

**Consultation on the Single-Use and Other Plastic Products
(Waste Avoidance) (Prohibited Plastic Products)
Amendment Regulations 2024**

**Summary of Consultation Feedback and Government's
Responses**

Table of Contents

1.0 Introduction.....	1
1.1 About this Consultation Report	1
2.0 Context of this Consultation	1
2.1 Engagement approach to the 2024 Consultation	2
2.2 Description of the respondents	2
3.0 Summary of changes made to SUP Amendment Regulations	4
4.0 Detailed Descriptions of Responses	7
4.1 Feedback relating to the items proposed for Phase 2 of the ban.....	7
4.1.1 Plastic Shopping Bags.....	7
4.1.2 Plastic Barrier Bags	11
4.1.3 Support for the exemption on AS certified compostable barrier bags from the ban	15
4.1.9 Plastic Bread Tags	16
4.1.4 Hot Beverages Cups and their Lids	19
4.1.5 Cold Beverage Cups and Lids.....	25
4.1.6 Plastic Food Containers.....	27
4.1.7 EPS Trays	36
4.1.8 EPS Food and Beverage Containers	38
4.1.10 Plastic Confetti.....	40
4.1.11 Plastic Balloon Sticks and Ties.....	42
4.2 Feedback relating to the items proposed for Phase 3 of the ban	44
4.2.1 Plastic Produce Stickers	44
4.2.2 Plastic Soy Sauce Fish Containers.....	48
4.2.3 Attached Plastic Single-Use Cutlery and Straws	51
4.2.4 Integrated EPS Packaging	54
4.3 Additional Information arising from submissions	57
4.3.1 Timing of proposed bans.....	57
4.3.2 Costs concerns	58
4.3.3 Reducing waste stream contamination	59
4.3.4 Food safety concerns	59
4.3.5 Monitoring and enforcing compliance.....	60
4.3.7 Driving a culture of valuing plastics.....	60
4.3.8 Jurisdictional alignments and national harmonisation.....	60
4.3.9 A Whole-of-Supply Chain Design Approach	61
4.3.10 Recycled vs AS Certified Compostable.....	62
4.3.11 Reusables vs. recyclables and compostables	63
4.3.12 Confusion around compostability symbols, standards and terms	64

4.3.13 Government investment into reuse schemes	64
4.3.14 Government investment into FOGO waste infrastructure	64
4.3.15 State Government Grant and industry support	65
4.3.16 Supporting the public and industry through education	65
4.3.17 Promoting the regulations.....	66
4.3.18 Ensuring compliance	66
4.3.19 Suggestions for other methods of reducing single-use plastic waste.....	66
4.3.20 Other items recommended for future bans	67
5.0 Appendices	69
Appendix 1.1: List of self-identified organisational respondents providing feedback in Questions 1-63 of the YourSAy Consultation Survey	69
Appendix 1.2: List of providers of written submissions, responses and discussions from organisations and individuals.....	70
Appendix 1.3 YourSAy Public Consultation Survey Questions	71

1.0 Introduction

1.1 About this Consultation Report

This Consultation Report describes the information submitted to Green Industries SA (GISA) in response to a public invitation to provide feedback on the proposed Single-Use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024 (draft amendment regulations).

The South Australian government acknowledges the continued public interest in the issue of single-use and other problematic and unnecessary plastic products and thanks all those who contributed their feedback.

The public consultation on the draft amendment regulations was open to the public and industry between 18 December 2023 and 11 February 2024. Responses were able to be submitted in different ways, providing flexibility to accommodate the diversity of individuals and organisations. Responses were received via:

- A broadly accessible survey posted on the South Australian government's 'YourSAy' consultation site
- Emails and written submissions to the published GISA address
- Notes from verbal discussions with stakeholders.

Responses received, in all forms, have been reviewed and summarised within this report. This summary and analysis of the consultation will be published on the YourSAy website and the GISA website as record of the consultation findings and outcomes. This report informs recommendations to the South Australian Minister for Climate, Environment and Water regarding potential changes to the draft amendment regulations, based on business and community feedback.

2.0 Context of this Consultation

On 4 November 2022, the South Australian government announced its phased program to ban additional single-use and other problematic plastic products under the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* (the SUP Act).

- **Phase 1:** From 1 September 2023; single-use plastic plates, single-use plastic bowls, plastic stemmed cotton buds and plastic pizza savers.
- **Phase 2:** From 1 September 2024; plastic barrier bags, thicker plastic supermarket/retail shopping bags, other expanded polystyrene (EPS) consumer food and beverage containers, plastic balloon sticks and ties, plastic confetti, plastic bread tags, single-use plastic cups (including coffee cups), plastic lids on single-use cups (including coffee cups), plastic beverage plugs, single-use plastic food containers and EPS trays used for meat, fruit and other food items for retail sale.
- **Phase 3:** From 1 September 2025; plastic produce stickers, plastic soy sauce fish and pre-packaged and attached products (by removing exemption).

Amendment regulations for Phase 1 products were publicly consulted in February 2023 and came into operation on 1 September 2023.

Consultation on the draft amendment regulations, to ban the Phase 2 products from 1 September 2024 and Phase 3 products from 1 September 2025 commenced on 18 December 2023 and concluded on 11 February 2024. This report provides outputs from the public consultation as required under section 6(2) of the SUP Act.

2.1 Engagement approach to the 2024 Consultation

Formal public consultation on the draft amendment regulations, including the proposed exemptions to the SUP Act, was conducted via the YourSAY website, in accordance with the 8-week consultation requirement outlined in section 6(2) of the SUP Act, prior to any new prohibited plastic products being added by regulation.

Specific stakeholders expected to be directly impacted by the draft amendment regulations were also contacted by email, or where email addresses were not available, by mailout to their business address.

This included:

- 171 suppliers, newsagents, discount stores and other related businesses selling partyware
- 117 fruit and vegetable sellers
- 293 butchers and seafood stores
- 30 Bubble Tea shops and franchises
- 30 ice-cream shops and franchises
- 17 businesses (including peak bodies and major suppliers) using produce stickers
- 9 distributors of soy sauce fish
- 17 private hospitals to notify cafes and gift shops located on their premises.

Notification of the consultation and a link to the YourSAY website was also sent to the 524 businesses and individuals who have subscribed to the Replace the Waste website for updates to regulations over the last 5 years.

The Single-use Plastic Stakeholder Taskforce (SUP Taskforce), comprising representatives of business, local government and industry groups were notified on 18 December 2023 of the consultation and provided links to the YourSAY website with a request to distribute this to their stakeholders to provide feedback. This was followed up with a second email on 23 January 2024 to SUP Taskforce members that feedback was sought by 11 February 2024.

2.2 Description of the respondents

155 respondents participated in the YourSAY survey (wholly or partially) and 44 written responses were received from different individuals or organisations (including multiple submissions from the same author, counted as a single submission).

The YourSAY survey responses have been reported separately to the other forms of feedback submitted. These have been designated with the titles “Organisational survey” and “Individuals’ survey”, respectively throughout this reporting.

- **Organisational survey:** 21 organisational respondents provided answers (wholly or partially) to Questions 1 to 63; with 9 respondents identifying as being a Distributor or Wholesaler, 6 as Retailers and 5 operating in the Food and Hospitality sector. These have been listed in Appendix 1.

- **Individuals' survey:** 135 people responded (wholly or partially) to Questions 63 to 96 of the YourSAy survey during this consultation period.

Submissions: The 44 respondents who submitted written responses via email comprised a mix of organisations and their representatives, and also included feedback from individuals. These have been listed in Appendix 1.

Responses to this feedback has been provided by GISA in the body of this report under the heading **Government response** for each product section.

3.0 Summary of changes made to SUP Amendment Regulations

Item/issue	Changes
Plastic Shopping Bags	
Reusable plastic film shopping bag standard	<p>No change - reusable plastic film shopping bags will not be permitted</p> <p>Creating an effective reusable plastic bag standard that dictates minimum percentage of domestic Australian recycled plastic and has a minimum price applied is not possible by regulation under the SUP Act.</p>
Plastic shopping bags reused by charity shops	<p>New exemption for plastic shopping bags reused by charitable organisations until 1 September 2027</p> <p>By September 2027, it is expected that the number of plastic film bags still being used to donate goods will have significantly decreased and the exemption will no longer be required.</p>
Plastic barrier bags	
Use of Australian Standard (AS) certified compostable bags for fruit, vegetables, nuts, confectionery, meat, poultry, dairy and fish	<p>No change to implementation date for AS certified compostable bags for fruit, vegetables, nuts and confectionery.</p> <p>Strong support for this requirement with no material issues raised.</p> <p>12-month delay for implementation date for AS certified compostable bags for meat, poultry, dairy and fish until 1 September 2025</p> <p>Industry and businesses have requested additional time to research and test AS certified compostable bags for use with these products. Not all compostable bags are compatible with these types of wet protein.</p> <p>Definition of fish expanded to include crustaceans and molluscs to close a loophole for other seafood products.</p>
Plastic food bag tags	
Draft amendment regulations referred to 'bread bag tags'	<p>Change name from 'bread bag tag' to 'food bag tag'</p> <p>Submissions highlighted the confusion created by using one product in the name but including other food products in the scope of the ban i.e. a tag intended to hold close a bread bag or other food product bag.</p>
Use of plastic food bag tags to close heavy bags of vegetables (e.g. potatoes and carrots)	<p>New exemption for plastic food bag tags used to close bags of potatoes and carrots weighing 2kg or greater until 1 September 2029</p> <p>Industry representatives made clear that fibre-based tags are not suitable for weights of 2kg or greater or in damp storage conditions. Changing packing technology will require significant capital investment and will take some years to occur. A time-limited exemption would allow producers to investigate alternative technologies and make changes to packing lines.</p>
Plastic confetti, plastic balloon sticks and ties	
There were no submissions or responses which raised	No changes

Item/issue	Changes
any issues with the intent of the ban for these products or with the definitions in the amendment regulations.	
EPS trays and other retail food containers	
There were no submissions or responses which raised any material issues with the intent of the ban for these products or with the definitions in the amendment regulations.	No changes
Labelling requirements for Australian Standard (AS) certified food and beverage containers	
Requests for additional time (12-24 months) to meet the requirement for labelling AS certified food and beverage containers.	<p>Delay to labelling requirements for AS certified compostable food and beverage containers until 1 March 2026</p> <p>An 18-month transition period from the commencement of the regulations will allow for industry and business to ensure that all AS certified compostable food and beverage containers are clearly labelled. Councils, the waste industry and consumers strongly supported the labelling requirements to ensure that compostable food and beverage containers were placed in green organic bins after use and assist businesses with purchasing compliant items.</p>
Labelling or moulding compostable information on small food and beverage items	<p>New exemption from labelling requirements for lids less than 70mm in diameter and containers less than 60mL by volume</p> <p>Industry confirmed that these exemptions capture the most difficult items to clearly mark.</p>
Australian Standard (AS) certification for food and beverage containers	
<p>Requests for additional time (12-24 months) to meet the requirement for AS certified compostable food and beverage containers.</p> <p>Requests for transitional exemptions for products certified to European and/or US composting standards</p>	<p>Delay to requirements for compostable food and beverage containers to be certified to AS, allowing European and US certified products until 1 March 2026</p> <p>An 18-month transition period from the commencement of the regulations will allow for industry and business finalise AS certification processes already underway and to meet any initial shortfalls with containers certified to ATSM 6400 (US Standard), EN 13432, TUV OK compost INDUSTRIAL or TUV OK compost HOME while transitioning to only AS certified compostable food and beverage containers.</p>
Hot and cold beverage cups and their lids	
Inclusion of soup in the definition of hot beverage	<p>Change to definition of hot beverage to remove reference to soup</p> <p>Reduce confusion for industry who consider soup a food and not a beverage.</p>
Stickers and tape used to prevent spillage during delivery	<p>Change to definition of beverage plug as an object that is inserted into a lid</p> <p>Change to definition of beverage cup lid to indicate that the film lid must cover the whole top of the cup</p>

Item/issue	Changes
	These changes clarify that stickers and tape that may be used on lids to prevent spillage during delivery are not prohibited plastic products under the SUP Act.
Food containers	
Limitations for compostable plastic containers used in environments greater than 60°C or used to contain very hot foods or liquids during delivery	New exemption for transparent square or rectangular plastic food containers with a detachable lid made wholly from polypropylene (PE) or polyethylene terephthalate (PET) until 1 September 2029.
Lack of transparency and effective moisture barriers for compostable plastic containers	Provides an exemption for a suitable single-use plastic container that is 100% recyclable in yellow kerbside bins, for foods kept at temperatures greater than 60°C, contain and transport very hot and oily foods and will remain transparent in hot food storage conditions.
Seeking an exemption for catering platters provided at event or functions	New exemption for catering platters used at a function or an event Definition and exemption modelled on Western Australian legislation to ensure harmonisation.
Plastic lined paper/cardboard lids used with aluminium foil containers (e.g. Meals on Wheels in SA)	New exemption for a paper or cardboard lid lined or coated with plastic that is designed or intended to be used with an aluminium foil food container used for ready-to-eat food
Plastic produce stickers	
No Australian Standard (AS) certified compostable produce stickers	New exemption for plastic produce stickers without AS certified adhesive and produce stickers certified to European or US composting standards until 1 September 2028
Lack of produce stickers with certified compostable adhesive	Allows plastic produce stickers certified compostable to ATSM 6400 (US Standard), EN 13432, TUV OK compost INDUSTRIAL or TUV OK compost HOME as a transitional solution but the ban on non-compostable produce stickers will still come into effect on 1 September 2025.
Soy sauce fish	
There were no submissions or responses which raised any issues with the intent of the ban for this product or with the definition in the amendment regulations.	No changes
Removal of exemptions for attached cutlery and EPS pre-packaged goods	
There were no submissions or responses which raised any issues with the intent of the ban for these products or with the definitions in the amendment regulations.	No changes

4.0 Detailed Descriptions of Responses

4.1 Feedback relating to the items proposed for Phase 2 of the ban

Feedback was sought on a ban from 1 September 2024 on the following items:

- thicker plastic supermarket/retail shopping bags and plastic laminated paper bags
- plastic barrier bags
- plastic bread tags
- single-use plastic hot and cold beverage cups and their lids and plastic beverage plugs
- single-use plastic food containers
- EPS trays used for meat, fruit and other food items for retail sale
- other EPS consumer food and beverage containers
- plastic confetti
- plastic balloon sticks and ties

4.1.1 Plastic Shopping Bags

Do you have any comments or concerns about the ban on plastic shopping bags?

Organisational survey – 14 responses

Of the fourteen organisations (14) responding to this survey question, eight (8) were in favour of the proposed ban and one (1) mentioned that it was not applicable to their members.

One organisation was concerned that they could not afford to supply alternative bags to their customers and two more did not think alternatives were safe to use.

“Bags are terrible and break frequently.”

“Paper bags are not practical in all scenarios.”

One organisation suggested that cotton bags also be banned.

One of the eight (8) respondents supportive of a ban on plastic shopping bags requested an extension to the implementation of the ban to 31 December 2024 (at the earliest), to allow for existing stocks to deplete. In addition, they expressed a fear of increasing waste created by dumping non-compliant bags into landfills.

Individuals’ survey – 99 responses

Seventy-four (74) of those responding were in favour of the ban proceeding and did not present concerns.

“I think its (sic) an excellent and necessary ban, the creeks/rivers/oceans are full of them because of irresponsible people.”

“Should have happened at least 5 years ago.”

Others provided a range of comments; one person suggested that paper bags should be free to consumers, and another was concerned that the legislation was insufficiently clear, allowing *“many variations of plastic bags that slip through”*.

Two people were concerned that other plastic bags would still be for sale, enabling the continuation of their use, and the problems they create.

“The ban should extend to all plastic bags and include products such as freezer bags, zip-lock bags, plastic bin liner bags, dog waste bags.”

One person raised concerns that the cost of goods will increase as a result of the ban.

Two individuals objected to the act of banning plastic bags, explaining that it was not necessary.

“Stop banning things. This is just over the top.”

Eighteen (18) respondents took this opportunity to introduce a range of topics they perceived were relevant to the question and stated their concerns around the fitness-for-use of alternatives in a variety of common householder situations:

“Some of them need to be stronger as the ones I currently use break...”

“We need REAL WORLD replacements, not cheap nasty alternatives...”

“99c for reusable bags, which last one carry anyway. Seems like some ridiculous way to tax us on another initiative.”

“Composting services need to be available to all households.”

There was confusion from some respondents about the use and meaning of the term “compostable” and how this compares with conventional plastics.

“The only concern is how much of the compostables will still turn into microplastics.”

“Compostable bags are also not good for the environment.”

Submissions

The topic of national harmonisation of regulations regarding plastic, alternatives, uses, and management, was discussed in many of the submissions received.

Some submissions showed support for an exemption, or a change to regulations, for plastic shopping bags made of Australian recycled plastic materials (e.g., thick plastic bags) because they provide a market for recycled plastic waste and satisfy domestic consumer demand for thick, strong bags. There were recommendations for a priority to be placed on developing the country’s soft plastic recycling capacities.

“Adequate processing capacity and markets for these materials are therefore vital and thresholds for Australian recycled content in packaging must be prioritised and ultimately mandated to ensure the viability of the domestic recycling system.”

One submission cautioned against the use of “*some fibre-based formats*” of shopping bags which contain laminates and multi-materials that can contaminate recycling streams. They also raised concerns about overseas manufacturing in countries with fewer regulations.

“Some typical fibre-based bags now sold through Australian retail outlets contain little to no domestic recycled content, while being manufactured under unknown social and environmental standards overseas.”

There was a concern about increased risks of contamination of rigid plastic streams by fibre-based shopping bags at Material Recovery Facilities (MRFs) because non-plastic materials can “*mimic plastic packaging properties*” that can “*confuse mechanical sorting techniques*”.

Concerns were raised about the lack of nationwide regulations creating issues around the disposal of compostable materials in different jurisdictions. In some areas, this may result in an increase in plastics-to-landfill because the locality (or state) cannot accept these materials through their food organics and garden organics (FOGO) recovery systems. In this instance, the respondent claimed, the better alternative would be recycled and recyclable plastic bags.

A submission from an environmental organisation communicated concerns around the proposed ban reasoning that allowing AS certified compostable bags or paper bags which are predominately single-use will not encourage the use of reusable bags. This submission included a detailed recommendation for the “*Key Components of Reusability*” (based on elements of standards used in California and the EU) and defined that “*a reusable bag must be designed and manufactured to be able to complete multiple uses or shopping trips for the same primary purpose*”.

In addition, it was recommended that the draft amendment regulations be changed to include references to other materials (such as paper or fabric) and enable flexibility for updates to descriptions as innovative designs become available. To support this, they recommended that alternative bags be available for purchase for a minimum price of \$2 at retailers, with proceeds funding community clean-ups. They also suggested the development of infrastructure to recover and recycle end-of-life bags.

A submission provided evidence to support their claims that some of the alternatives (i.e., paper, textiles, non-woven polypropylene) may carry unintended consequences to the environment and the circular economy because they deplete resources and are not recyclable (or there is no market for their recycled product).

“Therefore we strongly recommend to just set a framework that prescribes

- *A certain recycled content*
- *Recyclability/mono-materials*
- *Reusability criteria (buzzword: 125 uses with 10kg)”*

An email query was received from a charitable organisation requesting clarity around the reuse of plastic film and plastic laminated paper bags after the ban comes into effect. Many charity/thrift stores receive donations in reused plastic bags which are then reused to provide shopping bags for customers’ purchases.

Government response

There was very strong community support for banning heavyweight plastic film shopping bags and plastic laminated paper shopping bags. Almost 80% of survey respondents always use reusable shopping bags when they go shopping.

There was no specific feedback received on the banning of plastic laminated paper bags (e.g. premium shopping bags predominately used by high end fashion and beauty chains).

In general, businesses agreed with the proposed ban on plastic film shopping bags of any thickness, with one South Australian business highlighting the need to clear stock on hand. One supermarket raised the potential introduction of a reusable bag standard however other large supermarkets noted they had already transitioned to the accepted alternatives.

Consideration was given to the adoption of a reusable plastic bag standard (similar to one that has been adopted by the Queensland Government) that would allow some film plastic bags greater than 35 microns to be determined as reusable and not included in the plastic bag ban. Specifically, bags containing a minimum percentage of domestic recycled plastic, have thickness of greater than 100 microns, meet a standard test for use (125 uses – ‘jog test’) and a minimum sale price.

Recycled content plastic film bags greater than 35 microns on the market are largely manufactured offshore with limited benefit to increasing the circulation of domestic post-consumer plastic. While a national voluntary framework for recycled content traceability is in place, there is no consistent certification process, creating regulation and compliance challenges under the SUP Act. In establishing a minimum thickness of bags to be deemed reusable, this is likely to establish a new baseline for plastic film bags on the market which are used once or a limited number of times, rather than driving a transition to alternatives that the community consistently identifies as reusable options and demonstrates in practice. There is also no mechanism under the SUP Act which would allow a minimum sale price to be put into place.

Therefore, there has been no provision made in the draft amendment regulations to introduce a reusable shopping bag standard that includes plastic film bags.

In response to a specific query from the sector, a 3-year time-limited exemption (until 1 September 2027) will be put into place for charitable organisations who receive donations of goods from the public in plastic film bags and then reuse these bags for sales of second-hand goods in their retail shops. This would otherwise be banned under the supply definition in the SUP Act. By September 2027, it is expected that the number of plastic film bags still being used to donate clothes will have significantly decreased and the exemption will no longer be required.

4.1.2 Plastic Barrier Bags

Do you have any comments or concerns about the ban on plastic barrier bags?

Organisational survey – 15 responses

Of the fifteen (15) respondents to this question, six (6) stated they agreed and/or had no comments or concerns.

“We support the ban as there are suitable alternatives available (either Certified compostable bioplastic bags or paper bags).”

Others began their comments by stating they were in support of the reduction of single-use plastics, but they had some concerns about whether the proposed AS certified compostable barrier bags were appropriate. These concerns included:

- Being fit for bagging fresh fruit, vegetables, nuts and confectionery but unable to be used for moist foods, e.g. meat, fish, dairy
- Possessing a shorter shelf life than plastics
- Leaching “material” into food products and suggesting that there is insufficient evidence they are safe for the public
- Inferior to landfill degradable bags, which are less harmful to the environment (when in landfill) than commercial compostable bags
- Inferior to landfill degradable bags, which were approved by REDCycle for recycling
- Biodegradable bags do not produce microparticles.

“It would be impractical to expect vendors of meat or fish to use this technology.”

“Commercial compostable and home compostable materials are made using a percentage of fossil fuels and this can be as high as up to 70%.”

“I don’t think there has been enough evidence to suggest that these compostable solutions are safe for the public.”

“There is (sic) currently no available options for compostable/biodegradable packaging for cheeses due to the full barrier properties required to achieve the modified atmosphere required to achieve a usable shelf life for the product.”

Individuals’ survey – 76 responses

Thirty-seven respondents agreed with and/or had no comments or concerns around the proposed ban on plastic barrier bags and the exemption for AS certified compostable alternatives.

“The ban on non-compostable barrier bags can not (sic) come soon enough.”

Others provided a range of comments, advice, preferences and concerns. A key theme being that the compostable alternatives will end up in landfills, causing environmental damage, owing to a lack of consumer education about the correct disposal of these materials.

“Whatever course of action is taken, it needs to be clear, simple and communicated well to avoid waste stream contamination.”

A minority of responses were against banning; some because they did not perceive that there was a hygienic alternative to plastics and those who did not support this form of government intervention to change behaviour.

“You should not be banning any plastic bags. They are hygienic and stops (sic) the spread of disease.”

Some were concerned that the compostable alternatives were not going to work for them, e.g. not strong enough, will not compost at home, still take years to disappear.

“... in my experience, bananas break easily through these bags making them impractical for that fruit.”

“... some bags are not really compostable despite being labelled as such.”

There were a few concerns around the perceived increase in the usage of plastic wrapping of meats and vegetables in supermarkets.

“My concern is about all of the excess plastic that supermarket meat departments have started using.”

“No concerns other than doesn’t go far enough, need to ban cling-wrapped meat.”

Finally, some would like to see the end of all single-use bags, including the compostable ones and it was suggested that this is more likely to be achieved by removing or phasing out the exemption for AS-certified compostable barrier bags.

“I would like to see the ban in place and more people using reusable cotton bags, not compostable bags.”

“... as consumers develop better habits and alternatives, perhaps even these can be phased out.”

Submissions

A retail industry representative stated their support for the proposed bag regulation but also requested a delay in implementing the requirement for AS certified compostable bags for the purposes of bagging meat, poultry and fish. They reasoned that these barrier bags are not yet proven to be fit for this purpose and there were concerns about food safety. They mentioned that trials are underway to further test their suitability for this role. A delay in the implementation of the proposed ban on plastic barrier bags for meat, fish and poultry was requested.

There were also concerns about the challenges that would be presented if these proposed bag bans proceed, leading to recommendations for additional investigations of alternatives, their safety and longer-term effects, innovation and the time to achieve this. In addition, improved research, development and technologies may discover ways to increase the user’s practical experience and reduce the financial cost of changes to primary producers.

“Currently much of the pre-packaged and ready-to-eat fresh produce is marketed in single-use plastic bags. These bags offer convenience, protect produce from contamination, extend shelf life, reduce waste, and support traceability. While efforts are in place to develop alternative compostable and recyclable packaging, there are cost, practicality, and durability issues.”

“(phasing out single-use plastics) ... must be done in a manner that does not compromise produce safety, is introduced in a timely way, cost-effective, nationally consistent, and is supported by practical and effective alternatives”

Owing to these challenges, there were recommendations of 12–18-month delays in the timelines for the implementation of these proposed regulations, as they apply to meat, fish, poultry and dairy, to accommodate innovation, testing and proof of the fit-for-purpose of compostable barrier bags.

Encouraging the use of AS-certified compostable barrier bags was welcomed by waste industry members because they align with efforts to increase food organics and garden organics (FOGO) collections and processing.

“Plastic packaged food is one of the main recurring contaminants found in kerbside FOGO bins as well as being present in kerbside general waste. Compostable barrier and shopping bags offer convenience for correct disposal and councils see this as an opportunity to increase diversion of food waste from landfill and to reduce contamination.”

Others expressed the opinion that compostable and recyclable items will continue to end up in landfills as a result of consumers’ behaviour. If there is to be an increase in these items, it was recommended that improvements in labelling and information should be directed at consumers to change their (incorrect) behaviour.

“This should also include the differentiation between degradable, biodegradable and compostable.”

“To achieve this, clear labelling and continuous community education are deemed essential.”

In addition to a written submission, a request was received for clarity around the items and uses included in the proposed regulations for plastic barrier bags. This specifically asked if they included non-foodstuffs such as dishwasher tablets as well as fresh flowers and herbs.

Another query related to whether ready-to-eat oysters were to be packaged in compostable barrier bags or not.

Government response

Increasing the use of AS certified compostable barrier bags for food products was welcomed by the South Australian waste management industry and local government because it aligns with objectives to increase FOGO collection and processing and reduces potential contamination from conventional plastic barrier bags.

Across individual responses and business and local government submissions, there was greater support for requiring AS certified compostable bags for fruit, vegetables, nuts and confectionery. Both individuals and businesses raised concerns about the use of AS certified compostable barrier bags for dairy products, meat, poultry or fish (‘wet protein’). While there are some local examples of AS certified compostable barrier bags being used for wet protein products by supermarkets and butchers, they are

not widely used either in South Australia or interstate. There were also reports that not all AS certified compostable barrier bags perform appropriately when used for wet protein products.

Two members of the SUP Taskforce made it clear that transition to AS certified compostable barrier bags would be more challenging for wet protein products and requested a delay in implementation (until 1 September 2025) to accommodate innovation, testing and proof of the fit-for-purpose of AS certified compostable barrier bags.

The exemption for labelled AS certified compostable barrier bags used for fruit, vegetables, nuts and confectionery will commence as consulted on 1 September 2024. However, to provide additional time for transition in line with industry feedback, the ban on non-AS certified compostable barrier bags for dairy products, meat, poultry and fish, will commence 12 months later on 1 September 2025.

As part of the communications campaign supporting the single-use plastic bans, there will be extensive education how to identify AS certified compostable products and their use to divert food waste to the green organics bin.

4.1.3 Support for the exemption on AS certified compostable barrier bags from the ban

Individuals' survey – 76 responses

The Individuals' YourSAy survey (only) asked people to reply “yes” or “no” in response to the question ***“Do you support exempting AS certified compostable barrier bags from the ban?”*** and 88% answered positively.

Seventeen (17) people who supported the ban on plastic barrier bags also provided comments or asked questions that indicated that there is confusion around the topic and a need for education around the efficacy, use and disposal of AS certified compostable bags.

“We need better education so they don't end up in landfill.”

“The AS certified bags need to be very clearly labelled to reduce confusion.”

“No. However compostable bags must be completely biodegradable and not merely break down into tiny pieces.”

“How many people do you think really compost?”

“I think AS certified should eventually be faded (sic) out altogether.”

In addition to providing comments addressing this question, respondents also used this opportunity to recommend additional ways to reduce the use of barrier bags and/or improve the AS certified compostable ones, i.e.

- Develop stronger compostable bags because the “supermarket ones” are too thin for use
- Provide more ways to ensure food hygiene
- Encourage the use of reusable containers
- Reduce pre-packing of food in plastics
- Supply free AS certified compostable bags to citizens
- Ensure that all bags are compliant with AS certification (indicating a lack of trust in labelling)
- Reduce the cost of reusable bags
- Increase sizes of compostable bags
- Label compostable bags with instructions for disposal
- Produce clear (not opaque) AS-certified compostable bags for accurate identification of contents.

4.1.9 Plastic Bread Tags

Do you have any concerns about the ban on plastic bread tags?

Organisational survey – 12 responses

There was general support for a ban on plastic “bread tag” closures from organisational respondents where they were used to close bags of bread and other lightweight pantry products.

The three organisational respondents to this question used plastic “bread tags” for the closure of other food products, including potatoes, vegetables and snacks.

Concerns about a ban were expressed by representatives from the potato industry because the alternative fibre-based tags are not strong enough to securely close a heavy bag of potatoes (2kg -10 kg). Tag failures would result in spills of product and product contamination.

Another respondent suggested that if the robust plastic “bread tag” closures were banned, they may have only the option to replace them with another reliable form of plastic closure.

One person sought clarification on the proposed scope of the ban, i.e. is it only for bakery products or across all uses of the plastic “bread tag” closure?

Individuals’ survey – 95 responses

Once again, the majority of respondents (seventy one (71) people), supported this ban – although not all were in favour the proposed alternatives.

“Necessary”

“I would love to see the ban in place very soon.”

Six (6) respondents did not support this ban; for reasons including that its effect will be negligible, that it is an overuse of government power, or because the alternative products are ineffective.

“I do not support banning plastic bread tags. The recyclable or compostable bread tags which companies are starting to use do not do as good a job as plastic ones.”

“Do something useful in parliament rather than fluff around with these tiny issues and your power to ‘Ban’ stuff.”

People had concerns about the effectiveness of the alternate bread tags and some suggested that a ban on the plastic ones may lead to an increase in use of other problematic plastic products such as twist ties, tape, and cable ties. However, most respondents were satisfied with the performance of their fibre-based bread tags and felt these were fit-for-purpose.

Twenty-four (24) of these satisfied respondents were in favour of extending this ban to encompass all the plastic ties and tape, reasoning that they’re not required and should be included now.

“I would like to see the ban extended to all single use plastic closures, including cable ties.”

“Plastic tape, cable ties, and plastic twist ties should also be banned. Paper bread tags do the job sufficiently.”

It was evident in the responses that education around the correct disposal of the cardboard bread tags was required, with some placing them in the recycling bin and others believing they should be disposed in the organics bin.

Submissions

While there were no submissions regarding the use of plastic bags for bread, there were industry concerns around the proposed banning of plastic tags to secure large format bags of fresh produce. These bags can typically contain 2kg to 10kg of hard vegetables (e.g. potatoes and carrots) and paper-based tags cannot support these greater weights.

A poorly sealed, large format bag of loose produce will result in reduced produce quality, stock spoilage (and food waste) and reputational loss. The poor performance of available substitutes was described in various submissions, e.g. inability for the consumer to reseal once home, wet and mouldy tags as a result of the farm/packing environment, too weak to resist the weight of the produce within, etc.

Submissions described the considerable increase in costs of packaging these items in a new format (i.e. new bags, equipment, training, packing line alterations etc.) and requested exemptions for a range of fresh produce items currently using the plastic “bread tags” to seal their large bags.

“That the SA Government provides an exemption for large format fresh produce bags in regulations for the planned ban on plastic bread tags.”

A change to the wording of the regulation was suggested, such as:

“... amend the definition of ‘bread bag tag’ to remove ‘or other food product bag’ or be amended to specifically exclude fresh produce bags.”

There were also requests for sufficient time frames before any (subsequent) banning of plastic bread tags to be used for produce packaging to allow time to “guarantee the success of these sustainability initiatives”.

“We acknowledge that the potato industry will need time to implement reforms and ensure any investments in alternatives are viable and functional. The transition to alternatives requires research and investigation to determine suitable alternatives that meet the needs and requirements of potato packaging.”

There was also a recommendation that an exemption is made for AS certified compostable plastic bread tags because:

- They are sturdier and longer-lasting than the paper-based ones
- They can provide an environmentally friendly alternative to the plastic closure which may be used to replace the banned bread tags, e.g. tape, plastic cables and twist ties
- If disposed of correctly, via the FOGO stream, they will not create size-related issues at MRFs.

A clarification was sought on whether these proposed regulations included the bread tags which also had a label attached to them.

Requests for other aspects of the proposed regulations to be considered were:

- Removal of any reference to produce in the bans
- Remove the words “*such a tag with an attached label*” from the definition of a bread bag tag
- Clarification that KwikLok tags used for labelling are not captured.

Government response

The South Australian government announced that a ban on single-use plastic bread bag tags would commence on 1 September 2024. When the amendment regulations were drafted, the definition of a bread bag tag was expanded to ‘*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*’.

No submissions or survey responses raised any concerns about tags used to close bread bags. Across the bakery industry there has been a transition to fibre-based tags.

Submissions from representatives of producers and retailers of fresh produce all raised concerns about a potential ban on ‘KwikLoc tags’ (the most common brand of bag closure) used for closing bags 2kg or greater of hard vegetables (e.g. potatoes and carrots). After meetings with industry representatives, it was clear that prior to the consultation period, the fresh produce sector was unaware that the upcoming bans would apply to their products. Fibre-based tags could be used in the packing machinery however the tags are not suitable for weights of 2kg or greater or in damp storage conditions.

The industry is moving to vertical fill technology (sealed 1 kg, 1.5 kg and 2kg plastic bags without closures predominately sold in supermarkets) however the most common packing lines still use polyethylene bags with KwikLoc tags for larger products (2kg, 2.5kg, 4kg, 5kg and 10kg bags). Changing packing technology will require significant capital investment and will take some years to occur. Industry representatives confirmed that a time-limited exemption would allow producers to investigate alternative technologies and make changes to packing lines.

In line with industry feedback, a 5-year time-limited exemption (until 1 September 2029) is proposed for a food bag tag used to hold closed a bag of potatoes or carrots weighing 2kg or more.

The name of a bread tag has been altered to reduce confusion and the definition made clearer:

Food bag tag means *a rigid tag designed or intended to hold closed a bread bag or other food product bag.*

4.1.4 Hot Beverages Cups and their Lids

Organisational survey – 12 responses

The organisational YourSAy survey respondents were asked:

“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 September 2024?”, followed by ***“Do you have any comments or concerns about the ban on plastic hot beverage cups and their lids?”***

Concerns were expressed around the suitability of reusable and compostable cups and lids for hot liquids, specifically:

- Spillage from containers without lids may cause burns, mess, damage and/or additional use of retailer resources (resulting in cost increases)
- Spillage may also occur through containers falling apart with use
- Fears for liabilities if spills/burns etc. occur, and seeking exemption from this
- References to a European lifecycle analysis (identified as a “certified ISO compliant life cycle analysis”) claiming “that fibre based single use food service packaging has significantly better overall performance when compared to reusable food service ware in a quick service restaurant scenario”
- General concerns over the integrity and fit-for-purpose of compostable alternatives, and fears of retailer/customer complaints
- There are no suitable alternatives to the beverage containers and lids under consideration
- Supply shortages when/if the ban is enacted.

“Members report... they are currently concerned... about the integrity of compostable products.”

“They will fall apart when the customers use them.”

“It should be retracted, not go ahead. There are not any viable alternatives.”

There were fears relating to cost increases affecting all points of the beverage container supply chain, as follows:

- The lack of national harmonisation in container and lid labelling and standards will increase costs to manufacturers and national retailers
- The costs and time associated with AS certification (which was mentioned as being \$30,000)
- Changing from current to new containers and lids will increase costs for manufacturers, wholesalers and retailers, particularly if they have insufficient time to run down existing stocks
- These costs may/will be passed on to the consumer, which may/will reduce demand for takeaway beverages as prices rise.

“AS certification can take 12-18 months.”

Hospitality representatives were concerned about the burden of increased costs falling upon takeaway beverage retailers and the longer-term sustainability of these businesses. This was coupled with fears surrounding the availability of compliant containers and lids, once the legislation has passed, leaving retailers without suitable alternatives to the banned containers and lids.

“The price of everything is on the rise. Availability is limited.”

A manufacturer submitted that this should be a straightforward implementation but proposed that these regulations present complications. The first challenge is to ensure that all Australian states follow the same compostability, identification and certification regulations or it will become very difficult and expensive to manage compliant supply for a national manufacturer and beverage retailer.

“The complication will be for customers who use the same cups across the country and ensuring that these cups comply with the requirements across all Australian states.”

The second challenge for them is the lack of available space on lids to display AS-certification logo correctly.

It was submitted that achieving national jurisdictional harmonisation of legislated requirements for compliant beverage containers and lids will reduce supply chain costs, and decrease confusion around the production, use, reuse and disposal of beverage containers because there is insufficient room on container lids to produce compliant, identifiable iconography for national use across separate jurisdictions. Without this, it was mentioned that South Australia may experience the cessation of some businesses in the state and/or an increase in the costs of beverages to the public.

“If labelling is confirmed as a requirement, there must be an exemption/transition period available, due to timelines ... there needs to be consideration for what abbreviated labelling can be applied to smaller items (i.e. lids, espresso cups) and there is not sufficient space for applying the relevant certification logo.”

“The ABA [Australasian Bioplastics Association] provides clear guidelines on how to present the certification logos and the minimum size is 10.6mm. Due to the dimensions of a cup lid, this will be difficult to represent clearly.”

This led to recommendations that the proposed ban in South Australia be delayed until packaging, communications and manufacturing specifications are harmonised across all Australian states and territories.

It was cautioned that there may be undesirable environmental and economic effects if this proposed ban is implemented. In some of the scenarios posed, it may not reduce the volume of beverage container/lid waste-to-landfill because consumers will continue to follow established disposal patterns (i.e. landfill bins), bypassing compostable waste channels. In addition, the respondent pointed out that compostable beverage containers need to have *“some sort of polymer liner (which) introduces complexity and difficulty for composting operators...”* suggesting that these compostable beverage containers and lids risk contamination of the organics waste stream.

This led to recommendations for recyclable cups and lids, over compostable ones.

“Little to no organic recovery will be realized through the inclusion of compostable beverage cups once these cups have gone through the collection process... also increases the risks of unintended contamination of the organics stream...”

The argument was made for the inclusion of recyclable beverage containers and lids because these have proven to be successful, and their value provides higher returns as raw materials (i.e. pulp to be used again) than that of containers and lids becoming compost.

Concern was raised about the lack of suitable infrastructure to enable sufficient diversion of compostables from landfills. A regional South Australian respondent pointed out that they have access to compostable alternatives but that there is no industrial composting facility near them.

Individuals' survey – hot beverages, 88 responses

Individuals were asked: ***Do you have any comments or concerns about the ban on plastic hot beverage cups and their lids?***

Of those responding to this section of the Individuals' survey, sixty-six percent (66%) purchased hot beverages to take away and just under half of these claimed to use a reusable cup system when they purchase. They described a diversity of containers for this purpose. Those who did not adopt reusable cups cited a range of reasons for not doing so, e.g. forgetting to take reusable cups, being too busy, having experienced a vendor's refusal to use their cup, not being able to pre-order their beverages in their own cup etc.

Forty-nine (49) of the 88 people providing comments were in favour of implementing a ban as planned.

"Needs to be done."

"All these bans should have been in place many years ago in my view."

There were just two respondents who stated they were against this proposed ban, because they felt that bans were not the answer, or desirable in any form.

"Stop banning stuff. Its (sic) over the top. Stop doing it."

"Stop banning everything we love."

Others provided a range of concerns, as follows:

- Concerns that compostable cups/lids contain a "hazardous ingredient" that is harmful to gardens and/or humans (one person noted this was "PFAS [Per- and polyfluoroalkyl substances]")
- Exemptions for compostable containers/lids do not demonstrate the desire for prioritisation of reusable containers and required behaviour change)
- Fears that the wording of this ban would contain "loopholes" through which non-compliant products could slip
- South Australians require a great deal of education before their behaviours change and they behave in the desired manner, e.g. labelling, waste disposal, safety of compostables, bin labelling, vendor hygiene, where to obtain compliant containers/lids etc.
- Concerns around potential container contamination including differing cleaning regimes of individuals and businesses
- Concerns relating to injury from broken cups in bags, or if they are handed to vendor staff, who might become injured
- Spillage concerns
- Why there had not been more investigation and investment into recyclable single-use cups and lids
- Concerns about loss of convenience for customers, and effects of this on the hospitality industry.

There were fears of unintended consequences of the proposed regulations, such as a reduction in demand for takeaway beverages if a single-use alternative was not available and causing economic damage to the hospitality sector.

“I won’t be buying coffee any longer, if that’s the case.”

“Would limit spontaneous TA (take away) consumption.”

Respondents also mentioned other possible unintended consequences:

- An increase in coffee lolly consumption, thus creating another waste issue because of the wrapping
- Affecting tourists’ ability to purchase takeaway beverages
- A profusion of very thin, cheap plastic cups masquerading as reusable, but being treated as single-use containers.

One person wanted to understand how the ban would be enforced, concerned that this would not occur based on previous experience with an unenforced local government ban.

There were three questions around plans for the provision of infrastructure for disposal of compostable items, and it was pointed out that this infrastructure is currently not available across Adelaide and the state.

“My biggest concern is the lack of refuse bins with Compostable bags for collection. Most bins I see have black or white plastic bin liners which means compostable cups and plates are going to landfill rather than into FOGO bins. This needs to be remedied urgently.”

Finally, a couple of people mentioned price increases at point of sale being of concern; and on the opposite end of the scale, two respondents said they would *prefer* that citizens paid a premium to purchase single-use containers.

Submissions

Many of the submissions addressed the regulations for cups and lids of both hot and cold beverages without differentiating between them.

The following is a summary of the key points, which were applied to both hot and cold beverage cups:

- Support was received from bioplastic manufacturers
- Many submissions highlighted the need for additional public education to inform customers about waste streams and correct disposal
- AS certified compostable PLA lined paper cups have a thicker layer of plastic than a conventionally PE lined cup
- Retailers and manufacturers require additional time (beyond 1 September 2024), to implement the proposed changes, supply compliant cups and lids and run-down existing stocks
- *“Cup share networks”* will require additional time to become established
- General preferences for reusable cups and lids over single-use compostable ones
- Recommendations that “closed/contained” event venues such as school and community events and government locations provide only reusable cups
- The government provides health and safety advice and education on employing reusable cups and lids so that people do not perceive single-use ones as the “safe” option.

- Request for an exemption to cover affixed labels on the AS-certified compostable cups (to correctly label the cup's compostability certification, until existing stocks run down).

Those in favour of bioplastics and other compostable alternatives were wholly in support of the proposed bans and exemptions for AS-certified compostable beverage containers and lids. They also supported the requirement that these will need to be marked clearly with their certification details to comply with the exemptions, including advice on methods of disposal.

There were recommendations for additional public education to increase knowledge and awareness of the meaning of the AS certification icons and labels and the correct way(s) to dispose of these items. Unless this occurs, consumers will continue to contaminate waste streams by using the wrong bins.

"We support compostable products being clearly labelled as this will simplify Council's waste education messaging."

There were also submissions from those who were concerned about continuing to encourage single-use behaviour as a result of the proposed exemption of AS-certified compostable cups and lids, and they were in favour of reusable cups to break this habit.

"It is disheartening to see that single-use plastic cups, even if considered compostable or biodegradable, are granted exemptions. This decision, in my opinion, perpetuates a throwaway society mentality rather than promoting a genuine shift in mindset towards sustainability. Despite being touted as a 'greener alternative', these cups still pose a threat to the environment."

"I urge the state government to reconsider this exemption and prioritise the promotion of reusable alternatives."

One submission from an environmental organization recommended a different approach to these regulations, being:

"We urge the government to exclude these AS compostable products from the market and include an intention to ban plastic (including AS compostable) disposable cups and containers for takeaway purposes by 2027. This will give manufacturers, the hospitality sector, and the public the time to transition to reusables."

To implement this, the following was suggested:

- *Ban and phase out use of disposable cups, lids and food containers by 2027*
- *Transition consumer behaviour change over this time via:*
 - *Wide availability of reusable cups/lids/containers at the places of beverage and food purchase*
 - *Do not allow the use of single-use cups/lids/containers at stadia and major events/activities*
 - *Remove retailer risk and liabilities surrounding reusable containers etc.*
 - *Education around the health and safety of reusables*
- *Banning aqueous dispersion lined cups, even if they meet AS compostable standards unless manufacturers can provide evidence of them being free from plastics*
- *Review the AS compostable standards so they no longer allow any plastic tolerance.*

There was a suggestion to introduce a 25c levy on single-use coffee cups, with the proceeds to be spent on raising public awareness and the establishment of reusable cup systems.

“WOMADelaide prevented over 100,000 single-use cups from being landfilled or recycled after a single use by establishing easy and convenient systems across the site to collect, wash and reuse these items.”

Arguments submitted in favour of the promotion and support for reusable cups (over exemptions for compostables) were:

- They reduce demand for single-use items
- They reduce environmental impacts of single-use item litter and landfilling
- Following the initial investment in a cup, there are long-term savings and benefits to consumers
- Reduction of manufacturing resources
- Raises awareness of, and encourages, consumers’ environmentally conscious behaviour
- Fosters a cultural shift towards responsible consumption.

In comparison, one manufacturer highlighted their concerns that in one particular lifecycle analysis, reusable plastic food ware in quick service restaurant settings performed worse than recyclable paper-based, plastic lined single-use options.

A member of the plastics industry did not support the bans on plastic beverage containers and lids, reasoning that there is more circular economy value in operating recycling and developing reusing opportunities, than bans of these and exemptions for compostables.

There was also comment on the confusing messaging regarding the recyclability of conventional plastic coffee cups.

“The emergence of the ARL (Australian Recycling Label) on paper cups is likely to confuse the public about why these items are banned when they are genuinely recyclable.”

Four retail sector representatives requested a 15 to 18-month postponement on this proposed ban because of the time it will take for the industry to achieve AS-certifications (reported to take up to 18-months), adjust packaging designs, source cost-effective and suitable products, circulate new, compliant stock and run-down existing inventory. They said that allowing this delay will minimise the risk of unintended environmental and economic consequences.

Because of these technical challenges, one submission requested that an exemption be made for plastic stickers if affixed on cups with the “appropriate ABA certification” and an extension on the timeline (of 18 months or greater). There was also the suggestion to follow Western Australia’s legislation, where labelling of compostability standards is not required.

“... more so if that label is made of compostable lining or coating elements that are equivalent to global standards... we request that a minimum 18-month grace period, from gazette date, is provided.”

One submission suggested that the state government subsidises the costs associated with gaining the AS compostable certification.

Clarity was sought on whether alternatives made wholly of fibre need to be certified as compostable to qualify for an exemption; and if so, further time will be required to achieve the certification (18 months).

“The ABA does not recommend testing products that do not have traditional or bio-based plastic components.”

A waste industry operator commended the state government on the proposed regulations and exemptions and looked forward to managing increased FOGO streams and reducing food waste.

The submission noted with this predicted increase in FOGO items, South Australia must develop its FOGO infrastructure to support collection of compostable items in public spaces and provide a great many more FOGO bins for the disposal of compostable cups, lids and other items.

A number of submissions referred to beverage containers as “coffee cups”. In this reporting, it has been included as a description of a hot beverage cup and/or lid and the submissions that mentioned hot beverage cups/coffee cups and/or lids made the points below.

A recommendation was made to allow the use of only one form of “coffee cup” so that consumers learned how to use and dispose of them. Their preference was the proposed AS-certified compostable coffee cup.

“Having one type of coffee cup will make it much easier for consumers to dispose of them correctly.”

A local Council recommended additional education and information among suppliers and users of coffee cups and supported the use of the “Which Bin” campaign.

“To achieve this, clear labelling and continuous community education are deemed essential.”

Because many long-life foods and beverages are pre-packaged in cups, a request was made to remove references to “soup” when defining the uses of hot beverage cups, so that the food/drink may be described as a liquid that goes in a bowl or container. The same submission requested that pre-packaged beverages that do not expire within a few days to be removed from the scope of these regulations.

Government response

See combined response to all feedback on single-use plastic food and beverage containers on page 33.

4.1.5 Cold Beverage Cups and Lids

Organisational survey – 11 responses

The organisational survey respondents were again asked:

“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 September 2024?”

In this section of the online survey, respondents frequently directed the reader back to the comments and answers to the hot beverage cups and lids questions, or they repeated their responses.

This was followed by ***“Do you have any comments or concerns about the ban on plastic cold beverage cups and their lids?”***

Once again, most responses referred the reader to the respondent's previous comments relating to hot beverage cups and lids.

One respondent, from the events sector, did not respond to the hot beverage cup/lid questions but added several points relating to cold beverage cups, summarised as follows:

- Single-use cups still perpetuate a throwaway culture
- Less than 1% are successfully managed, with the remainder in landfills *"where they degrade into harmful microplastics"*
- Reinforces the notion that disposable items are acceptable
- Overlooks the promotion of reusable cups.

"Therefore I urge the South Australian Government to reconsider these exemptions and prioritise measures that encourage a shift away from single-use products altogether."

Individuals' survey – 83 responses

Fifteen per cent (15%) of those responding claimed to use a reusable cup for the purchase of cold beverages, covering a variety of drinks, significantly fewer than respondents who use a reusable cup for hot beverages.

Forty-eight (48) respondents were in complete support of the proposed ban, and the remainder offered a range of queries, suggestions or concerns about it.

"No concerns. This is a very good step."

"Please ban them!"

"If the compostable version does as good a job as the original single use cups – which is not always the case – then no concerns."

As with the hot beverage containers/lids survey question, there were two respondents who stated they were not in favour of the ban.

"... shows how poorly many of these blanket bans end up and are managed from the start. It just annoys customers and does nothing to help promote doing the 'right' thing."

"DUMB – what about sporting events, kids' parties, school events?"

Most of the comments and/or concerns surrounding the ban on cold beverage containers and lids were similar or the same as those mentioned for the question relating to hot beverages. These have been summarised below:

- Concerns relating to the safety of compostable materials, e.g. additives, inability to home compost, still a plastic going to landfill etc.
- Preference for reusable cups/lids over single-use ones
- Concern for cold beverage vendors' loss of trade
- Safety concerns, e.g. for users, for vendors/staff, hygiene, injury etc.
- The efficacy of compliant cold drink cups and lids and querying if they are fit for purpose

- Suggestion that the state charges (taxes) the use of single-use cold beverage containers, including an initiative to use the revenue to develop recycling options
- Infrastructure improvements required for effective compostable waste disposal across South Australia
- Ensuring clear regulations to thwart unscrupulous suppliers and users.

One person mentioned that the proposed regulations should include directions for vendors about the supply of refills to customers.

“Again, most fast food restaurants don’t offer the options to refill a reusable cold beverage cup. Legislation to force them to offer this would be more helpful.”

There were concerns about the lack of standardisation of cold beverage cups, stating that it would be *“hard to have a reusable cup that could hold bubble tea, juice, smoothies, milkshakes etc.”*

Other respondents mentioned that additional development of alternatives, and user education, is needed around the topic of cold beverage cups and lids standards, e.g. sizes, cup and lid disposal pathways, use at outdoor events, labelling etc.

“Are they not also plastic (referring to compostables)? They should be banned too”.

“Frozen drink plastic straws with the ‘spoon’ part at the bottom were replaced with a straight paper straw. Simply ridiculous as bans were put in place without any alternatives... it just annoys customers and does nothing to help promote doing ‘the right thing’.”

“Bubble tea often has a soft plastic lid stuck over the top to help with preparation, so it would be important to be clear that the two materials would need to be separated prior to disposal”.

“This will be a challenge in the bubble tea joints.”

“Yes, purchasing is required ... put the money into effective research and development of proper alternatives that are equally as good and just as convenient or better ways to recycle every part of them.”

And one person also suggested a surcharge for the use of single-use plastic cups to bring attention to *“the impact of their choices”*.

Submissions

Refer to the previous section describing the submissions relating to the proposed regulations around hot beverage cups and lids. Most of these submissions did not differentiate between hot and cold beverage cups and lids and may be applied to those cups containing either, or any, beverage temperature.

Government response

See combined response to all feedback on single-use plastic food and beverage containers on page 33.

4.1.6 Plastic Food Containers

The survey respondents were asked: ***Do you have any comments or concerns about the ban on the use of plastic food containers for ready to eat takeaway?***

Organisational survey – 9 responses

Just one of the nine respondents to this section of the survey provided customers with a reusable alternative for takeaway food packaging. Most of the remaining respondents cited cost as the primary barrier to providing this to their customers.

“Good viable cost-effective solutions. Eats into product profits.”

The business survey respondents’ concerns were as follows:

- Increased costs to the food service provider/retailer
- Fears about a shortage of “viable alternatives”
- Fears around problems created by customers bringing in unsuitable containers, e.g. wrong size, leaky, not fit for purpose etc.
- Increased cleaning in store, e.g. washing up.

“Customers containers aren’t all a consistent size or shape, we don’t have the money to invest in reusables to hand out to customers.”

One business was not convinced that introducing reusable containers was the solution to South Australia’s environmental problems and was seeking indisputable evidence of the veracity of the government’s claim. They claimed that there was a European food service study that demonstrates otherwise.

Another respondent suggested that foods pre-packed/made in other jurisdictions should be exempted from this legislation, because they may cease to supply non-viable products to South Australia. Another suggested that foods manufactured/pre-packed in South Australia for sale in other jurisdictions should be exempted from the ban, arguing the additional costs of using compliant containers puts them at a disadvantage in other states.

Respondents repeated concerns recorded elsewhere about the development of composting infrastructure to make the alternatives effective and concerns about the time it takes to, and the costs of, achieving AS accreditation(s) for alternative food containers.

Individuals’ survey – 74 responses

Seventy-eight per cent (78%) of these respondents purchased ready-to-eat food to take away and seventeen per cent (17%) used reusable containers for their purchases. Most of these were plastic containers; some they bought from home and others considered that the shop-supplied containers were reusable.

Those not currently using their own, or other reusable or compostable containers, cited a wide range of reasons for not doing so, including:

- Refusal by food vendor
- Delivery providers do not facilitate this
- Patronise food vendors who serve in reusable and/or compostable containers
- Did not know it is allowed
- No financial incentive
- Takeaway occasions are frequently unplanned so reusable containers are not used

- Not encouraged to do it
- No widespread swap/return system in operation
- Safety and hygiene fears

When prompted for concerns or comments about the proposed ban on the use of plastic food containers for ready-to-eat takeaway food, thirty-eight (38) respondents were wholly in favour of the proposed actions.

The remainder provided a range of responses from conditional acceptance and/or expressing their reservations to uncompromising rejection of the ban.

One person completely rejected the ban, with:

“Another dumb idea – hygiene, heat retention, spillability, contamination.”

The most frequent concern was a fear that efficacious alternatives do not exist for many of the styles of takeaway cuisines commonly purchased.

“They leak and they sag, and your food ends up on the ground ... not healthy or convenient.”

“...curry or similar viscosity products don’t seem to have a good alternative at this stage.”

Two people were unable to picture a future where regulations had changed to the point that vendors would allow BYO containers. They were worried they would not have a choice about takeaway containers.

Eight (8) respondents were seeking or recommending education for themselves or others so that the purpose of the ban would be supported through behaviour change around the use and disposal of compliant containers.

“Will these simply end up in landfill anyway?”

“The compostable containers per the exemption, can these be placed into a green waste bin?”

There were a few concerns that the ban will increase the price of takeaway foods, possibly reducing demand and putting pressure on vendors.

“Thanks for increasing the price of daily necessities even more.”

“If the new containers are not practical or they mean an increase in price then I will be less likely to purchase the food.”

The same people who mentioned the potential presence of harmful ingredients in AS-certified compostable items repeated their concerns here. In addition, there was mention of fears of more undesirable additives entering the FOGO system because of the possible inclusion of paper pulp and bamboo food containers.

This was also the case with respondents mentioning health and safety concerns of food containers, similar to those which were submitted for beverage container concerns. Issues like contamination and risks of injuries to both vendors and customers remained a concern around food containers too.

There was a request to increase the specification for compliant containers to be home compostable (as well as disposal via one's organics bins).

"Need to specifically state it is home compostable or not, and how to dispose of it."

One person felt this ban was an attack on Asian food, and they were not in favour of the proposal.

Another suggested a 12-month delay in its implementation.

Once again, people called for an increase in waste infrastructure so that compostable containers could enter the FOGO waste stream conveniently and reliably.

"There needs to be more education on the disposal of compostable containers into FOGO and more places to dispose of FOGO products, with more support to Councils to provide green bins so the changeover doesn't confuse people."

There was also a fear that people may consider the current plastic takeaway food containers to be reusable because they do reuse them a few times.

"I really hope that the traditional 'plastic containers' for takeaway food are not considered 'reusable' as people treat them as single use and throw them out so it won't solve the plastic problem"

The final point was made by two respondents, who would prefer that recyclable containers were also exempt from the ban.

"There needs to be a suitable takeaway container that is hygienic, safe and recyclable. Otherwise, there will be a lot of uneaten food going into landfill."

"Back to using packaging that is recyclable is the go"

Submissions

Those in favour of bioplastics and other compostable items were wholly in favour of the proposed bans as well as requesting exemptions for AS certified compostable containers and lids, particularly for items which leave food waste on the container.

"Cake boxes and trays used for food items may also be considered for exemptions, given the very high chance they will be contaminated with food when disposed of."

They also supported the requirement that these will need to be clearly marked with their certification details to comply with the exemptions, including advice on methods of disposal.

There were a number of recommendations for additional public education to increase knowledge and awareness of the meaning of the AS certifications and the correct way(s) to dispose of these items.

"The voluntarily (sic) phase out of intentionally added PFAS in fibre-based food contact packaging has only just come into effect (31 December 2023) and until such time as there is greater community understanding there is a strong likelihood that PFAS containing fibre-based food packaging will enter the FOGO system."

There were requests for clarification of the definitions of the items within and exempt from these proposed regulations, e.g.:

“Are the plastic sauce containers part of the upcoming ban?”

“Our understanding is that this refers to plastic containers used to portion condiments dispensed from bulk sauce dispensing stations only.”

Clarification was sought if meals pre-packed into aluminum trays and plastic lined cardboard lids were included in these regulations. They also asked if this differed according to the days on which they were made/packed and the ones on which they were consumed?

One manufacturer requested more information as to why these proposed regulations were targeting takeaway food containers rather than the entire range of other products using plastic containers.

“... would also seek to understand the basis for targeting take-away containers in the ban when other plastic containers such as those used for yoghurt, margarine and ice cream are not similarly in focus.”

A retailer requested the addition of a provision/exemption for using existing stock until inventory was exhausted.

Those submissions from manufacturers of the items proposed to be banned did not support the regulations. Mainly, they noted that this was unnecessary because of the recyclability and resource recovery of their product(s).

“... does not support the ban on plastic take-away food containers... lifecycle considerations, including global warming potential, supporting sovereign manufacturing infrastructure capabilities, and up scalability requires further review.”

As with beverage cups and lids, retail sector representatives requested an 18-month delay on this ban because of the time it will take for the industry to achieve AS certifications (reported to take up to 18-months), adjust packaging designs, source cost-effective and suitable products, circulate new, compliant stock and run-down existing inventory.

This recommendation for a postponement was supported in other submissions, citing insufficient time to complete the many manufacturing and communication tasks required to comply with the proposed regulations.

A retail industry representative also mentioned that there is no AS certified compostable thermal label that retailers can use to label their containers. So, they would be changing to a compostable container and lid but placing a non-compliant label on the product at the point of sale. Their short-term solution to this was to grant an exemption for these labels for a period until innovation meets the requirement.

“1 September 2024 should be amended to allow time for compostable thermal labels to be readily available in the market.”

While in favour of the use of AS certified compostable alternatives, one submission pointed out that clear bioplastics are only functional up to 60°C, and crystallised bioplastics (which do work at higher temperatures) are not transparent. This could be an issue for food containers requiring both clear lids and food-safe heating.

There were requests, from the condiment industry, for clarification around where their products sit in the definitions of prescribed food containers, in the context of condiment supply and use.

“... the proposed amendment to Regulation 3 relating to the definition of a ‘prescribed food container’. We would seek confirmation that the inclusion of those containers which are used to ‘hold a condiment that is provided to be used with ready-to-heat (sic) food; and packaged on the container at the retail premises at which the ready-to-heat food is sold’. Our understanding is that this refers to plastic containers used to portion condiments dispensed from bulk sauce dispensing stations only.”

Other concerns and mentions relating to condiments have been described under section 4.2.2 Plastic Soy Sauce Fish Containers.

One submission encouraged to viewing the role of plastics through a broader lens and begin with accepting that the problem to be solved is plastic container recovery, rather than banning these items.

“We therefore suggest that plastic take-away food containers that are verifiably able to be recycled through our current systems be added to the list of non-banned items. This ensures that the majority of plastic take-away containers can continue to be managed through the recycling system and that this resource is retained in the circular economy.”

Clarification was again sought on the question of whether wholly fibre-based containers are required to gain AS certified composting certificates. If so, it was submitted, an 18-month delay in the implementation of these regulations will be required.

A request was received, in addition to a written submission for the regulations to clearly differentiate between “covered” and “uncovered” food containers.

One submission, representing the plastic takeaway food container industry, forecasted that 30% of their sales would be lost if the proposed bans on these containers was applied to other Australian states. They highlighted that being based in Australia a significant number of domestic jobs and economic benefits would disappear.

Since polypropylene is “highly recoverable”, it was requested that these regulations do not ban these items (with the exception of the carbon black pigment plastics) and focus upon the development of material recovery initiatives, and a closed loop recycling scheme. This submission demonstrated the success of a pilot scheme in Victoria where containers were returned to the store that successfully recovered polypropylene waste and saved water.

It was submitted that there is much more research to be conducted around the effectiveness and safety of BYO container options, and it has not yet been proven to retailers’ satisfaction that this will work for them and their customers, in addressing potential liabilities and ensuring a good food experience.

More clarification was sought around the terms “shortly before the day” and “shortly after” within the definition of “ready-to-eat food”. It was suggested that ‘ready-to-eat food’ should not capture food that is not packed to order or otherwise prepared and has a use-by date of more than one day.

Government response – Food and Beverage containers

Labelling

Individuals, local government and the waste management industry expressed strong support for clearly labelling AS certified compostable food and beverage containers (as well as barrier bags and shopping bags).

While barrier bags and shopping bags are typically clearly labelled, many AS certified compostable food and beverage containers and their lids are not clearly marked. One major supplier of compostable food ware noted in their submission that while many of their products are labelled, it would take up to an additional 12 months from now to complete labelling, particularly for transparent PLA lids and cups as well as bagasse (sugarcane) fibre products which will require changes to moulds to emboss the information.

A wide range of stakeholders requested additional time to meet the proposed labelling requirements and absorb the costs of creating new moulds. Estimates from industry varied from 6 to 24 months, depending on the level of customisation required and/or development of a new AS certified product.

Manufacturers also highlighted issues with printing the compostable logos at the minimum size stipulated in the licensing agreement on small items (e.g. lids and bases of sauce containers).

A transition period will be put in place, with labelling requirements for food and beverage containers only to come into effect from 1 March 2026 (18 months after the ban commences). There will also be an exemption from labelling requirements for lids less than 70mm in diameter and containers less than 60mL by volume.

AS certification of food and beverage containers

While there is a large range of AS certified compostable food and beverage containers in the market, a number of submissions from manufacturing and suppliers requested additional time to meet AS certification requirements for food and beverage containers. Industry estimates varied from 6 to 24 months (similar to time taken to meet labelling requirements), depending on level of customisation and/or development of a new AS certified product.

Several submissions requested that South Australia consider arrangements similar to Western Australia where individual businesses can request time-limited exemptions or where a class exemption (for defined range of products) can be issued by the head of the government department administering the legislation. This type of exemption process is not permitted under the SUP Act, which requires exemptions to be declared by regulation.

A Western Australian official confirmed that these transitional arrangements have greatly assisted industry to meet the introduction of their ban on hot beverage cups from 1 March 2024 as well as prepare for the upcoming ban on food containers supplied with a lid from 1 September 2025.

To provide the largest possible range to suppliers and businesses during the transition period, there will be an 18-month exemption until 1 March 2026 for items that:

- have a current application before the Australasian Bioplastics Association (ABA) and is awaiting certification under the Australian Standard AS4736:2006 or AS5810:2010; and/or
- have a current and valid ATSM D6400, EN13432 composting or TUV OK compost HOME certification.

From 1 March 2026, all food and beverage containers and their lids covered under the SUP Act will need to be AS certified compostable and clearly labelled.

Hot and cold beverage cups and attachments (including lids and beverage plugs)

The majority of individuals responding to the survey supported the proposed bans on hot and cold beverage cups and their lids. For businesses, there was less support. The majority of issues that were raised related to hot beverage cups (for coffee and tea) rather than for cold beverage cups.

Notably there were no specific responses or submissions highlighting concerns about the ban on cups for cold drinks including bubble tea, despite bubble tea businesses and franchises being invited to comment on the regulations.

The main issues raised about hot beverage cups included: concerns about spillage and safety; concerns about cup integrity with very hot liquids; supply shortages and lack of alternatives that will be acceptable to customers.

There are two proposed minor changes to the regulations applying to hot and cold beverage containers. The first is to remove soup from the definition of hot beverage as this is considered a food and potentially causes confusion for industry.

The second is to clarify two definitions – that a beverage plug as an object that is inserted into a lid to prevent spillage and a film lid must cover the whole top of the cup (e.g. film over bubble tea cup). These changes will ensure that stickers and tape seals used on beverages to prevent spillage during delivery will not be captured by the regulations.

Food containers

Business and the packaging industry raised a number of issues regarding the use of some types of compostable plastic for food containers which impact on the product performance.

Containers made from compostable plastic cannot be stored in hot environments/warming drawers greater than 60°C. They may physically breakdown and are actively not recommended by packaging suppliers. The Australian Food standards requires that food kept in a warming drawer/hot cabinet must be kept at least 60°C.

Business and industry have reported that very hot and oily foods (e.g. stir fries, curries, laksa) placed into compostable packaging for transport or delivery can cause the packaging to fail, creating a health and safety issue.

Many businesses have developed a 'grab & go' business model which means that food is prepared fresh on the day (or shortly before) and then put on display (either at less than 4°C or greater than 60°C) for up to four hours (in line with the Australian Food standards). These models rely on part or all of the packaging being transparent so that consumers can see what they are purchasing.

For hot foods, most transparent compostable lids and bowls cannot tolerate more than 60°C. There is one type of compostable bioplastic - crystallised polylactic acid (cPLA) that does tolerate temperatures higher than 60°C however it turns opaque when heated. It also comes at a significant price premium.

Transparent PLA plastic bowls and lids are more porous and do not form a moisture barrier between the food and the air outside. This is problematic for pre-packed takeaway food (e.g. grab & go) stored in some types of refrigeration units where moisture/air from within the fridge can pass through the packaging potentially creating a health risk as the Australian Food standards require that packaging prevents contamination of food.

Western Australian regulations require pre-packed takeaway food (grab & go) on display to have a AS certified compostable fibre base but may have a PET lid (for transparency). The user needs to separate

the lid from the base before disposing (lid to yellow recycling bin and base to green bin) or put the entire packaging in the landfill bin after use. This is not an optimal outcome for food or recycling recovery and is likely to lead to more contamination of green and yellow bins.

In 2021, the public strongly supported the banning of plastic takeaway food containers. It has become evident that a blanket ban on all types of plastic food containers is neither feasible nor practical.

To address performance barriers of alternatives and still implement a ban that limits the number and variety of single-use plastic items used, a 5-year time-limited exemption will be put into place for transparent square or rectangular containers with detachable lids made wholly from polypropylene or PET. These containers are 100% recyclable in South Australian kerbside systems (if any food remaining is removed/washed out), can be used for foods kept at temperatures greater than 60°C, contain and transport very hot and oily foods and will remain transparent in hot conditions. They will also form moisture barriers when sealed to allow products to be stored in refrigerated facilities when on display.

Reusable food and beverage containers

Individual survey responses indicated that more people are likely to have reusable cups for purchasing hot beverages (coffee, tea) rather than cold beverages (soft drinks, smoothies, bubble tea) or takeaway food, however as a percentage of the South Australian population this remains very low.

It is not possible under the SUP Act to mandate by regulation the use of reusable cups and containers in specific settings (e.g. stadia, festivals or events). The legislation only allows new prohibited plastic products to be added by regulation to the SUP Act and specific exemptions for plastic products to be put into place.

The SUP Act is subject to a statutory review during 2024. There will be opportunities to investigate potential changes to the SUP Act to encourage greater use of reusable food and beverage containers, particularly in controlled settings.

Some submissions appeared to not be aware of 2022 changes to the *South Australia Civil Liability Act 1936* to remove liability from food businesses such as cafés, restaurants and supermarkets when packaging and selling food to a customer in their own container.

The extended protection for businesses that choose to accept customers' BYO containers will continue to be incorporated in communications.

4.1.7 EPS Trays

Respondents were asked: ***Do you have any comments or concerns about the ban on EPS trays?***

Organisational survey – 10 responses

With just three organisational respondents using EPS trays, and 10 providing feedback relating to the topic of EPS packaging and container bans, there was a narrow range of opinions provided.

Support of a ban on the EPS trays was centred on the acceptance that there is a sufficient range of suitable, sustainable alternatives to EPS trays.

Concerns about the ban were expressed due to:

- Cost of alternative(s) is/may be prohibitive
- Cost may/will be passed on to consumers and contribute to product price increases.

“We are allowing our own SA products to be priced out of the market.”

One respondent sought clarification on whether this would also include unexpanded Polystyrene (PS) trays, because they are used for their poultry packaging.

Individuals’ survey – 87 responses

Of the 87 responding to the question, 76 were in favour of the ban, with most not providing further suggestions, concerns or commentary. Three respondents called for the addition of other forms of EPS packaging to be added to this ban.

“This needs to extend to packaging of goods beyond food.”

There were only a few who disagreed with banning the EPS trays and those were the people who had previously stated they did not support bans as a method of changing citizens’ behaviour.

“Stop banning stuff. How much more expensive is the alternative? Anyone considered this?”

Other concerns mentioned:

- Fears of costs of living increases due to more expensive packaging materials
- Insufficient waste disposal/collection/reuse infrastructure and citizen education around alternate products
- Health concerns, due to rumours of chemicals leaching into foods from the alternate trays.

Eight (8) respondents were concerned that there are no efficacious, alternative products to replace the EPS trays in use today. Those that had been suggested were, in their opinions, not fit for purpose and will create additional difficulties at the point of sale.

“Will this mean that food will be packaged in more plastic instead?”

“There is no substitute.”

Another area of concern was that the ban may become lax around the exemption for EPS boxes, specifically used for the delivery of cold foods to homes. One respondent asked for effective compliance monitoring and the eventual removal of these containers too.

“I hope the exemption EPS boxes for home delivery of fresh food and pre-prepared meals where there is an opportunity for collection and reuse is being regulated so that these boxes are really being reused for a long time... I think that there should be alternatives so that these can also be banned.”

Submissions

There was little feedback received in submissions on this proposed regulation (or the regulation involving EPS food and beverage containers) and it appeared these are expected bans.

“Industry can comply as non-EPS alternatives exist and many businesses are already phasing out EPS in line with the National EPS Roadmap.”

“EPS is incredibly difficult to recycle and isn’t suited to the materials recycling stream, therefore these products are currently destined for landfill whilst carrying food waste to the same destination.”

One retail organisation recommended that the government support smaller retailers through the transition into the implementation of this proposed regulation.

The state government was reminded to continue to align with the national strategy for EPS reductions.

Government response

Most respondents and submissions supported the banning of EPS trays for fruit, meat or other food products.

There was agreement that there were appropriate alternatives for EPS trays although some individual businesses expressed concerns about the costs of PET trays or compostable alternatives compared to EPS.

There are no proposed changes to the regulations related to EPS trays.

4.1.8 EPS Food and Beverage Containers

Respondents were asked: ***Do you have any comments or concerns about the ban on EPS food and beverage containers?***

Organisational survey – 11 responses

Just two of the organisations responding to this survey used EPS containers for their food and/or beverages. Others provided a “not applicable” response or were in favour of proceeding with a ban on these EPS containers.

Those in support of a ban on the EPS trays mentioned that:

- There is a sufficient range of suitable, sustainable alternatives to EPS containers to progress with the ban
- Banning EPS will reduce waste
- They are committed to reducing and eliminating unnecessary single-use plastic waste.

Concerns about the ban were expressed due to:

- The combination of EPS trays and plastic wrap is best for the longevity of (some) produce. Removing this will increase food waste (not specified what these are)
- In some cases, there are simply no alternatives available, e.g. cling wrap
- Different produce requires different packaging solutions, and the produce industry should examine these to develop a cohesive approach.

“Every product comes in a variety of different packaging solutions.”

Individuals’ survey – 73 responses

Fewer people responded to this question and offered their opinions of the proposed actions compared to EPS trays. Most respondents repeated their preferences and comments from the previous question, with fifty-one people clearly supporting the ban and proposed exemptions.

“I thought we made it clear in the 80s we didn’t want these anymore.”

“No, ban it asap!”

Four people did not support this initiative.

“Another dumb idea from the NUPpies”

Others provided queries, concerns and suggestions for consideration, summarised as follows:

- Concerns relating to the efficacy, convenience and sturdiness of planned alternatives, and the costs and availability of these.
- Fears that removal of the EPS packaging will result in increased use of other problematic plastics, e.g. plastic trays, plastic wraps.
- Fear of chemical leaching into food, e.g. from alternatives such as compostables, bamboo products, paper products.

- There was a concern that the EPS box collections and reuse may fail if the scheme/compliance is not monitored.

One person suggested that food vendors should be incentivised to operate programs for reusing and collecting.

“An opportunity for collection or reuse’ is not a meaningful phrase, unless there are incentives for businesses to provide such opportunities.”

Submissions

Once again, there was little feedback in submissions on this proposed regulation. Where it was mentioned, the intention was to support the ban.

“We support the proposals regarding EPS food and beverage containers.”

Please refer to previous section (4.1.5) to see the feedback on EPS trays. The few respondents who did provide a comment mentioned EPS material in general rather than separating out trays and containers.

Government response

The vast majority of respondents and submissions supported the banning of EPS containers used for products like gelati. There were no submissions or responses received from any ice-cream distributors or sellers despite being contacted and invited to contribute.

There was agreement that there were appropriate alternatives for EPS containers although some individual businesses expressed concerns about the costs of compostable containers compared to EPS.

There are no proposed changes to the regulations related to EPS retail food containers.

4.1.10 Plastic Confetti

Do you have any comments or concerns about the ban on plastic confetti?

Organisational survey – 12 responses

Eleven (11) of the twelve (12) organisations responding to this either supported the proposed ban on plastic confetti or declined the opportunity to comment on the topic.

One person wrote:

“The alternatives are costly or not practical. This is literally removing the fun in life.”

Individuals’ survey – 86 responses

The majority of those responding to this question (74 people out of the 86 responding) either had no comments or concerns or were in favour of this ban on plastic confetti.

“This is a great move – there are many biodegradable alternatives.”

“Didn’t know it existed. Glad to hear it (sic) being banned.”

Just three (3) people did not support a ban on plastic confetti. Two of these people previously objected to the act of banning of anything as a tool to create behavioural change. The other was a person who felt that banning confetti would reduce the celebration experience, and suggested its use is confined to a small space at these occasions.

Four (4) people requested that this ban also include other plastic celebration and/or craft items, e.g. party poppers, glitter, small craft/scrapbooking items and balloons.

One respondent did express their concern that a ban may create opportunities for replacement items, that may be considered worse than plastic confetti.

“The only concern is that people may switch to unethical alternatives (e.g. feathers, such as during WOMAD)”

A few people asked about plans for alternatives to the plastic confetti and suggested this information should be shared with consumers. Others provided mentions of acceptable alternatives like leaf confetti, paper confetti or petals.

“Get them to make some from leaves from the garden using a hole punch ... it works!”

One person suggested that the government initiate a way for people to clear their household stockpiles of banned items, and recycle them once handed in.

“How do we get rid of this stuff when its banned? The government should offer a recycling programme to gather all the plastic that’s banned or it’ll only end up in landfill. Big problem. I still have a whole bunch of old plastic straws in a cupboard. How to recycle them????”

The final aspect of concern was two queries relating to monitoring, and ensuring, compliance. Firstly, ensuring that people are not using the banned confetti and secondly, that they are not purchasing from other jurisdictions (e.g. online retailers based in China) where the sale of plastic confetti is not banned.

Submissions

There was either obvious support for this proposed ban or a lack of reference to it in the majority of these submissions.

“... supports the proposed lack of exemptions for certified compostable items in this category. They do not contribute to food waste diversion or recovery.”

There was a request, in addition to a written submission, for greater clarity around the items included in these proposed regulations, e.g. glitter, and streamers ejected from cannons.

Government response

The majority of survey responses from individuals and businesses supported the proposed ban on plastic confetti. There were no submissions or responses which raised any issues with the intent of the ban for these products or with the definitions in the amendment regulations.

There are no changes being made to the regulations on plastic confetti.

4.1.11 Plastic Balloon Sticks and Ties

Respondents were asked: ***Do you have any comments or concerns about the ban on plastic balloon sticks and ties?***

Organisational survey – 12 responses

Ten of the twelve organisations responding to this either supported the proposed ban on plastic balloon sticks and ties or declined the opportunity to comment on the topic.

Three people shared the following:

“It is very difficult to tie balloons any other way.”

“This is difficult as many products from overseas come with these included in the packaging ... it will be difficult to enforce if they come from overseas. Businesses may be out of pocket if they aren’t allowed to sell what’s available.”

Individuals’ survey – 85 responses

Of the eighty-five people responding to this question, seventy-three (73) either unconditionally supported the ban or supported it with additional comments, or concerns.

“Get rid of them. String is good enough.”

“Complete ban, please!”

Six (6) respondents did not support this ban because they did not perceive its impact on the single-use plastics problem was significant, they were concerned about the negative effect this may have on businesses or simply that they thought it was outside of government’s responsibility.

“Seriously? There goes the party balloon business!”

“You must be joking. What impact is this having on the world? Do something useful.”

“A very, very minor use of plastic, these shouldn’t be banned.”

A summary of the concerns and suggestions follows:

- Fears that this will affect party businesses
- Concerns that there are no (equally) effective alternatives to the plastic balloon sticks and ties
- If there are alternatives, then inform the public about these
- Concern that the removal of these sticks may lead to an increase in the use of helium-filled balloons (mentioned for also being undesirable)
- Fears that existing stocks will be dumped into landfill when the ban occurs
- The critical need for monitoring of compliance.

“Are there actually any alternatives for these?”

“What happens to all the existing stock? Spotlight and other stores are full of these things. Do they dump it all in landfill?”

“Totally support the ban. Again, monitoring and compliance will be crucial.”

Finally, twelve respondents commented on their belief that this ban does not go far enough and should also include plastic balloons themselves.

“Plastic balloons should be banned as they’re an environmental disaster.”

“Extend it to balloons?”

“I would also like to URGE state government to push for a FULL BAN on ALL PLASTIC BALLOONS AND MYLAR/FOIL BALLOONS.”

Submissions

The only mention in the submissions was the request to extend this to include balloons (of different, and all, materials) and their uses due to the environmental harm they cause.

Government response

The majority of survey responses from individuals and businesses supported the proposed ban on plastic balloon sticks and ties. There were no submissions or responses which raised any issues with the intent of the ban for these products or with the definitions in the amendment regulations.

There were several submissions and survey responses highlighting that the bans do not go far enough and should include balloon releases or bans on balloons made from plastic materials including mylar. Balloon releases are already considered littering under the *Local Nuisance and Litter Control Act 2016* and cannot be banned by regulation under the SUP Act, which focuses on products. Bans on balloons have not previously been publicly consulted but could be included in future lists for consultation.

There are no changes being made to the regulations on plastic balloon sticks and ties.

4.2 Feedback relating to the items proposed for Phase 3 of the ban

Feedback was sought on a ban from 1 September 2025 on the following items:

- plastic produce stickers
- plastic soy sauce fish
- pre-packaged and attached products (by removing the existing exemption).

4.2.1 Plastic Produce Stickers

Do you have any comments or concerns about the ban on plastic produce stickers?

Organisational survey – 10 responses

Three of these respondents required suppliers to use plastic produce stickers, and they gave the following reasons for this:

- To correctly identify the produce and price at point of sale, either visually or via a scanner
- To provide data for traceability.

It was mentioned that novice service assistants may be unable to identify the produce visually, without a code/prompt on a sticker and may incorrectly charge the customer.

“Produce stickers form a critical step in the value chain of this commodity {NAME} supports the call for a nationally unified approach, as the ban affects farmers outside SA as well ... Any ban should be addressed within National packaging regulatory updates.”

Two respondents commented on the difficulties using alternative stickers or markings, made from certified compostable materials or stamps.

“Certified compostable stickers are in short supply; laser stamps are not available at scale or for small businesses.”

“I’m unaware of what options they are reviewing, a solution will need to found (sic) to ensure correct identification of loose product.”

Another respondent stated that they package their produce and place the identifier on the packaging, not directly on the fruit/vegetable.

“We pre-package all of our fruit and vegetables and don’t allow a single purchase in many cases.”

In this section of the survey, no one suggested possible solutions to the problem(s) they had identified or specifically requested any alterations to the proposed ban.

Individuals’ survey – 93 responses

Eighty-three (83) of these respondents agreed with the ban on plastic produce stickers.

“I can’t wait for these to be banned.”

“They are so bloody annoying and unnecessary.”

The four respondents who were not in favour felt that plastic produce stickers were so insignificant that they were not worth the effort of banning them.

“Oh My God. These are the tiniest of tiny. Who is wasting time talking about this? Do something useful.”

“Seriously? Who sits in their ivory tower coming up with these silly ideas? Haven’t you got something better to do? What is wrong with stickers on the fruit?”

Those who shared their concerns mentioned the following:

- Being unsure about alternatives to the plastic stickers.
- Being unsure of the purpose of the stickers on produce.
- Fears that without an identifier on the produce, people may become confused about what they’re buying, or selling as it is presented at checkouts.
- Concerns around the loss of the other information encapsulated on labels, such as the source of the produce, different varieties etc.
- One person was concerned that AS certified compostable stickers may release microplastics if not responsibly composted.

There were three respondents who felt that *all* produce stickers should be banned, including the AS certified compostable ones. This was because they found them *all* annoying and could not see the point of them at all.

“I hate these stickers and consider them totally unnecessary on my fruit products”.

Submissions

It was mentioned in a waste industry submission that this proposed ban is likely to reduce contamination of waste streams and improve recovery and processing performance.

“Proposing a ban on plastic produce stickers by September 2025 is also welcomed as it will further minimise contamination issues in FOGO processing.”

One submission, who supported the proposed ban on plastic produce stickers, recommended that the only item to be exempted from this was for labels which are certified to AS5810, meaning they are home compostable. This will reduce the number of the AS4736 compostable stickers which bypass the FOGO waste stream and reappear as litter.

Another proposed that, wherever possible (given sticker sizes), the details of the AS compostable accreditation are included on the stickers.

Peak bodies representing the produce industry argued that any ban on produce stickers should be national and not implemented by individual Australian jurisdictions.

Submissions from peak bodies were firm in their belief that plastic produce stickers cannot be banned in 2025, mainly due to the lack of viable alternatives. They mentioned that the stickers are vital to the operations of the industry; firstly, at the consumer level by identifying the items and for growers, retailers and wholesalers by providing inventory management, marketing, traceability, reducing food waste and supporting quality control.

Each alternative was described as presenting the following problems that may be overcome with time:

- Compostable labels cannot be relied upon until an effective compostable adhesive is developed.
- Natural branding and laser labelling is more expensive and slower than the current sticker system and this creates increased costs and risks increased food waste. Consumers will also require convincing that laser labelling is safe for consumption.
- Plastic wrapping and bagging are again, more expensive and slower, along with being significantly less environmentally-friendly than the current sticker system.

One submission from the produce industry requested that, for many reasons, the shift to AS certified compostable produce stickers is delayed until 2028. This is to allow for:

- Consideration of compostable label availabilities
- Development of an AS certified compostable adhesive
- Time to transition from the existing system of labelling and identification to a new one
- Development of safe and effective alternatives to the plastic stickers, e.g. laser technology
- Investigate the longer-term effects of alternative produce marking techniques and technologies
- Provide cost effective solutions
- Achievement of national harmonisation so that produce can be transported around the country.

Retail industry submissions suggested that some of these issues may be reduced if either (or both) of the following occurs as a result of this consultation

- Provide an exemption on the adhesive used for the application of the AS certified compostable labels, until an effective, compliant one is available.
- Delay the ban until a compliant compostable label adhesive is available or effective alternatives are developed in consultation with the supply chain.

There was also a recommendation for greater industry and government collaboration towards the goal of increasing the nation's sustainability through packaging reforms.

Government response

Under the amendment regulations, South Australia will become the first jurisdiction to ban non-compostable plastic produce stickers from 1 September 2025. It follows New Zealand banning non-home compostable plastic produce stickers domestically from 1 July 2023 and on imported produce from 1 July 2025. The New Zealand ban will affect Australian producers exporting to the New Zealand market before the South Australian ban comes into effect.

The public and the composting sector remain strongly supportive of this ban. Specific submissions and feedback on banning plastic produce stickers were received from peak bodies, supermarkets and one fruit and vegetable retail business.

There was significant concern that any ban should be national and not imposed by one jurisdiction. No submission or survey response referenced the New Zealand ban already in place or its implications for Australian producers.

Reasons given for using plastic produce stickers varied from marketing and identification purposes to just in time ordering logistics for large supermarkets. Alternative compostable plastic produce stickers can still serve this function although they come at a slightly higher unit cost.

There was a recurring theme from the submissions that there are currently no certified compostable produce stickers with a certified compostable adhesive. While the certification process is still underway to obtain AS certified compostability, the two largest producers of fruit stickers worldwide (Sinclair and Bio4life) already have on the market produce stickers where the label and the adhesive is certified to EN13432 (the European Industrial Composting Standard). Sinclair have also developed a label that is certified home compostable under the TUV Austria OK home compostable specification; however it is unclear if the adhesive has received the home compostable certification.

The composting sector has previously signalled that they were prepared to accept compostable labels without certified adhesive in the short term, given the negligible contamination compared to the plastic of conventional fruit stickers.

Given the lack of AS certified compostable stickers currently available, a 3-year time-limited exemption (until 1 September 2028) will be put into place for plastic produce stickers certified to ATSM 6400 (US Standard), EN 13432, TUV OK compost INDUSTRIAL or TUV OK compost HOME be put into place.

The ban will still come into effect on 1 September 2025.

4.2.2 Plastic Soy Sauce Fish Containers

Respondents were asked: ***Do you have any comments or concerns about the ban on plastic soy sauce fish containers?***

Organisational survey – 10 responses

Of the ten (10) respondents to this question in the YourSAy survey, just one sold plastic soy sauce fish and seven declined the opportunity to provide a comment on the topic.

Those sharing their opinions suggested:

- No bans, because *“they[soy sauce fish] are awesome.”*
- Further investigation is required to address concerns surrounding the cost, practicality and availability of alternative soy sauce containers.

There were no suggestions for alternative ways to provide soy sauce to customers.

Individuals’ survey – 89 responses

Forty-five per cent (45%) of respondents use plastic soy sauce fish, and the same percentage were already using alternatives, e.g. bottles of soy sauce, sachets, bringing soy sauce in small containers from home and using the large bottle available at the point of sale.

Fifty-six (56) people, the majority of these respondents, were in favour of this ban, with eight (8) requesting for its implementation to be brought forward in time.

“Again, please make this happen sooner.”

“Can’t wait for the ban.”

Two people objected to the ban, without providing a reason related to plastic soy sauce fish.

The most common concern was people’s inability to identify alternatives to the fish; or their fear that alternatives might be equally environmentally harmful, e.g. sachets and small containers.

“If they can still have a way to provide the takeaway soy sauce in a (sic) environmentally sound way I would prefer it but sushi etc. doesn’t taste the same without it.”

“What alternative is there?”

Other concerns, comments and suggestions mentioned by only a few were:

- Do not ban plastic soy sauce fish until suitable alternatives are identified
- Ensure the wording of the regulations is clear so there are no loopholes to use to subvert the ban
- Ensure that compliance is monitored and enforced
- Banning plastic fish may result in increased costs for consumers
- Educate consumers about the alternative ways of applying soy sauce to their takeaways
- Concerns that the alternatives may also damage the environment.

Submissions

Discussions about condiment use and packaging ranged across different submissions, and these have been reported under this section, for simplicity and to keep all related comments on the topic together. Of the submissions received the majority of the comments were from organisations who took the opportunity to identify a range of concerns if the bans were applied to single serve condiment packaging generally.

An environmental organisation submitted that South Australia has an opportunity to include plastic condiment sachets (volume less than 50mL) within the proposed ban on soy sauce fish, because they contain “harmful plastics”, are problematic to recycle, and that this will align with the proposed policy options paper recently released by the NSW Government.

A representative of the condiment industry was concerned that the phasing out of plastic single-serve packs more broadly, without ensuring viable alternatives, will put this industry sector at risk of financial loss affecting jobs and supply all the way along this supply chain.

“This impact would also extend up the supply chain to primary processors and farmers whose demand for products would reduce if a phase-out on single-use condiment plastic packages was put in place.”

It was argued that a ban on all condiment containers may also affect demand for out-of-home dining and the use of condiments by consumers creating reduced appetites for quick service foods, eating out and home food deliveries and resulting in financial challenges for these sectors.

Three (3) submissions mentioned that pre-packaged plastic condiments save costs for the food retailers because their staff are not serving and cleaning condiment containers. One mentioned that single-use plastic condiment packs reduce food wastage by 7.6 million tonnes per annum, and they provide enhanced food safety through the prevention of cross-contamination by staff and users.

It was pointed out that another unintended consequence if all condiment packaging was banned, may be an increase in the number of small batch condiment manufacturers (without the high volume and small container facilities of the sector leaders) resulting in increased risk of consumer contamination through lax hygiene practices. This submission also recommended that South Australia should focus on recyclable plastics and the provision of a consumer recycling infrastructure.

There was a suggestion that certified compostable condiment containers should be exempted from this proposed ban, particularly if they are likely to remain contaminated with food waste *“even after use”*.

“Exempt AS certified compostable condiment containers could assist in the increased diversion of food waste from landfill.”

A Council cautioned against banning soy sauce fish and similar plastic condiment containers before investigating the full range of unintended consequences that may arise as a result of their absence from food service retailers.

“... a more thoughtful reconsideration of the proposed bans on items like the soy sauce fish emphasising the need to prevent the substitution of one environmentally harmful product with another.”

Government response

The vast majority of individual and business survey responses supported the ban of soy sauce fish. There were some concerns that the alternative plastic lined sachets or squeezable containers had a similar negative impact on the environment. There were no business submissions that raised concerns specifically about soy sauce fish, although there were at least two submissions that referenced the NSW policy paper (being consulted during the same period) which had proposed a ban on single-use plastic condiment containers less than 50mL. The amendment regulations do not seek to ban any other types of condiment containers.

There are no changes to the regulations related to plastic soy sauce fish.

4.2.3 Attached Plastic Single-Use Cutlery and Straws

Respondents were asked: ***Do you have any comments or concerns about the ban on attached plastic single-use cutlery and straws?***

Organisational survey – 11 responses

Five (5) organisational respondents were selling products with attached plastic single-use cutlery and straws and six (6) of the 11 respondents declined to comment on this topic.

Those with concerns mentioned:

- South Australians do not have a choice about these products because they are manufactured elsewhere, *“we do not have the ability to dictate to the rest of the world”*
- These products are in response to consumer demand, *“Everything is about convenience now”*
- This will be problematic (e.g. loss of choice, increased retail pricing etc.) until Australia achieves national alignment on this issue.

One retail organisation commented that they had been phasing out these products since 2012 and the remaining two products will be removed before the planned implementation of the ban.

Individuals’ survey – 92 responses

Sixty-four (64) of these respondents agreed with the proposed ban and seven (7) people requested that it be implemented earlier.

“Great idea to ban.”

“A positive ban.”

“The removal of this exemption should be brought forward asap.”

Eight (8) people requested that the proposed ban does not proceed.

The most frequently mentioned concern was a perceived lack of effective alternatives to the attached items and this could result in:

- Unsanitary behaviours, e.g. using unclean hands or containers
- Alternatives not fit for purpose, e.g. collapsing, soggy straws
- Unpleasant alternatives, e.g. wooden cutlery
- Unhygienic alternatives for eating and drinking
- Children being unable to access content, such as juice boxes.

Many people provided suggestions for solutions to this, such as:

- Providing sustainable cutlery etc. at the product’s point of sale; suggested at no cost and for sale
- Affixing sustainable items to packages (as long as they are not then wrapped in plastic)
- BYO cutlery
- Improving the efficacy of alternative items, e.g. thicker paper straws, reusable straws, biodegradable straws

- Redesigning the original packaging to remove the need for attached items, e.g. juice boxes that provide in built spouts to drink from
- Pack utensils in with school lunches.

The final area of concern related to food and drinks manufactured overseas and the effect of any South Australian ban suggesting this might have an economic impact on businesses and deprive South Australians of these products. One person suggested that an exemption for the overseas-manufactured items would solve this issue.

Submissions

Most submissions supported this ban.

“The intention to ban these items has been known for some years and manufacturers and suppliers have had ample opportunity to replace these banned items.”

“We support the proposal to ban attached plastic straws and cutlery. We note that the regulations apply to the straw and cutlery but not to the plastic sleeve or sheath that provides the items with food hygiene protections.”

One submission was concerned that the wording of the ban invited manufacturers to place plastic items inside their packages, and suggested the following amendment:

“attached to or contained within a product.”

It was requested that plastic lollipop sticks and ice cream sticks are included in the ban because KESAB Litter Counts show that littering of these items is increasing, and NSW has indicated in its recent policy discussion paper that is considering a ban on these products.

“We recommend removing these items from the SA exemption list in an effort to align with other state bans.”

An environmental organization representative suggested that the government, using Aldi (retail supermarket) as an example, encourages other retailers to similarly change their procurement guidelines by not purchasing these items (and forcing manufacturers to remove them, or risk sales).

Government response

Exemptions for attached plastic items of cutlery (e.g. straws, spoons) on pre-packaged goods have been in place under section 4 of the *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021* since its commencement on 1 March 2021.

These products are also exempted in similar legislation in New South Wales and Victoria. The New South Wales exemption expires on 1 January 2025 and the Victorian exemption expires the following year on 2 February 2026. The removal of South Australia’s exemption will fall between these two dates, on 1 September 2025.

The majority of feedback on the removal of these exemptions focused on the fact this should harmonise with other larger states and not disadvantage South Australian businesses or the community. Despite including the information about the upcoming bans in New South Wales and Victoria in the consultation guidance materials, most respondents did not realise this was the case. Two national supermarket

chains (who are aware of the other jurisdictions' upcoming bans) confirmed they would be ready for a ban in 2025.

4.2.4 Integrated EPS Packaging

Respondents were asked: ***Do you have any comments or concerns about the ban on integrated EPS packaging?***

Organisational survey – 10 responses

Five (5) of the responding organisations sold products with integrated EPS packaging and five (5) declined to provide a comment on the topic.

Others were concerned about the following:

- A “*massive impact on suppliers*” affecting the supply of “*simple foods*” in South Australia
- The effect of reduced choice in South Australia, due to the withdrawal of these products owing to the small size of the state’s market.

One respondent was in favour of this ban because they considered that sufficient alternatives were available.

Another sought clarification on the scope of the proposed ban and specifically, whether it includes unexpanded polystyrene (PS), described as being “*the most common substrate type used*”.

Individuals’ survey – 79 responses

Just thirty-two per cent (32%) of the people responding to this section of the survey consumed products that have integrated EPS packaging versus sixty-eight per cent (68%) who did not.

Again, those in favour of the ban (forty-eight (48) respondents) significantly outweighed those who did not (six (6) people).

“I would love to see the ban in place very soon.”

“No concerns. I support the ban.”

“Styrene foam is awful. Ban it.”

There were also concerns, comments and suggestions around acceptable alternatives for these products. People recognised that alternatives would need to be environmentally friendly, as well as providing a satisfactory consumption experience, e.g. containing, and protecting from, hot liquids, being convenient to access and consume and inexpensive.

“There’s no suitable successful waterproof and insulated alternative.”

“Yet again, we HAVE to find an environmentally friendly alternative.”

Five respondents suggested that this ban is implemented earlier than 2025.

“Ban sooner!”

A suggested unintended consequence of banning the integrated EPS packaging on products, and driving change, could be an increased cost of the product. In particular, it was mentioned, instant noodles are

widely accepted as providing a quick, inexpensive meal and an increase in the price of these may affect many different aspects of peoples' lives, not just their contribution to waste management and environmental care.

"Thanks for increasing the price of living."

"These are cheap and convenient for people living on the breadline, banning the packaging of them makes the product more perishable and expensive."

There was one concern around the leaching of PFAS into the contents of compostable containers.

"... as this is used to coat compostable replacements."

Another person pointed out that an individual with "physical limitations due to injury or stroke" and leaving the use of "one hand-one arm" may be disadvantaged due to the removal of "single-use prepackaged food".

Another suggested that improving recycling of this packaging would be more acceptable than a ban.

"Use different materials."

"This is one example of something that shouldn't be banned but should be recycled better."

There was a concern about businesses being "destroyed by the changes" but the respondent did not elaborate sufficiently to enable further analysis of their comment.

One respondent expressed concern about the risk of unused stocks being dumped in landfill if they were unable to be sold before the implementation of the ban, and they recommended a ban on production, some time prior to a ban on sales to mitigate this.

An individual suggested that products manufactured overseas could be exempt from the ban because they were produced in countries/jurisdictions without the ban.

"An exemption for products manufactured overseas and imported in low volume would be useful".

Submissions

It was submitted that an exemption for AS Certified compostable packaging of these foods be considered because this could prevent food-contaminated items from being disposed of in landfills and bypassing the FOGO recycling stream.

"AS certified compostable alternatives would offer an additional option at the packaging, design and disposal stages."

A recommendation was made for the government to support smaller retailers during this transition.

Government response

Exemptions for EPS pre-packaged goods (e.g. dried noodles cup) have been in place under section 4 of the Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021 since its commencement on 1 March 2021.

As noted in the response for attached cutlery above, these products are also exempted in similar legislation in New South Wales and Victoria. The New South Wales exemption expires on 1 January 2025 and the Victorian exemption expires the following year on 2 February 2026. The removal of South Australia's exemption will fall between these two dates, on 1 September 2025.

Two national supermarkets (who are aware of the other jurisdictions' upcoming bans) confirmed they would be ready for a ban in 2025.

4.3 Additional Information arising from submissions

The following section summarises the additional information that was provided or raised by respondents through the survey questions or by businesses and individuals through their submissions. Where relevant to specific regulations being consulted, this information has been considered, by product, in the Government responses provided in the sections above.

Information not related to specific regulations but provided as part of the consultation process has been collated and will be used to inform future policy considerations and the statutory 3-year review required under section 19 of the SUP Act, to be undertaken during 2024.

4.3.1 Timing of proposed bans

There were a range of different opinions on this topic. Many of the individuals and organisations participating in the YourSAy survey suggested that the proposed bans should be implemented as soon as possible. This was mainly because the items are creating problems every day and the sooner they disappear, the better it is for the environment.

There was a diversity of opinions among those who provided submissions; from those who were satisfied with the proposed timing of the bans to those who requested reviews and postponements. Both groups provided a range of reasons for their opinions; those who were satisfied with the proposed timing of the bans did so because:

- These proposed regulations are a positive and nation-leading initiative by South Australia and will encourage other states/territories to follow
- Many have been discussed and signaled for years
- The most difficult changes have been scheduled for 2025, giving the supply chain sufficient time to adapt, in a cost-effective manner.

Those whose submission recommended that bans should be delayed gave a range of reasons, such as:

- Sufficient time to change consumers' existing habits and behaviours (and those of others)
- Time to run down existing inventories across the supply chain so that these do not end up in landfill
- The likely shortages of raw materials to satisfy increased demand for alternative products (and subsequent delays of 9-12 months in manufacturing and supply)
- More time for supply chain investment and innovation to develop products which improve the performance, convenience and price of alternatives to the banned single-use plastic products
- Harmonisation of regulations with other jurisdictions, ideally national agreement
- Reduce the risk of poorly designed alternatives to the banned products
- Time to change systems and infrastructure along the supply chain
- Ability to develop cheaper and/or more effective alternatives
- Time to innovate and test, then to achieve AS certification, compliance and improve the performance of alternative and substitute items, with estimated lead times of over 12-months
- Requirement to sort out confusion between product definitions, certification pathways, compliance monitoring etc.
- Budgeting for costs and financial implications of change. One submission mentioned testing costs of \$55,000 for each item in use
- Adapting print technologies to work with new items and formats
- Manufacturing new/alternative products.

“Based on our experience in helping businesses phase out plastic packaging, we recommend that a lead time no shorter than twelve months between the regulation announcement and the implementation of the regulation should be allowed for a smooth transition and to avoid brand new packaging being sent to landfill.”

There were frequent mentions of the looming deadline of 1 September 2024, leading to requests for a 12-month (minimum) postponement of this ban; with just 9-months (at time of consultation) before this date, industry members were dubious if they could achieve the required packaging and labelling changes.

“We recommend the threshold be for any product purchased prior to the confirmation of regulations, with a sunset time no greater than 6 months after commencement of the regulations.”

“...a sudden ban on single plastics without practical alternatives would have profound implications for our members and the broader industry.”

“This timeline does not accommodate the review of current artworks, the design of new artworks, the setup of new tooling, sample approval, and the lead times for production and shipments. A more feasible estimate for the entire process would be between 12-24 months.”

In addition, there were concerns about the logistics of labelling small containers/cups and the regulations around stickers for showing AS certification and ways to dispose of them. Two examples were: a sauce cup and an espresso cup.

“... may be too small to accommodate the complete phrases ‘home compostable’ or ‘industrially compostable.’”

Clarification was also sought on the state government’s expectations of where AS certification logos are to be placed, and suggestions for how some of these logistical and technical challenges may be overcome.

4.3.2 Costs concerns

Many submissions were concerned about the additional costs of transitioning to new packaging, closures and labelling. For smaller businesses this may be unaffordable, for larger ones, it may not provide the return on investment if it applies only to their South Australian market.

Different people predicted different outcomes of this increased cost, such as:

- Putting small business at financial risk
- Causing inflation and sector/retail price rises and this, it was mentioned a few times, comes at a time of costs of living hardships for an increasing number of Australians
- Removal of South Australians as customers/not supplying to the state until viability is achieved through national harmonisation of packs and labels
- Removal of product lines from ranges, because they are not viable for manufacturers, suppliers and retailers.

“... a cost that businesses will ultimately have to pay.”

Some were seeking compensation and/or financial support from the state government to fund these necessary regulated changes.

“Additionally, the State Government should carefully evaluate the financial impacts on businesses relying on the production or sale of these products before instituting the proposed bans.”

4.3.3 Reducing waste stream contamination

The costs and logistics of maintaining uncontaminated waste streams is problematic, according to the council and waste industry submissions.

“Single-use products such as coffee cups, lids, plastic bags, cutlery, expanded polystyrene trays, plastic fruit stickers consistently contribute to contamination of co-mingled recycling and FOGO bins.”

It was suggested that many of these issues can be alleviated through:

- Education and promotion of reusable practices, and alternatives to problematic items
- Improved labelling and education surrounding what labels mean and how to use and dispose of different items (according to their labels)
- Reduction of single-use items
- Banning single-use items
- Sound practices in waste recovery and reuse, enhancing consumer confidence in their own waste minimization and disposal activities
- Infrastructure developments to capture more FOGO and recyclable waste in public spaces, along with more opportunities to refill reusable containers, e.g. water fountains
- Financial support to businesses to ease their transition to reusables
- Support for regional tourist towns to combat the incorrect disposal of resources by holiday-goers.

A council submission suggested that the state government ensures there is *“close and ongoing consultation with commercial concerns”* to monitor the levels of contamination in FOGO streams as the proposed new regulations come into effect.

4.3.4 Food safety concerns

Members of the condiment sector were concerned about the performance of non-plastic single-serve containers, reasoning that they had a shorter shelf life, resulting in increased risk of spoilage and wastage.

“When developing alternatives to single-use plastics, food safety cannot be compromised and so some level of barrier needs to be present... this barrier must be plastic in the short-term. This does not prevent an item from being recyclable”

A compostable packaging product supplier pointed out that different types of materials perform differently in higher temperatures, and this may also present a safety risk.

4.3.5 Monitoring and enforcing compliance

In order to monitor and enforce the consequences of non-compliance, it was submitted, it will be important to educate and update local government Public Health Officers, so they are always aware of what they're checking for, and the pathways available for enforcement.

4.3.6 Driving a culture of valuing plastics

One submission drew attention the value of plastics and the role they play in a well-developed circular economy. They considered the *"incessant and totally illogical drive to 'remove' plastics is leading to a false sense of environmental friendliness because whatever material that plastics are replaced with will almost always cause more environmental harm"*.

Their other points are summarised below:

- A circular economy requires infrastructure to support recycling
- Australia needs improved and extended facilities for recycling plastics, along the lines of the European models
- Markets for recyclates require stimulating
- Aim to keep the valuable plastic resources in circulation
- There are many opportunities for collaborations along supply chains to develop and encourage reusable packaging solutions
- Incentivisation by one actor in a supply chain (e.g. a food delivery service) to encourage other actors (e.g. restaurants) to move towards reusable packaging alternatives
- Australia requires additional consumer incentives to adopt reuse behaviour.

"Outside Europe, investment in recycling infrastructures and the culture of valuing plastic is very much needed."

"We think greater uptake will only occur when consumers can take advantage of further incentives to re-use their containers."

4.3.7 Jurisdictional alignments and national harmonisation

A common theme among the organisational/industry responses was the challenges of operating in a country where states and territories operate under different regulatory environments for plastics management. This costs money, and time, and revenue opportunities are lost as all steps in the supply chain need to be up to date, always compliant and provide consumer satisfaction while striving for positive environmental outcomes.

The lack of this national harmonisation is creating many issues across Australian supply chains, and for consumers. A review of all aspects was recommended, beginning with the development of a standardised definition of the term "single-use plastic".

"... would like to see a definition of single-use plastic that excludes packaging items which have a circular end-of-life solution."

In some cases, arguments for increasing bans and removing exemptions were made on the basis that they were being banned in other states' regulations. In others, the same argument was used to object to a ban or request an exemption, because other states/territories were not in favour of it or had not enacted it yet.

“... stresses the need for uniformity across states and councils in their approach to regulations and standards.”

“crucial for businesses to make informed decisions.”

Lack of harmonization is also affecting consumers as well as businesses.

“We also see that conflicting regulations creates confusion that ultimately impacts the end consumers, the acceptance of change and the understanding to dispose of thoughtfully and correctly.”

One submission was provided by another state’s Circular Economy representative and invited collaboration and partnership with the South Australian government to develop co-designed legislation, policies and activities for the benefit of each and the nation.

“To realise positive changes, collective and coordinated actions including improved product and packaging design standards; fit-for-purpose system, infrastructure, and services; simple and clear consumer education driving positive behaviours are required... We look forward to continuing our positive relationships with both the single-use plastic and organics teams in Green Industries South Australia to deliver benefits to both our organisations and to address the impacts of plastic pollution.”

4.3.8 A Whole-of-Supply Chain Design Approach

While supporting all the desired outcomes of the single-use plastics minimization initiatives, a number of submissions called for a coordinated and holistic design approach to achieving these goals and implementing changes that are effective, affordable, standardised, improve environmental outcomes and meet functionality expectations.

“Wholistically consider the role of functional packaging in fresh produce.”

“Over and above this there does not appear to be consideration of the economic benefits of the alternative products and systems.”

This involves a coordinated approach to packaging/product requirements at every step along the supply chain, which can be costly and time-consuming for those participants.

“To ensure the highest environmental outcomes with the lowest cost to community, all supply chain parties need to play a role to avoid brand owners being disproportionately burdened with the costs required to transform our national waste system, which would result in a significantly inflationary effect.”

This led to recommendations for:

- Whole of System and Whole of Nation approaches
- Fostering of collaboration locally and globally
- Achievement, and the ongoing management of the harmonisation of single-use plastics regulations
- Delaying bans and other activities until these levels of cooperation and activity are achieved

- Sector collaboration (i.e. along the supply chain) to develop and encourage reusable packaging solutions
- National collaboration, across industry and government, to develop efficacious alternatives to items and packaging that is harmful to the environment
- Funding and development of a national infrastructure for responsible waste management and circular economy initiatives
- Monitoring of compliance.

Submissions provided the likely effects of not achieving this cooperation:

- Pressure on the SME sector
- Increase costs of goods sold, passed on to the consumer
- Unaffordable capital expenditure requirements
- Ineffective decisions made under time-pressure and insufficient data and consultation
- Compromised food safety due to “immature or untested options”
- Packaging that does not function as expected and/or is not fit for purpose.

“We would like to see a life-cycle assessment approach taken to address this rather than viewing this through a narrow lens of litter and pollution only.”

“Emphasis must be on actions higher up the waste management hierarchy, being avoidance, redesign and re-use.”

4.3.9 Recycled vs AS Certified Compostable

Different stakeholders and passionate individuals presented strong cases for either recycling or compostability as preferred solutions to reducing plastic waste.

Those in favour of recycling and recyclables mentioned the following benefits of selecting this for an alternative to plastic entering landfill or being littered:

- Fulfilling Australia’s commitment to recycling and achieving targets
- Recycling is Australia’s answer to the growing volume of plastic waste
- Growing the market for recycled raw materials and consumer products is of economic benefit to the nation
- Use of recycled materials decreases demand for the production of new raw materials
- Requiring less consumer education and behaviour change because sorting can occur at MRFs and similar facilities.

The arguments against AS certified compostables are summarised below:

- Not all are able to be composted through FOGO streams across Australia (where these collection services don’t currently exist)
- Not all can be composted at home and may contaminate home composting
- Some compostable items may contain chemicals harmful to humans and the environment
- Compostable alternatives do not meet the requirements for many of the purposes and uses for which they are being substituted
- Additional education and labelling are required to encourage compliant disposal of compostable items

- People do not understand compostability and are still disposing of AS-certified compostables in landfill
- AS certification is expensive and time-consuming, and can take up to 18 months to achieve
- Clear bioplastics are only functional up to 60°C, and crystallised bioplastics are not transparent
- Compostable packaging has a shorter shelf life than plastics, adversely affecting the shelf life of food products
- There has not been sufficient time since the voluntary phase out of added PFAS in fibre-based food contact packaging to measure its success and safety of these items; in addition, there were those who were not yet convinced that all the effects of this substance are known.

Those in favour of AS certified compostable items proposed that education is required so that the public understands that these items can be disposed of via existing FOGO streams, and those certified to AS 5810 can be home composted.

Arguments against recycling are summarised below:

- People do not understand which items are recyclable and are still disposing of these in landfill
- Insufficient recycling infrastructure across Australia
- Underdeveloped domestic market for recycled products.

“Is there any plan to provide a collection point to recycle unused banned products and market that service?”

In addition to a written submission, a query was around the wording of exactly what the proposed regulations are referring to. Is it “a certified product” or “a certified material”?

4.3.10 Reusables vs. recyclables and compostables

There was one submission suggesting that plastics have been “demonized” in the narrative surrounding environmental issues and that people have lost sight of their role and value in a circular economy and in reducing waste-to-landfill (or composting).

Some submissions were clear in their belief that only reusable items (including plastics) are acceptable when convincing the population to transition away from single-use behaviour and addressing environmental concerns.

“... exercise caution in the promotion of alternatives to SUPs... Promoting alternatives also serves to continue to encourage unnecessary consumption and reinforce values of a throw-away society.”

Others recommended reusable items to add to the range of ways consumers can reduce waste and improve informed choice.

“Promotion of reusable and returnable items will reduce the volume of waste generated and reduce contamination challenges that councils face.”

This argument was employed in recommendations against exemptions for AS certified compostables.

“Plastics are typically far better for this purpose than fibre-based products, which are invariably ‘down-cycled’ at the end of each life and when directed into composting notionally end up lower in the waste hierarchy than if they were recycled.”

“A viable Australian Standard certified compostable or recyclable alternative will not effectively resolve the environmental concerns the bans aim to address.”

“I urge the South Australian Government to reconsider this exemption and prioritise the promotion of reusable alternatives.”

One submission provided a description of its research into reusables in the food retail sector, and, from this, they made three recommendations, as follows:

- South Australia does not mandate reusable packaging in Quick Service Restaurants
- South Australia supports businesses to voluntarily adopt reusable packaging where they determine it is suitable for their facilities, employees and customers
- South Australian Government meets with industry to share operations experiences, in Australia and elsewhere.

4.3.11 Confusion around compostability symbols, standards and terms

Some of the Local Government sector submissions pointed out that many consumers do not understand the difference between industrially compostable products and home compostable products and the language commonly used in the waste sector. Some consumers do not perceive a difference between the different streams and are making disposal errors and spreading misinformation.

One Council submission suggested avoidance of the term *“industrially compostable”* in case it gave the impression that the item was not right for the FOGO bin either.

4.3.12 Government investment into reuse schemes

A retail industry representative and another in waste management recommended that the government support the sector to develop a *“reuse scheme that functions in line with a circular economic model”*.

“Various successful reuse and return schemes, such as ECups Australia, Reusably, Green Caffein, ReCircle, Revolution Cup and Return, offer promising alternatives to disposable items”.

“Emphasising the importance of refillable bottles, bulk dispensers, deposit return systems and packaging take back, such incentives can significantly reduce pollution”.

There was a recommendation for a *“mandated reuse and return scheme to assist business to ‘do the right thing’”* and assurance that these operate successfully in other countries.

4.3.13 Government investment into FOGO waste infrastructure

It was noted that, if the volume of compostable bags, containers and lids increases (as it has been in recent times), there will need to be a corresponding increase in FOGO waste bins, collections and processing infrastructure.

“The investment in public place FOGO infrastructure is important, given the current limited availability of such bins in public spaces.”

“This transition aligns with our commitment to support residents in delivering food and compostable packaging to FOGO streams.”

One waste industry member was concerned about the possibility of failures of the FOGO collection and processing process, resulting in this waste going to landfill. This, they warned, would create further public mistrust of these systems.

“There are no, or very few, opportunities for people to dispose of these (compostable) items correctly in the public domain.”

4.3.14 State Government Grant and industry support

There were suggestions in submissions for increased support to individuals and organisations seeking to promote and enable waste avoidance and resource recovery, with funded either government (most frequently suggested) and/or industry. Some of the suggestions were:

- Recycling opportunities
- Water fountains
- Cleaning/washing of reusable containers
- Installation of dishwashers in foodservice outlets
- Business management support
- Refunds and reward schemes (reuse support)
- Research into sustainable materials
- Developing environmentally-friendly packaging solutions
- Reducing/subsidizing costs of compliance, e.g. AS-certification fees, AS-certification logo display re-tooling etc.
- System to use returnable crates for deliveries
- Food courts/Shopping Centres to implement centralised washing up of reusable food ware
- Expand South Australia’s (and national) Container Deposit Legislation.

4.3.15 Supporting the public and industry through education

An environmental organisation underpinned the need for increased education, leading to behaviour change, when their submission shared the following statistic:

“Australia is one of the biggest consumers of single-use plastics, per person, in the world. On average, every Australian generates 59 kilograms of single-use plastic waste each year. Much of this plastic is hard to recycle and it ends up in landfill.”

One recommendation was made to provide retailers with education in, and support for, the processes of transitioning away from single-use plastics. This is to include ways to overcome the challenges this will present.

There were many recommendations, throughout the consultation responses, for the development and provision of education programs aimed at increasing the knowledge of ways to transition from single-use plastics among consumers, retailers and suppliers.

“There is also a need for adequate business education and support, and we encourage the State Government to take a proactive role in ensuring businesses are well prepared.”

“Strategically promoting this (protection from civil liability when packaging and selling food to a customer in their own container) to businesses, so they are aware of these protections and the potential cost savings from supplying less containers and packaging to customers may support the uptake of these (reusable) practices.”

“A comprehensive education strategy is essential to ensure correct disposal practices and address common misconceptions about compostable items.”

“At present there is still considerable confusing (sic) in the market place with regards to what can be composted safely and productively.”

In particular, Councils recommended greater consultation and partnership in the development of these education approaches and materials.

“There remains a lack of understanding in the community about the value and impact the materials and products they consume have on the economy and environment. Education is required to support the community ...and how minimization, avoidance and activities that maximise resource efficiency are necessary for South Australia to achieve its net zero target.”

4.3.16 Promoting the regulations

One Council, who had discussed waste management with 100 businesses found that *“most were unaware of the upcoming bans”* and they recommended that the government increases communications and education around these, and alternative products.

4.3.17 Ensuring compliance

People had sighted previously banned items, such as plastic pizza savers, still in circulation and they recommended further public education about the bans and monitoring of compliance, from the state government.

4.3.18 Suggestions for other methods of reducing single-use plastic waste

The following summarises other ways (not included in the draft regulations subject to this consultation) suggested to decrease and/or remove single-use plastics in South Australia:

- Develop a new policy direction aiming at promoting, incentivising and encouraging reuse, returns and recycling
- Set a 30% target for reusable packaging and food ware
- Expand SA’s Container Deposit Scheme
- Work directly with the corporate, education, transport, travel and tourism sectors to grow reusables in the workplace, in transit, in accommodation at events etc.
- Work with stadia and events to ensure only reusables are supplied to patrons
- Work with the retail sector to manage practices promoting reusables and returnable items
- Develop strategies to prevent and remove microplastics from the environment
- Mandating the use of the Australasian Recycling Label to *“clearly articulate how the product is best disposed of”*
- Development of a sustainable soft plastics recycling program
- Waste avoidance education, role modelling and support for both retailers and consumers
- Improve water refilling infrastructure around South Australia
- Extend producer responsibilities for the reduction of plastics
- Establish a Stakeholder Task Force on Plastics
- Government to adopt more ambitious directive against single-use plastic pollutants
- Preemptively restrict the design of problematic plastic products

- Mandate tethering plastic lids to bottles
- Reduce unnecessary plastic packaging of food
- Increase pollution penalties
- Increase the return and the scope of the Container Deposit Scheme
- Target “ghost nets” by mandating fishing net identification and recovery via an EPR scheme for fishers
- Advocate to the Federal Government for national standards and schemes
- Develop an ongoing process to ban unnecessary products in the future
- Encourage the development of soft pack and tetra pack refills for cleaning, laundry and bathroom products
- Reactivation of the REDCYCLE soft plastics scheme
- Establish a store of existing plastic bags for use by Charity Shops and their customers
- Tackle the issue of product packaging, e.g. foam cardboard and single-use plastics
- Implementing an Extended Producer Responsibility scheme, funded from the profits of those who financially benefit from the provision of problematic plastics
- Work with Shopping Centres to assist food retailers’ collection and cleaning of reusables
- More Grants and Funding for innovative solutions.

4.3.19 Other items recommended for future bans

During this consultation, various people and organisations suggested additional plastic items to be banned or managed further. These have been listed below, in no particular order:

- black drinks trays and meat trays
- plastic-lined paper takeaway bags
- EPS boxes (non-retail)
- EPS takeaway containers
- all EPS product packaging (non-food)
- pre-packaged meal portions, e.g. Lite n Easy in plastic or EPS containers
- plastic ties, cable ties, plastic tape (no exemptions)
- party poppers
- glitter
- plastic craft items
- lollipop sticks
- plastic wrap/cling wrap
- plastic-wrapping of produce
- plastic ice cream sticks
- plastic wrapping of multi-packs
- cigarette filters
- all cigarette smoking (with on-the-spot fines)
- balloons made from plastic including mylar and foil balloons, all other balloon types, helium-filled balloons, the sale of helium intended for balloons, using balloons outdoors and balloon releases as well as balloons in fishing
- PFAS additives on fibre-based food containers (currently a voluntary action)
- wet wipes, single-use wipes
- all single-use takeaway container options (replace with reusables)

- all products with plastic in them
- microbeads in cosmetics
- microplastic capture in all washing machines
- plastic sunglasses wipes.
- plastic product scoops, e.g. washing powder
- Pringles chip containers
- plastic inclusions in bread paper bags, e.g. viewing panels
- PVC food packaging
- plastic inserts in tissue boxes
- plastic sauce containers and sachets
- plastic sauce sachets included in 2-Minute Noodles
- plastic shade cloth on construction fencing
- vinyl signage on construction fencing
- plastic weed mats
- plastic baling twine

5.0 Appendices

Appendix 1.1: List of self-identified organisational respondents providing feedback in Questions 1-63 of the YourSAy Consultation Survey

- Hog's Breath Café
- Southern Fleurieu Health Service
- Rural City of Murray Bridge
- Department for Environment and Water
- Huhtamaki Australian Pty Ltd
- Biogone
- The Survey Organisation
- Auspicious Beauty
- CleanLIFE – The Hygiene Co
- The Hygiene Co
- SA Potato Company
- GD Wholesale Fruit Supplies
- Alexandrina Council
- Sea Shepherd
- Australian Hotels Association (SA Branch)
- Food Educator
- Trading Places Foodservice Marketing Pty Ltd
- Lanaval Services
- Dogcity
- Greener Events Pty Ltd
- That Coffee Place
- North Adelaide Newsagency
- Mawson Lakes Model Yacht Club
- HR Fink
- Leader Distributors
- Drakes Supermarkets
- ALDI Australia
- Quakers
- Prospect Local Environment Group Incorporated
- tms Australia
- Detmold Group (trading as Detpak)

Appendix 1.2: List of providers of written submissions, responses and discussions from organisations and individuals

- Australian Council of Recycling (ACOR)
- Adelaide Hills Region Waste Management Authority (AHRWMA)
- Australian Marine Conservation Society (AMCS)
- Australasian Bioplastics Association
- Australian Food & Grocery Council
- Australian Fresh Produce Alliance
- Australian Retailers Association
- AUSVEG SA
- J.O. Berkefeld
- BioPak
- Birch & Waite
- Boomerang Alliance
- City of Burnside
- City of Tea Tree Gully
- Closed Loop Environmental Solutions
- DRecycled Plastic Panels
- Eastern Waste Management Authority (EastWaste)
- Foodservice Suppliers Association Australia
- Forde
- Genfac Plastics
- Stack-Cup Australia
- Huhtamaki
- International Fresh Produce Association
- Local Government Association of South Australia (LGA)
- Lucy Abraham
- Mars Food & Nutrition Australia
- Mount Barker District Council
- MRA Consulting Group
- National Retail Association
- No Balloon Release Australia
- Stephen Packer
- Papier-Mettler
- Paula Pothoven
- The Quaker Shop
- Potatoes Australia
- Department of Environment, Science and Innovation, Queensland Government
- Sea Shepherd Australia
- Tanunda Newsagency Pty Ltd
- Havi Global Solutions Australian Pty Ltd, Trading as TMS
- Viva Energy Australia Pty Ltd
- Waste Management and Resource Recovery Association Australia (WMRR)
- Woolworths Group

Appendix 1.3 YourSAy Public Consultation Survey Questions

Consultation survey on 2024 and 2025 SUP regulations

1. Name
2. Organisation
3. I am...
 - a. in food and hospitality
 - b. a retailer
 - c. in event management
 - d. a distributor or wholesaler
 - e. an individual

Businesses

Plastic shopping bags including thick plastic/boutique bags

From 1 September 2024, there will be:

- a ban on all plastic film shopping bags and plastic laminated paper shopping bags
- an exemption for plastic shopping bags that are Australian Standard (AS) certified compostable.

4. Do you supply reusable bags to your customers?
 - a. Yes
 - b. No
5. Which types are available?
6. How much do you charge for them?
7. Do you supply thick plastic/boutique bags to your customers?
 - a. Yes
 - b. No
8. How much do you charge for them?
9. Do you supply plastic-laminated paper shopping bags to your customers?
 - a. Yes
 - b. No
10. If yes, how much do you charge for them?
11. Do you supply AS compostable shopping bags to your customers?
 - a. Yes
 - b. No
12. If yes, how much do you charge for them?
13. Do you have any comments or concerns about the ban on plastic shopping bags?

Plastic barrier bags

From 1 September 2024, there will be:

- a ban on all plastic barrier bags which are not Australian Standard (AS) certified compostable used to contain or protect unpackaged fresh fruit or vegetables, nuts, confectionery, dairy products, meat, poultry or fish
- a ban on all plastic barrier bags which are not AS certified compostable used by a retail customer as additional protection from leakages for pre-packaged meat, poultry, fish, herbs or flowers.

14. Do you already supply AS certified compostable plastic barrier bags for unpackaged fresh fruit or vegetables, nuts, confectionery, dairy products, meat, poultry or fish?

- Yes
- No

15. Do you supply other alternatives to plastic barrier bags?

16. Do you have any comments or concerns about the ban on plastic barrier bags?

Hot beverage cups

From 1 September 2024, there will be:

- a ban on all single-use plastic cups and single use plastic lids for all hot beverages
- an exemption for AS certified compostable cups and their lids designed or intended to hold a hot beverage.
- All 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.

17. Do you sell hot beverages to take away?

- Yes
- No

18. Do you already provide or encourage reusable options for customers?

- Yes
- No

19. If so, what type?

20. Do you already provide AS certified compostable hot beverage cups to customers?

- Yes
- No

21. Do you already provide AS certified compostable hot beverage lids to customers?

- Yes
- No

22. 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?

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

Cold beverage cups

From 1 September 2024 there will be:

- a ban on all single-use plastic cups and single use plastic lids for all cold beverages
- an exemption for AS certified compostable cups and lids (including clear compostable plastic) for cold beverages.

All 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.

24. Do you sell cold beverages to take away?

- a. Yes
- b. No

25. Do you already provide reusable options for customers?

- a. Yes
- b. No

26. What type?

27. Do you already provide AS certified compostable cold beverage cups to customers?

- a. Yes
- b. No

28. Do you already provide AS certified compostable cold beverage lids to customers?

- a. Yes
- b. No

29. What challenges (if any) are there for your business be able to meet the requirements for AS certified cups and their lids with clearly marked with their certification details by 1 September 2024?

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

Plastic food containers

From 1 September 2024 there will be:

- a 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
- an exemption for 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 containers and their lids which are AS certified compostable will need to be clearly marked with their certification details to comply with the exemption.

31. Do you sell ready to eat food to take away?

- a. Yes
- b. No

32. Do you provide reusable options for your customers?

- a. Yes
- b. No

33. What types of options?

34. What would help you transition to providing more reusable containers or accepting reusable containers from customers?
35. What challenges (if any) are there for your business be able to meet the requirements for AS certified food containers and their lids clearly marked with their certification details by 1 September 2024?
36. Do you have any comments or concerns about the ban on the use of plastic food containers for ready to eat takeaway food?

37. Do you use EPS trays for displaying and selling produce?
 - a. Yes
 - b. No
38. Do you use EPS trays for any other purpose in your business?
 - a. Yes
 - b. No
39. Do you have any comments or concerns about the ban on EPS trays?

EPS Trays and Other expanded polystyrene (EPS) food and beverage containers

Expanded polystyrene (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 (such as gelato tubs) and EPS trays will now be removed and complete the approach intended for this type of plastic.

From 1 September 2024 there will be:

- a ban on EPS consumer food and beverage containers such as gelato containers and cake boxes (pictures)
- a ban on EPS trays used for meat, fruit and other food items.

The ban does not include EPS boxes for home delivery of fresh food and pre-prepared meals where there is an opportunity for collection and reuse.

40. Do you use EPS food containers to sell any food product or beverage?
 - a. Yes
 - b. No
41. What types of food or beverage?

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

Bread tags

From 1 September 2024 there will be a ban on all plastic bread bag tags used to close plastic bags containing food

This ban does not include:

- similar devices attached to a label for fresh produce where it is not used to close a bag
- plastic tape, plastic cable ties and plastic twist ties.

44. Do you use bread tags for closure of bags containing food products?
 - a. Yes
 - b. No
45. If yes, what types of food?

46. Are there appropriate alternative options to transition to?
47. Do you have any concerns about the ban on plastic bread tags?

Plastic confetti

From 1 September 2024 there will be a ban on plastic confetti designed or intended to be used for scattering, throwing, decorating or being released at celebrations/events, such as wedding ceremonies, parades, concerts, sporting events and parties.

48. Do you have any comments or concerns about the ban on plastic confetti?

Plastic balloon sticks and ties

From 1 September 2024 there will be a ban on plastic balloon sticks and plastic balloon ties (including those sold in kits).

49. Do you have any comments or concerns about the ban on plastic balloon sticks and ties?

Plastic produce stickers

From 1 September 2025 there will be a ban on non-Australian Standard (AS) certified compostable plastic labels affixed to fruit or vegetables for sale in South Australia.

50. Do you require suppliers to use plastic produce stickers?
- Yes
 - No
51. Why do you require suppliers to use plastic produce stickers?
52. Are you required to sell produce with plastic produce stickers attached?
- Yes
 - No
53. Why are you required to sell produce with plastic produce stickers attached?
54. Are there appropriate alternatives available?
55. Do you have comments or concerns about the ban on plastic produce stickers?

Plastic soy sauce fish

From 1 September 2025 there will be a ban on:

- plastic soy sauce fish and other shaped containers with a lid
- plastic soy sauce containers with a lid, containing less than 30mL of soy sauce.

56. Do you sell plastic soy sauce fish?
- Yes
 - No
57. Have you identified alternative ways to provide soy sauce to your customers?
- Yes
 - No
58. What are your solutions?
59. Do you have any comments or concerns about the ban on plastic soy sauce fish containers?

Attached cutlery

There is an exclusion for single-use plastic drinking straws and single-use plastic cutlery attached to a food or beverage product to enable or assist with consumption of the food or beverage. This will be removed from 1 September 2025.

Removal of this exemption is in line with similar bans being put into place by New South Wales from 1 January 2025 and by Victoria from 1 January 2026.

What will be banned?

- Plastic spoons or plastic forks attached to a food container
- Plastic drinking straws attached to a drink container, such as juice drink containers

60. Do you sell products with attached plastic single-use cutlery and straws?

- a. Yes
- b. No

61. Do you have any comments or concerns about the ban on attached plastic single-use cutlery and straws?

EPS packaging

From 1 September 2025, the exclusion in place for pre-packaged EPS cups and EPS bowls will be removed. This includes EPS that forms an integral part of the packaging of pre-packaged single serve food or beverage products that are either ready for immediate consumption or consumption after cooling or heating of the contents.

This is in line with similar bans being put into place by New South Wales from 1 January 2025 and by Victoria from 1 January 2026.

What will be banned?

- A pre-packaged EPS cup or bowl containing noodles with flavouring
- A pre-packaged EPS cup or bowl containing a meal

62. Do you sell products that have integrated EPS packaging?

- a. Yes
- b. No

63. Do you have any comments or concerns about the ban on integrated EPS packaging?

Individuals

Plastic shopping bags including thick plastic/boutique bags

From 1 September 2024, there will be:

- a ban on all plastic film shopping bags and plastic laminated paper shopping bags
 - an exemption for plastic shopping bags that are Australian Standard (AS) certified compostable.
1. Do you use reusable bags for all your shopping?
 - a. Yes
 - b. No
 2. Where don't you use reusable bags?
 3. Do you buy AS compostable shopping bags if offered?
 - a. Yes
 - b. No
 4. Do you use AS compostable shopping bags with handles (instead of compostable barrier bags) in your food waste caddy or to collect food or garden waste?
 - a. Yes
 - b. No
 5. Do you have any comments or concerns about the ban on plastic shopping bags?

Plastic barrier bags

From 1 September 2024, there will be:

- a ban on all plastic barrier bags which are not Australian Standard (AS) certified compostable used to contain or protect unpackaged fresh fruit or vegetables, nuts, confectionery, dairy products, meat, poultry or fish
 - a ban on all plastic barrier bags which are not AS certified compostable used by a retail customer as additional protection from leakages for pre-packaged meat, poultry, fish, herbs or flowers.
6. Do you already re-use AS certified compostable barrier bags to line your kitchen caddy?
 - a. Yes
 - b. No
 7. Do you support exempting AS certified compostable barrier bags from the ban?
 - a. Yes
 - b. No
 8. Do you have any comments or concerns about the ban on plastic barrier bags?

Hot beverage cups

From 1 September 2024, there will be:

- a ban on all single-use plastic cups and single use plastic lids for all hot beverages and soup
- an exemption for AS certified compostable cups and their lids designed or intended to hold a hot beverage (including soup).

All 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.

9. Do you purchase hot beverages to take away?
 - a. Yes
 - b. No
10. Do you use a reusable cup or a reusable cup system for your purchase?
 - a. Yes
 - b. No
11. What type?
12. What would help you transition to reusable cups for takeaway hot beverages?
13. Do you have any comments or concerns about the ban on plastic hot beverage cups and their lids?

Cold beverage cups

From 1 September 2024 there will be:

- a ban on all single-use plastic cups and single use plastic lids for all cold beverages
- an exemption for AS certified compostable cups and lids (including clear compostable plastic) for cold beverages.

All 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.

14. Do you use a reusable cup for purchase of cold beverages?
 - a. Yes
 - b. No
15. Which types of cold beverages?
16. Do you have any comments or concerns about the ban on plastic cold beverage cups and their lids?

Plastic food containers

From 1 September 2024 there will be:

- a 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
- an exemption for 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 containers and their lids which are AS certified compostable will need to be clearly marked with their certification details to comply with the exemption.

17. Do you purchase ready to eat food to take away?
 - a. Yes
 - b. No
18. Do you use reusable containers for your purchase?
 - a. Yes
 - b. No
19. What type?

20. What would help you to increase your use of reusable containers for your takeaway purchases?
21. Do you have any comments or concerns about the ban on the use of plastic food containers for ready to eat takeaway food?

EPS Trays and Other expanded polystyrene (EPS) food and beverage containers

Expanded polystyrene (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 (such as gelato tubs) and EPS trays will now be removed and complete the approach intended for this type of plastic.

From 1 September 2024 there will be:

- a ban on EPS consumer food and beverage containers such as gelato containers and cake boxes (pictures)
- a ban on EPS trays used for meat, fruit and other food items.

The ban does not include EPS boxes for home delivery of fresh food and pre-prepared meals where there is an opportunity for collection and reuse.

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

Bread tags

From 1 September 2024 there will be a ban on all plastic bread bag tags used to close plastic bags containing food

This ban does not include:

- similar devices attached to a label for fresh produce where it is not used to close a bag
- plastic tape, plastic cable ties and plastic twist ties.

24. Do you have any comments or concerns about the ban on plastic bread tags?

Plastic confetti

From 1 September 2024 there will be a ban on plastic confetti designed or intended to be used for scattering, throwing, decorating or being released at celebrations/events, such as wedding ceremonies, parades, concerts, sporting events and parties.

25. Do you have any comments or concerns about the ban on plastic confetti?

Plastic balloon sticks and ties

From 1 September 2024 there will be a ban on plastic balloon sticks and plastic balloon ties (including those sold in kits).

26. Do you have any comments or concerns about the ban on plastic balloon sticks and ties?

Plastic produce stickers

From 1 September 2025 there will be a ban on non-Australian Standard (AS) certified compostable plastic labels affixed to fruit or vegetables for sale in South Australia.

27. Do you have comments or concerns about the ban on plastic produce stickers?

Plastic soy sauce fish

From 1 September 2025 there will be a ban on:

- plastic soy sauce fish and other shaped containers with a lid

- plastic soy sauce containers with a lid, containing less than 30mL of soy sauce.
28. Do you use plastic soy sauce fish?
- a. Yes
 - b. No
29. Do you already use alternatives to plastic soy sauce fish?
- a. Yes
 - b. No
30. What types of alternatives?
31. Do you have any comments or concerns about the ban on plastic soy sauce fish containers?

Attached cutlery

There is an exclusion for single-use plastic drinking straws and single-use plastic cutlery attached to a food or beverage product to enable or assist with consumption of the food or beverage. This will be removed from 1 September 2025.

Removal of this exemption is in line with similar bans being put into place by New South Wales from 1 January 2025 and by Victoria from 1 January 2026.

What will be banned?

- Plastic spoons or plastic forks attached to a food container
- Plastic drinking straws attached to a drink container, such as juice drink containers

32. Do you have any comments or concerns about the ban on attached plastic single-use cutlery and straws?

EPS packaging

From 1 September 2025, the exclusion in place for pre-packaged EPS cups and EPS bowls will be removed. This includes EPS that forms an integral part of the packaging of pre-packaged single serve food or beverage products that are either ready for immediate consumption or consumption after cooling or heating of the contents.

This is in line with similar bans being put into place by New South Wales from 1 January 2025 and by Victoria from 1 January 2026.

What will be banned?

- A pre-packaged EPS cup or bowl containing noodles with flavouring
- A pre-packaged EPS cup or bowl containing a meal

33. Do you consume products that have integrated EPS packaging?
- a. Yes
 - b. No

34. Do you have any comments or concerns about the ban on integrated EPS packaging?