



Western Australia

Environmental Protection (Prohibited Plastics) Regulations 2018

Compare between:

[17 Dec 2021, 00-d0-00] and [01 Jan 2022, 00-e0-00]

Environmental Protection (Prohibited Plastics) Regulations 2018

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection (~~Plastic Bags~~ Prohibited Plastics) Regulations 2018*.

[\[Regulation 1 amended: SL 2021/215 r. 4.\]](#)

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 —

[accreditation authority](#) means the National Association of Testing Authorities Australia (ACN 004 379 748) or another body (whether in Australia or another country) that the CEO considers performs substantially equivalent accreditation functions;

[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;

barrier bag means a plastic bag without handles used to carry unpackaged perishable food;

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;

cup does not include a lid for a cup;

cutlery —

- (a) means utensils used for eating food; and
- (b) includes knives, forks, spoons, chopsticks, splayds and sporks;

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;

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;

medical care provider means an individual who practises a health profession within the meaning of the *Health Practitioner Regulation National Law (Western Australia)* section 5 but excludes a pharmacist or optometrist;

plastic —

(a) means a material made from or comprising organic polymers of plant or fossil fuel origin; and

(b) includes expanded polystyrene;

prescribed drinking straw means a drinking straw that is a disposable plastic item;

prescribed plastic bag —

(a) means a bag that is —

(i) made in whole or in part of plastic; and

(ii) has handles; and

(iii) has a thickness of 35 microns or less;

but

(b) does not include a bag that is —

(i) a barrier bag; or

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

(iii) a plastic bag provided by a medical care provider to a person receiving services from that medical care provider;

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

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

supply includes sell, provide and make available.

[Regulation 3 amended: SL 2021/215 r. 5.]

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;

r. 3A

- (d) a food container (made from plastic that is not expanded polystyrene) without a lid;
 - (e) a food container made from expanded polystyrene;
 - (f) a lid made from expanded polystyrene for a food container;
 - (g) a tray made from expanded polystyrene;
 - (h) a bowl without a lid.
- (2) Without limiting subregulation (1), *prescribed plastic item* includes an item referred to in that subregulation that is —
- (a) made wholly or partly of degradable, oxo-degradable, biodegradable or compostable plastic; or
 - (b) made from plastic-laminated paper or plastic-laminated cardboard.
- (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 polystyrene;
 - (b) a lid made from expanded polystyrene for a reusable cooler box;
 - (c) a food container or bowl that is made from paperboard and certified as biodegradable.
- (4) For the purposes of subregulation (3)(c), an item is *certified as biodegradable* if —
- (a) a person accredited by an accreditation authority 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.]

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.

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.

Part 3—6. Reference to prescribed plastic bag before commencement of Environmental Protection Regulations—1987 amended

~~6.~~ Amendment (Prohibited Plastics and Balloons) Regulations amended 2021 Pt. 3

~~—~~ This Part amends the *Environmental Protection Regulations 1987*.

~~7.~~ Schedule 6 amended

~~—~~ (1) ~~At the end of Schedule 6 insert:~~

*Environmental Protection
(Plastic Bags)
Regulations 2018*

1. regulation 5	250	500
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~~—~~ (2) ~~At the end of Schedule 6 delete the item—~~ In the period beginning on 1 January 2022 and ending on 30 June 2022, a reference in regulation 5 to a prescribed plastic bag includes a reference to a bag that will be a prescribed plastic bag for the purposes of these regulations immediately after the *Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021 Part 3* comes into operation.

[Regulation 6 inserted: SL 2021/215 r. 7.]

Part 3 — Offence relating to plastic items

[Heading inserted: SL 2021/215 r. 8.]

7. 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 7 inserted: SL 2021/215 r. 8.]

8. Reference to prescribed plastic item before commencement of Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021 Pt. 4

In the period beginning on 1 January 2022 and ending on 30 June 2022, a reference in regulation 7 to a prescribed plastic item includes a reference to an item that will be a prescribed plastic item for the purposes of these regulations immediately after the *Environmental Protection (Plastic Bags) Regulations 2018 Amendment (Prohibited Plastics and insert: Balloons) Regulations 2021* Part 4 comes into operation.

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(Plastic Bags)
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1. regulation 4	250	500
2. regulation 5	250	500

r. 8

[\[Regulation 8 inserted: SL 2021/215 r. 8.\]](#)

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Notes

This is a compilation of the *Environmental Protection (Plastic Bags Prohibited Plastics) Regulations 2018* [and includes amendments made by other written laws](#). For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
<i>Environmental Protection (Plastic Bags) Regulations 2018</i> 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	SL 2021/215 17 Dec 2021	1 Jan 2022 (see r. 2(b)) ;

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
<i>Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021 Pt. 2 Div. 1, Pt. 3 Div. 1 and Pt. 4</i>	SL 2021/215 17 Dec 2021	Pt. 2 Div. 1: 1 Jan 2022 (see r. 2(b)) ; Pt. 3 Div. 1: 1 Jul 2022 (see r. 2(c)); Pt. 4: 1 Oct 2022 (see r. 2(d))

Other notes

¹ [Now known as the Environmental Protection \(Prohibited Plastics\) Regulations 2018](#); citation changed (see note under r. 1).