

# Circular Economy (Prohibited Products— Special Circumstances) Exemption Declaration 2023 (No 2)\*

Disallowable instrument DI2023–249

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 2)*.

## 2 Commencement

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

## 3 Exemption

- (1) The Act, division 3.2 (Supplying prohibited products) does not apply to a person who—
  - (a) is employed or engaged (for reward or otherwise) by an organisation mentioned in table 3.1, column 2 in relation to the supply of single-use plastic cutlery in a circumstance mentioned in column 3; or
  - (b) supplies single-use plastic cutlery to an organisation mentioned in table 3.1, column 2 for a circumstance mentioned in column 3.
- (2) 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 subsection (1) 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.

\*Name amended under Legislation Act, s 60

**Table 3.1**

<b>Column 1 Item</b>	<b>Column 2 Organisation</b>	<b>Column 3 Circumstance</b>
<b>1</b>	Canberra Health Services (CHS)	<ul style="list-style-type: none"><li>• In patient-facing settings in the Dhulwa Mental Health Unit, or emergency mental health facilities.</li></ul>
<b>2</b>	ACT Government directorates, Australian Government departments, non-government organisations, businesses, or other private providers	<ul style="list-style-type: none"><li>• In detainee or mental-health service settings (including transportation of detainees and provision of health services at CHS facilities) where the safety of staff, clients, visitors, patients, detainees or the community may be compromised if single-use plastic cutlery cannot be used.</li></ul>

Chris Steel MLA  
Minister for Transport and City Services

8/11/2023