

In December 2018, the Waste Minimisation (Plastic Shopping Bags) Regulations 2018 (**Regulations**) were approved and publicly announced. The Regulations came into force on 1 July 2019, meaning that businesses in New Zealand are now unable to distribute or sell single-use plastic shopping bags. This fact sheet gives an overview of the key requirements of the Regulations, including who they apply to, what counts as a *single-use plastic shopping bag* (and what doesn't count), as well as potential consequences for your business for continuing to distribute or sell single-use plastic shopping bags.

### WHO DOES IT APPLY TO?

All NZ retailers (including online businesses and not-for-profit organisations) who are engaged in a business that includes the sale of goods are impacted by the Regulations. Regardless of whether you are a small retail store or a nationwide retailer, you are unable to distribute or sell single-use plastic shopping bags. It is important to note that you can be liable under the Regulations regardless of whether the single-use plastic bag was sold to the customer or given to the customer free of charge.

### WHAT IS A "SINGLE-USE PLASTIC SHOPPING BAG"?

Under the Regulations, a *single-use plastic shopping bag* meets the following criteria:

- it is made wholly or predominantly of plastic manufactured from any source that is less than 70 microns in thickness. This includes bio-based materials and plastics that are designed to be degradable or compostable, as well as oxo-degradable;
- it is new or unused; and
- it has handles.

### WHAT CAN BE USED INSTEAD?

The Regulations do not apply to long-life synthetic fabric multi-use shopping bags. These are bags that are made of 45 to 70 microns in thickness and are either:

- constructed of nylon, polypropylene, or polyester fabric, whether woven or non-woven, and designed to be multi-use; or
- are capable of carrying 5kg over a distance of 100m for a minimum of 55 uses (this must be certified by an entity with the prescribed accreditation).

There are a number of other types of bags not covered by the ban, including:

- bin liners or rubbish bags;
- bags for pet waste or nappies;
- bags without handles, such as for produce or meat in a supermarket;
- bags that form an integral part of a product's packaging, such as breadbags; and
- non-plastic bags, such as cotton or jute bags.

### PENALTIES

A person can be liable for a fine of up to \$100,000 if they knowingly contravene the Regulations.

### ENFORCING THE BAN

The Ministry for the Environment has set-up an online notification form that allows consumers, retailers and suppliers to notify them of Regulation non-compliance by retailers. They will respond to online complaints received from the public and follow-up directly with retailers.

### WHAT SHOULD YOU DO?

- You should now be bag-less altogether or have alternative carry bag options ready for your business.
- Any existing single-use plastic shopping bag stock you have left after 1 July 2019 will not be able to be distributed (or sold).

For further information or to discuss how the Regulations may impact your business, please call or email one of the Jackson Russell business lawyers listed.

## KEY JACKSON RUSSELL CONTACTS

David Alizade PARTNER  
BUSINESS LAW TEAM

DDI +64 9 300 6937 | M +64 21 224 8055

E david.alizade@jacksonrussell.co.nz

Claire Godber SENIOR ASSOCIATE  
BUSINESS LAW TEAM

DDI +64 9 300 6916 | M +64 21 425 953

E claire.godber@jacksonrussell.co.nz

Gabrielle Beckett LAWYER  
BUSINESS LAW TEAM

DDI +64 9 300 6920

E gabrielle.beckett@jacksonrussell.co.nz



**Disclaimer:** The information contained in this fact sheet is a general overview and is not legal advice. It is important that you seek legal advice that is specific to your circumstances.