Western Australia

Environmental Protection Act 1986

Environmental Protection (Plastic Bags) Regulations 2018

Western Australia

Environmental Protection (Plastic Bags) Regulations 2018

Contents

Part 1 — Preliminary

1. Citation 1

2. Commencement 1

3. Terms used 1

Part 2 — Offences relating to plastic bags

4. Offence to supply prescribed plastic bag 3

5. Offence to give false or misleading information about a prescribed plastic bag 3

Part 3 — *Environmental Protection Regulations 1987* amended

6. Regulations amended 4

7. Schedule 6 amended 4

Notes

 Compilation table 5

 Uncommenced provisions table 5

Defined terms

Environmental Protection Act 1986

Environmental Protection (Plastic Bags) Regulations 2018

## Part 1 — Preliminary

##### 1. Citation

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

##### 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 —

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

 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;

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;

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

 supply includes sell, provide and make available.

## 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 — *Environmental Protection Regulations 1987* amended

##### 6. Regulations amended

 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 |

 (2) At the end of Schedule 6 delete the item relating to the *Environmental Protection (Plastic Bags) Regulations 2018* and insert:

| *Environmental Protection (Plastic Bags) Regulations 2018* |  |  |
| --- | --- | --- |
| 1. regulation 4 | 250 | 500 |
| 2. regulation 5 | 250 | 500 |

Notes

This is a compilation of the *Environmental Protection (Plastic Bags) Regulations 2018*. 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** |
| --- | --- | --- |
| *Environmental Protection (Plastic Bags) Regulations 2018* | 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)) |

Uncommenced provisions table

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

| **Citation** | **Published** | **Commencement** |
| --- | --- | --- |
| *Environmental Protection Regulations Amendment (Prohibited Plastics and Balloons) Regulations 2021* Pt. 2 Div. 1, Pt. 3 Div. 1 and Pt. 4 | 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)) |

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)**

barrier bag 3

medical care provider 3

prescribed plastic bag 3

retailer 3

supply 3