

**Legislative Council—No 31**

As introduced and read a first time, 25 July 2018

South Australia

**Single Use and Other Plastics (Waste Avoidance)  
Bill 2018**

A BILL FOR

An Act to regulate the sale and supply of single use and other plastics and for other purposes.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Single Use and Other Plastics (Waste Avoidance) Act 2018*.

#### 2—Commencement

This Act will come into operation 3 months after the day on which it is assented to by the Governor.

#### 3—Interpretation

- 10 (1) In this Act, unless the contrary intention appears—  
*biodegradable*—see subsection (2);  
*sell* includes offer for sale or possess for the purpose of sale.
- 15 (2) For the purposes of this Act, an article or product will be taken to be biodegradable if it is comprised of a material of a type that has been assessed and tested in accordance with AS 4736/2006 (as in force from time to time) and can, in accordance with that standard, be designated as compostable.

#### 4—Interaction with Environment Protection Act

- (1) This Act and the *Environment Protection Act 1993* will be read together and construed as if the 2 Acts constituted a single Act.
- (2) Without derogating from subsection (1), authorised officers may exercise their powers under the *Environment Protection Act 1993* for the purposes of the administration and enforcement of this Act.
- (3) In the event of an inconsistency between this Act and the *Environment Protection Act 1993*, the provisions of this Act prevail.
- (4) In this section—

*authorised officer* means a person who is an authorised officer for the purposes of the *Environment Protection Act 1993*.

## Part 2—Prohibited plastics

### 5—Meaning of *prohibited plastics*

In this Part—

*prohibited plastic* means an article comprised of or containing plastic that is intended for disposal after a single use, and includes—

- (a) a plastic drinking straw; and
- (b) plastic cutlery; and
- (c) a plastic plate, bowl or cup; and
- (d) a plastic food or beverage container (other than a container that is the subject of a beverage container approval); and
- (e) the plastic lid of a disposable coffee cup; and
- (f) a plastic-stemmed cotton bud; and
- (g) a plastic beverage stirrer; and
- (h) a plastic balloon stick; and
- (i) a plastic balloon tie; and
- (j) an article or class of articles brought within the ambit of this definition by the regulations,

but does not include—

- (k) a biodegradable article; or
- (l) an article or class of articles excluded from the ambit of this definition by the regulations.

## 6—Retailers must provide alternatives to prohibited plastics before 1 July 2023

(1) If, before 1 July 2023, a retailer makes a prohibited plastic available to customers at retail premises (whether alone or together with other goods purchased, or to be purchased, from the retailer), the retailer must—

- 5           (a) be able to provide, on request by a customer, a permitted product that is a reasonable alternative to the prohibited plastic; and
- (b) display at the premises a notice (that complies with the requirements prescribed by the regulations) indicating that such alternative products are available at the premises.

10           Maximum penalty: \$5 000.

             Expiation fee: \$315.

(2) Nothing in this section prevents a retailer from requiring a customer to pay a fee for the provision of a permitted product that is a reasonable alternative to a prohibited plastic.

15           (3) In this section—

*permitted product* means a product that is—

- (a) biodegradable; or
- (b) designed to be used on a regular basis over a period of approximately 2 years; or
- 20           (c) of a kind brought within the ambit of this definition by the regulations.

(4) This section expires on 1 July 2023.

## 7—Retailers must not sell or supply prohibited plastics after 1 July 2023

(1) A retailer must not sell or supply a prohibited plastic to a customer on or after 1 July 2023.

25           Maximum penalty: \$5 000.

             Expiation fee: \$315.

(2) It is a defence to a charge of an offence under subsection (1) if the retailer proves that they believed on reasonable grounds that the article was not a prohibited plastic.

## 8—Offence to falsely state that prohibited plastic is not prohibited plastic

30           If—

- (a) a person sells or supplies a prohibited plastic to another knowing that it is a prohibited plastic; and
- (b) before, or in the course of, selling or supplying the article, the person represents to the other that the article is not a prohibited plastic,

35           the person is guilty of an offence.

             Maximum penalty: \$20 000.

## Part 3—Helium-filled balloons, fishing tackle and personal hygiene products

### 9—Offence to release helium-filled balloons

A person must not cause or permit the release into the open of a helium-filled balloon.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 10—Retailers must provide disposal instructions with fishing tackle and personal hygiene products

- (1) A retailer must not sell fishing tackle comprised of or containing plastic unless instructions as to its use and recommended environmental disposal are clearly displayed on a label or document provided with the tackle.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A retailer must not sell personal hygiene products comprised of or containing plastic unless instructions relating to their recommended environmental disposal are clearly displayed on a label or document provided with the products.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) Subsection (2) does not apply in relation to biodegradable personal hygiene products.

- (4) In this section—

*fishing tackle* includes fishing lines, nets, traps, jags and floats;

*personal hygiene products* means—

- (a) disposable nappies or sanitary or incontinence pads; or

- (b) face wipes or baby wipes; or

- (c) an article or class of articles brought within the ambit of this definition by the regulations.

## Part 4—Regulations

### 11—Regulations

- (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

- (2) The regulations may, either unconditionally or subject to conditions, exempt a person or class of persons from the operation of this Act or a specified provision of this Act.

- (3) Regulations under this Act may—

- (a) be of general application or limited application; or

- (b) make different provision according to the matters or circumstances to which they are expressed to apply; or

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- (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other person or body prescribed by the regulations; or
  - (d) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or another prescribed body.