

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

*Name amended under Legislation Act, s 60

- (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