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Environment Act 2000

ENVIRONMENT (BAN ON NON-BIODEGRADABLE PLASTIC SHOPPING BAGS) POLICY 2009

I, Benny Allen, Minister for Environment and Conservation, by virtue of the powers conferred by Section 33 of the *Environment Act 2000*, and all other powers me enabling, hereby declares the following Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy to come into effect on and from the date of publication of this instrument in the *National Gazette*.

This Statutory Instrument may be cited as the Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy referred to below as the Policy, and shall come into operation upon publication in the *National Gazette*.

This policy is divided into parts as follows:—

- Part I—Goals and Objectives; and
- Part II—Boundaries of the Areas Affected; and
- Part III—Beneficial Uses to be Protected; and
- Part IV—Environment Quality Indicators and Objectives; and
- Part V—Attainment Program; and
- Part VI—Definitions.

PART I.—GOALS AND OBJECTIVES.

1. Policy Goal.

To reduce the overall environmental impact of plastic shopping bags in waste streams in Papua New Guinea. Specific Goals are to—

- (a) ban the use of non-biodegradable plastic shopping bags in PNG; and
- (b) reduce and eliminate non-biodegradable plastic shopping bags in the litter stream; and
- (c) promote the sustainable use of resources; and
- (d) encourage changes that will achieve environmental goals in a manner that is supported by the community and is economically efficient and practical.

Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy 2009—continued**2. Policy Objectives.**

The Objectives of this Policy are:—

- (a) prohibit the importation of non-biodegradable plastic shopping bags into PNG; and
- (b) prohibit the manufacture of non-biodegradable plastic shopping bags in PNG; and
- (c) control and eliminate the sale and use of non-biodegradable plastic shopping bags in PNG; and
- (d) specify policies, programs and activities to achieve the objective of the policy; and
- (e) define the responsibility for, and approaches to ensure that the ban is effectively enforced.

3. Application.

The Policy shall apply to all persons including companies and business activities in Papua New Guinea.

4. Prohibition.

The restrictions on—

- (a) importation; and
- (b) manufacturing; and
- (c) sale and use of non-biodegradable plastic shopping bags, shall come into effect on a date in accordance with a notice in the *National Gazette*.

PART II.—BOUNDARIES OF THE AREA AFFECTED.

5. The Policy shall cover the territory of Papua New Guinea including the land mass and sea as far as the Economic Exclusion Zone boundaries.

PART III.—BENEFICIAL VALUES AND USES TO BE PROTECTED.

6. The Policy shall protect the beneficial values and uses of the land, marine and freshwater environment by reducing plastic shopping bag litter in the waste stream and related environmental harm caused by non-biodegradable plastic shopping bags.

PART IV.—ENVIRONMENT QUALITY INDICATORS AND OBJECTIVES.

7. The consumption of non-biodegradable plastic shopping bag shall decrease and eventually cease.
8. The level of non-biodegradable plastic shopping bag litter in waste streams shall decrease and cease to exist.
9. The reliance on non-biodegradable plastic shopping bag shall cease and be replaced by alternative carry bags.
10. Shops and retail outlets shall resort to alternative carry bags that are less harmful to the environment.

PART V.—ATTAINMENT PROGRAM.**GENERAL PROVISIONS.****11. Implementation.**

The Policy applies to private individuals and government agencies and conducting activities on public and private land. All National and Provincial Government Departments, Agencies and instrumentalities are to implement this Policy in so far as it relates to their powers, duties and responsibilities.

The DEC will implement this Policy through the exercise of its statutory powers, including the issue of environment permits and notices. The DEC may initiate, participate in and coordinate other programs to attain and maintain Policy objectives.

Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy 2009—continued**12. Amendment and Review.**

The Policy shall be reviewed and amended as new information and circumstances warrant.

For example:—

- (i) The Minister may vary or amend the Policy to make it more stringent where:—

New information is received on the environmental effects of an activity or the vulnerability of the environment; better management practices or treatment technology becomes available; a waste generator moves to a new area and new standards are needed to protect the environment in that area; the level of environment protection expected by the community increases; new beneficial uses need protection; or existing beneficial uses need better protection; and

- (ii) The Minister may vary or amend the Policy to make it less stringent where:—

A person affected by a Policy can satisfy the Minister that it is not possible to conduct the activity using best environmental management practices and reasonably available technology for that activity; and the conduct of the activity in the manner proposed would not adversely affect any beneficial uses covered by the policy area.

Amendments may apply to the whole of the policy area or to defined parts of the Policy.

RELATED ACTIVITIES.**13. Monitoring.**

Studies on production, consumption, use and disposal of alternative carry bags including biodegradable plastic shopping bags in Papua New Guinea shall be carried out to provide the information necessary for the effective implementation of this policy, and to assess environmental quality trends and attainment of policy objectives.

These programs shall be undertaken by the appropriate government agencies, particularly DEC, in cooperation with the private sector, to the extent possible within available resources. The reports of such monitoring will be publicly available.

14. Codes of Practice.

In co-operation with other public and private bodies, DEC shall initiate and participate in the development of appropriate codes of practice aimed at reducing plastic shopping bag litter in waste stream and on the environment. DEC may recommend best environment management practices for activities which contribute to litter.

15. Research.

DEC will initiate research directed towards specific problem—solving activities and will encourage competent research groups to carry out fundamental and applied studies on ways to minimize and control use of other plastic materials including biodegradable plastic shopping bags.

16. Public Education and Participation.

In co-operation with other public and private bodies, DEC shall promote public education on litter control and management, waste disposal and pollution control. DEC shall also seek to encourage and develop active well-informed public participation.

Consideration shall also be given to application of polluter pay principle where monies collected can be used for education and awareness programs. A specific program shall be developed by DEC in consultation with the relevant industries and stakeholders.

PENALTY PROVISIONS.

17. Failure to comply with the Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy is a breach of this Policy and the *Environment Act 2000*.

Penalty: A fine not exceeding K100,000.00 and a default penalty not exceeding K5,000.00.

Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy 2009—continued**PART VI.—DEFINITIONS.**

In this Policy, unless the contrary intention appears—

“Act” means the *Environment Act 2000*, as amended;

“Beneficial use” means a use of the environment or any element or segment of the environment that is conducive to public benefit, welfare, safety, health or aesthetic enjoyment and which requires protection from the effects of waste discharges, emissions or deposits;

“Bio-degradable” means products that will decompose under natural sun light and air within a specified period of time and must also meet the recognized international testing procedures for biodegradable plastic products;

“DEC” means the Department of Environment and Conservation;

“Director” means the Director of Environment under Section 15 of the *Environment Act 2000*;

“HDPE” means High Density Polyethylene;

“Indicator” means any physical, chemical or biological characteristic used a measure of environment quality;

“Import” means Import into PNG;

“Manufacture” means manufacture in PNG;

“Non-Biodegradable” means HDPE Plastic Shopping Bags;

“Objective” means a level of the indicator or any other property of the environment as specified by the DEC for the protection of beneficial uses;

“Plastic Shopping Bag” means plastic shopping bags with or without handles used or provided at the point of sales, used as carrying or transportation of retail or wholesale goods including—

- (a) HDPE carry bags; and
- (b) Vegetable or tear—off bags; and
- (c) Food Bags (use at Kai Bars).

“PNG” means Papua New Guinea;

“Policy area” means the area in which this policy shall be observed;

“Sale” means sale in PNG;

“Segment” in relation to the environment means any part or portion of the environment expressed in terms of volume, area, quality or time or any combined of these;

“Use” means use in PNG.

Dated this 1st day of May, 2009.

B. ALLEN,
Minister for Environment and Conservation.