



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Implementing Stage 1 of
Western Australia's

Plan for Plastics

Stakeholder
information paper

July 2021

Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace

Joondalup Western Australia 6027

Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000

Fax: 08 6364 7001

National Relay Service 13 36 77

dwer.wa.gov.au

© Government of Western Australia

July 2021

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

Disclaimer

This document has been published by the Department of Water and Environmental Regulation. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Department of Water and Environmental Regulation and its employees are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

This publication is available at our website www.dwer.wa.gov.au or for those with special needs it can be made available in alternative formats such as audio, large print, or Braille.

Introduction

The McGowan Government announced on 13 June 2021 that it has fast-tracked *Western Australia's Plan for Plastics*. Regulations to ban single-use plastics will be developed and implemented in two stages, providing a roadmap towards a more sustainable, plastic-free Western Australia (WA).

Stage 1 will be implemented by the end of 2021 and includes: plastic plates, bowls, cups, cutlery, stirrers, straws, thick plastic bags, takeaway polystyrene food containers and helium balloon releases.

Stage 2 will be implemented by the end of 2022 and includes: plastic barrier/produce bags, cotton buds with plastic shafts, polystyrene packaging, microbeads, oxo-degradable plastics, takeaway coffee cups/lids and polystyrene cups.

Complementary actions are also being progressed to introduce education and behaviour change programs as well as the Plastic Free Places program, to help the community and industry adapt to these actions.

This document focuses on the Stage 1 items being phased out by the end of 2021. Feedback on Stage 2 items will be considered separately in 2022.

The Department of Water and Environmental Regulation looks forward to working with your organisation to implement these changes. Together, we can reduce our dependence on single-use plastics, helping to reduce our impact on the environment, waste streams and human health.

Your feedback

This paper has been prepared to provide additional information for the community and key stakeholders on the proposed ban on Stage 1 single-use plastic items.

The department will seek feedback from stakeholders during 12 face-to-face and online workshop sessions scheduled from mid-July 2021. We will consider stakeholder feedback from the workshops and make recommendations to the Minister for Environment.

You can find further information or register your interest to receive updates on our [website](#).



The problem with single-use and disposable plastics

Single-use plastics are cheap, convenient items designed to be used once, and are often used away from home. They tend to be lightweight, which makes them easily transported in the environment by wind and water. The combination of these factors increases the chance of single-use items becoming litter and harming wildlife and the environment.

The plastic items included in the ban are some of the most littered items in the environment. They are commonly found on WA beaches and are dangerous to marine wildlife.

Phasing out single-use plastics in WA

For the purposes of the WA single-use plastic ban, plastic is defined as follows:

Plastic means a material made from, or comprising, organic polymers, whether plant extracts or of fossil fuel origin, and includes expanded polystyrene.

The following single-use plastic items are set to be banned in WA:

Stage 1: 31 December 2021

Drinking straws: people who require a drinking straw to meet their individual life needs (due to a disability, medical or other reason) will be able to access packs of drink straws from authorised businesses and organisations. Hospitality businesses and other organisations who provide food and drink services will be able to provide an individual drinking straw on request if a person with a specific need requires a straw. A carer of such a person may request a straw on their behalf.

.....

Drink stirrers: disposable plastic drink stirrers for hot and cold drinks.

.....

Cutlery: disposable plastic implements for consuming food (e.g. knives, forks, spoons, sporks, laksa spoons and chopsticks). Includes packs of disposable cutlery sold by retailers and cutlery provided with food by hospitality businesses and other



organisations. Cutlery that forms part of the packaging of another product (e.g. a spoon included inside the packaging of instant noodles or yoghurt) will not be included in the ban. Heavier-weight plastic cutlery that is designed for multiple use and sold as individual items or in sets by retailers (e.g. outdoor dinner sets, camping equipment or cutlery designed for use by children) will not be included in the ban.

.....

Plates and bowls: disposable plastic plates, bowls and bowl lids made out of plastic (whether wholly, partly, or lined by plastic) designed for consuming food. The following exceptions apply:

- ▶ paperboard bowls lined with polylactic acid (PLA), certified to Australian Standard (AS) 4736:2006 (Biodegradable Plastic – Biodegradable Plastics Suitable for Composting and other Microbial Treatment)
- ▶ plastic bowl lids made from PLA-lined paperboard certified to AS 4736:2006 and crystallised PLA certified to AS 4736:2006.

Includes packs of disposable plates and bowls sold by retailers and individual plates and bowls provided with food by hospitality businesses and other organisations.

Plastic, PLA or PLA-lined paperboard plates are proposed to be included in the ban, as there are non-plastic alternatives available.

Plates and bowls that form part of the packaging of another product (e.g. a plastic plate/tray containing a frozen ready meal, or pre-packaged noodle bowls) will not be included in the ban. Heavier-weight plastic

plates and bowls that are designed for multiple use and sold as individual items or in sets by retailers (e.g. outdoor dinner sets, camping equipment or plates and bowls designed for use by children) will not be included in the ban.



Cups: disposable plastic cups and lids for cold drinks. Includes all cups and lids made wholly or in part of plastic, with the following exceptions:

- ▶ paperboard cups lined with PLA, certified to AS 4736:2006
- ▶ plastic lids made from PLA, certified to AS 4736:2006.

Disposable cups sold by retailers or provided individually by hospitality businesses and other organisations are included in the ban.

Heavier-weight plastic cups designed for multiple use and sold as individual items or in sets by retailers (e.g. reusable cups such as keep-cups, outdoor dinner cups and mugs, and cups designed for use by children) are not included in the ban.

Expanded polystyrene cups will be banned in Stage 2 and will have a Stage 1 exemption.



Expanded polystyrene takeaway food containers: all expanded polystyrene takeaway food containers including trays, bowls and clam-shell containers.





Thick plastic bags: the ban on supply of lightweight plastic bags is proposed to include thicker plastic bags. Plastic bags with handles, provided by retailers to carry purchases, are proposed to be included in the ban. This includes bags classified as degradable, biodegradable and compostable. Bags made from plastic-laminated paper or plastic-laminated cardboard will also be included.



Plastic bags not included in the ban:

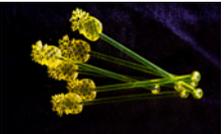
- ▶ fabric plastic shopping bags designed for multiple use, made from nylon or recycled polyethylene terephthalate (PET)
- ▶ fabric plastic shopping bags designed for multiple use, made from woven and non-woven polypropylene (with a minimum weight of 100 gsm)
- ▶ insulated bags designed to keep food purchases cold (cooler bags)
- ▶ bags that are an integral part of the packaging in which goods are sealed for sale
- ▶ plastic bags provided by a medical provider to a person receiving medical services.



Helium balloon releases: the release of one or more helium-filled balloons outside will be banned. Balloons include any inflatable device made of any combination of plastic, latex or plastic/metal foil. The regulations will apply to any adult person who releases one or multiple balloons. An adult in supervision of a child who releases a helium-filled balloon will be considered responsible for the release of the balloon. An event coordinator or individual is responsible for the release of any balloons they have arranged or provided at an event.



WA single-use plastic ban: Stage 1 items

Banned items		Not included in the ban	
Plastic drinking straws		Non-plastic drinking straws	
		Reusable	
	Individual		Silicone
	In packs		Bamboo
			Stainless steel
			Glass
		Single-use	
			Paper, wheat, pasta
Plastic drink stirrers		Non-plastic drink stirrers	
		Reusable	
	Individual		Metal
	In packs		Glass
		Single-use	
			Wood



Banned items		Not included in the ban	
Plastic bowls and bowl lids		Non-plastic bowls and bowl lids	
		Reusable	
	Individual		Glass, stainless steel
	In packs		Ceramic
		Single-use	
	Lids		Non-plastic-lined paper, bagasse
			Paperboard bowls lined with PLA, certified to AS 4736:2006
			Paperboard bowl lids made from PLA-lined paperboard, certified to AS 4736:2006
			Crystallised PLA bowl lids certified to AS 4736:2006
			Bowls and lids that come with pre-packaged meals



Banned items		Not included in the ban	
Plastic plates (includes plastic-lined paperboard plates)		Non-plastic plates	
		Reusable	
	Individual		Ceramic, enamel
	In packs		Thick reusable plastic
		Single-use	
			Non-plastic-lined paper, bagasse, non-plastic-lined cardboard
Plastic cups and plastic lids for cold beverages		Non-plastic cups	
		Reusable	
	Individual		Glass, aluminium
	In packs		Thick reusable plastic, stainless steel, ceramic
		Single-use	
	Lids		Disposable paperboard cups lined with PLA, certified to AS 4736:2006
			Bagasse lids or plastic lids made from PLA, certified to AS 4736:2006



Banned items		Not included in the ban	
Plastic cutlery		Non-plastic cutlery	
		Reusable	
	Individual		Stainless steel, aluminium
	In packs		Thick reusable plastic
		Single-use	
			Non-plastic disposable cutlery (wooden, bagasse)
			Cutlery that is incorporated into prepackaged meals
Expanded polystyrene takeaway food packaging		Non-plastic disposable takeaway food packaging	
		Reusable	
	Individual		Stainless steel
	In packs		Glass containers
		Single-use	
			Aluminium, foil
			Bagasse, non-plastic-lined cardboard



Banned items	Not included in the ban
<p>Thick plastic bags, including plastic-laminated paper and plastic-laminated cardboard bags</p>	<p>Non-plastic and plastic fabric reusable shopping bags</p>
	<p>Reusable</p>
 <p>Plastic bags with handles</p>	 <p>Cotton</p>
	 <p>Jute, hessian</p>
	 <p>String</p>
	<p>Plastic fabric reusable bags made from:</p>
	 <p>Nylon</p>
	 <p>Recycled PET</p>
	 <p>Non-woven polypropylene (thickness of 100gsm or greater)</p>
	 <p>Woven polypropylene fabric bags, cooler bags</p>
	<p>Single-use</p>
	 <p>Paper bags</p>

Compostable, degradable and biodegradable single-use plastics

It is common for single-use plastics to be labelled as degradable, oxo-degradable, biodegradable or compostable. All of these plastic types, when littered, have the same environmental impacts as conventional plastics.

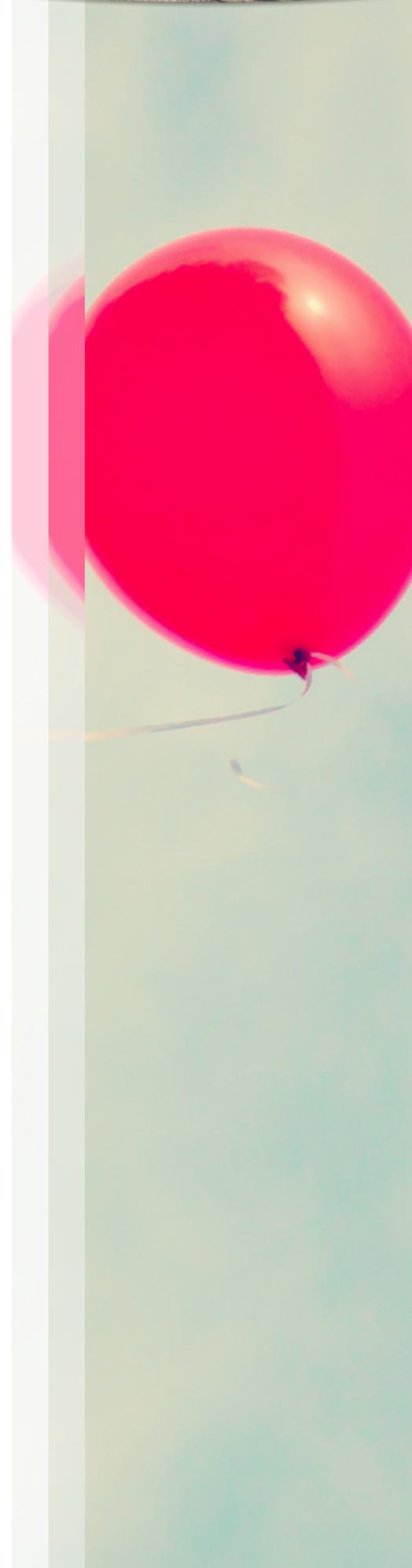
There are no Australian Standards for plastics described or promoted as degradable, biodegradable and oxo-degradable. There are two for compostable plastics: AS 4736: 2006 (commercial facilities) and AS 5810: 2010 (home composting).

According to the United Nations Environment Programme, there is little evidence to suggest that products labelled as biodegradable will significantly decrease the volume of plastic entering the ocean, or the physical and chemical risks that plastics pose to the marine environment.¹ The Australian Bioplastics Association has also stated that 'biodegradable plastics were not designed to be a solution for marine litter'.²

Accordingly, banned plastic products that are labelled as degradable, oxo-degradable, biodegradable or compostable are included in the ban, unless noted otherwise.

1 Kershaw PJ (2015) *Biodegradable plastics and marine litter – misconceptions, concerns and impacts on marine environments*, report prepared for the Global Partnership on Marine Litter by the United Nations Environment Programme.

2 Tuckerman R (2017) *Biodegradable plastics were not designed to be a solution to marine litter*, Australian Bioplastics Association, accessed 5 July 2021.



New regulations and preparing for the ban

The State Government plans to prohibit the sale and supply of prescribed plastic products listed in Stage 1 through the introduction of regulations under the *Environmental Protection Act 1986* (EP Act). The regulations will apply to any person who sells or supplies prescribed plastic products. The regulations will also apply to any person who releases a helium balloon.

Items in Stage 1 of the ban are widely available convenience items, likely to impact the following types of businesses and organisations (and their suppliers):

- ▶ hospitality businesses, including takeaway food and drink businesses
- ▶ retailers
- ▶ education institutions, including (public and private) schools, colleges, TAFEs, universities, student accommodation and childcare facilities
- ▶ medical and care facilities, including (public and private) hospitals, clinics, aged care and disability services
- ▶ other government services, including custodial services, community and housing
- ▶ not-for-profit clubs and associations (e.g. charities)
- ▶ public and private event coordination businesses.

Preparing for the ban

All impacted businesses and organisations should consider the following actions:

- ▶ stop ordering single-use plastic items that will be banned and use up stocks in the lead-up to the ban
- ▶ decide whether the business will sell or supply alternative non-plastic single-use items or rent reusable kits (e.g. reusable party kits with plates, cutlery, cups, etc.)
- ▶ discuss alternative items with suppliers
- ▶ discuss the implementation of the ban with staff who will need to help customers who may not know about the ban
- ▶ consider placing signage around the business to inform customers in the lead-up to the ban.

In the short term, businesses and organisations who routinely sell or supply banned plastic products will need to identify alternative products which are made from a non-plastic material or are reusable. Sourcing reusable or non-plastic items may have a short-term impact on the business or organisation. The department is interested in understanding the financial impact for businesses and organisations.

Further materials to support businesses through the change and to inform change will be made available.



Offences and penalties

Retailer and supplier engagement and education

A comprehensive retailer and supplier engagement and education program will be implemented in WA to provide on-the-ground support to affected retail businesses and suppliers. The program aims to raise awareness of actions identified in WA's Plan for Plastics and ensure impacted stakeholders have access to the resources and materials they need to adjust to the bans on single-use plastic items.

The new regulations are likely to include the following offences:

- ▶ selling or supplying a banned plastic item
- ▶ providing false or misleading information about a banned plastic item
- ▶ releasing any number of helium-filled balloons into the outdoor environment
- ▶ arranging or permitting the release (by any number of people) of any number of helium-filled balloons into the outdoor environment.

Penalties for the offences listed will be consistent with offences committed under regulations in the EP Act.

Infringement notices must be given by an authorised person under the EP Act.

Exemptions

The regulations will provide for two kinds of exemptions:

1. Exemptions for businesses providing individual or packs of single-use plastic items that meet a medical, disability or other related life-need of a person or their carer.
2. A general exemption on a case-by-case basis. The Chief Executive Officer of the department can exempt a person, business or organisation from the requirements of the regulations by written notice.



**Department of Water and
Environmental Regulation**

8 Davidson Terrace
Joondalup WA 6027

Locked Bag 10
Joondalup DC WA 6919

Phone: +61 8 6364 7000
Fax: +61 8 6364 7001

For further information

Telephone: (08) 6364 7000
Email: plastic-action@dwer.wa.gov.au

