

Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Leeanne Enoch, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts make this statement of compatibility with respect to the Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020.

In my opinion, the Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020 is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The purpose of the Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020 (the Bill) is to enable a ban on the supply of single use plastic items, specifically straws, stirrers, plates and cutlery.

The Bill places obligations on a person operating a business, to not sell or supply a banned single use plastic item, except in stated circumstances where the sale may be to a healthcare business such as a hospital, pharmacy or dental clinic or another exempt business such as a school, in order to continue accessibility for people with healthcare or disability needs.

The Bill provides for additional items to be prescribe in regulation as banned, or not banned, items.

The Bill provides a review mechanism two years after commencement to measure the efficacy and performance of the ban, including business and community awareness of the ban and obligations under the legislation.

The policy intent of the Bill is to reduce the availability of single use plastic items that enter the environment as litter or that may be disposed of to landfill. This supports the aims of *Tackling Plastic Waste – Queensland's Plastic Pollution Reduction Plan* and the Queensland Waste Management and Resource Recovery Strategy.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Consideration has been given as to whether the Bill might engage certain human rights under the *Human Rights Act 2019* (HR Act), and which rights might be relevant to the Bill. Potentially relevant rights included:

- Recognition and equality before the law (section 15 of the HR Act);
- Right to life (section 16 of the HR Act);
- Protection from torture and cruel, inhuman or degrading treatment (including protection from treatment that humiliates a person); (section 17 of the HR Act); and
- Privacy and reputation (section 25 of the HR Act).

However, following consideration of the Bill, and the fact that the Bill recognises that some individuals will have disability and healthcare needs that may require the use of a single use plastic straw, and that in some cases the only suitable option is a single use plastic straw, it has been concluded that the Bill provides for circumstances where a person may continue to access a single use plastic straw in order to meet these needs.

In my opinion, there are therefore no human rights under the HR Act relevant to, engaged or limited by the Bill.

Conclusion

In my opinion, the Waste Reduction and Recycling Amendment Bill 2020 is compatible with human rights under the *Human Rights Act 2019* because it does not limit a human right.

HON LEEANNE ENOCH
MINISTER FOR ENVIRONMENT AND THE GREAT BARRIER REEF,
MINISTER FOR SCIENCE AND MINISTER FOR THE ARTS

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