



Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

Scrutiny@parliament.act.gov.au

Dear Mr Cain

I am writing to thank the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) for the comments made in its Scrutiny Report 20 of 13 September 2022, in relation to potential human rights implications associated with the Explanatory Statement for the *Plastic Reduction (Single-use Plastic Products) Exemption 2022 (DI2022-67)*.

I note the Committee's comment that human rights implications are not adequately addressed in the Explanatory Statement for DI2022-67. I also note the Committee's comment that the Explanatory Statement for DI2022-68 contains a more detailed explanation of potential human rights implications.

Under section 17 of the *Plastic Reduction Act 2021* (the Act), either a plastic product or a person can be exempt from a provision of the Act. While DI2022-67 and DI2022-68 are both made under section 17 of the *Plastic Reduction Act 2021*, DI2022-67 exempts a plastic product (expanded polystyrene gelato tubs) entirely, while DI2022-68 exempts persons from supplying a particular product (single-use plastic straws) in certain circumstances so that people who require straws can still access them. The nature of these products and the purpose of these exemptions is different, and therefore the difference in the human rights analysis contained in the respective Explanatory Statements reflects this. Much of the analysis contained in the Explanatory Statement for DI2022-68 relates to the specific issues of discrimination and the right to privacy and reputation that the exemption for single-use plastic straws was designed to address. As such, the Explanatory Statement for DI2022-68 contained detailed discussion of potential human rights implications compared to DI2022-67.

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Nonetheless, I have notified an amended version of the Explanatory Statement for DI2022-67 to the ACT Legislation Register, which discusses potential human rights implications in greater detail. In particular, it explains why engagement with the right to be presumed innocent until proven guilty is justified and proportionate.

I trust that this response helps to address the Committee's comment on the *Plastic Reduction (Single-use Plastic Products) Exemption 2022 [DI 2022-67]*.

Yours sincerely

Chris Steel MLA
Minister for Transport and City Services
17 October 2022