

Guide to the ban on single-use plastic food and beverage containers (including cups)



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Government
of South Australia

Green Industries SA

The following guide provides information about the proposed ban on single-use plastic food and beverage containers (including cups) as drafted in the draft *Single-Use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024*.

At a glance

These bans will commence **on 1 September 2024**:

- Ban on all single-use plastic cups and single use plastic lids for all hot and cold beverages and soup
- Ban on all single-use plastic food containers including bowls, cups, containers and trays with lids when used for takeaway food prepared for sale and consumption on the same day.

The following exemptions will apply for:

- Australian Standard (AS) certified compostable cups and their lids
- AS certified compostable food containers including bowls, containers, trays and their lids when used for takeaway food prepared for sale and consumption on the same day.

All food and beverage containers and their lids which are AS certified compostable will need to be clearly marked with their certification details to comply with the exemption.

What you need to know

Waterproof alternatives for single-use plastic food and beverage containers

Single-use food and beverage containers need to be waterproof to be safe and effective. Typically, all single-use food and beverage containers sold in Australia are either made entirely from plastic or have been lined with, or contain, a plastic polymer to ensure they are waterproof.

Under South Australian legislation, all polymers used to waterproof a container, no matter how the waterproofing is applied, are considered a plastic.

It is proposed that several exemptions are put into place for AS certified compostable food and beverage containers to ensure that there are suitable alternative products for businesses in South Australia.

Exemptions

- For food and beverage containers and their lids made entirely from clear or opaque bioplastic that is AS certified industrial or home compostable [AS 4736:2006 or AS 5810:2010].
- For food and beverage containers and their lids made from other non-plastic materials but lined with bioplastic or coated aqueously with a waterproofing polymer where the product is certified industrial or home compostable [AS 4736:2006 or AS 5810:2010].

All food containers and their lids which are AS certified compostable will need to be clearly marked with their certification details to be considered exempt from the regulations. This is so that suppliers, business owners and consumers can easily identify compliant products and know that they can be disposed of in green-lidded organics bin systems accepting food and garden organics.

What are AS certified compostable products?

Certified compostable products are made of materials that do not leave behind any toxic material, breaking down readily in a commercial, or sometimes home, composting system. This can include items that look similar to plastic such as bowls, cups and bags. These products should state that they are 'certified compostable' and include one of the following logos. Australia has two of the highest standards in the world when it comes to certification:



AS 4736:2006
Biodegradable plastics
suitable for
industrial/compostable
composting and other
microbial treatment

This certifies the material can be composted through a commercial composting facility. In the majority of South Australian council areas, workplace and school organics collections, and at public events, this means the material can go into the green-lidded organics bin.



AS 5810:2010
Biodegradable plastics
suitable for home or
commercial/industrial
composting

This certifies that the material can be composted in your home compost bin. It is also suitable to go into a green-lidded organics bin.

What is the difference between Australia's industrial composting standard [AS

4736:2006] and Australia's home composting standard [AS 5810:2010]?

Commercial composting facilities generate much more heat than a home compost bin, and use oxygen and water to break down materials into compost. Both AS 4736:2006 and AS 5810:2010 certified compostable products can be processed at commercial composting facilities in South Australia.

As home composting facilities do not reach the same high temperatures that are reached at commercial composting facilities, only AS 5810:2010 certified compostable products are suited to home compost systems.

Why are other compostability standards and certifications not being accepted?

While there are other compostability certifications, including from the USA and Europe, these standards are not the same as AS 4736:2006 and AS 5810:2010, which include an additional requirement of a worm toxicity test. This additional testing component is to ensure that AS certified compostable items in the compost has no toxic effect on plants and earthworms.

Why is bioplastic certified AS industrially or home compostable being permitted for food and beverage containers?

Previously the South Australian government has not allowed single-use products already banned or restricted (such as plastic straws, plastic cutlery, plastic stirrers) to be made from bioplastic. This is because, when littered, bioplastic behaves in a similar way to conventional plastic, remaining in the environment and causing harm.

In recognition that food and beverage containers and their lids need to be waterproof, it is proposed that these products certified to AS 4736:2006 or AS 5810:2010 will be permitted. AS certified compostable food and beverage containers, including any leftover food/ beverage or its residue can be disposed of in the majority of green-lidded organics bin systems in the state. Food and garden organics collections are routinely industrially composted in South Australia, contributing to a reduction of food waste in landfill and the production of high-quality commercial compost.

Plastic straws, plastic cutlery and plastic stirrers made from any type of bioplastic will remain banned under current South Australian legislation, as these products do not contribute to the diversion of food waste from landfill.



What are the options for reusable cups and containers?

Reusable options may take a number of forms including (but not limited to):

- requiring customers to bring their own food or beverage container to be filled by the business and taken away
- providing a reusable food or beverage container that can be returned to the business by the customer through a local return system or through a network of businesses
- providing a cup library where regular customers can borrow and use reusable cups and then return them
- using a reusable food or beverage container subscription scheme allowing cups to be returned to the business through a network of businesses
- creating a local reusable food or beverage container system in a precinct or at an event (for example, airports, hospitals, educational institutions, stadiums, festivals, concerts or fetes)
- encouraging customers to consume their purchases on the premises so reusable food and beverage containers can be collected and washed on-site.

Bring your own [BYO] containers legislation in South Australia

In July 2022, the [South Australia Civil Liability Act 1936](#) was changed to remove liability from food businesses such as cafés, restaurants and supermarkets when packaging and selling food to a customer in their own container. This immunity extends to all employees selling the food.

This means there is better protection for businesses that choose to accept customers' BYO containers. However, if a customer provides an unclean BYO reusable container, it is considered reasonable to refuse to fill the container.

It is important to note that businesses are still liable if the person selling the food was negligent and sold food that was knowingly unsafe to eat, or the food was subjected to a food recall at the time of sale.

For more information go to [Bring your own \[BYO\] containers | SA Health](#)

Single-use plastic cups for hot beverages and their attachments (lids and beverage plugs)

What will be banned?

- Single-use hot beverage cups of any material (paper, cardboard, bamboo) lined with a waterproofing polymer (including products coated aqueously) that are not AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010)
- Single-use plastic lids for hot beverage cups that are not AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010)
- Bulk packs of single-use plastic hot beverage cups
- Bulk packs of single-use plastic lids for hot beverage cups
- Single-use plastic beverage plugs or stoppers

Note that AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010) single-use plastic plugs or stoppers **will not be permitted**.



What won't be banned?

- Reusable, durable plastic hot beverage cups (with or without lids), such as picnic sets, camping sets and combination reusable durable plastic hot beverage cups with lids
- Reusable cups for hot beverages (with or without lids) made from materials other than single-use plastic such as glass, ceramic, aluminium or stainless steel, melamine, wheat straw, and bamboo
- Single-use hot beverage cups of any material (paper, cardboard, bamboo) lined with a water proofing polymer (including products coated aqueously) that are AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010)
- Single-use plastic lids for hot beverage cups that are AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010)
- Single-use beverage plugs or stoppers made from wood or cardboard

Businesses are encouraged to investigate options for transitioning to reusable hot beverage containers.



Consultation questions

For businesses

- Do you sell hot takeaway beverages?
- Do you already provide or encourage reusable options for customers? If so, what type?
- Do you already provide AS certified compostable hot beverage cups to customers?
- Do you already provide AS certified compostable hot beverage lids to customers?
- What challenges (if any) are there for your business to be able to meet the requirements for AS certified cups and their lids clearly marked with their certification details by 1 September 2024?

- Do you have any comments or concerns about the ban on plastic hot beverage cups and their lids?

For individuals

- Do you purchase takeaway hot beverages?
- Do you use a reusable cup or a reusable cup system for your purchases? If so, what type?
- What would help you transition to reusable cups for takeaway hot beverages?
- Do you have any comments or concerns about the ban on plastic hot beverage cups and their lids?

Single-use plastic cold beverage cups and their lids

What will be banned?

- Single-use clear and coloured plastic cups of any shape for cold beverages made from polyethylene terephthalate (PET), polypropylene (PP) polyethylene (PE) or other fossil fuel-derived plastic. This includes single-use plastic wine glasses, single-use plastic shot glasses and single-use plastic tumblers
- Single-use cold beverage cups of any material (paper, cardboard, bamboo) lined with a water proofing polymer (including products aqueously coated) that are not AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010)

- Single-use plastic lids and plastic films for cold beverage cups, such as plastic dome lids, plastic flat lids and plastic film lids (such as those used to seal bubble tea cups)
- Single-use plastic beverage plugs or stoppers
- Bulk packs of single-use plastic cups
- Bulk packs of single-use plastic lids



What won't be banned?

- Reusable, durable, clear and coloured plastic cups for cold beverages, such as picnic sets, camping sets and combination reusable plastic cups with lids
- Reusable cups for cold beverages made from materials other than single-use plastic such as glass, ceramic, aluminium or stainless steel, melamine, wheat straw, and bamboo
- Single-use clear plastic cups and lids that are AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010) and labelled with details of certification

- Single-use paper cups and lids for cold beverages lined with a polymer (including products aqueously coated) that are AS certified industrial or home compostable (AS 4736:2006 or AS 5810:2010) and labelled with details of certification
- Single-use plastic cups used to dispense medication



Consultation questions

For businesses

- Do you sell cold takeaway beverages?
- Do you already provide reusable options for customers? If so, what type?
- Do you already provide AS certified compostable cold beverage cups to customers?
- Do you already provide AS certified compostable cold beverage lids to customers?
- What challenges (if any) are there for your business to be able to meet the requirements for AS certified food containers and their lids clearly marked with their certification details by 1 September 2024?

- Do you have any comments or concerns about the ban on plastic cold beverage cups and their lids?

For individuals

- Do you use a reusable cup for purchase of cold beverages?
- If so, which types of cold beverages?
- Do you have any comments or concerns about the ban on plastic cold beverage cups and their lids?

Single-use plastic takeaway food containers

Extensive consultation with stakeholders has revealed that a broad ban on all plastic food containers for all purposes is not practicable.

The ban on single-use plastic food containers **will be limited to plastic food containers, including plastic-lined or aqueous coated containers, used for takeaway food prepared for sale and consumption on the same day**, for example takeaway food containers, single-use plastic bowls with plastic lids, single-use plastic trays with plastic lids, and single-use plastic cups with plastic lids used for food.

The following **alternative takeaway food containers will be permitted**:

- Takeaway food containers and their lids made entirely from clear or opaque bioplastic that is AS certified industrial or home compostable [AS 4736:2006 or AS 5810:2010] and labelled with details of certification
- Takeaway food containers and their lids made from other non-plastic materials but lined with bioplastic or coated aqueously with a waterproofing polymer where the product is certified industrial or home compostable [AS 4736:2006 or AS 5810:2010] and labelled with details of certification

The focus is on containers used for ready-to-eat food which is being sold to take away from the business and to be consumed shortly after purchase. Food containers used under these circumstances are likely to be used only for a short period of time before being discarded. The regulations are designed to ensure that the food container, its lid, and any remaining food or food residue can be disposed directly into green organics bins domestically and, where provided, in workplaces, schools, at events or in public places in South Australia.

‘Ready-to-eat food’ means food that is:

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

Examples of ready-to-eat food that is prepared, purchased and eaten on the same day include:

- sandwiches
- salads
- sushi
- rice paper rolls
- hot and cold food sold to take away from a restaurant, shop, venue or food truck
- hot and cold bakery goods
- condiments that are not pre-packaged but are put into single-serve containers on the premises prior to being provided with takeaway food.

What will be banned?

- Plastic sandwich packaging unless AS certified compostable
- Plastic bowls and serving cups with or without lids (unless all elements are AS certified compostable)
- Plastic food trays with or without lids (unless all elements are AS certified compostable)
- Plastic clamshells (unless AS certified compostable)
- Plastic takeaway food containers with or without lids (unless all elements are AS certified compostable)



What won't be banned?

- Plastic containers used for food preparation only, within the premises
- Plastic containers used within a food business or any other business that do not contain food or beverages
- Pre-packaged products that are ordinarily not prepared or made, purchased and eaten on the same day
- Food or drink items which have been pre-packaged offsite (such as a frozen meal in a tray)
- Plastic containers for foodstuffs which are typically used as an ingredient or component of another dish (such as olives, cheese, salami, dip)
- Plastic containers for food that needs further preparation, cooling or heating before being consumed (such as chilled meals, pre-cut vegetables)
- Plastic containers for food which is not typically consumed whole or in one sitting (such as a multi-serve tub of yoghurt, multi-pack of biscuits or bread rolls, bulk pack of fruit pieces, large cake)



Examples of packaged foods not included in the ban

Pre-packaged ice cream, frozen yoghurt, frozen dessert, sorbet, gelato, frozen puddings in multiple or single serves

- Pre-packaged products, including:
 - yoghurt (including dairy-free yoghurt) with or without muesli/fruit mix/biscuit in multiple or single serves
 - probiotic drinks
 - desserts, like mousse, crème caramel, custard, rice pudding, pannacotta, sundae, dessert sauce, cheesecake, tiramisu, jelly and sponge puddings
 - confectionery
 - cream, sour cream, crème fraîche
 - butter, margarine and spreads (including dairy-free spreads) in multiple or single serves

- jams, conserves, jellies, nut butters, Vegemite and other spreads in multiple or single serves
- pate, terrine and fruit pastes
- cheese, cheese slices and cheese spreads (with or without crackers) in multiple or single serves
- dips and spreads including pesto (with or without crackers) in multiple or single serves
- tofu and tempeh
- soup which is sold cold and requires cooking or heating
- ready meals sold cold, chilled or frozen and require cooking or heating
- punnets of fruit, like berries, tomatoes, baby cucumbers, grapes, cherries, dates
- fruit and nut mixes
- fresh pasta and fresh pasta sauce
- dried meals in a container that require hot water and/or cooking (like Mac'n'Cheese, instant noodles)
- cooked rice, quinoa
- potato mash
- pre-prepared fruit and vegetables, like sliced mushrooms, diced pumpkin and sweet potato, cauliflower rice, melon pieces, pineapple cubes/slices, fruit salad, bean sprouts
- pre-packed deli meats.
- Pre-packaged bakery products, including:
 - croissants requiring cooking/heating
 - bread
 - bread roll multipacks
 - cakes, sponges, donuts, loafs, muffin bars, lamingtons, brownies and sponge rolls in multiple serves
 - waffles.

Consultation questions

For businesses

- Do you sell ready-to-eat food to take away?
- Do you provide reusable options for your customers? If so, what type of options?
- What would help you transition to providing more reusable containers or accepting reusable containers from customers?
- What challenges (if any) are there for your business to be able to meet the requirements for AS certified food containers and their lids clearly marked with their certification details by 1 September 2024?
- Do you have any comments or concerns about the ban on the use of plastic food containers for ready-to-eat takeaway food?

For individuals

- Do you purchase ready-to-eat food to take away?
- Do you purchase ready-to-eat food to take away?
- Do you use reusable containers for your purchase? If so, what type?
- What would help you to increase your use of reusable containers for your takeaway purchases?
- Do you have any comments or concerns about the ban on the use of plastic food containers for ready-to-eat takeaway food?

Other expanded polystyrene (EPS) consumer food and beverage trays and containers

What will be banned?

EPS cups, bowls, plates and clamshell containers have already been prohibited from sale, supply and distribution in South Australia since 1 March 2022.

Other EPS consumer food and beverage containers in the market will now be banned from 1 September 2024, including:

- EPS gelato containers
- EPS cake boxes
- EPS trays used for meat, fruit and other food items.



What won't be banned?

- EPS boxes for home delivery of fresh food and pre-prepared meals, where there is an opportunity for collection and reuse
- EPS containers that are part of a pre-packaged product (such as pre-packaged instant noodles). Pre-packaged EPS containers will be banned from 1 September 2025 (see the [Guide to the 2025 ban on single-use plastics](#))
- All business-to-business EPS packaging such as delivery of fresh vegetables from field to market, or delivery of meat or seafood from processor/market to retail premises
- EPS boxes used for specialist packaging for medical applications such as organ transport or pharmaceuticals.



What are the alternatives?

Takeaway EPS gelato containers can be replaced by AS certified compostable food containers.

Trays used for meat, fruit and other food items [which are not ready-to-eat] can be replaced with fully recyclable Polyethylene terephthalate [PET] or polypropylene [PP] trays

that can be rinsed and placed in domestic yellow recycling bins in South Australia.

If the tray is being used for ready-to-eat takeaway food, it will need to meet the requirements for food containers outlined above in the 'Single-use plastic takeaway food containers' section.

Consultation questions

For businesses

- Do you use EPS trays for displaying and selling produce?
- Do you use EPS trays for any other purpose in your business?
- Do you have any comments or concerns about the ban on EPS trays?
- Do you use EPS food containers to sell any food product or beverage? If yes, what types of food or beverage?

- Are there appropriate alternative options?
- Do you have any comments or concerns about the ban on EPS food and beverage containers?

For individuals

- Do you have any comments or concerns about the ban on EPS trays?
- Do you have any comments or concerns about the ban on EPS food containers?