21
6.4. Summary of recommendations	23
7. CONCLUSION	24

1. INTRODUCTION

The National Retail Association (NRA) welcomes the opportunity to make submissions to the City of Hobart regarding the 'Single-use Plastics By-law' and accompanying *Regulatory Impact Statement*.

The NRA acknowledges the impact of plastic on the environment, particularly when disposed of incorrectly as litter, and supports the aim of reducing the impact of litter on our natural environment. The NRA is convinced by research which indicates that plastic litter affects marine life through ingestion and entanglement, and contaminates waste treatment facilities.

While we support the need to address the impact of plastic on our environment, we submit that initiatives must be carefully-considered, trialed and assessed in order to create effective, viable and long-lasting improvements.

Though much research has been done on the impact of plastic litter when it enters our environment, the NRA submits that there is little consensus on ideal solutions, that is: which alternatives should replace functional plastics; which solutions produce the best long-term environmental impact; which are practical and possible with current materials, technology and infrastructure; which are available and affordable in the Australian marketplace; and which has greater net public benefit.

It is important to note that plastic is used by consumers and businesses for many valid reasons, including: meeting critical requirements and standards designed to prevent contamination and risk to human health; meeting consumer demand for convenience and mobility; meeting demand for products to be affordable and equitable to the majority of the population; meeting demand for products to be fit for purpose and intact upon purchasing; and meeting increasing demand to reduce food waste by reducing spoilage and extending shelf life.

For many years retailers across Australia have been proactive in various environmental initiatives, making alternative bags available, promoting their use with subtle messaging, and providing in-store recycling. The NRA submits that retailers are concerned about the impact of plastic litter on the environment, are already taking steps to improve sustainability practices, have complied with regulatory interventions to date, and need time and support to continue innovating while meeting consumer demands.

The NRA support the positive intentions of initiatives to reduce plastic litter, but strongly oppose premature regulatory intervention, such as the proposed by-law, as this:

- jeopardises national consistency;
- contradicts and diverts focus from existing projects and plans at a national and state level;
- fails to recognise the lack of viable, safe alternatives for the broad range of items included;
- creates confusion with poor definitions and loopholes;
- creates competitive and customer disadvantages;
- incurs high and unreasonable costs on business and customers;
- lacks comprehensive education and support mechanisms for industry; and
- lacks comprehensive plans to educate the public.

We urge the City of Hobart to **reconsider the proposed by-law** and, instead, to collaborate with retailers, manufacturers, state government, and federal government on existing strategies which we believe will create more beneficial outcomes for business, the environment and the community.

1. We submit that support should be provided for actions underway, particularly the proposed Tasmanian Container Deposit Scheme and the National Voluntary Code of Practice for Sustainable Shopping Bags.
2. We submit that immediate action can be taken on 'medium impact' initiatives in which environmental impact is immediate, proven alternatives are widely available and affordable, and potential risk and impact on public safety is low. This includes action on: lightweight plastic shopping bags; staged phase-outs of cutlery, stirrers and straws (provided individually for immediate consumption); outdoor balloon release bans; and increased action on cigarette butt littering.

The NRA supports extending the existing regulatory ban on lightweight plastic bags in Tasmania to include biodegradable and compostable lightweight shopping bags in line with more recent bans in Queensland, Western Australia and Victoria. Current research convinces the NRA that bioplastic alternatives may create issues in the environment and that these do not address the behaviour change needed to reduce waste.

The NRA supports the phase-out of plastic cutlery, stirrers and straws if this is approached in a methodical way such as the “Plastic Free Places” trials underway in South Australia and Queensland. These trials involve providing resources, education and engagement to businesses in designated areas to phase-out items that have viable compostable alternatives. The program also includes engagement with supply chain packaging suppliers enabling coop and discount buying arrangements to ease the cost impact to consumers and businesses.

A key point is that businesses often do not have the time to seek optimal solutions and for those that try, there is much opportunity for them to get it wrong or to get the wrong advice. This voluntary but highly-tracked approach is yielding impressive results and offers a practical, positive alternative to premature legislative intervention.

3. We encourage the City of Hobart to reconsider premature regulations aimed at plastics which contain, touch or protect foodstuffs.

We consider these are ‘high impact’ and ‘high risk’ not only in terms of public health and safety, but in their impact on food waste, household budgets and modern lifestyles. These items, such as pre-packaged foodstuffs, sauce sachets, produce bags, coffee/beverage cups and takeaway food containers/tubs are used for a wide variety of purposes but are common in their need to meet high standards of food safety and also in their high consumer demand.

For high complexity/high risk items, we recommend a considered and evidence-based approach and submit that approaches such as staged phase-out models and extensive research projects which are being undertaken in other jurisdictions present more practical, evidence-based solutions. We also submit that government research and investment into infrastructure to sustain a circular economy are also needed.

The following submission provides: an overview of our expertise and retailer actions to date; brief analysis and commentary on the draft by-law; detailed submissions regarding key impacts of the by-law; and our recommendations for actions on a wide range of plastic items.

2. ABOUT THE NATIONAL RETAIL ASSOCIATION

Currently, the Australian retail sector accounts for 4.1 percent of GDP and 10.7 percent of employment, which makes retail the second largest employer in Australia and largest employer of young people. In Hobart, cafes and restaurants represent the second largest employer.

The National Retail Association (NRA) is Australia's most representative retail industry organisation. We are a not-for-profit organisation which represents over 39,000 outlets from every category of retail including fashion, groceries, department stores, household goods, hardware, fast food, cafes and services.

We exist to help retail and service sector businesses comply with an ever changing and growing regulatory environment. Our services are delivered by highly trained and well-qualified in-house experts with industry specific knowledge and experience. We provide professional services and critical information across the retail industry, including the majority of national retail chains and thousands of small businesses, independent retailers, franchisees and other service sector employers.

Specialist expertise

The NRA Policy Team helps retail businesses succeed and grow within an ever-changing regulatory environment. We work with a wide range of industry stakeholders – retailers, government, law enforcement, regulatory bodies, shopping centres, community groups, supporting associations and many more – to develop industry-wide policy platforms or positions on issues affecting the Australian retail sector.

We work proactively at international, federal, state and local government levels to ensure the interests and needs of the Australian retail and services sectors are protected and promoted. Rather than running from inevitable regulatory change, we provide a bridge between retailers and government – facilitating the exchange of ideas and information, which ultimately leads to more informed, commercially-aware outcomes for all parties.

State-wide bag bans

The NRA is directly engaged by the Queensland, Western Australian and Victorian state governments to manage the engagement and education of retailers in regard to each state's bag ban legislation. To facilitate this, the NRA developed and implemented a Retailer Transition Program tailored to each state, including:

- developing dedicated online portals of information for retailers;
- developing custom resources for retailers to display in their stores to help inform staff and customers;
- delivering hundreds of workshops and tours in shopping precincts resulting in direct engagement with over 30,000 retail businesses thus far;
- delivering a dedicated Bag Ban Hotline for retailer queries; and
- implementing social media and traditional media strategies to increase awareness and education.

We were also engaged by both Queensland and Western Australian governments to develop and deploy state-wide customer education and awareness campaigns supporting the introduction of each state's bag ban. These two campaigns reached over five million Australians and contributed to significant consumer behaviour change.

The National Retail Association continues to deliver complaint handling and auditing programs in all three states to ensure retailers comply with the relevant legislation.

National Retail Association Sustainability Committee

The National Retail Association Sustainability Committee was launched in early 2019, consists of experts from across the retail industry, government and associated agencies, and aims to continue the positive momentum of sustainability initiatives in retail. We consider the impact of retail activities upon sustainability, the community and environment and investigate the effectiveness of policy and industry mechanisms to create sustainable change. We believe that all issues have individual causes and effects, with different commercially viable and environmentally sustainable outcomes. For this reason, it is vital to collaborate with all stakeholders to create long-lasting outcomes.

3. RETAILER ACTIONS TO DATE

For many years retailers across Australia have been proactive in various environmental initiatives. The NRA submits that retailers are concerned about the impact of plastic litter on the environment, are already taking steps to improve sustainability practices, have complied with regulatory interventions to date, and need time and support to comply with numerous state and federal initiatives and continue innovating while meeting consumer demands.

3.1. Voluntary initiatives

- Thousands of retailers – from small to large retailers – have voluntarily stopped using lightweight plastic carry bags. Alternatives have been in use for many years in Bunnings, IKEA, McDonalds, KFC and thousands of small retail stores and food outlets.
- Coles and Woolworths voluntarily ceased supplying lightweight plastic shopping bags nationwide in June 2018. Within 12 months, Woolworths reported issuing 3 billion fewer bags from its Australian stores, while Coles reported that they were able to divert 1.7 billion single use bags from landfill.
- Coles and Woolworths have also introduced a range of reusable bags including an entry level bag made from 80 per cent recycled content, and a range of reusable bags that support community organisations.
- In June 2018, Coles supermarkets committed to a number of packaging initiatives, which support the Federal Government's 2025 packaging targets, including:
 - All Coles Own Brand packaging will be recyclable by 2020;
 - More recycled content will be included in Coles Own Brand packaging;
 - Excess packaging will be reduced across stores and the supply chain;
 - Soft plastic recycling options will be available in all Coles supermarkets (which has already been achieved); and
 - New labelling promoting recycling will be introduced.
- In 2017 manufacturers that sell wet wipes voluntarily developed labelling standards for their products which better informs consumers of correct disposal methods. This proactive action to educate consumers about the dangers of incorrect disposal into sewerage has been fully embraced by the industry.

There are thousands of examples across Australia of initiatives in which industry has proactively taken action to improve sustainability.

3.2. State-wide bag bans

By the end of 2019, seven of the eight states and territories in Australia will have a ban on lightweight plastic shopping bags in place.

It is important to note that the vast majority of retailers, and the NRA, have expressed strong support for bans on lightweight plastic shopping bags, given they are nationally-consistent and real alternatives are now widely available. The vast majority of retailers are complying with bans and shoppers have embraced new habits using reusable shopping bags and increasing their rates of recycling plastic bags and packaging.

Though the bans have been a positive success, it is important to recognise that they have been one of the most significant behaviour changes in the past decade and that retailers and their staff have been at the coalface of change, enduring consumer resistance and opposition.

Many retailers have introduced small fees for alternative bags to cover increased costs and further reduce consumption. Retailers report that total bag consumption (including reusable options) has reduced by up to 90 per cent due to bag fees. Retailers have weathered significant consumer complaints and media criticism by introducing bag fees but the resultant reduction in consumption should be recognised and supported. Many have also introduced reusable alternatives made from recycled content, providing a viable circular economy for recycled plastics.

3.3. Industry Code of Practice for Sustainable Shopping Bags

The Tasmanian Government is part of a multi-state working group working with retailers to enact a voluntary phase-out of boutique plastic bags. The National Retail Association is currently working in conjunction with this working group to develop an Industry Code of Practice for Sustainable Shopping Bags to outline clear road maps for businesses to work towards thicker reusable bags, alternative materials and recycled content.

3.4. Other initiatives

There are numerous positive initiatives underway across the retail and related sectors. For example, Salvos Stores have launched 'Moving the Needle' textile recycling program encouraging circular economy systems between retailers, consumers and charity stores. The Australian Government's National Food Waste Strategy, which targets halving Australia's food waste by 2030, has also been embraced by many manufacturers and retailers through collaboration in the Fight Food Waste Cooperative Research Centre. Many businesses are also investigating new technologies to recycle or reuse materials, such as Detmold Packaging's Recycle Me coffee cup program and start-ups developing ways to return plastic waste to crude oil for reuse.

The NRA emphasizes that the retail industry is proactively involved in improving sustainability and has borne the burden of recent substantial regulatory and consumer behaviour change. The NRA submits that future actions should support, not restrict, current innovation and should employ a collaborative approach to ensure practical, long-term change is accomplished.

4. BY-LAW ANALYSIS

Upon review of the By-law provided, we express significant queries and concerns about definitions, inclusions, and exemptions, to the extent that we do not fully understand what is or is not banned.

Given the broad offence, lack of consistent definitions and lack of clarity in exemptions, this by-law in its current form covers all packaging in a tub, cup or packet which is produced by the retailer or an affiliate, contains food and is consumed away from the point of sale.

This by-law could therefore apply to hundreds of goods within a supermarket, delicatessen, bakery, gift store or specialty retailer – from children’s’ juice poppers to microwaveable noodle cups in grocery stores, from pre-packaged, house label sandwiches offered by service stations to every container used by a takeaway food outlet.

Single-Use Plastics By-law - The Offence (Part 3.12)

“A retailer must not provide to a person any food packaging which is:

- (a) wholly or partly comprised of plastic; **and**
- (b) a single-use product.

Penalty: 8 penalty units”

Comment: So given 1 penalty unit is \$168, is one offence approximately \$1344?

Part 1 - Key terms

- **“food packaging** means any container which is used to carry food from a retailer’s premises to the point where the food is consumed, and related items, including but not limited to:
 - (a) tubs and lids;
 - (b) cups and cup lids;
 - (c) utensils, including cutlery, stirrers and straws; and
 - (d) sachets or packets which provide single serves of condiments, including but not limited to soy sauce, wasabi, and tomato sauce.”
- **“single-use product** means a product that is not conceived, designed or placed on the market to accomplish, within its life span, multiple use by being returned to the retailer for refill or re-used for the same purpose for which it was conceived.”

Comment: These and several other definitions do not align with federal or state definitions.

Part 2 - Application

Part 2.5: “This by-law applies where a retailer provides or sells food to be taken from the retailer’s premises in food packaging.”

Comment: Broad definitions above mean that this includes thousands of products such as pre-packaged food and drinks of the retailer’s own brand or related entity.

Part 2.6: This by-law does not apply where a retailer provides or sells food in food packaging where:

- (a) the food will be consumed at the retailer’s premises; and
- (b) no food packaging is taken from the retailer’s premises.

Comment: Does this mean that different packaging must be used for the same foods and drinks produced by a retailer depending on whether it is eaten onsite or away-from-store?

This may be suitable for some cafes and restaurants which have commercial washing facilities and infrastructure onsite but would actually entail many takeaway food retailers duplicating every packaging construct based on where the consumer wants to eat the product, which is unrealistic and impractical.

Part 2.7: “Except in relation to sachets or packets which provide single serves of condiments, this by-law does not apply to food which has been packaged by a person who is not the retailer, or a related entity of the retailer.”

Comment: Are condiment sachets banned if they are packaged and prepared externally and form part of a pre-packaged product, such as a cup of microwaveable noodles with fork and sauce sachets inside?

Part 2.8: “This by-law does not apply to any food packaging which exceeds:

- (a) an area equivalent to A4 (210mm by 297mm); or
- (b) 1 litre in volume

Comment: If a plastic container has the surface area equivalent of A4 (ie. 624 square centimetres) it would be exempt?

Part 2.9: “This by-law does not apply to plastic shopping bags or barrier bags.”

Key terms as per by-law definitions:

- **“barrier bag** means a bag used to carry unpackaged perishable food, including, but not limited to including, fruit, vegetables, meat and fish¹;
- **“plastic shopping bag** means a bag, with handles, that is –
 - (a) made, in whole or in part, of polyethylene with a thickness of less than 35 microns; or
 - (b) a bag of a type prescribed by regulations to be a plastic shopping bag –
 - but does not include –
 - (c) a biodegradable bag; or
 - (d) a plastic bag that is an integral part of the packaging in which goods are sealed before sale; or
 - (e) a barrier bag; or
 - (f) a bag of a type prescribed by regulations to not be a plastic shopping bag;²

Comment: Therefore we assume that a bag with or without handles, regardless of thickness, that is used to contain fresh produce, such as raw meat, grapes or a hot roast chicken, is not included in the ban or by-law. We need confirmation that this is correct.

Part 2.10: “This by-law does not apply where a retailer provides or sells food in food packaging where:

- (a) the food packaging has been provided by the person who is receiving the food from the retailer (the customer); and

¹ Plastic Shopping Bags Ban Act 2013

² Plastic Shopping Bags Ban Act 2013

(b) the customer was not provided with the food packaging by the retailer, or a related entity of the retailer. “

Comment: The by-law states that products are exempt if they have been packaged by a person who is not the retailer, or a related entity for the retailer.

Therefore, we are assuming that sandwiches prepared and packed off site by another company, and sold at a retailer, are exempt.

Does this exemption still apply if those externally prepared and packaged products contain an eating utensil, straw, or a sachet of sauce?

So if a retailer produces and pre-packages its own brand name food product can these have a single-use plastic item attached or included? Eg. drink poppers with straw attached, cup of microwaveable noodles with fork and sauce sachets inside. These are prepared offsite but are sometimes produced by the retailer or a related entity.

Part 2.11: Certifications and standards

Comment: There are multiple issues with these, for example:

- using international standards is inconsistent with federal and state legislation
- compostable standards in the glossary do not match acceptable Australian standards
- current research indicates that bioplastics are largely untested and debated in terms of long-term environmental and health impacts.

Definitions and clauses absent

- *No definition of single-use items which may be sold as bulk packets.*
This by-law should not apply where a retailer sells or provides single-use plastic items that are not intended for immediate use (such as bulk packets of plastic straws and cutlery for picnic needs). Retailers should be able to sell bulk packs of cutlery, straws etc that are not intended for immediate use.
- *No definition of packaging that is designed to meet food and public safety requirements.*
The by-law should not apply to packaging that is used to meet food safety requirements and/or where it is necessary to ensure safe transport and storage of a product without risk to human safety or health. For example, containers or bags that contain hot roast chickens. Under Australian Consumer Law businesses have a legal duty of care and are bound by multiple food and human safety regulations which must take precedence.
- *No definition of tubs and containers that are used to transport grocery and fresh produce items from the store to home and can be recycled or reused at the customer's discretion.*
We would assume that plastic deli containers (as supplied at a delicatessen or supermarket) are not single use but need confirmation that they are not included.

We understand it can be challenging to define specific items while allowing for thousands of product lines and variations, and therefore reiterate our recommendation to align with state and national strategies which are working on developing clear definitions, strategies and product trials before the implementation of legislation.

5. KEY IMPACTS & CONSIDERATIONS

The NRA supports reducing the amount of single-use plastics consumed and the amount of plastic entering the environment through improper disposal.

However, we urge the City of Hobart to reconsider the proposed by-law and, instead, to collaborate with retailers, manufacturers, state government, and federal government on existing strategies which we believe will create more beneficial outcomes for business, the environment and the community.

The following considerations are submitted to support this argument.

5.1. Government policy must be consistent

A major issue for businesses is the need for a consistent approach across the states and across all types of businesses in an effort to reduce complexity, increase consumer understanding, and to produce targeted and consistent communications.

5.1.1. Current Federal Government Policy

The Tasmanian Minister for the Environment endorsed the National Waste Policy at the Meeting of Environment Ministers (MEM) in late 2018. This month, the Australian Government released the National Waste Policy Action Plan which clearly outlines national targets and strategies to be undertaken at a federal, state and local level over the next few years.

The NRA submits that national strategies and commitments should be given precedence and urges decision makers to avoid any regulatory intervention which does not align with the National Waste Policy Action Plan and timeframes. Businesses need certainty, consistency, as well as time and resources, to enact positive change instead of diverting resources to manage conflicting compliance strategies.

Example: National Packaging Strategy

The Regulatory Impact Statement makes detailed mention of the Australian Packaging Covenant Organisation (APCO) program and targets but the proposed by-law fails to align with APCO's strategies and timeframes.

In 2018, the Australian Government tasked APCO with implementing industry codes to deliver on the target of making 100% of Australian packaging recyclable, compostable or reusable by 2025 (among other measures). Many retailers are already signatories to the code and have complex research and testing initiatives underway to reduce or replace unsustainable packaging.

However it is important to note that APCO and the Australian Government have recognised the complexity of packaging and have established numerous projects and research initiatives to assess current and future alternatives. *See list of APCO 2019 Priority Projects*³ >>

The detail and depth of the APCO Priority Projects illustrate that solutions are not as straightforward as some believe and that evidence-based research, collaboration and innovation is an essential step to successfully phasing out single-use plastics and packaging.

It also shows that some alternatives that are currently available may not create positive net outcomes for the environment or the community. For example, oxo-

Attachment 1. APCO Priority Projects	
Project 1.1 Consumption and Recycling Data	
Project 1.2 Infrastructure Mapping	
Project 1.3 Economic Analysis of Alternative Packaging Collection systems and End Markets	
Project 2. Public Statements on Specific Materials	
Project 3. White Paper on Problematic and Unnecessary Packaging	
Project 4: Scenarios for the future	
Project 5.1 Quickstarts: Design Guidelines for Recycling (x5)	
Project 5.2 Soft Plastic Packaging Guidelines	
Project 5.3 Compostable Packaging Guidelines	
Project 5.4 Wine Packaging Guidelines	
Project 6. Food Service Packaging Guidelines	
Project 7. Compostable Packaging Labelling Program	
Project 8. Recycled Content Labelling Program	
Project 9. Lifecycle Assessment Guide	
Project 10. National Consumer Education Campaign	
Project 11. Analysis of Problematic Packaging Materials	
Project 12. Pulpability Trials	
Project 13. Packaging Supply Chain Training	
Project 14. Models for Phase Out of Single Use Plastics	
Project 15. Compostability Trials	
Project 16. Regional Model for Soft Plastics Recycling	
Project 17. Remote and Regional Waste Collection Partnerships	
Project 18. Government Procurement of Recycled Materials and Products	
Project 19. Supply Chain Procurement of Recycled Plastic Products	
Project 20. EPS Collection and End Markets Pilot	
Project 21. Circular Economy Hub	

³ <https://www.packagingcovenant.org.au/documents/item/2188>

degradable alternatives have been found to create more microplastics which enter our waterways and food chain.

Businesses must be able to access and trust viable alternatives and we are not convinced that current alternatives, product knowledge, and supply chains in Hobart will guarantee positive outcomes.

Example: National Food Waste Strategy

The Australian Government's National Food Waste Strategy aims to halve Australia's food waste by 2030.

According to the Fight Food Waste Cooperative Research Centre (FFWCRC)⁴, food loss and waste represents the third largest greenhouse gas emitter with food loss along the supply chain and food waste after purchasing. In a recent lecture, FFWCRC representative Mark Barthel recommended packaging opportunities to reduce food waste including increased packaging such as portioned packets, resealability, protection, and optimal product design. These recommendations are based on extensive international experience particularly in the UK where food waste has been reduced by 28 per cent over 10 years.

Given conflicting government strategies and advice to simultaneously reduce and increase packaging, businesses are understandably confused and more consensus on the optimum balance needs to be achieved. This issue has been recognised at a federal and state government level.

5.1.2. Current State Government Policy

The Tasmanian Government is currently reviewing consultation on its published Draft Waste Action Plan which prioritises the following key strategies:

- Introduce a waste levy by 2021 to fund waste management and resource recovery activities;
- Introduce a Container Refund Scheme in Tasmania by the end of 2022;
- Ensure 100% of packaging is reusable, recyclable or compostable by 2025;
- Reduce waste generated in Tasmania by 5% per person by 2025 and 10% by 2030;
- Achieve a 40% average recovery rate from all waste streams by 2025 and 80% by 2030;
- Have the lowest incidence of littering in the country by 2023;
- Work at the national level and with local government and businesses in Tasmania to phase out problematic and unnecessary plastics by 2030; and
- Reduce the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030.

The Tasmanian Government is setting clear actions and schedules to deliver on these targets and we urge decision makers to avoid any regulatory intervention which does not align with the Tasmanian Waste Action Plan. Introducing a blunt legislative instrument such as by-law in a localised area by the end of 2020 conflicts with the Tasmanian Waste Action Plan and jeopardises the success and support of both.

Example: Tasmanian Container Deposit Scheme

The NRA strongly supports the implementation of Container Deposit Schemes (CDS) in reducing unnecessary and problematic plastic litter and supporting a circular economy.

For example, the NRA continues to work closely with the Department of Water and Environmental Regulation (DWER) to inform the design and implementation of the Container Deposit Scheme in Western Australia which is due to be implemented in 2020.

The Tasmanian Government has recently announced that it will implement a CDS by 2023.

When executed carefully, container deposit schemes are an example of a well-researched, collaborative solution which addresses and integrates with consumer behaviour, business systems, circular economy objectives, as well as current waste management infrastructure.

⁴ For more information see <https://fightfoodwastecrc.com.au/>

Importantly, the fact that this one scheme that deals with one type of plastic item takes several years to implement also illustrates that the best solution may not be the quickest, but is one that is well-reasoned, tested, and ultimately designed to create real and long-lasting change.

Given the significant infrastructure and consumer behaviour change expected over the next three years to introduce a CDS across Tasmania, the NRA urges decision makers to avoid any further regulatory intervention (and mixed messaging) until this important scheme is firmly established.

Example: Phase out problematic and unnecessary plastics by 2030

Another target set by the Tasmanian Government is to “work at the national level and with local government and businesses in Tasmania to phase out problematic and unnecessary plastics by 2030”. This clearly indicates a more collaborative, reasonable approach to a complex issue and we urge the City of Hobart to align with this and support businesses, instead of blunt regulatory intervention which will have immediate and negative impacts on local businesses and consumers.

5.2. Health and safety must be the highest priority

The NRA submits that more research is needed into sustainable alternatives to plastic cups, takeaway coffee cups and lids, and takeaway food containers, tubs and lids, as these items contain or touch food and entail significant health and safety considerations.

Food and safety regulations often contradict with retailers attempts to be more sustainable. Businesses, particularly those that sell food or produce, are often faced with choices between hygienic plastic packaging and non-food grade, ‘natural’ materials.

For example:

- containers made from recycled materials often fail to meet food grade requirements;
- some compostable tubs and lids have been found to leach into wet food products imparting taste and particles (with research yet to be completed on the health impact of this);
- some compostable and paper packaging has been shown to break apart before the food can be consumed (entailing high risk if the food or drink is hot);
- some research indicates that bioplastics may create worse health and environmental impacts than other polymers;
- some businesses have tried to reuse stock boxes to avoid using carry bags but have been criticized by local food and safety regulators due to potential vermin issues;
- some alternative drink containers and food tubs have been found to expand or ‘pop’ their lids due to pressures from heat, cold or carbonation; and
- packaging is often designed to protect foodstuffs from tampering or contamination (for example between raw and cooked foods).

The fact that the broad by-law definitions may also include *all* plastic tubs and containers used by a brand also means that the food safety of hundreds of products may be compromised. Technically this could include every plastic food container in a store – from juice cartons and poppers to every kind of microwavable or frozen meal - if it is the store’s own brand.

Australian consumer law applies a broad duty of care and allows retailers to potentially be held accountable for any adverse impacts of contaminated or sub-par food - even if this is created by failures of packaging (eg. being burned by a leaking hot cup of coffee) or by consumer actions (eg. improper storage or unsanitized reusable containers). Serious concerns have been raised regarding the increased risk of contamination using consumers’ reusable containers as businesses are not able to control cleanliness and food grade standards.

The NRA submits that, as APCO and multiple state governments have found, further research and collaboration is needed to reach consensus on sustainable alternatives and which ones actually achieve better outcomes in terms of the environment and human health. The retail and manufacturing industry is undertaking extensive research and testing to develop and assess alternatives (in line with APCO targets) but this will take time and support.

Policies must align with health and safety policies and should be consistent and applied across all levels of government. The NRA recommends that a reduction in these plastic items is approached in a staged way, with a whole of supply chain approach, including more recycling options to find the best solution with the greatest overall benefit.

We also submit that greater government investment in new technologies, such as developing food grade, heat tolerant containers made from recycled and recyclable materials should be explored.

5.3. Financial impact on businesses

5.3.1. High cost burden on small food businesses

According to the *Regulatory Impact Statement (RIS)*, Hobart-based takeaway food retailers, bakeries, butchers, cafes and restaurants will face the highest increase in costs. For example, the RIS estimates that a takeaway store will face an average of almost \$3000 per year in increased costs, with a maximum estimate of \$21,000 per year.

We consider that this cost burden on business is too high, particularly on sectors representing a large proportion of small and independent, family-run businesses. It is unacceptable to expect businesses to absorb costs or cut staff to counter these costs, and they will ultimately need to pass these costs onto consumers.

The statement clearly indicates that “high customer volume takeaway franchises would likely be heavily impacted”. It surmises that multinational chains could face cost increases of \$20,000 to \$30,000 given significant supply chain changes.

The RIS fails to consider the broader sectors and products potentially impacted by the by-law which, in its current form, could apply to hundreds of retailer branded goods within a supermarket, delicatessen, bakery, gift store or specialty retailer – from children’s’ juice poppers to microwaveable noodle cups in grocery stores, from pre-packaged, house label sandwiches offered by service stations to every container used by a takeaway food outlet.

5.3.2. Underestimated costs

The RIS implies that stores “simply need to buy compostable packaging from their current supplier... or find a new supplier”. Alternatives to single-use plastics such as paper or cloth options are more expensive, sometimes 1000 times more expensive. In addition, there are only a handful of suppliers offering sustainable options in Australia, meaning choices are limited and prices are less competitive.

The RIS fails to account for the additional costs to business created by changes in packaging, such as contract renegotiation, changing and rebriefing suppliers and logistics, equipment and storage changes, potential transport changes to protect foodstuffs in less safe packaging, redesigning and printing new menus to incorporate price changes, retraining staff in new packaging and procedures, consumer education about the change and increased costs at point-of-sale, increased staff pressures and serving delays given potential complaints and queries which will ultimately be borne by retail and food service staff. Therefore the potential cost to businesses could be much higher than proposed in the RIS.

In addition, the supply of sustainable packaging options in Tasmania (and Australia) is quite limited and therefore lacks market factors to ensure competition, fair pricing and ethical practices. If only a few manufacturers produce approved alternatives they can control and inflate market prices. The NRA submits that government needs to carefully examine and potentially invest in, the sustainable packaging industry as well as strengthening the waste and recycling sector to produce viable circular economy outcomes.

5.3.3. Competitive impacts underestimated

The RIS proposes that there are “little to no competitive impacts” based on the singular presumption that travel costs to purchase food from another council area would prevent consumers from abandoning Hobart-based businesses with higher prices created by alternative packaging. The NRA disputes this finding.

Firstly, it fails to account for modern takeaway food delivery services most of which apply a flat delivery fee regardless of distance. A customer can order a delivered takeaway meal from a neighbouring district at lower

cost without any additional effort or travel cost. Many food businesses rely on delivery services and it is negligent to ignore this.

Secondly, the analysis assumes that Hobart consumers are somewhat a captured and static market. Many food consumers in the Hobart market are commuters and therefore have multiple options along travel routes and it would be relatively easy for commuters to pick up takeaway food from outer districts along their existing route without affecting travel costs.

5.3.4. Increased compliance burden

Adding further complex compliance demands would add more pressure to businesses who are already feeling a high degree of pressure. This is particularly true for vulnerable small businesses and franchisees. These small local businesses make a significant collective difference to the economy and environment, and the NRA urges restraint so that local retailers have time to absorb the implications of current initiatives, and find practical, workable solutions before meeting further significant compliance demands.

5.4. Financial impact on consumers

Ultimately increased costs will need to be passed on to Hobart consumers through increased prices.

The NRA is not convinced that consumers understand the real cost of alternatives or that they will be willing to pay for more sustainable alternatives as suggested in the RIS. The NRA recommends that policies be carefully considered and implemented to avoid placing a heavier burden on already-stretched household budgets.

The *Cost Benefit Analysis* (CBA) proposed in the *Regulatory Impact Statement* (RIS) submits that the by-law will cost over \$3.2 million by 2025 and retailers and consumers will directly incur \$2.8 million of this through increased packaging costs. We expect that given the unaccounted costs described above it will cost even more.

5.5. Consumer behaviour and demand

Modern consumers are now somewhat more spontaneous than they were in the past, doing their shopping in conjunction with social activities or on their way to or home from school runs, university or the gym. This means that they are not always prepared and do not always come with their own reusable items. This calls for more discussion around how retailers can provide inexpensive, environmentally sustainable alternatives, supported by infrastructure that allows customers to conveniently feed their disposed items back into the circular economy.

While consumer concern for the environment is increasing, there remains high demand for inexpensive and convenient options at point of sale. Retailers also report that when it comes to paying for more sustainable options, many consumers still fail to perceive value in more sustainable products, such as recycled copy paper and recycled toilet paper which continue to suffer poor sales.

Though a small proportion of customers have started to use reusable water bottles and coffee cups, we believe that, at this time, the majority of consumers are not prepared to bring their own reusable utensils, straws, food containers and cups on every outing. Our members report that currently a very small proportion of customers bring their own reusable coffee cups (less than three per cent) or bring their own food containers (less than 1 per cent). Though many consumers may indicate their support in principle for a ban on single-use plastics, we strongly believe that many have not considered practical issues of banning foodstuff plastics, implications for food waste, or limitations of alternatives.

If regulatory action is indiscriminate or premature, it imposes unrealistic expectations and costs on consumers, resulting in negative perceptions and potential backlash, and this can hold back the success of more thorough, gradual initiatives. The NRA submits that more research into alternatives and widespread consumer education is needed to ensure any action is practical (and therefore supported by) the majority of consumers.

5.6. Consumer understanding

The NRA submits that though consumers are generally concerned about the impact of plastic on the environment, they lack understanding on many issues such as degradability, bioplastics, recycling markets, impacts on waste management systems and the benefits of supporting goods made from recycled materials. Businesses are similarly

faced with confusion, misinformation and misleading claims from suppliers, and many report that they don't know which alternatives provide the best environmental outcome.

For example, many consumers and businesses still believe that “degradable” plastic is an environmentally-friendly alternative. Many also do not know the difference between biodegradable and compostable plastic, the difference between home and commercial compostability, and how to properly dispose of these items. This can create further issues for local material recycling facilities (MRFs) which have not been accounted in the Cost Benefit Analysis.

In addition, while retailers may be able to control hygienic service and correct waste/recycling streams for food consumed onsite, approximately 70 per cent of takeaway food is consumed away from the store – either at home or elsewhere. Recycling and disposal actions are in the complete control of the consumer, including litter. Changing packaging materials fails to address the fundamental issue of consumer education and behaviour. A by-law model solely focuses on imposing restrictions on business but no incentives for consumers to change their behaviour.

We submit that collaboration and extensive education should be primary objectives before any regulatory action is considered.

5.7. Ensuring real benefit

While we support the need to address the impact of plastic on our environment, we strongly support that robust information on the environmental and economic impacts of alternative products must inform actions. Initiatives must be carefully-considered, trialed and assessed in order to create effective, viable and long-lasting improvements.

Though much research has been done on the impact of plastic litter when it enters our environment, there is little consensus on what the ideal solutions are, that is: which alternatives should replace functional plastics; which solutions produce the best long-term environmental impact; which are practical and possible with current materials, technology and infrastructure; which are available and affordable in the Australian marketplace; and which has greater net public benefit.

The NRA submits that there is lack of consensus on the desired sustainable alternatives and outcomes across (and within) industry and government. For example, the Waste Hierarchy model suggests that Reusability is preferable to Recyclability, however a plastic takeaway food container is more reusable than a paper container which is recyclable.

There are multiple stakeholders such as local councils, governments, suppliers and environment groups providing contradictory or uninformed advice on sustainable alternatives, resulting in confusion for consumers and business. For example, some stakeholders recommend paper containers while others argue these have a high greenhouse impact. Retailers and consumers need clear, consistent information to be able to take action.

The NRA believes that Circular Economy models are more applicable and that, at this point in time, more focus should be placed on supporting innovation in recycled and recyclable goods, educating consumers on improving recycling behaviour to create cleaner, higher value recycling streams, shifting consumer perceptions of items made from recycled materials, investing in innovations and infrastructure, and creating a robust and commercially-viable Australian circular economy.

The NRA submits that consensus on sustainable options based on research and collaboration must be prioritised before any regulatory action is considered.

5.8. Unintended social impacts

There may be unintended social consequences of widespread bans or individual bans for single-use plastics such as a ban on flexible plastic drinking straws. Replacing these with an alternative that does not have the same flexibility could unfairly discriminate against vulnerable sectors such as the elderly and people with disability who rely on these items. While exemptions may be proposed, we believe that having to identify a medical or private condition just to use a straw (or the like) would unfairly single-out vulnerable groups and compromise privacy rights.

5.9. Investment in education, innovation and infrastructure

The NRA submits that the Australian recycling system and market for recycled and recyclable goods is limited and immature compared to overseas counterparts like the EU, and government investment into innovation and infrastructure in the waste and recycling sectors is urgently needed to develop a circular economy in Australia.

The NRA also submits that there is a high level of confusion and lack of consensus regarding sustainable alternatives, that understanding of waste stream impacts is low, and that contradictory messaging around food waste and packaging confuses businesses and consumers. We submit that collaboration and extensive education should be primary objectives before any regulatory action is considered.

5.10. Voluntary approaches with business and industry

A voluntary scheme is briefly proposed in the RIS but only analyses one model where costs are inflated by a Council-based accreditation scheme. This is not reflective of modern voluntary industry schemes which are proving successful in other jurisdictions.

Voluntary approaches reward early adopters, motivate retailers to understand the reasons for regulatory change, signal a need for innovation, and give smaller local retailers already experiencing the burden of a complex regulatory environment time to make adjustments and find workable sustainable alternatives. Most importantly, a slower, steadier approach like this gives regulators insight into the problems and issues inherent in changes of the magnitude considered here.

Example: Microbeads

Microbeads are the perfect example of the success of voluntary reduction strategies. The current level of global government and industry support for the eradication of microbeads, when coupled with consumer education programs, can be enough to eradicate microbeads now and for the future.

Example CDS

For example, the NRA puts forward the container deposit scheme model as a researched, carefully-implemented solution which addresses and integrates with consumer behaviour, business systems, circular economy objectives, as well as current waste management infrastructure. The fact that this one scheme that deals with one type of plastic item takes several years to implement also illustrates that the best solution may not be the quickest but is one that is well-reasoned, tested, and ultimately designed to create real and long-lasting change.

Example: Plastic Free Places

The NRA supports the phase-out of plastic cutlery, stirrers and straws if this is approached in a methodical way such as the “Plastic Free Places”⁵ trials underway in South Australia and Queensland. These trials involve providing resources, education and engagement to businesses in designated areas to phase-out items that have viable compostable alternatives. The program also includes engagement with supply chain packaging suppliers enabling coop and discount buying arrangements to ease the cost impact to consumers and businesses.

This voluntary but highly-tracked approach is yielding impressive results and offers a practical, positive alternative to premature legislative intervention.

The NRA submits that many positive initiatives involving collaboration between government and industry are underway, such as the Australian Packaging Covenant, Container Deposit Schemes and an Industry Code for Sustainable Shopping Bags, and these need time and support to deliver outcomes. The NRA urges decision makers to support circular economy initiatives which aim to create a long-term and commercially-viable shift from treating ‘waste’ as a ‘resource’, not just reduction in use.

A voluntary program could lower costs incurred by businesses, consumers and the broader community and increase benefits higher than estimated in the RIS, given successful voluntary programs in other jurisdictions.

⁵ More information: <https://www.plasticfreeplaces.org/>

6. RECOMMENDED ACTIONS

While the NRA strongly agrees that plastic poses serious threats to our environment when improperly disposed, we submit that each type of item needs to be carefully considered as there is no single umbrella solution.

The NRA urges decision makers to ensure that any action taken is practical, consistent, well researched and carefully considered in order to create real, long-lasting change. In some cases, we must also allow time for innovation, understanding and practicality to catch up to our good intentions.

The NRA submits the following recommended actions, identifying where current actions or initiatives underway are sufficient, then focusing on low complexity items for immediate action and/or regulatory intervention, to high complexity (or high risk) items such as plastics which contain or preserve food.

This staged, methodical approach is similar to those being undertaken in South Australia and Queensland.

6.1. Support current actions

The NRA submits that actions that are already underway are producing positive results and both retailers and consumers need time to fully adapt to these changes.

Item	Recommended actions	Comment
Plastic beverage containers	<ul style="list-style-type: none"> State or National Container Deposit Scheme 	<p>The NRA supports the announcement of a Tasmanian CDS by 2023.</p> <p>Given this important change, the NRA urges local government to allow manufacturers, retailers and consumers time to adjust and to avoid any further regulatory intervention (and mixed messaging) until the scheme is firmly established.</p>
Thicker plastic bags	<ul style="list-style-type: none"> National Voluntary Code of Practice (under development) 	<p>Given recent success of the bag ban, some retailers are now researching alternatives to thicker plastic shopping bags.</p> <p>Therefore, in conjunction with state governments across Australia, the NRA are currently developing and gaining support for a National Voluntary Industry Code of Practice for Sustainable Shopping Bags. This Code is designed to provide clearer pathways and incentives for retailers to move towards more sustainable options which are thicker and more reusable or made from recycled content.</p> <p>Businesses need time to research, innovate, test and negotiate substantial changes and a tiered code would offer necessary incentives.</p>

6.2. Medium impact

We submit that **immediate action** can be taken on '**low impact**' initiatives in which environmental impact is immediate, proven alternatives are available, and potential risk and impact on public safety and retailers is low.

Item	Recommended action/s	Comment
Lightweight plastic shopping bags	<ul style="list-style-type: none"> State-wide regulatory ban (in effect) Review state legislation to include bioplastics and supplier offences 	<p>The NRA supports the Tasmanian ban on lightweight plastic shopping bags and this regulatory tool has been fully embraced by the retail industry. Since the ban came into effect, the majority of retailers and consumers have accepted the change and reviews have concluded that the ban has successfully reduced plastic waste. However it is important to note some</p>

Item	Recommended action/s	Comment
		<p>retailers may still face challenges given inconsistent information on the best alternatives and somewhat misleading information from suppliers.</p> <p>However, the NRA supports extending the regulatory ban in Tasmania to include lightweight biodegradable and compostable plastic shopping bags as we are convinced by current research that bioplastics may not be better for the environment, and we support working towards national consistency aligned with more recent bans in Queensland, Western Australia and Victoria.</p> <p>We also submit that the existing legislation should be reviewed to include specific offences and penalties for <i>suppliers or manufacturers</i> of banned bags in regards to false or misleading information, as incorporated in more recent state-wide bans.</p> <p>Importantly we submit that any regulatory change would require reasonable notice, industry consultation and community education.</p>
Cutlery, straws and stirrers	<ul style="list-style-type: none"> Phase-out similar to staged South Australia plan eg. Plastic Free Places 	<p>The NRA supports the phase-out of takeaway/immediate use plastic cutlery, stirrers and straws if this is approached in a methodical way such as the “Plastic Free Places”⁶ trials underway in South Australia and Queensland.</p> <p>The SA and QLD trials involve environment group, Boomerang Alliance, providing resources, education and engagement to businesses in designated areas to phase-out items that have viable compostable alternatives. The program also includes engagement with supply chain packaging suppliers enabling coop and discount buying arrangements to ease the cost impact to consumers and businesses.</p> <p>A key point is that businesses often do not have the time to seek optimal solutions and for those that try, there is much opportunity for them to get it wrong or to get the wrong advice.</p> <p>This voluntary but highly-tracked approach is yielding impressive results and offers a practical, positive alternative to premature legislative intervention.</p> <p>If these items were to be included in a staged legislative ban then we submit that this must a state-led strategy with ample notice, support and education.</p>
Balloon releases	<ul style="list-style-type: none"> Ban on outdoor releases 	<p>The NRA supports a ban on outdoor helium balloon releases. Similar to sky lanterns, it is impossible to control the final destination of helium balloons and therefore they invariably end up as litter.</p>

⁶ More information: <https://www.plasticfreeplaces.org/>

Item	Recommended action/s	Comment
Cigarette butts/filters	<ul style="list-style-type: none"> • Education campaign • Increased disposal points • Increased penalties 	<p>The NRA supports education campaigns to educate consumers in the volume and impact of cigarette butt litter to create greater disapproval of littering.</p> <p>Since smoking has become illegal within 5 metres of many public places, many rubbish bins or public ashtrays have been removed to discourage smoking in these areas. Shopping precincts have reported increased cigarette butt littering just beyond non-smoking areas as bins have been removed. Increasing suitable places for disposal may assist in reducing litter.</p> <p>The NRA also supports increased penalties for those caught littering cigarette butts.</p>

6.3. High impact

We submit that regulatory bans on plastics which contain, touch or protect foodstuffs are ‘high impact’, or ‘high risk’, not only in terms of public health and safety, but in their impact on food waste, household budgets and modern lifestyles.

Items such as pre-packaged foodstuffs, sauce sachets, produce bags, coffee cups, beverage cups, takeaway food containers / tubs, and related lids are used for a wide variety of purposes but are common in their need to meet high standards of food safety and also in their high consumer demand. As illustrated by current APCO projects and multiple research initiatives, there is also little consensus on optimal alternatives.

These high risk items require a more carefully-considered, methodical approach to trial and assess food grade, heat tolerant and sustainable substitutes, not just testing their end use but throughout the supply, waste and recycling chain to assess net public and environmental benefit.

For high complexity/high risk items, we recommend a considered and evidence-based approach and submit that **non-regulatory approaches** are the most immediate next steps. We also submit that government research and investment into infrastructure to sustain a circular economy are also needed.

Item	Recommended action/s	Comment
Takeaway food containers, tubs and lids AND Takeaway coffee cups, lids	<ul style="list-style-type: none"> • Phase-out staged model based on voluntary approaches with business & industry • Sustainable product design • Investment in innovation and recycling infrastructure 	<p>The NRA submits that more research is needed into sustainable alternatives to plastic cups, takeaway coffee cups and lids, and takeaway food containers, tubs and lids.</p> <p>The retail and manufacturing industry is undertaking extensive research and testing to develop and assess alternatives (in line with APCO targets) but this will take time and support to create net positive outcomes.</p> <p>Though some consumers may support a ban on single-use plastics in principle, current consumption, low take-up of reusable options, lack of viable, tested alternatives, and implications of social equity need to be seriously considered.</p> <p>The NRA submits that, as APCO and multiple state governments have found, further research and collaboration is needed to reach consensus on sustainable alternatives and which ones actually achieve better environmental outcomes.</p>

Item	Recommended action/s	Comment
		<p>For example:</p> <ul style="list-style-type: none"> • paper containers often use virgin timber to meet food grade requirements (ie. potential deforestation), • bioplastic PLA coffee cups and other wax or PLA lined containers contaminate the recycling chain as consumers fail to understand or have universal access to FOGO collection • some compostable tubs and lids have been found to leach into wet food products imparting taste and particles with some breaking apart before the food can be consumed (entailing greater risk if the food is hot). • practical alternatives to sauce sachets which allow mobile use are not available. <p>All of these items are generally purchased in one place and consumed while mobile or elsewhere which can make product stewardship and recycling initiatives difficult. Retailers can somewhat control the correct disposal of packaging within their restaurant or store but disposal away-from-store is within consumer control.</p> <p>The NRA recommends that a reduction in these plastic items is approached in a staged way, with a whole of supply chain approach, including more recycling options to find the best solution with the greatest overall benefit.</p> <p>We also submit that greater government investment in new technologies, such as developing food grade, heat tolerant containers made from recycled and recyclable materials should be explored.</p>
<p>Barrier/produce bags AND Prepacked food and drink products</p>	<ul style="list-style-type: none"> • Education campaign supporting reduced food waste • Increased collection points for soft plastics • Investment in recycling infrastructure 	<p>Any barrier or produce bag or packaging that contains food is designed to avoid contamination and improve shelf life of some of our most nutritious food groups.</p> <p>To eliminate these plastics altogether would have serious repercussions for consumers, retailers, the local economy and environment:</p> <ul style="list-style-type: none"> • Increased food waste • Increased risk of contamination • Increased cost to consumers <p>To our knowledge, no viable alternative to plastic produce bags that meets health and sustainability needs is available. The NRA is also convinced by current research indicating that available bioplastics are problematic in the environment, recycling infrastructure and consumer behaviour.</p> <p>Most soft plastics are recyclable but are not currently catered for in local government recycling systems. Retailers have voluntarily taken steps to fill this void, for example, Coles and Woolworths offer soft plastic recycling in-store via an</p>

Item	Recommended action/s	Comment
		<p>arrangement with REDcycle which provides customers with a practical, accessible way to recycle soft plastics.</p> <p>The NRA submits that the Australian system and market for recycled and recyclable goods is limited and immature compared to overseas counterparts like the EU, and government investment into innovation and infrastructure in the waste and recycling sectors is urgently needed.</p> <p>The NRA supports the Australian Government's national strategy to reduce food waste and believes that the public would benefit from education campaigns around the benefits of foodstuff plastic packaging in reducing food waste, coupled with education about recycling soft plastics. For example the Fight Food Waste Cooperative Research Centre recommends consumer education about the role of packaging.</p> <p>We also propose that government consider investing in soft plastic recycling being incorporated into household recycling systems.</p> <p>Any pre-packed food or drink sold by a retailer, whether it is produced by their company, a related entity or a separate company, should be considered high impact and high risk as that packaging has been designed with a specific purpose of keeping the food/drink safe.</p>

6.4. Summary of recommendations

SUMMARY	Item	Recommended actions
Underway	Plastic beverage containers	<ul style="list-style-type: none"> • State or National Container Deposit Scheme
	Thicker plastic bags	<ul style="list-style-type: none"> • National Voluntary Code of Practice (under development)
Medium impact on industry or risk	Lightweight plastic shopping bags	<ul style="list-style-type: none"> • State-wide regulatory ban (in effect) • Review state legislation
	Cutlery, straws and stirrers	<ul style="list-style-type: none"> • Phase-out similar to staged South Australia plan
	Balloon releases	<ul style="list-style-type: none"> • Ban on outdoor helium balloon releases
	Cigarette butts/filters	<ul style="list-style-type: none"> • Education campaign • Increased disposal points & penalties
High impact on industry or health risk	Takeaway food containers, tubs and lids, coffee cups, beverage cups, sauce sachets	<ul style="list-style-type: none"> • Phase-out staged model based on voluntary approaches • Sustainable product design • Investment in innovation and recycling infrastructure
	Barrier/produce bags Prepacked food and drink products	<ul style="list-style-type: none"> • Education campaign supporting reduced food waste • Increased collection points for soft plastics • Investment in recycling infrastructure

7. CONCLUSION

Moving towards a circular economy requires a change in perception, a shift from thinking of consumed items as 'waste' towards seeing them as valuable 'resources'. This requires incremental steps and a whole of supply chain approach, not just avoidance, with the right infrastructure and investment in innovation to create long-term change.

Retailers are keen to collaborate and be part of the solution. Many retailers are taking a proactive approach to environmental initiatives and strongly support current state and national regulations and initiatives. At the same time businesses are faced with a myriad of regulations, economic pressures, consumer demands, health and safety requirements, cost limitations, misinformation about alternatives, and lack of recycling infrastructure.

The NRA support the positive intentions of initiatives to reduce plastic litter, but strongly oppose premature regulatory intervention, such as the proposed by-law, as this:

- jeopardises national consistency;
- contradicts and diverts focus from existing projects and plans at a national and state level;
- fails to recognise the lack of viable, safe alternatives for the broad range of items included;
- creates confusion with poor definitions and loopholes;
- creates competitive and customer disadvantages;
- incurs high and unreasonable costs on business and customers;
- lacks comprehensive education and support mechanisms for industry; and
- lacks comprehensive plans to educate the public.

We urge the City of Hobart to reconsider the proposed by-law and, instead, to collaborate with retailers, manufacturers, state government, and federal government on existing strategies which we believe will create more beneficial outcomes for business, the environment and the community.

Therefore we urge the City of Hobart to:

- Collaborate with industry in investigating, trialing and assessing alternatives to plastic items deemed high risk particularly those which touch or contain foodstuffs;
- Assist with research into sustainable alternatives to provide businesses with nationally-consistent, practical, best practice advice;
- Continue to invest in community education campaigns particularly regarding recycling, food waste and the realities facing businesses as they move towards more sustainable options; and
- Invest time and resources into improving innovation and infrastructure to help build a circular economy.

Thank you for this opportunity to provide our submissions on behalf of the retail industry and our members.

Should you have any queries, I can be contacted on 0409 926 066 or d.stout@nra.net.au.

Yours faithfully,



David Stout

Director, Policy

National Retail Association



National
Retail
Association