



# Submission to ACT's single-use plastics ban

*Tranche 2*

# About Advocacy for Inclusion

Advocacy for Inclusion incorporating People with Disabilities ACT<sup>1</sup> is a leading independent organisation delivering reputable national systemic advocacy informed by our extensive experience in individual advocacy and community and government consultation. We provide dedicated individual and self-advocacy services, training, information and resources in the ACT.

As a Disabled People's Organisation, the majority of our organisation, including our Board of Management, staff and members, are people with disabilities. Advocacy for Inclusion speaks with the authority of lived experience. It is strongly committed to advancing opportunities for the insights, experiences and opinions of people with disabilities to be heard and acknowledged.

Advocacy for Inclusion operates under a human rights framework. We uphold the principles of the United Nations Convention on the Rights of Persons with Disabilities and strive to promote and advance the human rights and inclusion of people with disabilities in the community. Advocacy for Inclusion is a declared public authority under the Human Rights Act 2004.

## Contact details:

2.02 Griffin Centre

20 Genge Street

Canberra City ACT 2601

Phone: 6257 4005

Email: [info@advocacyforinclusion.org](mailto:info@advocacyforinclusion.org)

ABN: 90 670 934 099

Prepared and written by Isabel Moss

Authorised by Nicolas Lawler, Chief Executive Officer

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Advocacy for Inclusion acknowledges the Aboriginal and Torres Strait Islander peoples as Traditional Custodians of the lands where we live, learn and work. We respect and celebrate the diversity of individuals, including those amongst the lesbian, gay, bisexual, trans, and intersex communities and we value and promote inclusion and diversity in our communities.

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<sup>1</sup> On March 24, 2021, Advocacy for Inclusion (AFI) officially merged with People with Disabilities ACT (PWDACT), a systemic advocacy organisation based in the ACT. Herein, reference to 'AFI' also acknowledges the values and philosophies of PWDACT.

# Submission to ACT's single-use plastics ban

## Tranche 2

### Executive Summary

Advocacy for Inclusion (Incorporating with People with Disabilities ACT) (AFI) welcomes the opportunity to make a submission to the Single Use Plastics Survey. It is critical that local disability organisations are involved in this process, and we commend the ACT Government for their active consultation of our community. Whilst we support reform to improve sustainability across the ACT, we are deeply concerned that the current model/s proposed for banning single use plastics will disproportionately impact people with disability. We are concerned the ban will reduce access to single use plastic straws for people with disabilities, and thus reduce equity in the ACT.

AFI does query whether banning plastic straws is necessary, given the size of the ACT and the very small percentage of plastic waste that straws represent.<sup>2</sup> We are concerned that banning plastic straws will result in only minor sustainability outcomes, but major inaccessibility outcomes for vulnerable members of our community. In this submission, we recommend an alternative management system for plastic straws. This management system would involve:

- mandating that all hospitality venues in the ACT stock single use plastic straws, enabling people with disabilities in the ACT to have equal access to social and public life; and
- The ACT Government invests in infrastructure to appropriately collect and recycle single use plastic straws, creating an economic opportunity in the ACT and a foundation for other circular economy initiatives.

A healthy environment is a priority for our community, and especially significant for people with disabilities who are generally more vulnerable to the impacts of environmental degradation and climate change. However, sustainability and access for people with disabilities are not opposing causes. We urge the ACT Government to invest in solutions that can achieve both aims and continue to uphold the ACT's reputation as a leading human rights jurisdiction in Australia.

In this submission we will outline why single use plastic straws are needed for the disability community, our concerns with the two major model/s being proposed by the ACT Government and our alternative management system for plastic straws that represents both an environmental and human rights solution.

Below is a summary of our recommendations:

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<sup>2</sup> Viswanathan, R. (2018) 'Why Starbucks, Disney, and the EU are all shunning plastic straws', Vox via [Starbucks's plastic straw ban won't save the ocean. But we need these bans anyway. - Vox](#)

## Recommendations:

- **Recommendation 1:** Plastic straws are not banned in the ACT.
- **Recommendation 2:** Hospitality venues and businesses must be required to provide single use plastic straws to those who need them. Customers should be offered a choice between a recyclable/reusable straw and a plastic one.
- **Recommendation 3:** The ACT Government invests in a waste management system to collect plastic straws (for reuse and recycling through circular economy initiatives).
- **Recommendation 4:** The ACT Government implements circular economy initiatives so that materials (notably plastic straws) can be used, collected, recovered and re-used by ACT consumers.
- **Recommendation 5:** The Government invests in, and leads, the development of sustainable alternatives to plastic use straws that have the functional capacities needed by people with disabilities. In the long-term, this may enable the full phaseout of single use plastic straws.
- **Recommendation 6:** Whilst not preferred by AFI, if plastic straws are to be banned, we recommend the South Australian model is adopted with the following features:
  - It must be mandatory for all businesses to carry single use plastic straws.
  - These plastic straws must be available upon request with no requirement that the customer provides evidence of their disability.
  - These legislative reforms should be accompanied by an educational campaign to remind businesses of their pre-existing duties not to discriminate against people with disabilities.
  - Furthermore, online food delivery platforms used by ACT businesses must include an option for customers to request a plastic straw.

## The Importance of Single Use Plastic Straws to Our Community

Single use plastic straws are an essential accessibility tool for people with disabilities. For individuals who cannot lift a glass to their mouth, straws are the best and safest way to drink. They are essential to maintaining hydration and provision of good health care. Additionally, they are essential to allowing people with disabilities access to social settings such as cafes, bars and restaurants, without being excluded.

Single use plastic straws have several unique capabilities that have not been matched by commercially available reusable alternatives. Alternatives to single use plastic straws are:

	<b>Not-Positionable</b>	<b>Not heat safe</b>	<b>Injury risks</b>	<b>Choking risks</b>	<b>Allergy risks</b>	<b>Expensive</b>	<b>Needs cleaning</b>
<b>Metal</b>	×	×	×			×	×
<b>Bamboo</b>	×		×			×	×
<b>Glass</b>	×	×	×			×	×
<b>Paper</b>	×			×	×		
<b>Pasta</b>	×		×	×	×		
<b>Silicone</b>	×				×	×	×

Both paper and pasta straws are prone to breaking or breaking down with use and present a significant choking risk. Silicon straws, like pasta straws, are also potential allergens. Glass, bamboo and metal straws can cause serious injury if fallen upon or are bitten down on. Silicon, glass, metal

and bamboo straws all needed to be cleaned thoroughly after use, which is difficult to do due to their size. Keeping reusable straws clean is a significant additional burden to people with disabilities, especially when they need to be used multiple times a day. For all these reasons, plastic straws are irreplaceable to people with disabilities. Banning a tool necessary for people to access public life is discriminatory, making public life inaccessible for people with disabilities.

Therefore, AFI strongly recommends the following:

**Recommendation 1:**

Plastic straws are not banned in the ACT

By retaining single use plastic straws in the ACT, people with disabilities will continue to be able to access a safe mechanism for eating and drinking. This upholds the rights of people with disabilities to enjoy the highest possible standards of health<sup>3</sup>. Furthermore, by ensuring single use plastic straws are accessible at hospitality venues, the ACT Government will be upholding the right of people with disabilities to live independently and participate fully in all aspects of life, including social settings.<sup>4 5</sup>

**Recommendation 2:**

Hospitality venues and businesses must be required to provide single use plastic straws to those who need them. Customers should be offered a choice between a recyclable/reusable straw and a plastic one.

By mandating a plastic straw option at hospitality venues, the ACT Government can implement Recommendation 1 in a manner that balances equitable outcomes for people with disabilities and sustainability goals. Canberrans that do not need plastic straws will be able to use a recyclable/reusable option that reduces plastic waste in the ACT, whilst those who genuinely need plastic straws for the achievement of their human rights will also have access to straws.

Whilst hospitality venues may suggest this recommendation imposes extra obligations on their businesses, this recommendation is not an onerous burden on businesses. Such businesses are already required to provide the necessary anti-discrimination measures and training under the *Anti-Discrimination Act 1991* (ACT) to ensure people with disabilities are able to safely access hospitality venues.

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<sup>3</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) art 25 ('CRPD').

<sup>4</sup> Above n 2 art. 9

<sup>5</sup> *General Comment No. 2 Article 9: Accessibility*, 11<sup>th</sup> sess, UN DOC CRPD/C/GC/2 (11 April 2014) [1].

## Our Concerns with the Models of Single Use Plastics Bans in Queensland and South Australia

Both Queensland and South Australia have imposed bans on single use plastic straws. Both of these models place a burden on people with disabilities that is not felt by the wider community. Below we outline our core concerns with these two models.

### **The Queensland Model**

Under the ban imposed in Queensland, hospitality venues are not allowed to carry or provide plastic straws. Only exempt businesses can purchase straws or supply them to those who need them. This model is a breach of the human rights of people with disabilities. This policy does not support the rights of people with disabilities to access, on an equal basis with others public life and social settings.<sup>6</sup>

The Queensland model makes it impossible for people with disability to access a necessary aid in public settings. This model does not appropriately balance the genuine needs of people with disabilities to be able to safely eat and drink in public settings, with sustainability outcomes. Rather, the Queensland model privileges business owners and reduces their obligations to provide accessible hospitality venues for people with disabilities. This is not a just outcome for the community.

AFI strongly opposes the implementation of the Queensland model in the ACT.

### **The South Australian Model**

The single use plastics ban imposed in South Australia allows businesses to provide plastic straws to customers upon request. Businesses are not required to have plastic straws available. The South Australian model has better outcomes but is still unsatisfactory. This model gives business staff the power to grant or deny access to public spaces and venues for a person with disability. There is an unfair and avoidable burden placed on people with disability to repeatedly request access to these spaces, and a burden that is not shared by people without disabilities. In practice, such a model has a unique and profound impact on people with disabilities.

People with disability have faced unfair vilification for using plastic straws in the wake of the social shift towards reusable or recyclable alternatives. Requiring people to request plastic straws forces people with disabilities to disclose their disability status and open themselves up to potential harassment and discrimination. The South Australian model impacts the privacy, dignity and independence of people with disability.

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<sup>6</sup> Above n 2 art. 9

Whilst AFI would strongly prefer the South Australian model not be implemented, we would not oppose such a model provided the following measures are implemented:

- The ACT Government must make it clear that plastic straws will remain accessible to those who need them.
- It must be mandatory for businesses to carry single use plastic straws, and they must be freely available upon request.
- Hospitality venues must not be allowed to require proof of disability or question why an individual needs a plastic straw.
- Any law reform relating to single use plastic straws must be accompanied by an educational campaign and resources for hospitality venues and businesses on the provision of plastic straws and their obligations to provide accessible spaces. Staff should be well trained to provide straws upon request.

Public premises, like hospitality venues, have a pre-existing legal responsibility to provide services without being discriminatory, under both ACT and Commonwealth legislation.<sup>7</sup> Therefore, our recommended measures do not represent an onerous burden on ACT businesses. However, these measures do not fully address the issue that the South Australian model is inviting discrimination, by removing accessible options for people with disabilities. We believe that neither of these models are doing enough to ensure reasonable accommodations are provided for people with disabilities.<sup>8</sup>

Therefore, we recommend the following:

Recommendation 6:

Whilst not preferred by AFI, if plastic straws are to be banned, we recommend the South Australian model is adopted with the following features:

- It must be mandatory for all businesses to carry single use plastic straws.
- These plastic straws must be available upon request with no requirement that the customer provides evidence of their disability.
- These legislative reforms should be accompanied by an educational campaign to remind businesses of their pre-existing duties not to discriminate against people with disabilities.
- Furthermore, online food delivery platforms used by ACT businesses must include an option for customers to request a plastic straw.

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<sup>7</sup> *Discrimination Act 1991*

<sup>8</sup> Above n 2 art. 9



## The Environmental Impact of Plastic Straws:

Given the size of the ACT, and the trend away from plastic straws they likely represent a small portion of our waste. Additionally, as an inland jurisdiction, there is relatively far less risk of plastic straws ending up in marine environments compared to other Australian jurisdictions. The relative benefit to people with disabilities however is massive.

- 46% of plastic waste in the ocean is abandoned commercial fishing equipment<sup>9</sup>
- plastic straws are estimated to make up 0.03%<sup>10</sup> - 1%<sup>11</sup> of marine plastic waste
- Plastic straws are out represented by plastic bags, cigarette buttes, balloons and food packaging in marine waste.<sup>12</sup>

Currently, only 12% of plastics are recycled. Single use plastic straws present an opportunity to begin developing the infrastructure needed to begin tackling pollution on a larger scale. The banning of single use plastic straws does not have the same large-scale impact.

## Leading the Nation on Circular Economy Initiatives: An Alternative Model for Plastic Straw Management

The ACT Government is a national leader in sustainability and environmental initiatives, and we commend the ACT Government for this leadership. In the 10<sup>th</sup> Governing Agreement between ACT Labor and ACT Greens, the government has committed to the following:

- creating circular economy legislation to, amongst other things, phase out single use plastics.
- establishing a circular economy grant scheme of up to \$1.2m over 4 years.
- improving household and business waste reduction and recycling education with funding of up to \$2m over 4 years.

These commitments are a powerful platform for the ACT Government to leverage to invest in meaningful circular economy initiatives that enable plastic straws to be recycled or reused in the ACT, benefiting those with disabilities and the environment. AFI strongly encourages the ACT

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<sup>9</sup> Lebreton, L. *et al* (2018) 'Evidence that the Great Pacific Garbage Patch is rapidly accumulating plastic', *Scientific Reports*, vol.8.

<sup>10</sup> Viswanathan, R. (2018) 'Why Starbucks, Disney, and the EU are all shunning plastic straws', *Vox* via [Starbucks's plastic straw ban won't save the ocean. But we need these bans anyway. - Vox](#)

<sup>11</sup> Jordan, R. (2018) 'Do plastic straws really make a difference?' *Stanford Earth Matters* via <https://earth.stanford.edu/news/do-plastic-straws-really-make-difference#gs.lht42l>

<sup>12</sup> Wilcox, C., Mallos, N.J., Leonard, G.H., Rodriguez, A and Hardesty, B.D. (2016) 'Using expert elicitation to estimate the impacts of plastic pollution on marine wildlife', *Marine Policy*, vol. 65.

Government to continue its leadership in this space by investing in such initiatives. By establishing a mechanism or system for collecting and recycling smaller single use plastics – notably straws – the ACT can both lead our nation in circular economy development and uphold best practices for the attainment of the human rights of people with disabilities.

The Senate Environment and Communications Reference Committee in 2018 made the following recommendations:

- The Australian Government prioritise the establishment of a circular economy in which materials are used, collected, recovered, and re-used, including within Australia
- The Australian Government establish a Plastics Co-Operative Research Center to lead Australia's efforts into reducing plastic waste, cleaning up our oceans and finding end-markets for recovered plastics.

Acting on these recommendations is an opportunity for the ACT to take a major step towards the long-term sustainability of the ACT and take advantage of the incredible research facilities available in the ACT. Currently, only 12% of single use plastics are recycled,<sup>13</sup> a statistic that could be improved massively with investment in circular economy infrastructure.

AFI encourages the ACT Government to invest in the following two mechanisms:

**1. Circular economy infrastructure and investment to recycle plastic straws (among other small single use plastics)**

Under the current recycling system, plastic straws are not suitable to be recycled and/or constitute an environmental hazard for two reasons: they are too small to be sorted in recycling facilities and are small and lightweight meaning they are often blown out of bins or tip sites. However, plastic straws are not the only plastic goods that have these risks. For example, other plastic goods that fall into this category include bread bag clips and bottle caps, single-use condiment pouches, plastic tampon applicators and pad wrappers, and balloons. We note that these single use plastics are unlikely to be fully banned under the ACT's proposed phase out.

The secure storage and recycle/reuse of these plastics is a clear issue for the ACT. But these issues can be resolved with proper investment in infrastructure that allows a circular economy around these plastics to be established in the ACT. We strongly encourage the ACT Government to explore options for the provision of secure bins in public spaces for households and businesses to drop off their small single-use plastics, including straws. These bins could be modelled off the specialist bins provided for the disposal and recycling of takeaway coffee cups. We also encourage the ACT

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<sup>13</sup> Blue Environment Pty Ltd for the Department of the Environment and Energy (2018) *National Waste Report 2018*

Government to invest in a mechanism for the recycling of these plastics in the ACT, which represents a business opportunity for our local economy. Australian businesses, such as Terracycle are currently developing a system for recycling plastic straws into new products (or indeed into new plastic straws for reuse by our community). Therefore, AFI recommends:

Recommendation 4: The ACT Government implements circular economy initiatives so that materials (notably plastic straws) can be used, collected, recovered and re-used by ACT consumers.

## **2. Invest in Australian innovation and business for the invention of a sustainable alternative to plastic straws that meets the needs of those with disabilities**

The phasing out of single use plastics provides an opportunity for the ACT government to partner with research institutes like the ANU and UC to begin developing reusable alternatives to common single use plastics, like straws. There is an investment gap when it comes to the development of alternatives to single use plastics, which is a loss for both the communities that rely upon them and the environment. Especially given the incredible research sector in the ACT.

These recommendations acknowledge that single use plastics are necessary and irreplaceable in several contexts, especially for people with disabilities. While there are no suitable alternatives to single use plastic straws, we believe the ACT government should prioritise effective collection and recycling of these straws to mitigate the environmental impacts; instead of placing the burden on people with disabilities. We recommend that:

Recommendation 5: The Government invests in, and leads, the development of sustainable alternatives to plastic use straws that have the functional capacities needed by people with disabilities. In the long-term, this may enable the full phaseout of single use plastic straws.