



Environmental
Defenders Office

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Water Policy
City and Environment Directory – Waste Policy
ACT Government

Submitted via email: singleuseplastics@act.gov.au

Dear Water Policy unit

Submission on ‘A Circular Future for ACT: Problematic Products and Single-Use Plastic Reduction’ discussion paper

Environmental Defenders Office (**EDO**) is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 40 years’ experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

EDO welcomes the opportunity to comment in response to the above discussion paper.

We support the ACT Government’s work to reduce single-use plastic and other problematic items, particularly in relation to the ban of certain plastic items and the commitment to pursuing a circular economy model through investigating and implementing policies focusing on reuse.

Please find **below** a summary of our recommendations, followed by detailed submissions.

Summary of recommendations:

1. We support the reduction of problematic products and single-use plastic in the ACT.
2. We support the ban/phase out of the 14 items identified in the discussion paper.
3. We encourage the ACT Government to consider widening the scope of the ban/phase-out of single-use plastics and non-plastic single use items that contain or may contain chemicals harmful to the environment and human health.
4. The policy approach to problematic products and single use plastics should uphold ACT resident's right to a healthy environment and aim to conserve and restore nature.
5. The ACT Government should adopt the harm prevention principle alongside the precautionary principle when making policy decisions in relation to problematic products and single-use plastics.
6. The ACT Government should support the development of a national Extended Producer Responsibility scheme alongside local measures to support future phaseout of single-use plastics and to prevent harmful/toxic products entering the environment.
7. Remediation of plastic pollution and the restoration of ecosystems and biodiversity should complement policy measures.
8. A Reuse strategy should be developed to avoid single-use plastics and other problematic products being directly replaced by other potentially harmful disposable products.
9. As a starting point, the ACT should consider measures for prescribing designated areas, events or businesses required to provide reusable food ware.
10. Local organisations currently engaging in circular economy practices should be incentivised to continue and efforts should be made to ensure public participation.
11. Incentives such as expanding the container deposit scheme and adopting other measures to supporting businesses and consumers should be considered.

We begin our submission by outlining why policy and law reform in relation to plastic reduction and problematic products should align with the right to a healthy environment and the broader responsibility to conserve and restore nature. Additionally, we provide comments on the policy areas and questions explored in the discussion paper: (1) potential phase-out or banning certain plastic items, and (2) reuse.

Policy approach should support and align with the right to a healthy environment and aim to conserve and restore nature

Strong action on plastics aligns with Australia's national position as a member of the High Ambition Coalition pushing for a global legally binding treaty with the view to ending plastic pollution by 2040. The Federal Minister for the Environment and Water states that "Solutions are needed across

the full plastic life cycle including banning problematic plastics and harmful chemicals in plastic along with preventing leakage to the environment and cleaning up existing pollution.”¹

Domestically, the ACT is one of the leading jurisdictions to reduce single-use plastics through bans under the *Plastic Reduction Act 2021* (ACT), now the *Circular Economy Act 2023* (ACT) (**CE Act**).

More information is becoming available about how the community has responded and adapted to the ban on certain single-use plastic items. As such, it is encouraging to see that the ACT Government is considering broader circular economy measures to support these bans through reuse policies. The devastating impacts of plastic pollution entering the environment are well researched, documented and understood, including impacts on biodiversity, ecosystems, and human health. Not as much is known about the impacts of commonly used replacement single-use items, however we are learning more about the potential toxicity of some “compostable,” “biodegradable” or “recyclable” alternatives. Addressing this risk while ensuring that the continued goal of plastic reduction is achieved is essential.

Right to a healthy environment

In the ACT, there is a direct legislative interdependence between the health of the environment and the rights of ACT residents. The *Human Rights Act 2004* (ACT) (**HR Act**) enshrines the right to a clean, healthy and sustainable environment.² The ACT is the only jurisdiction in Australia where the right to a healthy environment is enshrined in legislation. The inclusion of the right to a healthy environment in the HR Act requires ACT Ministers, public authorities, and officers to act in accordance with that right.

The right to a healthy environment consists of six substantive elements including the right to a safe climate, non-toxic environment in which to live, work, and play, and healthy biodiversity and ecosystems.³

The production and use of plastics, particularly single-use, exacerbates climate change. Globally, plastics require intensive resource extraction and are responsible for significant greenhouse gas emissions. In 2019 alone that amount was 1.8 billion tonnes.⁴ Further, the flow on effects of plastic entering the environment is enormous, and we note that there are impacts and ongoing risks to ACT biodiversity and ecosystems. These include immediate concerns such as species under threat from ingestion and entanglement, through to the impacts of climate change on the ecosystems they rely on. Additionally, plastics entering the environment risk potential chemical contamination

¹ Senator the Hon. Murray Watt. (6 August 2025). Australia’s push to finalise global plastics treaty. [Australia's push to finalise global plastics treaty | Ministers](#)

² HR Act, s 27C.

³ David R. Boyd, Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment, *The Right to a Healthy Environment: A User’s Guide* (2024), 7.

⁴ United Nations (Climate Action). [Plastics – fueling oil demand, climate change and pollution | United Nations](#)

of drinking water, and microplastics moving up the food chain. Many riparian and wetland species, water-reliant birds, and amphibians are vulnerable to the impacts of plastics. For example,

- The endangered Australasian Bittern, and Australian Painted Snipe are at risk from reduced water quality.^{5 6}
- Endangered native fish including Macquarie Perch and Trout Cod are vulnerable to habitat changes, reduced water quality, ingesting microplastics, and entanglement.^{7 8}
- Similar threats exist for the vulnerable Silver Perch, including riparian degradation and climate change.⁹
- The endangered Common Greenshank and critically endangered Curlew Sandpiper are under threat and vulnerable to degraded wetlands and poor water quality. They are also vulnerable to plastic ingestion.^{10 11}
- The critically endangered Northern Corroboree Frog and vulnerable Alpine Tree Frog are susceptible to pollution and climate change which can impact their breeding sites.^{12 13}

The Objects of the CE Act generally support the right to a healthy environment, including the aim to “reduce the harm of plastic and other waste on the natural and built environment and public health.”¹⁴ Additionally, Australia’s Circular Economy Framework states that one of the key elements of a CE is to “conserve natural resources and regenerate nature.”¹⁵ Conserving, remediating, and regenerating nature is a significant part of addressing plastic pollution and preventing other problematic products from entering the environment.

Accordingly, while we support the ongoing work of the ACT government to phase out single-use plastics and other potentially harmful products, we encourage the directorate responsible for the implementation of the CE Act to work across government, including with the teams responsible for the implementation of the Nature Conservation Strategy and Climate Change Strategy, to support the remediation of local ecosystems impacted by plastics. This is imperative to uphold ACT residents’ right to a healthy environment and support the transition to a circular economy.

⁵ ACT Government (Environment) [Australasian Bittern \(Botaurus poiciloptilus\) - ACT Government](#)

⁶ ACT Government (Environment). [Australian Painted Snipe \(Rostratula australis\) - ACT Government](#)

⁷ ACT Government (Environment). [Macquarie Perch \(Macquaria australasica\) - ACT Government](#)

⁸ ACT Government (Environment). [Trout Cod \(Maccullochella macquariensis\) - ACT Government](#)

⁹ ACT Government (Environment). [Silver Perch \(Bidyanus bidyanus\) - ACT Government](#)

¹⁰ ACT Government (Environment). [Common Greenshank \(Tringa nebularia\) - ACT Government](#)

¹¹ ACT Government (Environment). [Curlew Sandpiper \(Calidris ferruginea\) - ACT Government](#)

¹² ACT Government (Environment). [Northern Corroboree Frog \(Pseudophryne pengilleyi\) - ACT Government](#)

¹³ ACT Government (Environment). [Alpine Tree Frog \(Litoria verreauxii alpina\) - ACT Government](#)

¹⁴ CE Act, s 1(d).

¹⁵ Australian Government, Department of Climate Change, Energy, the Environment and Water (DCCEEW). Australia’s Circular Economy Framework: Doubling our circularity rate. [Australia’s Circular Economy Framework](#)

Policy approaches and principles for achieving objectives

We encourage the ACT Government to consider a range of policy approaches to support efforts to reduce plastics, and to adopt measures that best suit the ACT having regard to the social, environmental, cultural, and geographical context of the region. Alongside progressing immediate measures under the CE Act including phasing out single-use plastics, we recommend the ACT Government develop and publish a practical and accessible strategy on reuse.

The following concepts and principles could influence the development of immediate and future measures to support a circular economy:

Precautionary principle and prevention principle

The precautionary principle is embedded in the objects of the CE Act: “if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”¹⁶ In addition to the precautionary principle, we recommend that policy decisions in relation to regulating plastics and other potentially problematic products are made in accordance with the prevention principle. The prevention principle holds that action is required to prevent known risks of environmental harm from eventuating.

Sustainable materials management

Sustainable materials management is defined by the OECD as “... an approach to promote sustainable materials use, integrating actions targeted at reducing negative environmental impacts and preserving natural capital throughout the life cycle of materials, taking into account economic efficiency and social equity.”¹⁷ This approach is currently part of the ACT’s circular economy policy, including the current focus on measures to reduce single-use plastics (which could be extended to other disposable materials) and the emerging focus on reuse, repair and recovery.

Extended producer responsibility (EPR)

EPR is a mechanism that places responsibility on producers for the treatment or disposal of post-consumer products. DCCEEW recently consulted the public on reform to packaging regulations. There was broad support for Commonwealth regulation of packaging and a national EPR scheme with mandatory requirements.¹⁸ As a small jurisdiction, the ACT should support a national EPR scheme to increase leverage with producers of packaging, encouraging those producers to internalise waste management costs and to support product design. Additionally, as many producers are overseas, through customs and import management, the Commonwealth has infrastructure to ensure compliance. Alongside support for a national EPR scheme, the ACT

¹⁶ CE Act, s 1(3).

¹⁷ OECD (2012), Sustainable Materials Management: Making Better Use of Resources, OECD Publishing. <http://dx.doi.org/10.1787/9789264174269-en>, [15].

¹⁸ Australian Government. DCCEEW (11 March 2025). Reform of packaging regulation: Consultation summary. [Reform of packaging regulation: Consultation summary - DCCEEW](#)

government should investigate ways to implement local EPR measures across a broader scope of single-use plastics and other problematic products where practical and pragmatic to do so.

Sustainable consumption and production

Sustainable consumption and production refers to consumption and product patterns that minimise the use of resources and harmful/toxic materials and reduce waste with a focus on current and future generations.¹⁹ Sustainable consumption and production can leverage expertise across society, including businesses, consumers, academia, policy makers, community groups, and the wider public. Sustainable consumption and production is an approach that is well suited to the ACT. Our community is environmentally conscious, innovative, community orientated and is an excellent candidate for circular economy measures that draw on the strengths and skills of its residents. At its best, sustainable consumption and production measures can shift industry and local economies towards a circular economy that is low or no-waste, low-carbon, inclusive, and resource efficient.

Inter-jurisdictional harmonisation

While the ACT has been a leader in plastic reduction through banning certain single-use products, other jurisdictions are now engaging with processes and measures the ACT could adopt. The discussion paper helpfully provides an overview of the status of certain items across the state and territory jurisdictions and notes that the ACT continues to contribute to harmonisation efforts within other jurisdiction including through the “National Roadmap: Harmonising action on problematic and unnecessary plastic.”²⁰ Additionally, the ACT should consider developing practical resources to support the community to adapt to bans such as the South Australia Government’s “alternative’s database.”²¹ While there is a benefit to streamlining policy measures and adopting a consistent national approach, we encourage the ACT Government to take proactive action that is context specific to the ACT and continue to be a leader in this space.

Public education, awareness and participation

To successfully move towards a circular economy from within a disposable single-use reliant economy, we suggest the ACT Government continue to find ways for the public to participate and become empowered in the process. This could include provision of accessible information, incentives and competitions, opportunities for grants and awards, and other forms of participation and information resources. We acknowledge the work the ACT government is doing on this to date.

¹⁹ United Nations. Sustainable Development Goals, [12]. [Take Action for the Sustainable Development Goals - United Nations Sustainable Development](#)

²⁰ Discussion paper, [8].

²¹ South Australian Government. Replace the Waste: Alternatives. [Green Industries SA Alternative Product Listings](#)

Additional comments in relation to the discussion paper questions

In relation to the questions specifically set out in the discussion paper, we make the following comments in addition to our views set out above:

Items for potential phase-out/ban

- We support the phase out/ban of all 14 items identified in the discussion paper. Additional single-use plastic items that could be included for immediate phase out are plastic bin liners, prepacked goods with banned plastic, and helium ballons.
- Where phase-out is sequenced by priority, consideration should be given to the extent of waste generated and the current and future potential harm to the environment, including the presence of PFAS.
- Non-plastic single use items such as “compostable,” “bio-degradable” or “recyclable” single-use food and drink containers, and other forms of disposable packaging should be considered for future phase out. Some compostable items may become a microplastic issue where aqueous coating is used.²²
- The harm prevention principles should be applied when considering the chemical additives in plastics and other packaging and identified items of concern should be considered for future regulation.
- The community should be equipped with information about appropriate alternatives to banned items with a focus on reusables.

Reuse considerations

- We support a shift towards reuse as a preference to replacing banned items with other single-use items. Reusable food and coffee cups offer a strong starting point and build on the work already being done by community organisations and support a shift in consumer choices. We encourage the ACT Government to develop and implement a reuse strategy to systematically support the phase out of single-use plastic.
- Closed or controlled environments should be considered for reuse regulation (for example, stadiums, events, conventions, and government offices).
- Regulation and other non-regulatory actions should be considered. These may include measures such as:
 - Local grants to support reuse initiatives
 - Increasing items eligible for container recovery and deposit schemes
 - Increasing the amount issued for container deposit
 - EPR measures
- Mitigation action should be taken to address challenges identified by businesses and the broader community such as through consumer discounts for providing reusable takeaway

²² Rajan, P., et al. (2021). Microplastics and other harmful substances released from disposable paper cups into hot water. *Journal of Hazardous Materials*, Vol 404. <https://doi.org/10.1016/j.jhazmat.2020.124118>.

food or drink containers, and benefits for businesses adopting voluntary reuse and plastic reduction measures (for example, eligibility for grants or reduction of rates).

Lastly, we encourage the ACT Government to give due consideration to the submission by Boomerang Alliance to this discussion paper, particularly in relation to the examples they provide on reuse locations and their report 'Choosing to Reuse in Australia.'

We acknowledge the ACT Government's commitment to addressing problematic single-use plastics and designing policies to support a circular economy. Preventing plastics and other toxic or harmful disposable items from entering the environment is essential for human health, our climate system and the ACT's unique biodiversity and ecosystems. The conservation and restoration of nature should remain a priority goal for the ACT as this work progresses.

If you would like to discuss these comments in further detail, please don't hesitate to contact me via email at loise.wells@edo.org.au

Yours sincerely,

Environmental Defenders Office

A handwritten signature in black ink that reads "Loise Wells". The signature is written in a cursive, flowing style.

Loise Wells

Senior Solicitor