

Article Information

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South Australia bans single-use plastics

On 9 September 2020 the South Australian State Parliament passed the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020 making it the first State in Australia to ban single-use plastic products. The ban will not come into effect until 2021 due to the COVID-19 pandemic.

On 22 August 2019, we wrote an [article](#) on the SA Government's plan to introduce legislation to ban single-use plastic products and the transitional pilot program which established various plastic-free precincts across the State. The laws banning single-use plastics have now been passed but, in response to the COVID-19 pandemic, parliament has delayed the commencement of the new legislation until early 2021.

The new laws aim to:

- provide for the restriction or prohibition of certain single-use and other plastic products;
- promote and support better waste management practices, including the reduction of marine litter;
- promote and support the principles of the EPA waste management hierarchy; and
- promote and support the principles of the circular economy.

Prohibited Plastic Products

The Act makes it an offence for a person, in the course of carrying on a business, to sell, supply or distribute a prohibited plastic product. A prohibited plastic product includes:

- a single-use plastic drinking straw;
- single-use plastic cutlery;
- a single-use plastic beverage stirrer;
- an expanded polystyrene cup, plate, clamshell container or bowl;
- oxo-degradable plastic products; and
- a product, or product of a class, brought within the ambit of this definition by the regulations

In order for a product (other than those listed above) to become a prohibited plastic product under the regulations, the Minister must undertake public consultation to bring the product into the class.

Penalties

The penalty for selling, supplying or distributing a prohibited plastic product is up to \$20,000 for a manufacturer or producer of the product or a person who sells, supplies or distributes the product as a wholesaler or distributor and \$5,000 in any other case.

Penalties also apply to sellers, suppliers and distributors who falsely represent that the product is not a prohibited plastic product.

Exemptions

The Act does not apply to manufacturers, producers and distributors of prohibited plastic products outside of South Australia or to an approved beverage container under the *Environment Protection Act (EP Act)*.

The Governor may, by regulation exempt or authorise the Minister to exempt, the sale, supply or distribution of single use

plastic drinking straws to persons with a disability or medical requirement.

Report and Review

On the 30th of September each year a report must be prepared by the Minister reviewing the operation of the Act which will look at, amongst other matters, whether the following single use plastic products should be added to the prohibited plastic product list by regulation:

- single-use plastic cups (including coffee cups);
- single-use plastic food containers;
- single-use plastic bowls and plates;
- plastic lids of single-use coffee cups;
- plastic balloon sticks;
- plastic balloon ties;
- plastic-stemmed cotton buds; and
- plastic bags.

The Act will be read together with the EP Act and authorised officers under the EP Act will also be authorised officers under this Act.

Now is the time to start reviewing the use of single use plastic products in your business and look at a transition plan to switch to reusable and compostable items.

Key Takeaways

- SA will be the first State in Australia to ban single-use plastic products.
- The new laws, which incorporate a framework for adding more items in the future, will come into effect in 2021.