

Plastic single-use straw exemption 2022
Plastic Reduction and Circular Economy Act 2021

Notice granting an exemption under section 61

I, Alex Young, Director Container Deposit Scheme, grant the following exemptions from section 9(1) of the *Plastic Reduction and Circular Economy Act 2021* for the supply of plastic single-use straws, under section 61 of the Act:

1. Exemption for the supply of plastic single-use straws – persons providing food or beverages

A person ***providing food or beverages*** is exempt from section 9(1) of the Act for supplying plastic single-use straws if:

- (a) the supply of the straw is of an individual straw:
 - (i) to a ***designated person*** or a person who purports to be a designated person; or
 - (ii) to a person acting, or who purports to act on behalf of, a ***designated person***.

The following conditions apply to this exemption:

- (1) Any such straws kept or stored in a part of the premises to supply to ***designated persons*** must not be:
 - (a) on public display; or
 - (b) freely accessible without the assistance of the person ***providing food or beverages***.
- (2) A person supplying the straw under this clause is not required to seek evidence or other verification of the basis on which the straw is required by the person to whom the straw is being supplied.
- (3) The straw must only be supplied upon request.
- (4) For the avoidance of doubt, the exemption under this clause does not prevent the supply of an additional individual plastic single-use straw (or straws) to a ***designated person*** (or a person who purports to be a ***designated person***), or a person acting on behalf of a ***designated person*** (or who purports to act on behalf of a ***designated person***).
- (5) 'Supply' for the purpose of this clause is limited to the supply of plastic single-use straws without fee.

2. Exemption for the supply of plastic single-use straws – prescribed business

A ***prescribed business*** is exempt from section 9(1) of the Act for the supply of plastic single-use straws at or from their premises if the straw is supplied to:

- (a) a ***designated person*** or a person who purports to be a ***designated person***,
or

- (b) a person acting on behalf of a **designated person** or a person who purports to act on behalf of a **designated person**.

The following conditions apply to this exemption:

- (1) Any such straws kept or stored in local government offices accessible to the public or the premises of registered charities:
 - (a) must not be on public display
 - (b) must not be freely accessible without the assistance of the **prescribed business**; and
 - (c) must only be supplied upon request and without fee.
- (2) For the avoidance of doubt, a **prescribed business** that is a pharmacy may publicly display plastic single-use straws on their premises to allow reasonable access to the plastic single-use straws.
- (3) **Prescribed businesses** supplying straws under this clause are not required to seek evidence or other verification of the basis on which the straw is required by the person to whom the straw is being supplied.
- (4) For the avoidance of doubt, there is no limit on the number of plastic single-use straws that can be supplied by a **prescribed business** under this clause.

3. Exemption for the supply of plastic single-use straws – supply at exempt facilities

A person is exempt from section 9(1) of the Act for the supply plastic single-use straws if the supply is at an **exempt facility** for the purpose of:

- (a) use for, or by, a person for health, medical or dental reasons.

The following conditions apply to this exemption:

- (1) 'Supply' for the purpose of this clause 3 is limited to the supply of plastic single-use straws without fee.
- (2) For the avoidance of doubt, there is no limit on the number of plastic single-use straws that can be supplied under this clause.

4. Exemption for the supply of plastic single-use straws – exempt manufacturer or wholesaler

An **exempt manufacturer or wholesaler** is exempt from section 9(1) of the Act for the supply of plastic single-use straws if the supply is:

- (a) for use by a **designated person** or a person who purports to be a **designated person**; or
- (b) to enable the supply to a person **providing food or beverages**, a **prescribed business**, an **exempt facility** or to a **designated person** or a person acting on behalf of a **designated person**.

The following conditions apply to this exemption:

- (1) The **exempt manufacturer or wholesaler** must undertake due diligence to ensure the supply of the plastic single-use straw will meet this clause.
- (2) For the avoidance of doubt, there is no limit on the number of plastic single-use straws that can be supplied by an **exempt manufacturer or wholesaler** under this clause.

5. Exemption for the supply of plastic single-use straws – online supply

Online suppliers are exempt from section 9(1) of the Act for the supply of plastic single-use straws via online platforms to:

- (a) **designated persons**, or a person who purports to be a **designated person**;
or
- (b) to a person acting, or who purports to act, on behalf of a **designated person**.

The following conditions apply to this exemption:

- (1) For the avoidance of doubt, there is no limit on the number of plastic single-use straws that can be supplied under this clause.
- (2) The online supplier must not be an **exempt manufacturer or wholesaler**.

Definitions

In this notice:

Act means *Plastic Reduction and Circular Economy Act 2021*.

Designated person means a person who requires a plastic single-use straw due to a disability or other medical, health or dental need.

Exempt facility means:

- (a) Medical facilities
- (b) Dental facilities
- (c) Care facilities—such as nursing homes
- (d) A premises where in-home care is being provided
- (e) Patient transport services and facilities, including helipads and ambulance facilities
- (f) A premises where emergency medical, health or dental care is being provided.

Exempt manufacturer or wholesaler means a person who:

- (a) is a manufacturer or producer of the item, or
- (b) supplies the item while carrying on a business as a wholesaler.

Local government office means a building used as offices or for administrative purposes by a council which deals with members of the public at the building on a regular basis.

Prescribed business means any of the following businesses, and includes the owner, operator and members of staff of the business:

- (a) A pharmacy business as defined in Schedule 5F of the *Health Practitioner Regulation National Law (NSW) 2009* – for a pharmacy as defined in that Schedule but also including situations where the pharmacy business is located in a public hospital controlled by a public health organisation within the meaning of the *Health Services Act 1997*
- (b) Local government, in relation to a local government office accessible to the public
- (c) A registered charity.

Providing food or beverages means providing food or beverages while carrying on a business.

Registered charity means an entity registered with the Australian Charities and Not-for-profits Commission under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth).

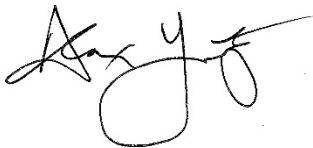
Words and expressions in this notice have the same meaning as in the Act, unless otherwise defined.

When this exemption commences

This exemption commences on 1 November 2022. The EPA may vary or revoke this exemption by a further notice published in the NSW Government Gazette.

Power under which this exemption is made

This exemption is granted under section 61 of the Act.



Alex Young
Director Container Deposit Scheme
Environment Protection Authority
(by delegation under section 21 of the *Protection of the Environment Administration Act 1991*)

Date: 27/06/2022