

Advanced Parliamentary Development Residency Course 2022

COMMITTEE EXERCISE: GENERAL BRIEFING NOTE

An Inquiry into Waste Avoidance and Resource Recovery (Plastics Reduction)
Meeting Rooms 1043, 1136, and 1254.

IMPORTANT – PLEASE READ THOROUGHLY



1. Overview

The purpose of the committee exercise is to explore techniques of scrutiny by simulating a select committee inquiry into issues around Waste Avoidance, Resource Recovery and Plastics Reduction and in particular the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021 which had its 2nd Reading on Tuesday 24 May 2022.

This inquiry and related sessions will be a practical exercise whereby delegates will take on the role of select committee members and/or observers, who will scrutinise oral and written evidence. The hearing will last approximately 90 minutes and committee members will question the witnesses present using their own devised questions. The exercise will be 'freeze facilitated', meaning participants will have the opportunity to pause at various intervals to reflect on how certain aspects of the proceedings could have been done differently, or to draw upon the different committee experiences that participants have had in their own legislatures.

2. Delegates List

BRANCH	NAME
Anguilla	Hon Jose Vanterpool MHA
Australian Capital Territory	Hon. Peter Cain MLA
Australian Capital Territory	Dr Marisa Paterson MLA
Bangladesh	Hon. Pankaj Nath MP
Bangladesh	Hon. Ahsan Adelur Rahman MP
Bangladesh	Hon. Rumana Ali MP
Belize	Hon. Alex Balona MP
Belize	Hon. Senator Isabel Bennett
New South Wales	Hon. Hugh McDermott MP
New South Wales	Hon. Felicity Wilson MP
New Zealand	Hon. Ginny Andersen MP
New Zealand	TBC
Niue	Hon. Ritchie Mautama MP
Niue	Hon. Makaseau Ioane
Pakistan	Hon. Senator Saifullah Abro
Pakistan	Hon. Senator Khalida Atteeb
Pakistan	Hon. Senator Kamran Michael
Pakistan	Hon. Syed Ghulam Mustafa Shah MNA
Pakistan	Hon. Mehnaz Akbar Aziz MNA
Queensland	Hon. Laura Gerber MP

Queensland	Hon. Jennifer Howard MP
Saint Lucia	Hon. Senator Angelina Phera Polius
Saint Lucia	Hon. Jeremiah Norbert, MP
Selangor	Hon. Hasnul Baharuddin MLA
Selangor	Hon. Ng Suee Lim MLA
Selangor	Hon. Jamaliah Jamaluddin MLA
Selangor	Hon. Lim Yi Wei
Sri Lanka	Hon. Harshana Supun Rajakaruna MP
Sri Lanka	Hon. Tharaka Ramanya Balasuriya MP
Tanzania	Hon. Alice Karungi Kaijage MP
Tanzania	Hon. Abdullah Ali Mwinyi MP
Western Australia	Hon. Caitlin Collins MLA
Western Australia	Hon Martin Aldridge MLC
Western Australia	Hon Neil Thomson MLC
Western Australia	Hon. Wilson Tucker MLC
Western Cape	Hon Wendy Kaizer-Philander MPP
Western Cape	Hon Matlhodi Maseko MPP

3. Objectives and Terms of Reference

Parliamentary committees are one of the best mechanisms of parliamentary scrutiny and oversight. Within legislatures, standing/departmental committees are an essential tool for Parliament to scrutinise the work of government departments and agencies.

Committee hearings provide a valuable opportunity for committee members to gather oral evidence on the issues being explored through “real time” questioning of experts from a variety of different sectors, as well as government officials and, in some countries, Ministers. An effective oral hearing has the potential bring insightful information, allowing committee members to question policies and offer effective recommendations to the government.

The effectiveness of a committee hearing depends on a wide range of tools and techniques, from adequate and well-trained staff preparing background research and briefings; effective, tailored and inquisitive line of questioning; effective moderating by the committee chair, as well as the ability of committee members to speak with one voice. A successful hearing is a well-orchestrated effort that requires practice and continuous improvement. The exercise will allow workshop participants to explore all of these aspects and develop practical skills for committee work.

The inquiry will explore key issues and questions relating to Waste Avoidance, Resource Recovery and Plastics Reduction. As well as learning and development

around committee membership, the subject matter will seek to impart to parliamentarians' knowledge which will be of use to them in their role of enacting and supporting policies administered by their respective parliaments.

In a real-life scenario, the evidence gathered during these sessions would be used to develop a committee report, SMART recommendations and action plans to improve government policies, strategies and implementation.

Key Considerations of the Committee:

1. Does the Bill need to be amended to –
 - a. clearly and robustly provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other plastic products that are harmful to the environment,
 - b. effectively establish a Plastics Reduction Commission (the Commission),
 - c. adequately ensure that such a Commission is able to develop reports and liaise with industry and government to plan for measures to meet specified plastics elimination targets.
2. Are there other things that should be included in the Bill which isn't already there?
3. What other things which should be recommended to the Government of NSW or other actors which sit outside of the Bill, but are of a related subject-matter?
4. Should the Bill proceed at all?

4. Procedures

The Committee will adopt the Standing Orders of the NSW Parliament. See briefing pack.

Time will be allocated before the exercise for participants to consider the Bill, undertake background reading, and in particular, draft questions they would like to ask the witnesses.

Participants can also use take into consideration the visit to the VISIY Waste Management centre to use as background information around the hearing. Furthermore, additional submissions/testimonials have been included from various organisations from NSW to provide additional context/information to assist Committee members.

It is important to bear in mind that this the Bill being scrutinised in the committee was an actual Bill presented to the Legislative Council in 2021. However, the exercise is a fictional one and the topic is simply being used as a template topic to guide learning and development around committee good-practice.

Participants are therefore kindly asked to avoid comparing plastic waste recycling policies in NSW with their own jurisdiction during the hearing exercise.

There will be three concurrent committees running simultaneously. Each Committee will include: 12 (approx.) committee members, a chair, at least two expert witnesses and one 'freeze facilitator.

Witnesses will not be expected to substantiate the content of the briefing, but rather answer questions related to their own related specialism.

Members of the Committee will be placed into government and opposition sides. The CPA team will allocate members into their respective committee and the assigned room on the day.

5. Witnesses List (draft)

Witnesses confirmed:

Mr Jeff Angel, Director - Boomerang Alliance [written submission included in pack] Website: <https://www.boomerangalliance.org.au/>

Jeff Angel is a lead advocate for plastics reduction. In 2003, Dave West and a group of passionate people began to campaign for a container deposit system across Australia and decided to create an alliance among all sorts of environmental groups – from surfers to recyclers, to clean up and neighbourhood groups - to give local communities power and influence in their struggle to stem the massive waste of discarded resources polluting our playgrounds, parks, rivers and beaches. The Boomerang Alliance quickly grew from 9 groups and now comprises 56 national, state and local allies. Boomerang is an incorporated association and registered charity. Each of their allies has the right to their own policies, and decides the level of support they give to their campaigns.

Ms Pip Kiernan, Chairman and Ms Terrie-Ann Johnson, Chief Executive Officer - Clean Up Australia [written submission included in pack] Website: <https://www.cleanup.org.au/>

Clean Up Australia inspires and empowers communities to clean up, fix up and conserve our environment. They are best known for Clean Up Australia Day, the nation's largest environmental community mobilisation event. Clean Up was created in NSW when Ian Kiernan AO called on friends, colleagues and volunteers to join him to Clean Up the shores of Sydney Harbour in 1989. In the 32 years since, over 19 million Australians have volunteered 38.5 million hours to remove rubbish from our streets, parks, beaches, waterways and bushland.

Justin Bonsey, Strategic Lead, Resource Recovery - Southern Sydney Regional Organisation of Councils [written submission included in pack] Website: <https://ssroc.nsw.gov.au/>

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of 11 councils spanning Sydney's southern suburbs, eastern suburbs, CBD, and inner west and covering a third of the Greater Sydney's population, or 1.7m people. The Councils manage around 655,000 tonnes of household waste each year; which is about 20% of all NSW household waste. SSROC provides a forum through which their member councils can interact, exchange ideas and work collaboratively to solve regional issues and contribute to the future sustainability of the region. They advocate on behalf of their region to ensure that the major issues are addressed by all levels of government. Their current focus includes the environment, transport, procurement, waste, and planning. SSROC also works actively in renewable energy (for example, they recently concluded a 29-council power purchase agreement securing 100% renewable energy for most participating councils) and affordable housing, among other major issues.

Tony Khoury, Executive Director - Waste Contractors & Recyclers Association of NSW [written submission included in pack] Website: <http://wcra.com.au/>

The Waste Contractors & Recyclers Association of NSW has 208 Members many of whom will have an interest in the issue of plastics waste and the recycling options for this material. Association members are involved in the collection of plastic waste mainly via kerbside dry recycling collection contracts and from commercial facilities. Some Members also operate materials recovery facilities.

[More witnesses are to be confirmed.]

Ms Nancy Chang, Executive Director, Regulatory Policy Initiatives and Advice and Kathy Giunta, Director, Major Projects & Initiatives and Advice - NSW Environment Protection Authority [No submission provided] Website: <https://www.epa.nsw.gov.au/>

The NSW Environment Protection Authority (EPA) is the primary environmental regulator for New South Wales. It partners with business, government and the community to reduce pollution and waste, protect human health, and prevent degradation of the environment.

Dr Scott Wilson - AUSMAP Research Director and Senior Research Fellow, Macquarie University (to be confirmed) [No submission provided] - Website: <https://www.ausmap.org/team>

Dr Wilson has over 20 years' experience in researching the impacts of contaminants to aquatic environments. During this time, he has been prominent in the development and use of bio-indicators and techniques for assessing and minimising environmental harm and have worked with a range of industries. He consults with and advise regulatory agencies on policy and strategic direction both in Australia and internationally. His current focus is on gaining a better understanding of the effects that solid waste has on our environment and examine ways in which these can be better managed.

His specialties include: aquatic ecotoxicology of metals, pesticides and micro-pollutants; marine debris, micro-plastics and litter assessment; aquatic ecology; water quality and bio-monitoring; and citizen science and community education.

6. Additional Reading

- [CPA Climate Change and Small States: Parliamentary Toolkit](#)
- [UNEP – Tackling Plastic Pollution - Legislative Guide for the Regulation of Single-Use Plastic Products](#)
- [OECD – Improving Plastics Management Report](#)
- [Sustainability Mag – Top 10 Countries Tackling Plastic Pollution](#)

Below is a short briefing note on the actual committee inquiry that took place, and the eventual outcome. To note.

Briefing Paper: Legislative Council Portfolio Committee No. 7 - Planning and Environment inquiry into *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021*.

Background to the inquiry

The *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021* was introduced into the Legislative Council on 18 February 2021 by Ms Cate Faehrmann MLC, on behalf of The Greens. On 16 March 2021, the Selection of Bills Committee recommended that the provisions of the Bill be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 12 October 2021. On tabling of the Selection of Bills Committee report, the Legislative Council referred the provisions of the Bill to the committee.

In the Second Reading Speech, Ms Faehrmann outlined reasons for introducing the Bill at this time to address a gap in legislation and policy in New South Wales to stem the growing problem of plastic waste pollution. Ms Faehrmann noted that NSW is lagging behind other jurisdictions, such as South Australia, Queensland, Western Australia and the Australian Capital Territory, which have already taken steps to ban single use plastics, as well as noting that targets have already been agreed nationally.

Objectives of the Bill

The *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021* seeks to provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other plastic products that are harmful to the environment. It also seeks to establish a Plastics Reduction Commission that would plan for elimination of plastic pollution. The commission would inquire into management of plastic waste, mechanisms to reduce plastics pollution and compliance with plastics elimination targets, and liaise with industry and government to develop strategies to meet targets set in the Bill.

Overview of the work of the Inquiry

The terms of reference for the inquiry were:

- a) the *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021* be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report, and
- b) the committee report by 12 October 2021.

The Committee received 95 submissions and held two public hearings at Parliament House, Sydney. The Committee took evidence from a range of inquiry participants, including local government, waste management and resource recovery industry groups, industry groups representing producers and retailers, the Australian Packaging Covenant Organisation, environmental advocacy groups, community groups involved in local efforts to combat plastics pollution, manufacturers of bioplastics, and researchers into micro plastics and the circular economy.

Participants' views are summarised below in relation to three key aspects of the bill:

- the proposed targets for eliminating plastics pollution by 2025
- the proposed scope and phasing of a ban on certain single-use plastics
- the proposed establishment of a Plastics Reduction Commission, as a body to lead longer term strategies to reduce plastic waste overall.

The Committee's report outlines the Bill's key provisions and key issues raised by the Bill such as to why legislation is needed to tackle plastic waste. The report cites evidence from stakeholders to highlight the key issues. For example, the scale and seriousness of the plastics problem is highlighted in research from WWF Australia.

The report provides a comparison of the proposed Bill with National Packaging Targets 2022, the National Waste Policy Action Plan and 2021 targets, and the NSW Waste and Sustainable Materials Strategy. It notes areas of alignment and non-alignment between the Bill and national and NSW Government targets. For example, while the National Plastics Plan 2021 sets a target for recycled content in plastic packaging of 20 per cent by 2025, this Bill calls for 30 per cent by 2024. Other national targets relating to phasing out certain non-compostable packaging, expanded polystyrene in loose fill and moulded consumer packaging, and food and beverage containers are broadly aligned with the single-use plastic items planned for phase-out in the proposed bill.

Outcomes and resulting actions

Since the Bill was drafted, and the committee took evidence from stakeholders, the New South Wales Government has released a longer term *Waste and Sustainable Materials Strategy* and *NSW Plastics Action Plan*, and flagged an intention to introduce its own legislation to phase out certain single-use plastics.

As a result of the Government foreshadowing its own legislation, the Committee made one recommendation:

"That the *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021* not proceed, but that the evidence documented in this report, and the conclusions of the committee, inform the NSW Government in drafting its foreshadowed plastic reduction legislation. Further, that the report inform the House's consideration of the forthcoming legislation".

NSW Government Legislation

Since the release of the committee's report, legislation known as the *Plastic Reduction and Circular Economy Act 2021* has come into force.

This Act supports commitments outlined in the NSW Plastics Action Plan including banning a number of problematic single-use plastics. The Act prohibits the supply of lightweight plastic bags (935 microns or less) from 1 June 2022 and prohibits other single-use plastics from 1 November 2022 including single-use plastic cutlery, straws and stirrers and a range of other single-use plastic items.

In developing this legislation the Government established an Expert Reference Group to provide an opportunity for key stakeholders to provide input to the legislation, many of which had provided submissions to the committee inquiry. The Government response to the committee's recommendation also noted that the committee report informed the development of the Government's legislation.

Further information

For further information please see the Committee's webpage:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2709>