

Australian Capital Territory

Circular Economy Regulation 2023

Subordinate Law SL2023-27

The Australian Capital Territory Executive makes the following regulation under the Circular Economy Act 2023.

Dated 8 November 2023.

Andrew Barr

Chief Minister

Chris Steel

Minister



Australian Capital Territory

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made under the

Circular Economy Act 2023

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Circular Economy Regulation 2023*.

2 Commencement

 (1) This regulation (other than part 3 and schedule 1) commences on the day the Circular Economy Act 2023, section 3 commences.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) Part 3 and schedule 1 commence on 1 January 2024.

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Part 2 Prohibited products

4 Prescribed single-use plastic product—Act, s 13 (1), def prohibited plastic product, par (a) (i)

 (1) The following are prescribed:

 (a) a single-use expanded polystyrene container for serving food or a beverage;

 (b) a single-use expanded polystyrene tray used for packaging perishable food for retail sale;

 (c) single-use expanded polystyrene loose-fill packaging;

Example

packing peanuts used to protect products during transportation

 (d) a single-use plastic plate;

 (e) a single-use plastic bowl, other than a bowl designed or intended to have a spill-proof lid;

 (f) a single-use plastic beverage stirrer;

 (g) single-use plastic cutlery;

 (h) a single-use plastic shopping bag;

 (i) a single-use plastic drinking straw;

 (j) a cotton bud with a single-use plastic stick or stem;

 (k) single-use plastic microbeads contained in a rinse-off product.

Note Subsection (1) does not apply to a single-use plastic product that is an integrated packaging item, eg a straw attached to a juice box (see Act, s 13 (1), def prohibited plastic product, par (b)).

 (2) In this section:

barrier bag means a bag used to carry unpackaged perishable food, including fruit, vegetables, meat and fish.

cutlery means utensils used for consuming food and includes a spork, splade and chopsticks.

plastic microbead means a plastic particle less than 5mm wide.

rinse-off product means a liquid product that is—

 (a) used for cleaning or personal care; and

 (b) designed or intended to be rinsed off immediately or shortly after use.

Examples—rinse-off product

1 shampoo and conditioner

2 face masks and face wash, including exfoliants

3 hair dye, whether permanent, semi-permanent or otherwise

4 toothpaste

5 body wash products, including exfoliants

single-use plastic shopping bag—

 (a) means a bag that is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; but

 (b) does not include—

 (i) a barrier bag; or

 (ii) a compostable plastic bag.

5 Prescribed non-compostable degradable plastic product—Act, s 13 (1), def prohibited plastic product, par (a) (ii)

 (1) A product made of oxo-degradable plastic is prescribed.

 (2) In this section:

non-compostable—see the Act, section 13 (2).

oxo-degradable plastic means a plastic that contains 1 or more additives to accelerate fragmentation.

Part 3 Amendments

6 Legislation amended—sch 1

This regulation amends the legislation mentioned in schedule 1.

Schedule 1 Circular Economy Regulation 2023—Amendments

(see s 6)

[1.1] Section 4 (2), new definition of plastic retail carry bag

insert

plastic retail carry bag means a bag with handles that is—

 (a) made, in whole or in part, of plastic; and

 (b) used for carrying goods purchased from a retailer.

Example—made partly of plastic

a bag made of plastic-laminated paper or cardboard

[1.2] Section 4 (2), definition of single-use plastic shopping bag

substitute

single-use plastic shopping bag—

 (a) means—

 (i) a bag that is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; or

 (ii) a plastic retail carry bag; but

 (b) does not include—

 (i) a barrier bag; or

 (ii) a compostable plastic bag; or

 (iii) an unsealed bag that is the packaging in which perishable food is offered for sale; or

 (iv) a carry bag that is made, in whole or in part, of 1 or more of the following fabrics:

 (A) nylon;

 (B) polyester;

 (C) woven polypropylene;

 (D) non-woven polypropylene if the bag has sewn, rather than heat-welded, seams and the fabric has a minimum weight of 90g/m2 measured as a single layer of fabric.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 9 November 2023.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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