Australian Capital Territory

**Circular Economy (Prohibited Products—Special Circumstances) Exemption Declaration 2023 (No 1)\***

**Disallowable instrument DI2023-247**

made under the

**Circular Economy Act 2023, section 23 (****Minister may disapply Act for person or prohibited product)**

**1 Name of instrument**

This instrument is the *Circular Economy (Prohibited Products—Special Circumstances) Exemption Declaration 2023 (No 1)*.

**2 Commencement**

This instrument commences on the day the *Circular Economy Act 2023* (the Act), section 3 commences.

**3 Exemption—single-use plastic drinking straws supplied on request to individuals**

(1) The Act, division 3.2 (Supplying prohibited products) does not apply to a person (the ***straw supplier***) who—

(a) on request from an individual, supplies the individual with a single-use plastic drinking straw; or

(b) supplies a single-use plastic drinking straw to a person, business or entity who intends to supply them in accordance with subsection (1) (a).

*Note* This exemption is intended to allow the supply of a prohibited straw to a person who, because of a disability or healthcare need, has requested the straw.

(2) The exemption in subsection (1) does not allow single-use plastic drinking straws to be displayed in the straw supplier’s premises.

*Note* The prohibition on supply of a prohibited product under the Act also includes displaying the product (see Act, s 15).

**4 Exemption—single-use plastic drinking straws supplied to or by healthcare entity**

(1) The Act, division 3.2 (Supplying prohibited products) does not apply to a person—

(a) employed or engaged (for reward or otherwise) by a healthcare entity who supplies single-use plastic drinking straws as part of their duties; or

(b) who supplies single-use plastic drinking straws to a healthcare entity.

(2) In this section:

***healthcare entity*** means an entity that provides care or products to people with disability or healthcare needs and includes the following:

(a) a dental clinic;

(b) an aged or disability care facility;

(c) a medical clinic;

(d) a pharmacy.

**5 Exemption—cotton buds with plastic sticks supplied for scientific etc use**

(1) The Act, division 3.2 (Supplying prohibited products) does not apply to a person who supplies a prohibited cotton bud to an entity that uses them for scientific, forensic, or medical purposes which would be compromised by the use of alternative products.

(2) In this section:

 ***prohibited cotton bud*** means a cotton bud with a single-use plastic stick or stem.

**6 Exemption considerations**

In accordance with the Act, section 23 (3), I am satisfied that—

(a) it is not reasonably practicable or in the public interest for a person mentioned in section 3, section 4 or section 5 to comply with the Act, division 3.2; and

(b) disapplication of the Act, division 3.2 will not have any significant adverse effect on public health, property, or the environment.

Chris Steel MLA

Minister for Transport and City Services

8/11/23