

South Australia

Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2023

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 September 2023.

Part 2—Amendment of *Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021*

3—Amendment of regulation 3—Interpretation

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

pizza saver means a device designed or intended to be placed inside a pizza box to prevent the lid of the box from touching a pizza contained in the box;

plastic-stemmed cotton bud means a product that has a stem that is comprised, in whole or in part, of plastic and has cotton wool, synthetic fibre or some other similar substance wrapped around 1 or both ends;

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

single-use plastic bowl does not include—

- (a) an expanded polystyrene bowl; or
- (b) a single-use plastic bowl designed or intended to have a spill-proof lid, whether separate or attached; or
- (c) a single-use plastic bowl that forms part of the packaging of a relevant food or beverage product; or
- (d) before 1 November 2024—a paper or cardboard bowl lined or coated with plastic;

single-use plastic plate does not include—

- (a) an expanded polystyrene plate; or
- (b) a single-use plastic plate that forms part of the packaging of a relevant food or beverage product; or
- (c) before 1 November 2024—a paper or cardboard plate lined or coated with plastic;

4—Insertion of regulation 3A

After regulation 3 insert:

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

Pursuant to section 6(1)(h) of the Act, the following plastic products, or plastic products of a class, are included within the ambit of the definition of *prohibited plastic product*:

- (a) a plastic pizza saver;
- (b) a plastic-stemmed cotton bud;
- (c) a single-use plastic bowl;
- (d) a single-use plastic plate.

5—Insertion of regulation 8

After regulation 7 insert:

8—Exemptions for plastic-stemmed cotton buds and single-use plastic bowls

- (1) Pursuant to section 16(1) of the Act, a person is exempt from section 7(1) of the Act in respect of plastic-stemmed cotton buds or single-use plastic bowls if the person sells, supplies or distributes the plastic-stemmed cotton buds or single-use plastic bowls (as the case requires) and the person is satisfied on reasonable grounds—
 - (a) that the sale, supply or distribution of the plastic-stemmed cotton buds or single-use plastic bowls is not to a member of the public; and

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- (b) that the sale, supply or distribution is to a person who uses the plastic-stemmed cotton buds or single-use plastic bowls (as the case requires) for medical, scientific, law enforcement or forensic purposes, or to enable the sale, supply or distribution to a person who uses the plastic-stemmed cotton buds or single-use plastic bowls for medical, scientific, law enforcement or forensic purposes.
- (2) Pursuant to section 16(1) of the Act, a person is exempt from section 7(1) of the Act in respect of plastic-stemmed cotton buds if the person sells, supplies or distributes the plastic-stemmed cotton buds (as the case requires) as part of a first aid kit or a kit used for medical, scientific, law enforcement or forensic testing.
- (3) For the purposes of this regulation—
 - (a) a medical purpose includes—
 - (i) a purpose relating to the clinical care, management or treatment of patients at a medical or dental facility or residents at a care facility; and
 - (ii) a purpose relating to veterinary medicine or treatment,but—
 - (iii) in the case of plastic-stemmed cotton buds—does not include a cosmetic purpose; and
 - (iv) in the case of single-use plastic bowls—does not include bowls used to serve food or beverages to people; and
 - (b) medical testing includes testing relating to veterinary medicine or treatment.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on

No of 2022