Western Australia

Environmental Protection Act 1986

Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018

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Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018

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Environmental Protection Act 1986

Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018*.

[Regulation 1 amended: SL 2021/215 r. 4; SL 2022/64 r. 12.]

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) regulations 4 and 7(2) — on 1 January 2019;

(c) the rest of the regulations — on 1 July 2018.

3. Terms used

In these regulations —

adult means a person who has reached 18 years of age;

AS 4736-2006 means Australian Standard 4736-2006 *Biodegradable plastics - Biodegradable plastics suitable for composting and other microbial treatment* published by Standards Australia, as in effect from time to time;

AS 5810-2010 means Australian Standard 5810-2010 *Biodegradable plastics - Biodegradable plastics suitable for home composting* published by Standards Australia, as in effect from time to time;

authorised business or undertaking means —

(a) a pharmacy the premises of which are registered under the *Pharmacy Act 2010* section 39(1); or

(b) a business that supplies products used for medical or dental care; or

(c) a local government customer service centre; or

(d) a library or visitor information centre operated by a local government; or

(e) a charitable organisation licensed under the *Charitable Collections Act 1946* section 11(3);

biodegradable plastic means plastic that —

(a) is able to be broken down by microorganisms into carbon dioxide, water, biomass and a mineral residue; and

(b) does not contain an additive designed to accelerate fragmentation of the plastic;

bowl includes a container that —

(a) is designed to contain food; and

(b) has a round rim and a flat base; and

(c) tapers towards the base; and

(d) holds at least 1 serve of food;

care facility means —

(a) a private hospital as defined in the *Private Hospitals and Health Services Act 1927* section 2(1); or

(b) a public hospital as defined in the *Health Services Act 2016* section 8(6); or

(c) a facility at which residential care (as defined in the *Aged Care Act 1997* (Commonwealth) section 41-3) is provided; or

(d) a specialist disability accommodation dwelling enrolled under the *National Disability Insurance Scheme*

(Specialist Disability Accommodation) Rules 2020 (Commonwealth) Part 3; or

(e) a medical or dental clinic; or

(f) a school as defined in the *School Education Act 1999* section 4; or

(g) a place at which community health services are provided; or

(h) a facility at which disability support, palliative care, respite care or rehabilitation services are provided;

catering platter means a prescribed plastic item that —

(a) is —

(i) a food tray; or

(ii) a food container that has a lid on it (whether the lid is an integrated part of the food container or is detachable);

and

(b) is designed to be used to contain multiple serves of food for the purposes of catering at a function or event;

community health service means —

(a) any residential medical, paramedical, nursing or palliative service; or

(b) any service relating to, or associated with, the provision of a service referred to in paragraph (a);

conduct a business or undertaking has a meaning affected by regulation 3C;

cotton bud does not include an item designed to be used —

(a) by a medical care provider or veterinarian in the course of conducting their practice as a medical care provider or veterinarian; or

(b) as a swab to collect a specimen for scientific or medical testing;

cutlery —

(a) means utensils used for eating food; and

(b) includes knives, forks, spoons, chopsticks, splayds and sporks;

degradable plastic —

(a) means plastic that contains an additive designed to accelerate fragmentation of the plastic into smaller pieces under certain conditions, including exposure to light, bacteria or heat; but

(b) does not include biodegradable plastic;

degradable plastic item means an item or product made wholly or partly from degradable plastic;

disposable plastic item means an item made wholly or partly out of plastic if —

(a) the item is designed to be disposed of after a single use or several uses; or

(b) the design and construction of the item is not sufficiently durable to enable the item to be kept and reused on an ongoing basis;

eat-in food means food that is intended to be eaten at the premises at which it is supplied;

expanded plastic includes expanded polystyrene, expanded polyethylene and expanded polypropylene;

food container —

(a) means a container (with or without a lid) that is designed to contain food; but

(b) does not include a cup or bowl;

hot drink or soup means a drink or soup at a temperature higher than the ambient temperature;

lid includes a plastic film that is designed to be heat sealed to the rim of a food container, food tray, bowl or cup;

medical care provider means —

(a) an individual who practises any of the following health professions as defined in the *Health Practitioner Regulation National Law (Western Australia)* section 5 —

(i) Aboriginal and Torres Strait Islander health practice;

(ii) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);

(iii) medical;

(iv) medical radiation practice;

(v) midwifery;

(vi) nursing;

(vii) occupational therapy;

(viii) paramedicine;

(ix) physiotherapy;

or

(b) a speech pathologist;

microbead means a plastic particle of less than 5 mm at its widest point;

moulded packaging has the meaning given in regulation 3BB(1)(c);

plastic —

(a) means a material consisting of a polymer, to which additives or other substances may have been added, which can function as a main structural component of final products; and

(b) includes expanded plastic; but

(c) does not include a material consisting of natural polymers that have not been chemically modified;

pre-packaged food or drink product means a pre-packaged product that is a food or drink product;

pre-packaged food product means a pre-packaged product that is a food product;

pre-packaged product means a product that —

(a) arrives at the premises from which it is to be supplied to a consumer in a container or packaging in or by which the product is wholly enclosed, whether or not it is also in an outer container or packaging that contains multiple units of the product; and

(b) is not designed to be removed from its container or packaging, other than any outer container or packaging, before it is supplied to the consumer;

pre-packed takeaway food —

(a) means takeaway food that is prepared in advance, and placed in a food container, food tray or bowl, before being put on display for the purposes of being selected by a consumer; but

(b) does not include takeaway food that is prepared, or placed into a food container, food tray or bowl, following an order or request by a consumer;

prescribed drinking straw has the meaning given in regulation 3BA;

prescribed expanded plastic packaging has the meaning given in regulation 3BB;

prescribed microbead product means a product —

(a) that is —

(i) a rinse-off cleaning product; or

(ii) a rinse-off personal care product;

and

(b) that contains microbeads;

prescribed plastic bag has the meaning given in regulation 3B;

prescribed plastic item has the meaning given in regulation 3A;

retailer means a person who sells goods in trade or commerce;

rinse-off cleaning product —

(a) means a cleaning product that is designed to be rinsed off or removed with water immediately or shortly after application; and

(b) does not include a product designed to be used for compressed air-blasting or cleaning closed system industrial equipment;

rinse-off personal care product has the meaning given in regulation 3BC;

supply includes sell, provide and make available.

[Regulation 3 amended: SL 2021/215 r. 5; SL 2022/64 r. 7, 13 and 19; SL 2023/13 r. 4; SL 2025/163 r. 4.]

3A. Prescribed plastic item

(1) A disposable plastic item is a ***prescribed plastic item*** if it is any of the following —

(a) an item of cutlery;

(b) a drink stirrer;

(c) a plate;

(ca) a lid for a plate;

(d) a food container;

[(e) deleted]

(f) a lid for a food container;

(g) a food tray;

(h) a lid for a food tray;

(i) a bowl;

(j) a lid for a bowl;

(k) a cup;

(l) a lid for a cup;

(m) a cotton bud.

(2) A ***prescribed plastic item*** includes an item referred to in subregulation (1) that is —

(a) made wholly or partly from biodegradable plastic; or

(b) made wholly or partly from plastic-laminated paper or plastic-laminated cardboard.

(2A) On and after 1 September 2023, despite subregulations (1) and (2), a ***prescribed plastic item*** does not include a degradable plastic item.

Note for this subregulation:

On and after 1 September 2023, regulation 17 applies to the supply of an item that is a degradable plastic item.

(3) Despite subregulations (1) and (2), a disposable plastic item that is any of the following is not a ***prescribed plastic item*** —

(a) a reusable cooler box made from expanded plastic;

(b) a lid made from expanded plastic for a reusable cooler box;

(c) a food container, food tray, bowl or cup that is made from paperboard and certified as biodegradable;

(d) a lid for a food container, food tray or bowl if the lid is made from paperboard and certified as biodegradable.

(4) For the purposes of subregulation (3)(c) and (d), an item is ***certified as biodegradable*** if —

(a) a person or body accredited in a manner approved by the CEO has issued a certificate verifying that the item complies with AS 4736-2006 or AS 5810-2010; and

(b) the certificate's period of validity has not expired.

[Regulation 3A inserted: SL 2021/215 r. 6; amended: SL 2022/64 r. 20; SL 2023/13 r. 5; SL 2025/163 r. 5.]

3B. Prescribed plastic bag

(1) A ***prescribed plastic bag*** is —

(a) a bag (a ***carry bag***) with handles that is made wholly or partly from plastic and is designed to convey goods purchased from a retailer; or

(b) a bag (a ***barrier bag***) without handles that is made wholly or partly from plastic and is used to carry unpackaged —

(i) fresh fruit or vegetables; or

(ii) meat, poultry or seafood; or

(iii) dairy products; or

(iv) nuts; or

(v) confectionery.

(2) A ***prescribed plastic bag*** includes a bag referred to in subregulation (1) that is —

(a) made wholly or partly from biodegradable plastic; or

(b) made wholly or partly from plastic-laminated paper or plastic-laminated cardboard.

(2A) On and after 1 September 2023, despite subregulations (1) and (2), a ***prescribed plastic bag*** does not include a degradable plastic item.

Note for this subregulation:

On and after 1 September 2023, regulation 17 applies to the supply of a bag that is a degradable plastic item.

(3) Despite subregulations (1) and (2), ***prescribed plastic bag*** does not include —

(a) a barrier bag that is certified as biodegradable; or

(b) an unsealed bag that is the packaging in which perishable food is offered for sale; or

(c) a bag that is, or is an integral part of, the packaging in which goods are sealed for sale; or

(d) a carry bag or barrier bag that is made from 1 or more of the following fabrics (whether or not mixed with a fabric that is not made from plastic) —

(i) woven polypropylene (whether or not it is insulated for the purpose of keeping items cold);

(ii) nylon;

(iii) polyester;

or

(e) a carry bag that is made from non-woven polypropylene (whether or not mixed with a fabric that is not made from plastic) if —

(i) the bag has sewn, rather than heat-welded, seams; and

(ii) the fabric has a minimum weight of 90 grams per square metre measured as a single layer of fabric.

(4) For the purposes of subregulation (3)(a), a barrier bag is ***certified as biodegradable*** if —

(a) a person or body accredited in a manner approved by the CEO has issued a certificate verifying that the barrier bag complies with —

(i) AS 4736-2006 or AS 5810-2010; and

(ii) the requirements relating to labelling, handles, pigmentation, opacity and bag opening circumference specified in the *Biodegradable barrier bag standard* published by the CEO on the Department's website in September 2025, as in effect from time to time;

and

(b) the certificate's period of validity has not expired.

[Regulation 3B inserted: SL 2022/64 r. 14; amended: SL 2023/13 r. 6; SL 2025/163 r. 6.]

3BA. Prescribed drinking straw

(1) A ***prescribed drinking straw*** is a drinking straw that is a disposable plastic item.

(2) A ***prescribed drinking straw*** includes a straw referred to in subregulation (1) that is —

(a) made wholly or partly from biodegradable plastic; or

(b) made wholly or partly from plastic-laminated paper or plastic-laminated cardboard.

(3) On and after 1 September 2023, a ***prescribed drinking straw*** does not include a drinking straw that is a degradable plastic item.

Note for this subregulation:

On and after 1 September 2023, regulation 17 applies to the supply of a drinking straw that is a degradable plastic item.

[Regulation 3BA inserted: SL 2023/13 r. 7.]

3BB. Prescribed expanded plastic packaging

(1) ***Prescribed expanded plastic packaging*** means any of the following made wholly or partly from expanded plastic —

(a) loose-fill or void-fill packaging;

(b) packaging for a pre-packaged food or drink product other than a non-perishable pre-packaged food product;

(c) packaging (***moulded packaging***) that is moulded to protect a specific item.

(2) ***Prescribed expanded plastic packaging*** includes packaging referred to in subregulation (1) that is made wholly or partly from expanded plastic that is biodegradable plastic.

(3) Despite subregulations (1) and (2), ***prescribed expanded plastic packaging*** does not include the following —

(a) packaging that is a degradable plastic item;

(b) a reusable cooler box;

(c) a lid for a reusable cooler box;

(d) packaging that is used to protect an item that is designed to be used for the purposes of construction work, as defined in the *Building and Construction Industry (Security of Payment) Act 2021* section 6.

Note for subregulation (3)(a):

On and after 1 September 2023, regulation 17 applies to the supply of expanded plastic packaging that is a degradable plastic item.

[Regulation 3BB inserted: SL 2023/13 r. 7; amended: SL 2025/163 r. 7.]

3BC. Rinse-off personal care product

A ***rinse-off personal care product*** means —

(a) a personal care product that is designed to be rinsed off or removed with water immediately or shortly after application; or

(b) a hair colour or dye; or

(c) a hairspray.

Note for this regulation:

1. The following are examples of products that are designed to be rinsed off or removed with water immediately or shortly after application —
   (a) shampoo;
   (b) conditioner;
   (c) shaving cream;
   (d) mouthwash;
   (e) toothpaste;
   (f) a face, body, hand or foot wash product, including an exfoliant;
   (g) a face, hand or foot mask product.
2. The following are examples of products that are not designed to be rinsed off or removed with water immediately or shortly after application —
   (a) deodorant;
   (b) make-up;

(c) moisturiser.

[Regulation 3BC inserted: SL 2023/13 r. 7; amended: SL 2025/163 r. 8.]

3C. Conducting business or undertaking

Without limitation, a person ***conducts a business or undertaking*** —

(a) whether the person conducts the business or undertaking alone or with others; and

(b) whether or not the business or undertaking is conducted for profit or gain.

[Regulation 3C inserted: SL 2022/64 r. 14.]

3D. Regulations apply to supplies that occur in the State

These regulations apply to the supply of a prescribed plastic bag, prescribed plastic item, prescribed drinking straw, degradable plastic item, prescribed microbead product or prescribed expanded plastic packaging —

(a) if the person supplied is in the State; and

(b) whether or not the supplier is in the State; and

(c) whether or not a contract relating to the supply is entered into in the State.

[Regulation 3D inserted: SL 2022/64 r. 14; amended: SL 2023/13 r. 8; SL 2025/163 r. 9.]

Part 2 — Offences relating to plastic bags

4. Offence to supply prescribed plastic bag

A retailer must not supply a prescribed plastic bag to a person for the person to carry goods sold by the retailer.

Penalty: a fine of $5 000.

4A. Offence in r. 4 does not apply to certain prescribed plastic bags before 1 March 2024

Regulation 4 does not apply to the supply of a prescribed plastic bag that is a barrier bag as defined in regulation 3B(1)(b) unless the supply occurs on or after 1 March 2024.

[Regulation 4A inserted: SL 2023/13 r. 9.]

4B. Offence in r. 4 does not apply to meat and dairy barrier bags before 1 October 2026

(1) In this regulation —

meat and dairy barrier bag means a bag without handles that is made wholly or partly from plastic and is used to carry —

(a) meat, poultry or seafood; or

(b) dairy products.

(2) Regulation 4 does not apply to the supply of a meat and dairy barrier bag unless the supply occurs on or after 1 October 2026.

[Regulation 4B inserted: SL 2025/163 r. 10.]

5. Offence to give false or misleading information about a prescribed plastic bag

A person who supplies or manufactures prescribed plastic bags must not give any information that the person knows is false or misleading to another person about —

(a) the composition of a prescribed plastic bag; or

(b) whether or not a plastic bag is a prescribed plastic bag.

Penalty: a fine of $5 000.

*[**6.** Deleted: SL 2023/13 r. 10.]*

Part 3 — Offences relating to plastic items

[Heading inserted: SL 2022/64 r. 15.]

Division 1 — Prescribed plastic items

[Heading inserted: SL 2022/64 r. 15.]

7. Offence to supply prescribed plastic item

(1) A person must not, in the course of conducting a business or undertaking, supply a prescribed plastic item.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply to the supply of a prescribed plastic item if the item forms part of, is attached to, or is inside the sealed packaging of, a pre-packaged food or drink product.

Examples for this subregulation:

1. A spoon attached to, or sealed inside, a pre-packaged yoghurt container.
2. A fork attached to, or sealed inside, a pre-packaged instant noodles packet.
3. A bowl or cup that forms part of a pre-packaged instant noodles packet.
4. A plate sealed inside a pre-packaged frozen meal.

(2A) Subregulation (1) does not apply to the supply of a prescribed plastic item that is a food container, food tray or bowl if, when the food container, food tray or bowl is supplied, it —

(a) contains food that is not eat-in food or takeaway food; and

(b) has a lid on it (whether the lid is an integrated part of the food container, food tray or bowl or is detachable).

(2B) Subregulation (1) does not apply to the supply of a prescribed plastic item that is a lid for a food container, lid for a food tray or lid for a bowl if, when it is supplied —

(a) the lid is attached to a food container, food tray or bowl that contains food that is not eat-in food or takeaway food; or

(b) the lid is attached to a food container, food tray or bowl that —

(i) is not a prescribed plastic item; and

(ii) contains pre-packed takeaway food.

(2C) Subregulation (1) does not apply to the supply of a prescribed plastic item that is a catering platter, or a lid attached to a catering platter, if the catering platter —

(a) contains food when it is supplied; and

(b) is supplied in the course of conducting a business that provides catering services for functions or events.

(2D) The exceptions in subregulations (2A) to (2C) do not apply in relation to a prescribed plastic item that is made from expanded plastic.

(3) Subregulation (1) does not apply to the supply of a prescribed plastic item in connection with the service or consumption of food or drink on an aircraft.

(4) Subregulation (1) does not apply to the wholesale supply of a prescribed plastic item if the wholesale supplier believes on reasonable grounds that the person to whom the item is supplied by the wholesale supplier, or another person to whom the item is subsequently to be supplied, will —

(a) use the item to prepare a pre-packaged food or drink product; or

(b) in the case of a prescribed plastic item that is a food container, a food tray or a bowl — supply the item as permitted under subregulation (2A); or

(c) in the case of a prescribed plastic item that is a lid for a food container, a lid for a food tray or a lid for a bowl — supply the item as permitted under subregulation (2B); or

(d) in the case of a prescribed plastic item that is a catering platter or a lid for a catering platter — supply the item as permitted under subregulation (2C); or

(e) use the item in connection with the service or consumption of food or drink on an aircraft.

[(5) deleted]

[Regulation 7 inserted: SL 2022/64 r. 15; amended: SL 2022/64 r. 21; SL 2023/13 r. 11.]

7A. Offence in r. 7(1) does not apply to certain supplies before 1 September 2023

(1) Regulation 7(1) does not apply to the supply before 1 September 2023 of a prescribed plastic item of any of the following kinds —

(a) a cotton bud;

(b) a cup made from expanded plastic;

(c) a food tray made from expanded plastic that is used solely as packaging for raw meat or seafood.

(2) Regulation 7(1) does not apply to the wholesale supply before 1 September 2023 of a prescribed plastic item that is a food tray made from expanded plastic if the wholesale supplier believes on reasonable grounds that the person to whom the item is supplied by the wholesale supplier, or another person to whom the item is subsequently to be supplied, will use the item as packaging for raw meat or seafood.

[Regulation 7A inserted: SL 2023/13 r. 12.]

7B. Offence in r. 7(1) does not apply to certain supplies before 1 March 2024

(1) Regulation 7(1) does not apply to the supply before 1 March 2024 of a prescribed plastic item of any of the following kinds —

(a) a food tray (made from plastic that is not expanded plastic) without a lid on it;

(b) a cup that contains a hot drink or soup when it is supplied;

(c) a lid for a cup.

(2) Regulation 7(1) does not apply to the wholesale supply before 1 March 2024 of a prescribed plastic item that is a cup of a kind that is suitable to be used to contain a hot drink or soup.

[Regulation 7B inserted: SL 2023/13 r. 12.]

7C. Offence in r. 7(1) does not apply to certain supplies before 1 September 2024

(1) Regulation 7(1) does not apply to the supply before 1 September 2024 of a prescribed plastic item of any of the following kinds —

(a) a food container (made from plastic that is not expanded plastic) with a lid on it, whether the lid is an integrated part of the food container or is detachable;

(b) a lid (made from plastic that is not expanded plastic) for a food container;

(c) a food tray (made from plastic that is not expanded plastic) with a lid on it, whether the lid is an integrated part of the food tray or is detachable;

(d) a lid for a food tray;

(e) a bowl with a lid on it, whether the lid is an integrated part of the bowl or is detachable;

(f) a lid for a bowl.

(2) Regulation 7(1) does not apply to the wholesale supply before 1 September 2024 of a prescribed plastic item that is a food container (made from plastic that is not expanded plastic) without a lid on it, a food tray (made from plastic that is not expanded plastic) without a lid on it or a bowl without a lid on it if the wholesale supplier believes on reasonable grounds that the person to whom the item is supplied by the wholesale supplier, or another person to whom the item is subsequently to be supplied, will use the item with a lid on it.

[Regulation 7C inserted: SL 2023/13 r. 12.]

Division 2 — Prescribed drinking straws

[Heading inserted: SL 2022/64 r. 15.]

8. Offence to supply prescribed drinking straw

(1) A person must not, in the course of conducting a business or undertaking, supply a prescribed drinking straw.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply if the supply is permitted under regulation 9, 10, 11, 12, 13, 14 or 15.

[Regulation 8 inserted: SL 2022/64 r. 15.]

9. Permitted supply: straw supplied as part of pre-packaged food or drink product

A person may supply a prescribed drinking straw if the straw forms part of, is attached to, or is inside the sealed packaging of, a pre-packaged food or drink product.

Example for this regulation:

A drinking straw attached to a juice box.

[Regulation 9 inserted: SL 2022/64 r. 15.]

10. Permitted supply: straw supplied by medical care provider

A medical care provider may supply a prescribed drinking straw (either as a single straw or as part of a pack) in the course of conducting their practice as a medical care provider.

[Regulation 10 inserted: SL 2022/64 r. 15.]

11. Permitted supply: straw supplied on aircraft

A person may supply a single prescribed drinking straw to a person if the supply occurs in connection with the service or consumption of food or drink on an aircraft.

[Regulation 11 inserted: SL 2022/64 r. 15.]

12. Permitted supply: straw supplied at care facility

(1) A person (the ***supplier***) may supply a prescribed drinking straw (either as a single straw or as part of a pack) to a person being cared for at a care facility if —

(a) before the supply, the straw or pack of straws is not kept where it is generally available to be taken by persons at the care facility; and

(b) either —

(i) the person being cared for has requested the straw or pack of straws; or

(ii) the supplier reasonably believes that the straw or pack of straws is required for medical, disability or therapeutic purposes.

(2) For the purposes of subregulation (1), there is no requirement for the supplier to request or obtain any information or evidence in relation to any medical, disability or therapeutic purposes for which the straw or pack of straws is required.

[Regulation 12 inserted: SL 2022/64 r. 15.]

13. Permitted supply: straw supplied on request with food or drink

A person may supply a single prescribed drinking straw to a person in the course of conducting a business or undertaking (other than a retail business) as part of which food or drink is supplied if —

(a) before the supply, the straw is not kept on display or where it is generally available to be taken by persons at the place where the supply occurs; and

(b) the straw is supplied —

(i) at the request of a person; and

(ii) for use with food or drink.

[Regulation 13 inserted: SL 2022/64 r. 15.]

14. Permitted supply: pack of straws supplied by authorised business or undertaking

(1) A person (the ***supplier***) may supply a pack of prescribed drinking straws to a person in the course of conducting an authorised business or undertaking if —

(a) before the supply, the pack of straws is not kept on display or where it is generally available to be taken by persons at the place where the supply occurs; and

(b) the person requests the pack of straws; and

(c) either —

(i) the supplier communicates to the person that prescribed drinking straws can only be supplied for medical, disability or therapeutic purposes; or

(ii) the person states that the pack of straws is required for medical, disability or therapeutic purposes.

(2) For the purposes of subregulation (1), there is no requirement for the supplier to request or obtain any information or evidence

in relation to any medical, disability or therapeutic purposes for which the pack of straws is required.

[Regulation 14 inserted: SL 2022/64 r. 15.]

15. Permitted supply: straw supplied on wholesale basis

A person (the ***wholesale supplier***) may supply a prescribed drinking straw on a wholesale basis if the wholesale supplier believes on reasonable grounds that the person to whom the straw is supplied by the wholesale supplier, or another person to whom the straw is subsequently to be supplied —

(a) will use the straw to prepare a pre-packaged food or drink product; or

(b) is a medical care provider; or

(c) will use the straw in connection with the service or consumption of food or drink on an aircraft; or

(d) conducts, or is involved in conducting, a business or undertaking that is —

(i) a care facility; or

(ii) a business or undertaking (other than a retail business) as part of which food or drink is supplied to persons; or

(iii) an authorised business or undertaking.

[Regulation 15 inserted: SL 2022/64 r. 15.]

Division 3 — False or misleading information

[Heading inserted: SL 2022/64 r. 15.]

16. Offence to give false or misleading information about prescribed plastic item or prescribed drinking straw

A person who supplies or manufactures prescribed plastic items or prescribed drinking straws must not give any information that

the person knows is false or misleading to another person about —

(a) the composition of a prescribed plastic item or prescribed drinking straw; or

(b) whether or not a plastic item is a prescribed plastic item.

Penalty: a fine of $5 000.

[Regulation 16 inserted: SL 2022/64 r. 15.]

Part 3A — Offences relating to degradable plastic items

[Heading inserted: SL 2023/13 r. 14.]

17. Offence to supply degradable plastic item

A person must not, in the course of conducting a business or undertaking, supply a degradable plastic item.

Penalty: a fine of $5 000.

[Regulation 17 inserted: SL 2023/13 r. 14.]

17A. Offence in r. 17 does not apply to supplies before 1 September 2023

Regulation 17 does not apply to the supply of a degradable plastic item before 1 September 2023.

[Regulation 17A inserted: SL 2023/13 r. 14.]

17B. Offence to give false or misleading information about degradable plastic item

A person who supplies or manufactures degradable plastic items must not give any information that the person knows is false or misleading to another person about the composition of a degradable plastic item.

Penalty: a fine of $5 000.

[Regulation 17B inserted: SL 2023/13 r. 14.]

Part 3B — Offences relating to prescribed microbead products

[Heading inserted: SL 2023/13 r. 14.]

17C. Offence to supply prescribed microbead product

A person must not, in the course of conducting a business or undertaking, supply a prescribed microbead product.

Penalty: a fine of $5 000.

[Regulation 17C inserted: SL 2023/13 r. 14.]

17D. Offence in r. 17C does not apply to supplies before 1 September 2023

Regulation 17C does not apply to the supply of a prescribed microbead product before 1 September 2023.

[Regulation 17D inserted: SL 2023/13 r. 14.]

17E. Offence to give false or misleading information about prescribed microbead product

A person who supplies or manufactures prescribed microbead products must not give any information that the person knows is false or misleading to another person about —

(a) the composition of a prescribed microbead product; or

(b) whether or not a product is a prescribed microbead product.

Penalty: a fine of $5 000.

[Regulation 17E inserted: SL 2023/13 r. 14.]

Part 3C — Offences relating to prescribed expanded plastic packaging

[Heading inserted: SL 2023/13 r. 14.]

17EA. Terms used

In this Part —

install, in relation to an item, means —

(a) assemble the item or fix the item in place; or

(b) connect the item to fixed electrical wiring, plumbing or gas pipes or associated equipment;

protective packaging means prescribed expanded plastic packaging used to protect an item, or part of an item, that is designed to be installed by a qualified installer before use;

qualified installer, in relation to an item, means a person who is the holder of a licence, permit or other authority issued under a written law authorising the holder to carry out work involving the installation of the item.

[Regulation 17EA inserted: SL 2025/163 r. 11.]

17EB. Authorised manner of disposal

For the purposes of this Part, the authorised manner of disposal of prescribed expanded plastic packaging is —

(a) disposal that complies with the requirements of an extended producer responsibility scheme that is implemented and operating under —

(i) the *Waste Avoidance and Resource Recovery Act 2007*; or

(ii) a law of the Commonwealth;

or

(b) disposal at premises that are —

(i) of a kind specified in the *Environmental Protection Regulations 1987* Schedule 1 Part 2 as category 89 premises; and

(ii) registered under regulation 5B of those regulations;

or

(c) disposal at prescribed premises in respect of which a licence is in force authorising the packaging to be accepted at the premises for recycling or disposal.

[Regulation 17EB inserted: SL 2025/163 r. 11.]

17F. Offence to supply prescribed expanded plastic packaging

(1) A person must not, in the course of conducting a business or undertaking, supply prescribed expanded plastic packaging.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply to the supply of prescribed expanded plastic packaging if —

(a) the packaging is used to protect an item that is designed to be used for medical or scientific purposes; or

(b) in the case of moulded packaging — the packaging is used to protect an item that —

(i) weighs 45 kg or more; or

(ii) has been identified by the manufacturer as being fragile and requiring protective packaging that complies with a standard specified by the manufacturer.

(3) Subregulation (1) does not apply to the wholesale supply of prescribed expanded plastic packaging if the wholesale supplier believes on reasonable grounds that the person to whom the packaging is supplied by the wholesale supplier, or another

person to whom the packaging is subsequently to be supplied, will —

(a) use the packaging to protect an item that is designed to be used for medical or scientific purposes; or

(b) in the case of moulded packaging — use the packaging to protect an item that —

(i) weighs 45 kg or more; or

(ii) has been identified by the manufacturer as being fragile and requiring protective packaging that complies with a standard specified by the manufacturer.

(4) Subregulation (1) does not apply to the supply of protective packaging if the supplier believes on reasonable grounds that the person to whom the packaging is supplied —

(a) is a qualified installer; and

(b) will, after completing the installation of the item, or part of the item, that the packaging is used to protect —

(i) remove the packaging from the premises in or on which the item was installed; and

(ii) dispose of the packaging in the authorised manner.

[Regulation 17F inserted: SL 2023/13 r. 14; amended: SL 2025/163 r. 12.]

17FA. Offence to dispose of protective packaging

A qualified installer to whom protective packaging is supplied must not dispose of the packaging other than in the authorised manner.

Penalty: a fine of $5 000.

[Regulation 17FA inserted: SL 2025/163 r. 13.]

17G. Offence in r. 17F(1) does not apply to certain supplies before 1 September 2023

Regulation 17F(1) does not apply to the supply before 1 September 2023 of prescribed expanded plastic packaging that is —

(a) loose-fill or void-fill packaging; or

(b) packaging for a pre-packaged food or drink product.

[Regulation 17G inserted: SL 2023/13 r. 14.]

17H. Offence in r. 17F(1) does not apply to certain supplies before 1 July 2025

Regulation 17F(1) does not apply to the supply before 1 July 2025 of prescribed expanded plastic packaging that is moulded packaging.

[Regulation 17H inserted: SL 2023/13 r. 14.]

17I. Offence to give false or misleading information about prescribed expanded plastic packaging

A person who supplies or manufactures prescribed expanded plastic packaging must not give any information that the person knows is false or misleading to another person about —

(a) the composition of the prescribed expanded plastic packaging; or

(b) whether or not packaging is prescribed expanded plastic packaging.

Penalty: a fine of $5 000.

[Regulation 17I inserted: SL 2023/13 r. 14.]

Part 4 — Offences relating to the release of balloons

[Heading inserted: SL 2022/64 r. 15.]

18. Offences relating to release of balloons

(1) A person must not release, or cause or permit the release of, a balloon inflated with gas that causes it to rise in the air.

Penalty for this subregulation: a fine of $5 000.

(2) An adult commits an offence if a child in the adult's care releases a balloon inflated with gas that causes it to rise in the air.

Penalty for this subregulation: a fine of $5 000.

(3) It is a defence to a charge under subregulation (2) to prove that the adult took steps that were reasonable in the circumstances to ensure that the child did not release the balloon.

(4) Subregulations (1) and (2) do not apply if the balloon is —

(a) released for scientific (including meteorological) purposes; or

(b) released inside a building or structure and does not make its way into the open air; or

(c) a hot air balloon that is designed to —

(i) carry persons; or

(ii) be recovered after landing.

[Regulation 18 inserted: SL 2022/64 r. 15.]

Part 4A — Offence relating to prescribed plastic film signage

[Heading inserted: SL 2024/86 r. 4.]

18A. Offence to use prescribed plastic film signage outdoors for promotional or advertising purposes

(1) In this regulation —

prescribed plastic film signage means a disposable plastic item that is —

(a) a banner, placard, sign, bunting or similar thing; and

(b) made wholly or partly from soft plastic;

soft plastic —

(a) means plastic that is not rigid; but

(b) does not include the following —

(i) nylon;

(ii) polyester fabric;

(iii) woven mesh;

(iv) plasticised canvas.

(2) A person must not use, or authorise another person to use, prescribed plastic film signage outdoors for promotional or advertising purposes.

Penalty for this subregulation: a fine of $5 000.

[Regulation 18A inserted: SL 2024/86 r. 4.]

Part 5 — Exemptions

[Heading inserted: SL 2022/64 r. 10.]

19. Term used: Department's website

In this Part —

Department's website means a website maintained by or on behalf of the Department.

[Regulation 19 inserted: SL 2022/64 r. 10; amended: SL 2023/13 r. 15.]

20. CEO may grant exemption

(1) If the CEO considers that it is reasonably necessary to do so, the CEO may, by notice published on the Department's website, exempt a person or class of persons from regulation 7(1) in relation to —

(a) all supplies of prescribed plastic items; or

(b) supplies of prescribed plastic items of specified kinds, or in specified circumstances, or both.

(2) If the CEO considers that it is reasonably necessary to do so, the CEO may, by notice published on the Department's website, exempt a person or class of persons from regulation 8(1) in relation to —

(a) all supplies of prescribed drinking straws; or

(b) supplies of prescribed drinking straws of specified kinds, or in specified circumstances, or both.

(2A) If the CEO considers that it is reasonably necessary to do so, the CEO may, by notice published on the Department's website, exempt a person or class of persons from regulation 17 in relation to —

(a) all supplies of degradable plastic items; or

(b) supplies of degradable plastic items of specified kinds, or in specified circumstances, or both.

(2B) If the CEO considers that it is reasonably necessary to do so, the CEO may, by notice published on the Department's website, exempt a person or class of persons from regulation 17C in relation to —

(a) all supplies of prescribed microbead products; or

(b) supplies of prescribed microbead products of specified kinds, or in specified circumstances, or both.

(2C) If the CEO considers that it is reasonably necessary to do so, the CEO may, by notice published on the Department's website, exempt a person or class of persons from regulation 17F(1) in relation to —

(a) all supplies of prescribed expanded plastic packaging; or

(b) supplies of prescribed expanded plastic packaging of specified kinds, or in specified circumstances, or both.

(3) The CEO may grant an exemption under subregulation (1), (2), (2A), (2B) or (2C) subject to conditions specified in the notice.

(4) If the CEO grants an exemption under subregulation (1), (2), (2A), (2B) or (2C) the CEO must specify in the notice the period for which the exemption applies.

(5) The CEO may, by notice published on the Department's website, revoke or vary an exemption granted under subregulation (1), (2), (2A), (2B) or (2C).

(6) A period specified in a notice under subregulation (4) must not begin before —

(a) if the notice relates to an exemption under subregulation (1) or (2) — 1 July 2022; or

(b) if the notice relates to an exemption under subregulation (2A), (2B) or (2C) — 1 September 2023.

[Regulation 20 inserted: SL 2022/64 r. 10; amended: SL 2023/13 r. 16.]

21. Application for exemption

(1) An exemption under regulation 20(1), (2), (2A), (2B) or (2C) may be granted on application or on the CEO's own initiative.

(2) Before determining an application for an exemption under regulation 20(1), (2), (2A), (2B) or (2C), the CEO may require the applicant to provide any further information the CEO requires in any particular case.

[Regulation 21 inserted: SL 2022/64 r. 10; amended: SL 2023/13 r. 17.]

22. Effect of exemption

(1) Regulation 7(1) does not apply to —

(a) the supply of a prescribed plastic item by a person if an exemption under regulation 20(1) applies to the person in relation to the supply; or

(b) the wholesale supply of a prescribed plastic item if the wholesale supplier believes on reasonable grounds that an exemption under regulation 20(1) applies to any of the following persons in relation to the supply of prescribed plastic items of that kind —

(i) the person to whom the item is supplied by the wholesale supplier;

(ii) another person to whom the item is subsequently to be supplied.

(2) Regulation 8(1) does not apply to —

(a) the supply of a prescribed drinking straw by a person if an exemption under regulation 20(2) applies to the person in relation to the supply; or

(b) the wholesale supply of a prescribed drinking straw if the wholesale supplier believes on reasonable grounds that an exemption under regulation 20(2) applies to any

of the following persons in relation to the supply of prescribed drinking straws of that kind —

(i) the person to whom the straw is supplied by the wholesale supplier;

(ii) another person to whom the straw is subsequently to be supplied.

(3) Regulation 17 does not apply to —

(a) the supply of a degradable plastic item by a person if an exemption under regulation 20(2A) applies to the person in relation to the supply; or

(b) the wholesale supply of a degradable plastic item if the wholesale supplier believes on reasonable grounds that an exemption under regulation 20(2A) applies to any of the following persons in relation to the supply of degradable plastic items of that kind —

(i) the person to whom the item is supplied by the wholesale supplier;

(ii) another person to whom the item is subsequently to be supplied.

(4) Regulation 17C does not apply to —

(a) the supply of a prescribed microbead product by a person if an exemption under regulation 20(2B) applies to the person in relation to the supply; or

(b) the wholesale supply of a prescribed microbead product if the wholesale supplier believes on reasonable grounds that an exemption under regulation 20(2B) applies to any of the following persons in relation to the supply of prescribed microbead products of that kind —

(i) the person to whom the item is supplied by the wholesale supplier;

(ii) another person to whom the item is subsequently to be supplied.

(5) Regulation 17F(1) does not apply to —

(a) the supply of prescribed expanded plastic packaging by a person if an exemption under regulation 20(2C) applies to the person in relation to the supply; or

(b) the wholesale supply of prescribed expanded plastic packaging if the wholesale supplier believes on reasonable grounds that an exemption under regulation 20(2C) applies to any of the following persons in relation to the supply of prescribed expanded plastic packaging of that kind —

(i) the person to whom the item is supplied by the wholesale supplier;

(ii) another person to whom the item is subsequently to be supplied.

[Regulation 22 inserted: SL 2022/64 r. 10; amended: SL 2023/13 r. 18.]

Notes

This is a compilation of the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Environmental Protection (Plastic Bags) Regulations 2018 [1]	12 Jun 2018 p. 1890-1	r. 1 and 2: 12 Jun 2018 (see r. 2(a)); Regulations (other than r. 1, 2, 4 and 7(2)): 1 Jul 2018 (see r. 2(c)); r. 4 and 7(2): 1 Jan 2019 (see r. 2(b))
Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021 Pt. 2 Div. 1 [2]	SL 2021/215 17 Dec 2021	1 Jan 2022 (see r. 2(b));
Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2022 Pt. 2, Pt. 3 Div. 1 and Pt. 4	SL 2022/64 3 Jun 2022	Pt. 2: 4 Jun 2022 (see r. 2(d)); Pt. 3 Div. 1: 1 Jul 2022 (see r. 2(b)); Pt. 4: 1 Oct 2022 (see r. 2(c))
Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2023 Pt. 2	SL 2023/13 24 Feb 2023	1 Mar 2023 (see r. 2(b))
Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2024 Pt. 2	SL 2024/86 29 May 2024	1 Jun 2024 (see r. 2(b))
Environmental Protection (Prohibited Plastics and Balloons) Amendment Regulations 2025	SL 2025/163 17 Sep 2025	r. 1 and 2: 17 Sep 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2025 (see r. 2(b))

Other notes

1 Now known as the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018*; citation changed (see note under r. 1).

2 The *Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021* Pt. 3 Div. 1 and Pt. 4 (SL 2021/215) were deleted before those provisions could come into operation (see the *Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2022* r. 5 (SL 2022/64)).

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
adult	3
AS 4736-2006	3
AS 5810-2010	3
authorised business or undertaking	3
barrier bag	3B(1)
biodegradable plastic	3
bowl	3
care facility	3
carry bag	3B(1)
catering platter	3
certified as biodegradable	3A(4), 3B(4)
community health service	3
conduct a business or undertaking	3
conducts a business or undertaking	3C
cotton bud	3
cutlery	3
degradable plastic	3
degradable plastic item	3
Department's website	19
disposable plastic item	3
eat-in food	3
expanded plastic	3
food container	3
hot drink or soup	3
install	17EA
lid	3
meat and dairy barrier bag	4B(1)
medical care provider	3
microbead	3
moulded packaging	3, 3BB(1)
plastic	3
pre-packaged food or drink product	3
pre-packaged food product	3
pre-packaged product	3
pre-packed takeaway food	3
prescribed drinking straw	3, 3BA(1), (2) and (3)
prescribed expanded plastic packaging	3, 3BB(3)
Prescribed expanded plastic packaging	3BB(1) and (2)
prescribed microbead product	3

prescribed plastic bag.....3, 3B(1), (2A) and (3)
prescribed plastic film signage..... 18A(1)
prescribed plastic item .....3, 3A(1), (2), (2A) and (3)
protective packaging 17EA
qualified installer 17EA
retailer.....3
rinse-off cleaning product.....3
rinse-off personal care product 3, 3BC
soft plastic..... 18A(1)
supplier ..... 12(1), 14(1)
supply.....3
wholesale supplier.....15

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