

South Australia

Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024

under the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on 1 September 2024.
- (2) Part 3 comes into operation on 1 September 2025.

Part 2—Amendment of *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021* commencing on 1 September 2024**3—Amendment of regulation 3—Interpretation**

- (1) Regulation 3—after the definition of
- Act*
- insert:

AS 4736-2006 means Australian Standard AS 4736-2006 (*Biodegradable plastics—Biodegradable plastics suitable for composting and other microbial treatment*) as in force from time to time;

AS 5810-2010 means Australian Standard AS 5810-2010 (*Biodegradable plastics—Biodegradable plastics suitable for home composting*) as in force from time to time;

authorised certifier means a person approved by the Minister, by notice in the Gazette, as an authorised certifier for the purposes of these regulations;

balloon stick means a stick designed or intended to be attached to an inflated balloon and includes a stick with a cup, base or other attachment device that forms part of the stick;

balloon tie means—

- (a) a device that is designed or intended to be attached to a balloon to seal the balloon; or
- (b) a cup, base or other attachment device that is designed or intended to attach a balloon to a balloon stick or ribbon,

but does not include—

- (c) a ribbon; or
- (d) garland tape;

beverage plug means a plug, stopper or similar device designed or intended to prevent spillage or leakage from the lid of a beverage cup;

bread bag tag means a tag designed or intended to hold closed a bread bag or other food product bag and includes such a tag with an attached label, but does not include a twist tie or cable tie;

- (2) Regulation 3—after the definition of
- care facility*
- insert:

certified as compostable—see subregulation (2);

- (3) Regulation 3—after the definition of
- designated person*
- insert:

expanded polystyrene food or beverage container means a container, and includes any lid for the container, made, in whole or in part, of expanded polystyrene that is designed or intended to be used for the retail sale of food or beverages, but does not include—

- (a) an expanded polystyrene cup, bowl, plate or clamshell container; or

Note—

See section 6(1) of the Act.

- (b) an expanded polystyrene food tray; or
- (c) a cooler box, or a lid for a cooler box, made, in whole or in part, of expanded polystyrene that is designed or intended to be used as packaging for perishable food products for the purposes of delivery to a customer by, or on behalf of, a retailer; or
- (d) a container, or a lid for a container, made, in whole or in part, of expanded polystyrene that is designed or intended to be used for the transport of perishable food products from one business (the ***first business***) to a second business (where that business is not a retail customer of the first business); or
- (e) before 1 September 2025—an expanded polystyrene food or beverage container that forms part of the packaging of a relevant food or beverage product;

expanded polystyrene food tray means a tray made, in whole or in part, of expanded polystyrene that is designed or intended to be used for the packaging of meat, poultry, fish, vegetables, fruit or other food products for retail sale;

garland tape means flexible tape with small holes designed to allow multiple balloons to be placed together to create a decoration;

home compostable, in relation to a plastic product, means that the product complies with AS 5810-2010;

industrially compostable, in relation to a plastic product, means that the product complies with AS 4736-2006;

- (4) Regulation 3—after the definition of ***pizza saver*** insert:

plastic barrier bag means a plastic bag without handles that—

- (a) is designed or intended to be used to contain or protect unpackaged fresh fruit or vegetables, nuts, confectionery, dairy products, meat, poultry or fish; or
- (b) is used by a retail customer as additional protection from leakages for pre-packaged meat, poultry, fish, herbs or flowers,

but does not include a plastic bag that is certified as compostable if—

- (c) in the case of a bag that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
- (d) in the case of a bag that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

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plastic confetti means a product comprised of pieces of plastic that are designed or intended to be thrown or projected into the air or otherwise scattered for decorative, festive or celebratory purposes and includes—

- (a) such a product that is enclosed in a balloon (whether for decoration or for release by popping the balloon); and
- (b) plastic streamers that are designed or intended to be thrown or projected into the air,

but does not include—

- (c) sequins, diamantes, beads or glitter; or
- (d) a product designed or intended to be used as a craft product; or
- (e) confetti that is designed or intended to be permanently contained within, or form a permanent part of, another product (other than a single-use product) for decorative purposes;

plastic shopping bag means a plastic bag that—

- (a) has handles; and
- (b) is used as a means of carrying goods purchased from a retailer,

but does not include—

- (c) a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale; or
- (d) an unsealed plastic bag that is the packaging in which perishable food is offered for sale; or
- (e) a shopping bag that is made, in whole or in part, of 1 or more of the following fabrics:
 - (i) nylon;
 - (ii) polyester;
 - (iii) woven polypropylene;
 - (iv) non-woven polypropylene if—
 - (A) the bag has sewn, rather than heat-welded, seams; and
 - (B) the fabric has a minimum weight of 90 g/m² measured as a single layer of fabric; or
- (f) a plastic bag that is certified as compostable if—
 - (i) in the case of a bag that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
 - (ii) in the case of a bag that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

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- (5) Regulation 3—after the definition of ***plastic-stemmed cotton bud*** insert:

premises means any land, building or structure including a moveable building or structure or any vehicle (within the meaning of the *Road Traffic Act 1961*);

- (6) Regulation 3—after ***prescribed business*** insert:

prescribed food container means a single-use plastic food container, including a cup (other than a single-use plastic beverage cup), bowl, tray or other food container, whether or not it has, or is designed or intended to have, a lid (whether separate or attached) that is used—

- (a) for the retail sale of ready-to-eat food; or
- (b) to hold a condiment that is—
 - (i) provided to be used with ready-to-eat food; and
 - (ii) packaged in the container on the retail premises at which the ready-to-eat food is sold,

but does not include—

- (c) an expanded polystyrene cup, bowl, plate or clamshell; or

Note—

See section 6(1) of the Act.

- (d) an expanded polystyrene food or beverage container or an expanded polystyrene food tray; or
- (e) a single-use plastic food container that is certified as compostable if—
 - (i) in the case of a container that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
 - (ii) in the case of a container that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

prescribed food container lid means a single-use plastic lid or cover designed or intended to be fitted onto a prescribed food container (whether separate or attached to the container) and includes plastic film intended to seal the top of a prescribed food container, but does not include a single-use plastic lid that is certified as compostable if—

- (a) in the case of a lid that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
- (b) in the case of a lid that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

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ready-to-eat food means food that is—

- (a) prepared or packaged on retail premises at the request or order of a customer; or
- (b) prepared fresh and pre-packaged on the day, or shortly before the day, on which it is intended to be offered for retail sale,

and is ready to be eaten without further cooking, heating, defrosting, washing or other preparation and is ordinarily intended to be eaten at the site of sale or shortly after at another place;

- (7) Regulation 3, definition of ***relevant food or beverage product***—after "single-serve" insert:

prior to its sale, supply or distribution to a retailer for retail sale or supply

- (8) Regulation 3—after the definition of ***relevant food or beverage product*** insert:

single-use plastic beverage cup means a single-use plastic beverage cup designed or intended to hold a beverage or soup, but does not include—

- (a) an expanded polystyrene cup; or

Note—

See section 6(1)(d) of the Act.

- (b) a single-use plastic beverage cup that is certified as compostable if—
 - (i) in the case of a beverage cup that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
 - (ii) in the case of a beverage cup that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

single-use plastic beverage cup lid means a single-use plastic lid designed or intended to be fitted onto a beverage cup and includes plastic film intended to seal the top of a beverage cup, but does not include a single-use plastic lid for a beverage cup that is certified as compostable if—

- (a) in the case of a beverage cup lid that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
- (b) in the case of a beverage cup lid that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

- (9) Regulation 3, definition of ***single-use plastic bowl***—after paragraph (b) insert:

- (ba) a prescribed food container that is a bowl; or

- (10) Regulation 3, definition of ***single-use plastic bowl***, (d)—after "plastic" insert:

that is not certified as compostable

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Amendment of *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021* commencing on 1 September 2024—Part 2

(11) Regulation 3, definition of ***single-use plastic bowl***—after paragraph (d) insert:

or

- (e) a single-use plastic bowl that is certified as compostable if—
 - (i) in the case of a bowl that is home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, home compostable, or both home compostable and industrially compostable; or
 - (ii) in the case of a bowl that is industrially compostable, but not home compostable—it is clearly labelled as, or otherwise marked in a manner that indicates that it is, industrially compostable;

(12) Regulation 3—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:

- (2) For the purposes of these regulations, a plastic product is ***certified as compostable*** if—
 - (a) the plastic product has been assessed and tested by an authorised certifier and the authorised certifier has issued a certificate verifying that the product complies with AS 4736-2006 or AS 5810-2010; and
 - (b) the certificate's period of validity has not expired.
- (3) For the purposes of the definition of ***authorised certifier***, the Minister may, by notice in the Gazette—
 - (a) approve a person as an authorised certifier for the purposes of these regulations; or
 - (b) revoke an approval under paragraph (a).

4—Amendment of regulation 3A—Definition of prohibited plastic product (section 6(1)(h) of Act)—inclusions

Regulation 3A—after paragraph (d) insert:

- (e) a plastic shopping bag;
- (f) a plastic barrier bag;
- (g) a single-use plastic beverage cup;
- (h) a single-use plastic beverage cup lid;
- (i) a single-use plastic beverage plug;
- (j) an expanded polystyrene food tray;
- (k) an expanded polystyrene food or beverage container;
- (l) a prescribed food container;
- (m) a prescribed food container lid;
- (n) plastic confetti;
- (o) a plastic balloon stick;

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- (p) a plastic balloon tie;
- (q) a single-use plastic bread bag tag.

Part 3—Amendment of *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021* commencing on 1 September 2025

5—Amendment of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *plastic confetti* insert:

plastic produce sticker means a plastic sticker designed or intended to be applied directly onto the surface of a fruit or vegetable, but does not include a sticker that is certified as compostable or a sticker that is applied to a fruit or vegetable that is to be sold, supplied or distributed to a person outside this State;

- (2) Regulation 3(1)—after the definition of *plastic-stemmed cotton bud* insert:

pre-filled soy sauce container means a container of soy sauce—

- (a) with a capacity of 30 ml or less; and
- (b) that has a lid, cap or stopper; and
- (c) is filled prior to its sale, supply or distribution to a retailer for retail sale or supply;

Example—

Fish-shaped plastic soy sauce containers.

6—Amendment of regulation 3A—Definition of prohibited plastic product (section 6(1)(h) of Act)—inclusions

Regulation 3A—after paragraph (q) insert:

- (r) a plastic produce sticker;
- (s) a pre-filled soy sauce container.

7—Repeal of regulation 4

Regulation 4—delete the regulation

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on

No of 2023