



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

Circular Economy Regulation 2023

Subordinate Law SL2023-27

made under the

Circular Economy Act 2023

Contents

		Page
Part 1	Preliminary	
1	Name of regulation	1
2	Commencement	1
3	Notes	1

J2023-811

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

	Page	
Part 2	Prohibited products	
4	Prescribed single-use plastic product—Act, s 13 (1), def <i>prohibited plastic product</i> , par (a) (i)	2
5	Prescribed non-compostable degradable plastic product—Act, s 13 (1), def <i>prohibited plastic product</i> , par (a) (ii)	4
Part 3	Amendments	
6	Legislation amended—sch 1	5
Schedule 1	Circular Economy Regulation 2023— Amendments	6

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](#), 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](#) on 9 November 2023.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
