

Australian Capital Territory

Plastic Reduction (Single-use Plastic Products) Exemption 2022

Disallowable instrument DI2022–67

made under the

Plastic Reduction Act 2021, section 17 (Minister may exempt person or plastic product)

EXPLANATORY STATEMENT

Overview

Section 1(a)(i) of the *Plastic Reduction Act 2021* (the Act) prescribes a *single-use expanded polystyrene container for serving food or a beverage* as a prohibited plastic product, and under Section 10 it is an offence to supply these products.

Section 17 of the provides that the Minister may exempt a person or a plastic product from provisions of the Act. The Minister may make an exemption on application or on the Minister's own initiative.

This instrument provides an exemption to allow expanded polystyrene gelato tubs to continue to be supplied and has been made on the Minister's own initiative. This instrument continues an existing exemption for gelato tubs, which expires on 30 June 2022.

There is currently no practicable alternative to this product as none of the available alternatives have the same thermal properties as expanded polystyrene gelato tubs. Cardboard or other plastic containers do not provide sufficient insulation to enable gelato at serving temperature to be reliably taken home without melting.

The Minister may make an exemption only if satisfied that noncompliance with the provision will not have any significant adverse effect on public health, property or the environment.

Noncompliance with the provision will not have an effect on public health or property because neither the availability of this product nor the ban on it relates to health or property. Allowing gelato tubs to be supplied will not have a significant effect on the environment because the number of gelato tubs supplied is small compared to the overall quantity of plastic in the ACT.

This instrument does not engage with human rights because it simply enables a product that is currently supplied, and which does not affect human rights, to continue to be supplied.

Section Notes

1 Name of instrument

This section names the instrument.

2 Commencement

This section provides that the instrument commences on 1 July 2022. This date follows immediately from the expiry of the previous instrument to provide continuity of the exemption.

3 Exemption

This section provides that part 3 of the Act does not apply to a single-use plastic products in the schedule. Part 3 of the Act contains the offence of supply of prohibited plastic products. The product listed in schedule is a gelato tub. This has the effect that gelato tubs can still be supplied.

This section also states that the Minister is satisfied of relevant criteria. This is to remove doubt that these requirements have been met.

4 Expiry

This section provides that the instrument expires on 30 June 2023. This will allow industry additional time to develop alternative solutions to single-use plastics for the serving of gelato.

Schedule

The schedule lists gelato tubs as a product and provides a description of this product to which the exemption in section 3 applies.