

Proposed 2023 Single-use and Other Plastic Products amendment regulations

EXPLANATORY NOTE

Overview

On 4 November 2022, South Australia's Deputy Premier, the Hon Susan Close MP, announced the [staged next steps](#) for phasing out additional single-use and other plastic products over the next 3 years.

Four plastic products will be prohibited from sale, supply or distribution in South Australia from 1 September 2023, including:

- plastic pizza savers
- plastic-stemmed cotton buds
- single-use plastic bowls without lids for food and beverages
- single-use plastic plates for food.

For additional plastic products to be incorporated into the *Single-use and Other Plastic Products [Waste Avoidance] Act 2020*, variations to the regulations under section 6(1)(h) of the Act must be made.

The South Australian Government is seeking feedback from industry, business and the broader community, on the draft '*Single-use and Other Plastic Products [Waste Avoidance] [Prohibited Plastic Products] Amendment Regulations 2023*' including the proposed exemptions.

Provided on the following pages is a summary of the regulations proposed and the factors that informed the development of the definitions and exemptions.

1. Plastic pizza savers

South Australia will be the first jurisdiction in Australia to ban plastic pizza savers.

Pizza savers are difficult to capture for recycling in material recovery facilities and can also become a source of contamination in organics recycling streams should these items be discarded (whether intentionally or unintentionally) in a green organics bin along with the pizza box and/or leftover pizza. Cardboard pizza boxes are accepted in kerbside organics bins in all metropolitan and many regional councils in South Australia. A key intent of the regulation is to support increased recovery of organics through domestic and commercial green organics bins while reducing contamination with plastic.

The proposed definition makes clear that the regulations are not intended to cover an object that may resemble a typical pizza saver [for example, a plastic toy table] that is not put into a pizza box.

Feedback requested

Are there any issues or potential unintended consequences related to this regulation?



2. Plastic-stemmed cotton buds

Plastic-stemmed cotton buds are often flushed down toilets and, due to their weight and small size, can pass through sewage filtration systems into the marine environment. [WWF-Australia](#) lists them among the top 10 worst single-use plastics in Australia.

These items have been, or are in the process of being, banned across most jurisdictions in Australia (excluding Tasmania and the Northern Territory) and have also been banned in New Zealand.

In South Australia, it is intended that plastic-stemmed cotton buds are removed from sale to the general public. Exemptions have been drafted to allow for the continued sale, supply or distribution of plastic-stemmed cotton buds for medical, scientific, law enforcement or forensic purposes, including provision of plastic-stemmed cotton buds in first aid and testing kits.

These proposed regulations reflect exemptions in place in the other Australian jurisdictions and New Zealand.

After a review of all the current regulations, it is proposed that South Australia uses a similar definition to the one in New Zealand's *Waste Minimisation (Plastic and Related Products) Regulations 2022*, which incorporates the possibility of cotton buds containing either cotton wool or synthetic fibre.

Feedback requested

Are these regulations appropriate for preventing plastic-stemmed cotton buds from ending up in South Australia's marine environments?

Are there any issues or potential unintended consequences related to this regulation?

3. Single-use plastic plates and bowls

It is intended that the ban relates only to single-use plastic bowls designed not to have a lid and single-use plastic plates that are designed and used for the consumption of food.

Plastic bowls designed to have lids, plastic cups with lids, and plastic food containers will be included in the products to be banned in [September 2024](#) and will be subject to further consultation in 2023 prior to the drafting of those regulations. Therefore, the current draft regulations make clear that only plastic bowls which are designed and intended for food consumption and are designed not to have a lid are banned.

A number of jurisdictions have already banned plastic plates and plastic bowls without lids, including Western Australia, Queensland and New South Wales. A ban on plastic plates (but not on plastic bowls) in Victoria will commence on 1 February 2023. In recent consultation, the Australian Capital Territory has proposed a ban on plastic plates and plastic bowls to commence on 1 July 2023.

3.1 Plastic-lined paper plates and bowls

Plastic-lined paper plates and bowls are commonly used for birthdays and other celebratory events. These items are recognisable by the bright patterns, seasonal greeting messages and cartoon characters they display.

Printed paper plates and bowls require a thin plastic lining to ensure the product is safe for the consumption of food (that is, to provide a barrier from the inks and dyes).

Plastic-lined paper plates and bowls are not recyclable in the yellow recycling bin unless there are no food residues. These products present as a contaminant in green organics bins as the conventional plastic lining cannot be composted.

Australian jurisdictions have sought to phase-out these items in different ways.

The **New South Wales** and **Victorian** regulations include time-bound exemptions for plastic-lined paper plates until 31 October 2024. The **Australian Capital Territory** have indicated their proposed ban on plastic

plates and plastic bowls is likely to include the same time-bound exemption. The time-bound exemption was developed in recognition that manufacturers, wholesalers and retailers had pre-ordered stock prior to the ban coming into force, and to provide time to source alternatives.

Queensland and **Western Australia** have not included this time-bound exemption for plastic-lined plates or plastic-lined bowls, however **Queensland's** recent guidance note on their government website regarding 'polymer-coated paper plates and bowls' indicates that, while there is no exemption in place, the Queensland Department of Environment and Science will not pursue compliance on these items at this time.

In comparison, **Western Australia's** ban applies to the sale, supply or distribution of all single-use or disposable plastic plates and plastic bowls that are made from plastic, whether made in full or partly of plastic.

For **South Australia**, the key factors in considering whether a potential exemption for plastic-lined paper plates and bowls should be included relate to:

- supporting harmonisation across jurisdictions and ease of regulation
- providing additional time for industry to identify and source alternatives
- difficulty with disposal of used plastic-lined food ware
- their role in the recovery of food waste
- consistency in messaging on how to dispose of other single-use food ware products (specifically those already prohibited or soon-to-be prohibited under the Act).

Currently, the draft regulations have included the time-limited exemption for plastic-lined plates and bowls until 31 October 2024 to mirror the exemptions in place in New South Wales, those soon to be put into place in Victoria, and those expected by the Australian Capital Territory. Alternative approaches may also be considered, subject to consultation feedback.

Feedback requested

Should South Australia address plastic-lined plates and bowls by:

- providing a time-bound exemption for these items?
- prohibiting the sale, supply or distribution of all disposable plates and bowls that contain plastic, including plastic-lined plates?
- undertaking an alternative measure not outlined above?

Are there any issues or potential unintended consequences related to each of these regulations including any potential impacts on people living with a disability?

3.2 Plastic bowls not used for human food consumption

The South Australian regulations have been drafted to provide an exemption for single-use plastic bowls used for medical, scientific, law enforcement or forensic purposes, but do not include exemptions for bowls used to serve food and beverages to people.

The proposed exemption has been developed to cover instances such as sterile single-use bowls used in operating theatres and non-sterile bowls used in veterinary practices, and is informed by exemptions in place in New South Wales following consultation on their single-use plastics legislation.

Feedback requested

Are the proposed exemptions appropriate, and are there any other industries that may require an exemption for single-use plastic bowls?

Are there any issues or potential unintended consequences related to this regulation?

