

PLASTIC BAGS POLICY IN IRELAND AND AUSTRALIA

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This briefing contains two case studies showing different approaches to the issue of plastic bags. It examines the levy in place in Ireland, and the voluntary code in place in Australia. This briefing should be read alongside the SPICe Briefing on the Environmental Levy on Plastic Bags (Scotland) Bill (Lamb 2005)

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CASE STUDY - THE REPUBLIC OF IRELAND'S PLASTIC BAG LEVY

On the 4 March 2002 a €0.15 tax on plastic bags was introduced at the point of sale in supermarkets, shops, service stations and all sales outlets. The levy means that all retailers are obliged by law to pass on the full amount of the levy as a charge to customers at the check-out.

INTRODUCTION OF THE PLASTIC BAG LEVY

The introduction of a levy on plastic bags was strongly promoted by the then Minister for Environment and Local Government Mr. Noel Dempsey. Emphasis was placed on the levy being introduced not to generate revenue but to change consumer behaviour. The aim being to create a significant reduction in the use of plastic shopping bags and a subsequent reduction in the number of plastic bags which end up in the litter stream.

There was some opposition from the Irish plastic industry regarding the proposed levy. The Plastic Industries Association considered challenging the levy as being in breach of EU Packaging Waste Directive 1994. The Plastic Industries Association considered that a levy was permissible if it was part of a general system of taxation and applied equally to all products irrespective of origin. A levy applied to all bags sold in Ireland would be permissible. However they felt that the levy could be challenged as unfairly discriminate against imported products as it would only apply to plastic bag imports and would not be part of a general taxation system. (The Irish Times 1999)

An [Adjournment Debate was held on 14 June 2000](#) (Houses of the Oireachtas 2000) on the topic of the levy. Legislation enabling the Government to bring in a plastic bag levy was introduced through secondary legislation under powers granted by the Waste Management Act 1996. The Waste Management (Amendment) Act 2001 was signed into law in December 2001.

The Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001 introduced the levy in March 2002. The levy was introduced then to enable retailers to put in place any necessary changes and training to implement the regulations and avoid any clash with the introduction of the Euro in January 2002.

PLASTIC BAG LEVY

The Waste Management (Environmental Levy) (Plastic Bag) Regulations detail that the levy applies to all plastic bags except for those solely used to contain unpackaged or packaged:

- fresh fish and fresh fish products
- fresh meat and fresh meat products
- fresh poultry and fresh poultry products

Those solely used to contain unpackaged:

- fruit, nuts or vegetables,
- confectionery
- dairy products
- cooked food, whether cold or hot or
- ice

and provided that such bags are not greater than dimensions:

- 225mm in width (exclusive of gussets)
- 345mm in depth (inclusive of any gussets)
- 450mm in length (inclusive of any handles)

Other exemptions include plastic bags designed for reuse costing more than €0.70 each and plastic bags containing goods or products sold on board commercial aircraft and ships. Items sold in the secure 'duty free' zone of airports in Ireland, irrespective of whether or not the goods are 'duty free' are exempt. Items sold in the departure/arrivals zones of the airport are not exempt.

IMPLEMENTATION OF THE PLASTIC BAG LEVY

Responsibility for collecting the levy rests with the [Office of the Revenue Commissioners](#) (the Irish equivalent of the Inland Revenue). The start-up costs incurred by the Revenue Commissioners relating to the introduction of the plastic bag levy including the public information campaign undertaken by the Department of Environment Heritage and Local Government is estimated to have amounted to €1.56 million by December 2002. Money raised from the levy was used to offset these costs (Dáil Éireann 2002). Annual administrative costs for the levy amount to €350,000 (Convery 2005)

The requirement that all retailers pass on the full amount of the levy to customers, is enforced by local authorities. Local authority enforcement officers have the right to enter any retail premises, conduct any searches or investigations considered necessary and inspect or remove any records, books and documents for the purposes of any proceedings in relation to the levy.

The collection of the levy has been integrated into the VAT collection systems. Retailers must submit a return to the Revenue Commissioners. The retailer then authorises the Revenue Commissioners to debit the amount payable from their account.

The major UK department stores were initially reluctant to implement the levy, because their centrally controlled accounting systems would need to be adapted. Some stores have bypassed the issue by going over exclusively to paper bags.

COLLECTING THE PLASTIC BAG LEVY

The Revenue Commissioners are responsible for collecting the plastic bag levy. In 2003 a sum of €12.7m was collected in respect of the levy with revenue expected to increase in 2004 (Dail Eireann 2005). The Revenue Commissioners receive an agency fee for collecting the levy. The Revenue Commissioners initially established a mailing list of retailers from information they held on all traders. The mailing list has been continuously revised from information supplied by traders and Local Authorities.

The Collector General's Office (CGO) within the Revenue Commissioners carried out an examination of all traders on the mailing list as at 31 March 2004. Resulting from this examination they reduced their mailing list to 6635 retailers. At the time of the examination 4285 had filed returns. The CGO then proceeded to issue estimates of the amount of levy they believed the 2350 retailers who had not filed returns should have collected. A number of traders responded to the estimates and informed the CGO that they no longer supplied plastic bags. These traders were then removed from the mailing list. A small number of traders paid for all periods following issue of the estimates. At the time of writing the CGO are in the process of contacting and enforcing the estimates that were issued to traders where they received no response.

The CGO stated that for quarters 30th June and 30th September 2004 the number of returns received was 4956 and 4418 respectively, giving a compliance level of 75% and 67% respectively. It is important to note however that these numbers do not fully reflect compliance

rates. Retailers that were removed from the mailing list following the CGO's issue of plastic bag levy estimates to retailers are not allowed for. The CGO stated that all the major retailers are 100% compliant in respect of returns filing and that they expect that collection compliance in money terms is well over 90% (CGO 2005).

PROSECUTION

In June 2005 the Virgin Megastore Chain became the first retailer in Ireland to be successfully prosecuted for not charging a customer the 15c plastic bag levy. The Virgin store in Tallaght was convicted and fined €150, with one month to pay, in an action brought by South Dublin County Council. The store was prosecuted for issuing a plastic bag free of charge to a customer who purchased a CD. Virgin Retail (Ireland) Ltd pleaded guilty to the charge. In their defence they explained that at the time of the offence the shop was in 'a transition' from plastic bags to paper.

REVENUE RAISED FROM THE LEVY

Money raised from the levy is ring fenced to the Environment Fund controlled by the Minister for the Environment, Heritage and Local Government. This fund is used to support waste management, litter and other environmental initiatives as well as offsetting costs incurred through the administration of the levy. There has been an increase in revenue between 2002 and 2003. Convery (2005) argues that the increase in revenue is most likely due to delays in the implementation of the levy by some retailers. Alternatively it can be argued that the increase in revenue demonstrates a change in consumer behaviour with consumers now being more willing to buy plastic bags than they were when the levy was first introduced.

In 2003 the Waste Management (Environment Fund) (Prescribed Payments) Regulations 2003 enabled the environment fund to be spent on:

- protection of environment and/or sustainable development undertaken in Ireland or on an international or trans-national basis
- initiatives for the prevention, reduction, recovery, recycling or reuse of waste
- meeting national mandatory and voluntary contributions to national and international organisations concerned with the protection of the environment and or sustainable development

IMPACT OF THE LEVY

The AEA Technology (2005, p8) report states that whilst the number of paper bags used in Ireland has risen under the levy, this increase is reported to be mainly in 'high street' non-food retailers. Paper bags however have not replaced plastic bags (reusable or disposable) as the preferred bag of choice.

JJ O'Toole Ltd (2004) a paper and plastic packaging firm in Ireland state that prior to the Irish levy 35% of revenues derived from the sale of plain and printed plastic bags. This business was split with 20% for retail food use and 15% to retail non-food use (fashion outlets). JJ O'Toole state that their company saw their sale of plastic bags for food retail use disappear overnight and the non-food area switch to paper bags. This led to a reduction in their workforce from 35 to 26 staff. However JJ O'Toole claim that the impact on local manufacturers of plastic bags was non-existent as lower prices offered by far eastern countries had led to their closure prior to the levy being introduced.

The Retail Grocery and Allied Trades Association maintain that retailers have suffered costs of stolen wire baskets and trolleys, used in place of carrier bags (Thomas Crosbie Holdings Limited 2002)

Reports indicate that sales of other bags have increased, for instance pedal bin liners and nappy bags (Irish Examiner 2003). British Polythene Industries PLC (2004) state that their sales of swing and pedal bin liners to Irish supermarkets since the introduction of the Irish Levy have increased by around 75%. BPI claim in their consultation response that the introduction of bags for life has not been successful as they have not seen a marked reduction in the volume of sales of free of charge carrier bags.

The British Retail Consortium (2004) claims that the Irish levy has led to an increase in shoplifting due to the fact that thieves are less conspicuous bringing in their own bags.

There has been on average a 94% reduction in plastic bag consumption in Ireland since the levy was introduced (McDonnell 2005). Below is a table detailing estimated low and high ranges of pre-levy consumption:

Table 1: Decline in Per Annum Plastic Bag Consumption:

	Pre-Levy Consumption Levels (bags per annum)	Post-Levy Consumption Levels (bags per annum)	Percentage Decline in Plastic Bag Usage
Median Estimate	1.26 Billion	76.4 Million	93.94%
High Range Estimate	1.35 Billion	76.4 Million	94.34%
Low Range Estimate	1.08 Billion	76.4 Million	92.93%

Source: McDonnell 2005

Convey (2005) highlights research carried out by Fehily et al which analysed the impact of the tax on the plastic bag industry. They estimated that in 1999, 79% of the plastic bags consumed were imported. The remaining 21% were produced by four plastic manufacturing firms operating in The Republic. Since then one firm has gone out of business causing the loss of 26 jobs.

Proposals to introduce further levies have been mooted in Ireland. These include proposals for a levy on polystyrene food wrapping, chewing gum and cash machine receipts.

CASE STUDY – AUSTRALIA’S VOLUNTARY CODE OF PRACTICE

INTRODUCTION

In Australia responsibility for environmental policy is shared between the Commonwealth and State and Territory governments. The primary policy instrument addressing the environmental impacts of consumer packaging is the National Packaging Covenant, which uses a voluntary regulatory arrangement between all levels of government and key stakeholders in the packaging supply chain. The Covenant is overseen by the Environment Protection and Heritage Council which is comprised of Environment Ministers from each of the Commonwealth, State and Territory governments (Department of Environment and Heritage 2005).

In response to continued government and public concern, and following research and public consultation, in December 2002 the Council agreed to a number of actions in respect of plastic bags. These included that retailers would develop and implement a National Code of Practice for the Management of Plastic Retail Carry Bags by April 2003, with targets for reduction of bag use as well as recycling. Ministers challenged retailers to meet the following targets:

- 50% reduction in the number of High-Density Polyethene (HDPE) plastic bags used
- 50% recycling rate for HDPE plastic bags
- 90% participation rate of retail chains and 25% participation rate of small retailers in the Code of Practice.

The Council subsequently endorsed the code of practice developed by the Australian Retailers Association, the national industry body representing retailers. However, Ministers noted that if the code were not implemented, or the targets not achieved, they would reconsider mandatory measures. They also approved that legislative options including a potential levy be further developed so that they could be ready for further consideration in light of the impact of the code. At the same time, the Council indicated its support for phasing out lightweight single use HDPE bags (Environment Protection and Heritage Council 2003).

The code of practice covers only HDPE bags and runs from 10 October 2003 to 31 December 2005. As the code enters its final stages, broad directions for the future have recently been signalled by government, including the phasing out of plastic bags and other regulatory options (Environment Protection and Heritage Council 2005).

THE VOLUNTARY CODE EXPLAINED

Commitments in the code of practice

The Australian Retailers Association produced the code of practice ‘in response to strong government pressure to reduce bag use and increase recycling’ (Australian Retailers Association, online).

The commitments in the code of practice include:

- a 25% reduction in HDPE bags issued by the end of 2004
- a targeted reduction of 50% in HDPE bags issued by the end of 2005
- an increase in the in-store recycling rate to 15% and in the combined in-store and kerb-side recycling rate to 30% by the end of 2005
- the introduction of recycled content plastic bags
- ensuring the availability of multiple use bags in stores

- providing easily accessible and identifiable recycling stations in supermarkets and shopping centres
- objective auditing of compliance with the code (Australian Retailers Association, 2003).

How the code works

The code divides retailers into two groups:

Group 1 (supermarket) retailers - include the major and smaller supermarket chains along with certain independent supermarkets which together account for around 50% of current lightweight bags issued. A target was set for 90% of relevant Association members to sign up to and participate in the code. In becoming signatories, these members commit themselves to:

- the reduction targets noted above
- pursuing any further achievable reductions, subject to review, beyond December 2005
- participating in review of the results of the targets
- developing and implementing viable and environmentally acceptable reusable options to support the reductions
- supporting and promoting initiatives to support the recycling targets
- use of HDPE bags with recycled content
- investigating the development of viable degradable and reusable options
- collaborating to develop common standards for reusable bags
- providing audited results on their reduction and recycling levels (Australian Retailers Association 2003).

Group 2 (non-supermarket) retailers – include all other businesses using lightweight HDPE bags, generally smaller retailers. These retailers are not required to commit to the entire code, but are encouraged to ‘apply best endeavours’ to implement the following initiatives:

- staff training to support the code’s aims
- selling reusable bags if practicable
- advising customers that the retailer is a code signatory and supports the code’s aims
- making information available to customers about how they can participate
- providing recycling bins if practicable
- providing recycled content bags if possible
- reporting on use of plastic bags (Australian Retailers Association undated).

Community behavioural change campaign

The code of practice was supported by a national community awareness campaign developed and implemented by the Australia Retailers Association in conjunction with government and non-government environmental agencies and the National Packaging Covenant Council. It was largely financed by the Group 1 organisations.

The campaign aimed to change consumer and retailer behaviour to refuse, reduce, reuse and recycle bags, and to raise awareness of the environmental impacts of bag use. It targeted the broader community, retailers, local authorities, community groups and schools (Australian Retailers Association 2003).

The 'Say No to Plastic Bags' campaign commenced in January 2004 and utilised television, radio and outdoor advertising, along with public relations, direct marketing and a campaign website (Australian Retailers Association 2004a).

EVALUATION OF THE IMPACT OF THE VOLUNTARY CODE

At present data on use of plastic bags is not systematically collected in Australia. The first findings presented below are taken from reports of the Australian Retailers Association, while the second use more reliable figures from both manufacturers and retailers compiled by the environmental consultants Nolan ITU. It is understood that the code of practice has not been evaluated in terms of its impact on the environment, for example in terms of litter production, consumption of non-renewable energy and solid waste production. Similarly, no findings are available on the extent to which the code has led to an increase in consumption of paper bags.

Australian Retailers Association figures

The Australian Retailers Association uses the audited figures of Group 1 retailers to compile results on the impact of the code. The number of lightweight HPDE bags issued in the 2002 calendar year is used as the base rate (Australian Retailers Association 2003). Only Group 1 (supermarket) retailers are reported on, with figures supplied by four major supermarket chains. It is not clear what proportion of Australian supermarkets this represents, but the report does state that a number of smaller chains were unable to provide audited figures (Australian Retailers Association 2004a). The figures below have been estimated to cover only 50-60% of total bag usage (Nolan ITU 2005).

(a) As of the end of June 2004, Group 1 retailers achieved a **reduction of 29%** in the annualised rate of HDPE bags issued, as compared to a target rate of 25%. The recycling rate for HDPE bags returned in store as a proportion of total HDPE bags issued was 5%, as compared with a target of 15% by the end of 2005 (Australian Retailers Association 2004a).

(b) As of the end of December 2004, Group 1 retailers achieved a **reduction of 26.9%** in the annualised rate of HDPE bags issued. The recycling rate for HDPE bags returned in store as a proportion of total HDPE bags issued was 3.2%.

The difference between the June and December rates - notwithstanding that the annual target was still exceeded - was ascribed to the effect of December trading.

It should be noted that in response to concerns among retailers, the auditing methodology is now being reviewed in order to provide for more consistent and accurate reporting of figures throughout the year (Australian Retailers Association 2004b).

Results in respect of other commitments in the code

The 2004 End of Year Report also reports against a range of other commitments in the code:

- develop and implement viable and environmentally acceptable reusable options to support the reductions – all four Group 1 retailers developed and implemented reusable options
- make available in stores multiple use bags and customer information on reusable options – all four Group 1 retailers have multiple use bags available and offer customer information on reusable options.
- use of HDPE bags with recycled content – all four retailers use HDPE bags containing recycled content, however limited supply of recycled materials is reported to restrict use.
- accessible and identifiable recycling stations – all four retailers provide recycling stations to customers.

- training of checkout staff to build and maintain awareness of, and support the promotion of alternatives – three retailers provided training to staff as described in all stores while one provided it in some stores (Australian Retailers Association 2004b).

Group 2 signatories

While the code set a target of 25% of the Australian Retailers Association's eligible members becoming Group 2 signatories by the end of 2004, a very limited response of 4% was achieved on this front (Australian Retailers Association 2004b).

The Nolan ITU study of Plastic Retail Carry Bag Use

Further findings on the reduction in use of plastic bags over the life of the code of practice are provided in a study by Nolan ITU commissioned by the Commonwealth Department of Environment and Heritage in 2004. The interim report of the study was published in March 2005.

As noted above, data on plastic carry bag use is not collected systematically in Australia, making it impossible to measure accurately (Nolan ITU 2005). Nevertheless, the Nolan ITU study is considered to be more objective than those of the Australian Retailers Association (ARA) on a number of counts:

- the ARA focuses on lightweight HDPE carry bags (an estimated 85% of total carry bags in 2002) while the Nolan ITU study utilised data on all plastic bags including LDPE 'boutique' carry bags
- the ARA used only figures supplied by some signatories to the code, while the Nolan ITU study utilised data from bag manufacturers and importers supplemented by retailer data across many retail sectors
- the Nolan ITU study was not adjusted for store growth
- the ARA figures are partly based on bag orders rather than bag usage and may have been calculated using December data only (Nolan ITU 2005).

Nolan ITU's calculations indicate a reduction of 20.4% in HDPE plastic bag consumption between 2002 and 2004. When both HDPE and LDPE bag consumption are considered, a total reduction of 19.4% was achieved over the same period (Nolan ITU, 2005).

The study also presented data on HDPE plastic bag consumption across different retail sectors. It should be noted that the data were based on the views of manufacturers and importers and are thus indicative only. While supermarket consumption fell by an estimated 25% between 2002 and 2004, it fell by only 10% in the general merchandise and apparel sector and by the same proportion in the fast food, convenience and service station sectors (Nolan ITU 2005).

The Nolan ITU report concludes that there is clear evidence of a reduction in bag usage in Australia, especially in respect of HDPE lightweight plastic bags. It notes that the less significant reduction in use of LDPE bags reflects the absence of a national policy to reduce these, and thus a lower level of activity by relevant retailers.

The report also notes industry feedback that reductions achieved to date are the result of increased consumer awareness, improved staff training and greater availability and use of heavier duty reusable bags. However, it notes the concern of some retailers that gains to date are the result of 'harvesting of the low hanging fruit', with the target of 50% reductions in 2005 likely to be much harder to achieve. This is seen as only possible with more concerted effort across all retail sectors over that period (Nolan ITU 2005).

Planet Ark Study of Plastic Bag Use in Non-Supermarket Outlets

The Australian Retailers Association has noted that non-supermarket retailers must be much more engaged with the code of practice if reduction targets are to be achieved. Not only has take-up of the code of practice among these retailers been poor to date; the reductions achieved in the issuing of HDPE plastic bags by supermarkets have meant that the proportion of bags being issued by non-supermarket retailers has increased as a proportion of all bags issued (Australian Retailers Association 2004a).

The non-government environmental organisation Planet Ark recently reported on a survey funded by the Department of Environment and Heritage investigating the reasons behind poor take-up of the code among these retail sectors. The survey found that 47% of retailers questioned were not aware of the code of practice. Potential reasons for poor take-up included:

- communication – this is hampered by low levels of industry association membership among retailers, and by poor resources among some associations for communicating with members
- cost – 51% of retailers said plastic bags were cheap, while 40% said that they did not use plastic bag alternatives because they were more expensive
- habit and convenience – 43% said that they used plastic bags because they were convenient, while 46% said they did it out of habit
- the ‘impulse buying’ that characterises the non-supermarket sector means that customers are less likely to have their re-usable bag with them when they make these purchases.

Nevertheless, the report contends that a well targeted campaign by government, industry and environmental groups should achieve substantial reductions in bag use by *large national* non-supermarket retail chains, whose ability to change is enhanced through centralised systems and leadership.

The report points to significant success among some non-supermarket retailers in the fast food, hardware and clothing sectors who have become ‘role models’ for plastic bag reduction on their own initiative. In addition, a number of towns have gone ‘plastic bag free’ across the range of sectors.

Recommendations of the report include:

- greater awareness raising among retailers of the code of practice through a tailored campaign directly communicating with smaller retailers, with strategies informed by an in-depth study of each retail sector
- an initial focus on national retail chains within those sectors where adaptable role models already exist, with active encouragement of retailers to take up the initiatives of their competitors
- inclusion of LDPE bags in the code of practice
- further consideration of financial disincentives to plastic bag use
- funding for the expansion of the ‘plastic bag free towns’ program
- clear messages from government that it will pursue mandatory solutions the voluntary code does not achieve the set targets
- creation of an advisory service for non-supermarket retailers to educate retailers on the various ways to reduce plastic bag consumption
- awareness raising among retailers of the cost-savings associated with reduced issuing of plastic bags

- staff training that targets those responsible for procuring plastic bags as well as checkout staff
- greater promotion and dissemination of the Australian Retailers Association's retailers training kit
- a publicity campaign raising awareness about plastic bag alternatives, matched with improved in-store promotion of such alternatives, particularly near the till
- introduction of truly biodegradable bags for purchases where re-usable bags are not appropriate, such as take-away food – based on significant increases in the use of 'degradable' bags that may in fact not be so (Planet Ark 2005).

CONCLUSION: CHALLENGES FOR THE REMAINDER OF THE LIFE OF THE CODE AND FUTURE GOVERNMENT ACTIONS

In both its January to June 2004 and End of 2004 Reports, the Australian Retailers Association acknowledges a much greater challenge in achieving the 2005 reduction target of 50%. Having attained a significant community response to its initiatives in the first year, the Association notes the imperative to ensure that momentum is maintained, particularly through customers remembering to take their reusable bags with them when they go to the supermarket. To this end, community education is continuing throughout 2005 with a new campaign focusing on people aged under 40, who are understood to be the greatest challenge. The campaign is primarily using television, with increased focus on non-metropolitan areas. The key messages of the campaign are:

- Say no to plastic bags
- Switch to reusable bags
- Use reusable bags more often, and not just in supermarkets
- Recycle unused and old plastic bags
- Get involved and take responsibility (Australian Retailers Association, 2004b).

Overall, the findings cited above indicate that implementation of the code has been strong in the supermarket sector, with significant reductions in lightweight bag use as a result. However, compliance with the code has been markedly poor among non-supermarket retailers.

The Australian government have not yet given a clear indication of future action in respect of plastic bags after the code expires at the end of 2005. Broad directions were signalled in an Environmental Protection and Heritage Council communiqué in July, in which the Council reported that the Australian Retailers Association had developed a draft agreement to phase out HDPE plastic bags by the end of 2008, and that retailers were seeking supportive legislation to eliminate plastic bags from January 2009. The proposed agreement will be considered by the Council in early 2006 (Environment Protection and Heritage Council, 2005). The communiqué notes:

“Ministers have indicated that any decision to pursue further voluntary reductions between 2006 and 2008 will be influenced by the ability of Group 1 retailers to reach their 50 per cent target by the end of 2005. Ministers have also asked for regulatory options to be further developed by early next year.”

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