

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.

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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—

- (a) has a stem that is comprised, in whole or in part, of plastic; and
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- (b) has a tip comprised of cotton wool, synthetic fibre or some other similar substance at 1 or both ends,

but does not include such a product that has a tip or tips that are designed or intended to be detached from the stem and replaced;

- (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

Note—

See section 6(1)(e) of the Act.

- (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

Note—

See section 6(1)(f) of the Act.

- (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—Substitution of regulation 8

Regulation 8—delete the regulation and substitute:

8—Exemption for single-use plastic spoons—medical, dental and care facilities

- (1) Pursuant to section 16(1) of the Act, a person is exempt from section 7(1) of the Act in respect of the supply or distribution of single-use plastic spoons if the person is, or is acting on behalf of, a medical or dental facility or a care facility and the person supplies or distributes the spoons (as the case requires) to another person for the purposes of, or in the course of, the clinical care, management or treatment of a person's injury, disease, illness or other medical condition.
- (2) Pursuant to section 16(1) of the Act, a person is exempt from section 7(1) of the Act in respect of single-use plastic spoons if the person sells, supplies or distributes the spoons (as the case requires) in the course of carrying on a business as a wholesaler or distributor and the person is satisfied, on reasonable grounds, that the sale, supply or distribution of the spoons is to a medical or dental facility or a care facility.
- (3) For the purposes of this regulation, the clinical care, management or treatment of a person's injury, disease, illness or other medical condition includes the clinical diagnosis, prognosis, assessment, prevention, management, treatment or palliation of the injury, disease, illness or other medical condition.

9—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
 - (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.

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- (2) For the purposes of subregulation (1), a medical purpose includes—
- (a) 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
 - (b) a purpose relating to veterinary medicine or treatment,
- but—
- (c) in the case of plastic-stemmed cotton buds—does not include a cosmetic purpose; and
 - (d) in the case of single-use plastic bowls—does not include bowls used to serve food or beverages to people.
- (3) 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, a COVID-19 testing kit or another kit used for medical, scientific, law enforcement or forensic testing.
- (4) For the purposes of subregulation (3), 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's Deputy

with the advice and consent of the Executive Council
on 13 July 2023

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