

Consultation on the *Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2023*

Summary of consultation feedback and the government's response

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1. INTRODUCTION

In early 2022, South Australians were asked to provide feedback on [Turning the Tide on Single-use Plastic 2021](#). Based on this feedback, the Deputy Premier Hon Susan Close MP announced South Australia's [staged next steps](#) for banning single-use and other plastic products over the next 3 years.

Four additional single-use plastic products will be banned from September 1, including:

- plastic pizza savers
- plastic-stemmed cotton buds
- single-use plastic bowls without lids for food and beverages
- single-use plastic plates for food.

This requires a variation to the regulations under section 6(1)(h) of the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* to prescribe additional prohibited items.

The draft *Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2023* (the draft regulations) were released on 1 February 2023 for public feedback through the South Australian government's YourSAy website.

Key stakeholders and the general public were asked to provide feedback on the draft regulations, including the proposed exemptions and any potential unintended consequences. This included identifying and contacting by email or mail 227 individual businesses across South Australia that advertise they sell pizzas.

Feedback was invited by providing a response to the survey on the YourSAy website, emailing a written submission, or posting a written submission to Green Industries SA.

The majority of feedback was received through the YourSAy survey tool, with 101 participants completing part or all of the survey. Individuals comprised 84 respondents (84%) with 5 business and industry responses (5%), 2 non-government organisations (2%) and 1 other sector response (1%). There were 9 respondents (9%) that did not provide identifying information.

An additional 18 formal submissions from organisations (listed in appendix 1) related to the content of the draft regulations were sent to Green Industries SA as well as 2 submissions which expressed general concerns about single-use and other plastic products not covered by the draft regulations (cigarette butts and wet wipes).

This document summarises the responses to the survey questions and specific concerns raised in the submissions provided to Green Industries SA, as well as the government's response. The government acknowledges the continued public interest in the issue of single-use and other problematic and unnecessary plastic products and thanks all those who contributed their feedback.

2. SUMMARY OF RESPONSES

The responses to the survey and specific issues related to the draft regulations raised in the submissions have been summarised by product.

2.1 Pizza savers

2.1.1 *Are there any issues or potential unintended consequences related to this regulation?*

Survey – 79 responses 22 skipped

The majority of respondents did not identify any issues or potential unintended consequences related to the banning of plastic pizza savers. This is best summarised by one response:

These are an unnecessary plastic object, proven by the number of pizza shops that do not use them. If ever required they could easily be made from cardboard.

A small number of respondents highlighted their concern that without the use of pizza savers, a pizza may be damaged by sticking to the top of the box. There was also some concern about alternatives not being as effective as the current plastic pizza saver.

The sentiment could be summarised by one respondent who stated:

The box may collapse causing users to seek other plastic alternatives but the benefits of regulation outweigh any negative consequences.

Submissions

There were no issues or potential unintended consequences related to the banning of plastic pizza savers outlined in the submissions received. The majority of submissions explicitly stated that the organisations supported the banning of plastic pizza savers.

Government response

There will be no changes made to the proposed draft regulations prohibiting plastic pizza savers from 1 September 2023.

2.2 Plastic-stemmed cotton buds

2.2.1 *Are these regulations appropriate for preventing plastic-stemmed cotton buds from ending up in South Australia's marine environments?*

Survey – 80 responses 21 skipped

The majority of respondents agreed that the regulations were appropriate. A number of respondents commented that suitable alternatives (made from paper, wood and bamboo) already exist.

There were a few concerns raised about the proposed exemptions. They included that an exemption for medical purposes could create loopholes for products to be sold as 'wound cleaning' kits. Some respondents suggested potential tightening of exemptions and investigation into whether there are viable alternatives to plastic for some exempted purposes.

There were several comments about potential compostability of non-plastic-stemmed cotton buds. One respondent noted that:

Synthetic fibre should also be banned on cotton buds. Synthetic fibres are not compostable, meaning they will stay in the ocean for hundreds of years and harm the marine environment.

There was also a response which highlighted that:

[T]hese regulations are appropriate to prevent plastic stemmed cotton buds from ending up in a marine environment, however we do believe that additional education and communication to the general public as to the appropriate disposal (recycling, composting) of this and all other alternative items is required.

There were a small number of respondents who did not agree with the premise that plastic-stemmed cotton buds are currently littered in the South Australian marine environment. There were also a few respondents that felt the regulations were unnecessary or heavy handed.

Submissions

The majority of submissions expressed support for the regulations. Several submissions also highlighted the potential issues related to the compostability of non-plastic-stemmed cotton buds. It was noted there are currently no certified compostable cottons buds on the Australian market.

Equally, there were concerns raised that permitted substitution of synthetic cotton could contaminate organics recycling. One submission suggested that 'synthetic' fibres for the tips of cotton buds should not be plastic while another submission argued that the fibres on ends are not restricted to non-synthetic in the scope of the proposed product ban.

The issues raised regarding specific aspects of the cotton bud legislation are summarised in section 2.2.2.

2.2.2 Are there any issues or potential unintended consequences related to this regulation?

Survey – 73 responses 28 skipped

The majority of respondents did not identify any issues or potential unintended consequences related to this regulation.

There were some observations regarding non-plastic cottons buds, including a statement that manufacturers should be regulated. It was also noted that:

Even though plastic buds are less likely to end up in marine environment from the exempted activities they will likely still end up in landfill of some kind.

There were a small number of respondents worried about the efficacy and safety of the alternative products, as well as the sustainability of alternative sources (such as wood and bamboo) and potential issues with small businesses running down current stocks or disposing of excess stock.

Submissions

One submission mirrored the concerns of some survey respondents that exempt sectors may not move away from plastic-stemmed cotton buds or may not attempt to identify appropriate alternatives in the short to medium term.

There were several specific issues raised in submissions where organisations sought clarity or improvement to the draft regulations.

From the 90 responses provided to the option (a) it appears that 42 respondents (47%) agree with providing a time-bound exemption, compared with 43 respondents (48%) who do not agree and 6 respondents (6%) who are unsure.

There were 96 responses to option (b) with 87 respondents (91%) agreeing that all disposable plates and bowls that contain plastic, including plastic-lined plates should be prohibited, while 6 respondents (6%) disagreed and 3 respondents (3%) were unsure. A review of the responses to both questions found that a significant number of people agreed with both option (a) and option (b).

There were 88 responses to the third option (c) which proposed undertaking an alternative measure not outlined in option (a) or option (b). Only 13 respondents (15%) answered yes, with the majority of responses either unsure (34%) or no (51%). There were no specific examples of alternative measures provided by respondents who answered yes.

Submissions

Similar to the responses to the survey, the submission respondents provided differing views on whether plastic-lined paper plates and paper bowls should be given a time limited exemption until 31 October 2024. While 55% (10) of the submissions agreed, predominantly citing harmonisation with other jurisdictions, 22% (4) of the submissions argued there were sufficient alternatives and that the plastic-lined products posed an unacceptable contaminant in recycling systems while also confusing consumers. The remaining 22% of submissions (4) did not specify their preferred option.

Do you have any further comments on the above statements?

Survey – 68 responses 33 skipped

There was significant impatience about why the exemption was time-bound to 31 October 2024 with various respondents suggesting the regulations be implemented earlier. Examples of feedback provided were that exemptions only allow for more time for waste to be generated, that manufacturing of alternatives was already advanced and that these reforms are welcome and long overdue.

Several respondents noted there were numerous appropriate alternatives including ceramic plates, cardboard plates, bamboo tubs and paper plates with no plastic lining.

There were a number of respondents that commented on providing businesses (especially small businesses) sufficient time to exhaust or run down stocks as well as providing education and assistance on suitable alternatives. There was some concern about sending excess stock to landfill when stocks could be run down by businesses instead.

There was some support for harmonisation with NSW and Victorian regulations on plastic-lined paper plates and bowls. There were also calls for more harmonisation on other plastic products across all Australian jurisdictions.

There were also concerns about whether the alternative items were always appropriate, with some respondents expressing their preference for single-use plastic over paper plates.

Separately a respondent requested that:

[A]ny regulations are clear and unambiguous and distinguish between plates and bowls that are suitable for multiple uses versus those that are "single use". A clear evidential base is necessary to address uncertainty.

There was also a concern raised that:

[P]roviding an exemption will mean that plastic [lined] plates or bowls will continue to be used until the ban and those who have already switched will switch back to plastic.

A small number of respondents questioned the need for any restrictions on plastic plates and bowls, highlighting that in their opinion plastic was the most appropriate material for this type of food service ware, the products were convenient and there was no evidence that there were significant amounts of these plastic items being dumped into the ocean locally.

Submissions

A number of submissions acknowledged and appreciated that the South Australian Government sought to harmonise its laws with other jurisdictions.

Several submissions noted that, while an exemption for plastic-lined plates and bowls was welcome, it may not be possible to find any viable non-plastic alternatives for printed plates and bowls that meet food safety standards.

There was also a request that the exemptions proposed for paper plates also extend to other non-plastic bases, such as sugarcane bagasse.

A number of submissions raised concerns about the presence of per- and poly-fluoroalkyl substances (PFAS) in some alternative products (such as bagasse) and the implications for human health and compost products applied to land. One submission suggested that PFAS content be considered when drafting any further regulations under South Australia's SUP Act, as some alternatives to plastic packaging may contain intentionally added PFAS for the purpose of waterproofing or heat proofing. The Australian Packaging Covenant Organisation (APCO) has announced targets to eliminate intentionally added PFAS from packaging by December 2023 and Australian Standards certification for bioplastics (AS 4736 and AS 5810) require testing to demonstrate that no PFAS has been intentionally added to obtain or retain certification.

One submission highlighted that an unintended consequence of these bans may be an increase in the use of single-use certified compostable plastic and fibre items which may be counterproductive to the government's desired behavioural change and environmental outcomes as this reinforces the values of a throw-away society.

In comparison, another submission stated South Australia should not prohibit the sale, supply or distribution of all disposable plates and bowls that contain plastic and rather consider an exemption for certified and compliant compostable plastic plates and bowls.

It was also highlighted that polymer linings for paper tableware products are not structural and, if clean and placed in the recycling bin, do not prevent the product from being pulped and recycled under the revised pulpability guidelines by the Australasian Packaging Covenant Organisation, released in December 2022.

It was identified in one submission that plastic plates and bowls have been known to be commonly used in hospitals, aged care settings and nursing homes because they are lighter and easier for residents to handle, as well as in correctional facilities as they cannot be weaponised. It was recommended that representatives of the health sector and corrections be consulted prior to any regulatory actions taking place.

There were several requests for clear definitions of specific products; plates, bowls and lids, as well as a request for clarification as to whether trays and serving platters were covered under the ban.

There were also several submissions which emphasised providing sufficient time, varying from 12 months to no less than 24 months, from announcement of the ban to enforcement.

Government response

The South Australian government will progress the inclusion in the draft regulations of the time-bound exemption for plastic-lined paper plates and bowls until 31 October 2024, in line with the regulations already in place in New South Wales and Victoria. It is acknowledged that this will require the upcoming education campaign to highlight that these types of plates and bowls, once used, should be disposed of in the landfill (red/blue) bin or washed before being placed in the recycling (yellow) bin.

Guidance on the Replace the Waste website (www.replacethewaste.sa.gov.au) will highlight that manufacturers must consider the PFAS targets set out by APCO and the importance of avoiding intentionally added PFAS in alternative products (such as bagasse).

The South Australian Government intends to maintain the timeframes for the upcoming bans as announced by the South Australian Deputy Premier in November 2022. This announcement clearly outlined when South Australia would be banning specific products. It is expected that businesses have begun the process of running down stock. There will be a campaign leading up the implementation of the regulations which will also provide guidance on options for disposing of excess stock.

The ban on plastic bowls without lids and plastic bowls is not intended to apply to trays, serving platters or any type of lid. This will also be made clear on the Replace the Waste website.

Green Industries SA has consulted with representatives from SA Health, the South Australian Department for Correctional Services and the Local Government Association SA who have confirmed that the proposed exemption for single-use plastic bowls is appropriate for their operations in health care, aged care and corrections and does not require any changes.

2.3.2 Single-use plastic bowls

Are there any issues or potential unintended consequences related to each of these regulations including any potential impacts on people living with a disability?

Survey – 69 responses 32 skipped

The majority of respondents did not identify any issues or potential unintended consequences. No respondent clearly identified themselves as a person who had a disability or who was responding on behalf of someone with a disability. Several respondents noted that consultation should include the views of those with a disability. One respondent highlighted that:

[P]lastic bowls and plates are commonly used in aged care settings and nursing homes because they are easier and safer to handle for residents, when compared to ceramic alternatives. Whilst the lifespan plastic bowls/plates may not measure up to the ceramic alternatives, they are important in these settings for these reasons.

Several respondents also made reference to the role of the NDIS in assisting with alternative solutions.

There were a range of observations about the suitability of alternative products including reusable or compostable alternatives, noting many people with a disability can still use alternatives like

cardboard, thicker bowls and plates and that suitable durable alternatives should be available to allow people with a disability to be able use a lightweight, non-breakable item for their food.

Several respondents noted there were opportunities to fund research into new designs and technological solutions, and that there is a role for industry to more actively work on developing recyclable products.

There were some concerns about the environmental impact of some alternatives, with respondents noting the increased water use from having to wash reusable plates and bowls and cutting down trees to create single-use paper to replace single-use plastic.

There were several examples of potential unintended consequences, including stockpiling of printed plates and:

[C]reating a black market for parents wanting a perfect Instagram picture of their childs (sic) celebrations.

It was also identified that there are:

[S]ome alternatives, particularly with some fibres which are treated with PFAS chemicals to enable them to mimic plastic. The Australian Packaging Covenant Organisation (APCO) has produced a phase out plan for these chemicals in food contact packaging: Action Plan to Phase Out PFAS in Fibre-Based Food Contact Packaging.

Some respondents highlighted potential health and safety consequences including that paper plates and bowls are less durable than their plastic alternatives and can therefore collapse more easily if used for holding hot food. It was also recognised that single-use items may be required in future COVID-19 or pandemic situations.

Submissions

There were no submissions on bowls without lids which provided comment on potential impacts for people with a disability.

One organisation's submission sought to clarify that their services, which included the use of plastic bowls in an aged care setting for non-food related purposes, would be covered by the proposed exemption.

Are the proposed exemptions appropriate, and are there are any other industries that may require an exemption for single-use plastic bowls?

Survey – 67 responses 34 skipped

The majority of respondents agreed the exemptions for single-use plastic bowls were appropriate and there were no specific additional industries identified that may require an exemption.

Several respondents highlighted that they believed reusable stainless steel medical equipment was readily and routinely sterilised and questioned why an exemption was in place.

There were also several comments about time-bound exemptions to encourage development of alternatives.

A number of respondents identified that the current volume of single-use plastic medical waste was problematic and that there should be incentives for this industry to either seek non-plastic alternatives more broadly or develop more sustainable waste management practices.

It was noted by one respondent that:

Exemptions may lead to confusion and mistrust in the community. It is always best to standardise everything across the board.

Two other respondents commented that the reasons for exemptions should be clearly defined. There were also comments indicating that education around exemptions was very important.

Submissions

There were 2 submissions which specifically commented on the proposed exemptions, noting that while they were reasonable, consideration should be given to identifying more reusable options, including stainless steel which is recyclable and can be sterilised with an autoclave. No additional industries were identified that may require an exemption.

Are there any issues or potential unintended consequences related to this regulation?

Survey – 58 responses 43 skipped

The majority of respondents did not identify any issues or potential unintended consequences.

There were some general issues identified including water use at a site may go up due to washing reusable items. One respondent highlighted that the products were used in institutions subject to outbreaks of violence and use may be helpful to prevent injuries to people present or damage to property. They also suggested that there may be implications for the health sector if there was another pandemic.

There was one observation that:

Making an allowance for exemptions when viable alternatives exist has a sense of incompleteness where completeness could exist.

There was a repeat of concerns about providing sufficient time, particularly for small businesses, to run down or clear stock of prohibited items. Raising awareness of the upcoming bans and providing information to enable businesses to procure alternative items from suppliers was noted.

In terms of management of waste, one respondent suggested that:

Putting the onus on the retailer to arrange the recycling of packaging materials (or containers) will ensure sustainable change.

While another respondent thought that the government should be responsible for assisting businesses to dispose of excess prohibited items after the bans come into effect.

A respondent expressed concerns about whether compostable materials may lead to problems when they enter the waste stream.

There were a small number of dissenting respondents that expressed their views, suggesting that, in their opinion, the regulations posed additional costs to businesses with no benefit and that items already banned, such as plastic straws, should no longer be prohibited. There was also concern about pet bowls being banned under the regulations and some plastic products unrelated to the proposed regulations used to store and contain hazardous materials.

Submissions

There were no submissions which highlighted any issues or potential unintended consequences related to this regulation.

Government response

No additional exemptions have been identified or requested through the consultation process. As noted above, Green Industries SA has consulted with representatives from SA Health, South Australia's Department for Correctional Services and the Local Government Association SA who have confirmed that no additional exemptions are required in the draft regulations for their operations in health care, aged care and corrections.

There is an opportunity for the government to work with organisations that have been granted exemptions to identify suitable alternative non-plastic products to transition to or to reduce barriers to adopting reusable products that can be sterilised.

2.4 Future regulations and other issues raised

At least 10 submissions took the opportunity to provide feedback on products, including those announced for Stage 4 and Stage 5, which are not covered by the regulations released for consultation. General topics included in submissions included definitions in the SUP Act, timeframes for announced bans, availability and suitability of alternatives, and processing capabilities of recycling facilities. A summary of these submissions and topics raised is provided below.

2.4.1 Definition of plastic

Several submissions raised concerns about the definition of plastic in the South Australian *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*.

It was suggested that the South Australian government consider adopting the definition of plastic in Western Australia's regulations, as amended in May 2022.

Government response

The definition of plastic in the South Australian Single-use and Other Plastic Products (Waste Avoidance) Act 2020 (SUP Act) will be considered as part of the review to be undertaken 3 years after the start of the legislation. This provides an opportunity for the Minister to consider whether it is relevant for any amendments to form part of the review.

2.4.2 Definition of reusable

A number of submissions noted that the draft regulations do not include a definition of reusability. The submissions noted that New South Wales and Victoria have definitions which make it easier for businesses to determine whether a product is single-use or reusable. These include stringent testing requirements for certain plastic products, manufacturer warranties, supplier declarations and other measures.

It was suggested that, to allow businesses to design truly reusable products, a clear definition of, and testing criteria for reusability is required, that is, which laboratory-based test methods will be recognised to verify reusability, and how many uses determines reusability.

Two submissions suggested that the Victorian regulatory requirements should be mirrored by the South Australian government. The Victorian regulations define reusable, in relation to a plastic item, as an item that is manufactured to be used for the same purpose on multiple occasions and with a warranty, or other written representation from the manufacturer as to the length of time the item is designed to last, of at least one year.

Government response

The definition of plastic in the South Australian Single-use and Other Plastic Products (Waste Avoidance) Act 2020 (SUP Act) will be considered as part of the review to be undertaken 3 years after the start of the legislation. This provides an opportunity for the Minister to consider whether it is relevant for any amendments to form part of the review.

2.4.3 Timeframes

A number of individual survey responses and several submissions suggested that some of the future bans be brought forward, particularly around products such as food containers, coffee cups and other beverage cups which will be banned in Stage 4, announced for 1 September 2024.

This contrasted with several submissions requesting a delay to the implementation of bans to allow a minimum of 18 to 24 months ahead of introducing new regulations to provide industry and business a reasonable timeframe to meet the requirements of the regulations. The reasons cited included potential changes required to manufacturing processes and infrastructure, sourcing alternative raw materials from new suppliers, depleting existing stock, and educating staff and customers.

There was also a request that the drafting of regulations required for the products announced for phase out in Stage 4 (1 September 2024) and Stage 5 (1 September 2025) be completed as soon as possible or within a short period of time to enable most efficient and effective education of stakeholders.

Government response

The South Australian Government intends to maintain the timeframes for the upcoming bans as announced by the South Australian Deputy Premier in November 2022. This announcement clearly outlined when South Australia would be banning specific products. It is expected that businesses have begun the process of running down stock however, to ensure continuity and certainty, the government has no intention of bringing forward any bans already announced.

The majority of products announced in the bans will be phased out in Stage 4 from 1 September 2024. The government intends to draft regulations covering the Stage 4 bans in early 2023 with the view to consulting with key stakeholders in the third quarter of 2023.

2.4.4 Compostability and/or recyclability

There were a variety of views presented regarding future policy decisions based on the compostability and/or recyclability of replacement alternative products.

One submission encouraged that future bans consider single-use and other plastic products that are non-recyclable over time (insofar as they are unrecoverable, lack processing infrastructure or lack end markets in the real world).

There were several submissions that discussed concerns about preferencing fibre and compostable products over recyclable plastic alternatives. This included highlighting that

proposals currently under consideration appear also to be leaning towards a solution whereby alternatives are managed through composting and food organics/garden organics system and suggesting that this approach is not fully consistent with APCO's waste hierarchy (which places materials above composting), and is inconsistent with other jurisdictions' policy on fibre and compostable products being placed in kerbside organic bins. Another submission raised concerns that South Australia does not have the infrastructure or systems needed to collect and process compostable alternatives via a commercially viable composting industry.

There was the suggestion that the requirement for home compostable packaging, rather than industrial compostable, would allow for more options for processing as there are very limited industrial composting facilities. Another submission requested that only reusable and certified compostable cups and lids should be allowed in order to reduce confusion with consumers, increase residents' awareness of what items they can dispose of in their kerbside organics bin (or even their home compost bin) and reduce the contamination in bins in public places, specifically recycling and organics bins.

It was highlighted that any requirement for products to be certified to Australian Standards (AS) for bioplastic compostability (AS 4736 and AS 5810) will require a lead time of up to 18 months. It was suggested that any items requiring testing to a AS compostable standard, automatically granted a temporary exemption pending the result of the composting testing and certification.

There was discussion about accepting certification of raw material compostability as meeting the compostable standard, rather than requiring finished product compostability. It was reasoned that finished product specifications and graphics change regularly therefore raw material compostable certification approval is preferred to allow for flexibility in changes in design or printing requirements. It was also requested that EN (Europe) compostable certification of raw material be allowable for compliance with South Australian legislation versus applying for AS certification (Australian).

There were also several submissions which discussed the use and acceptance of recycled plastic materials, such as 100% recycled PET containers and lids. One submission highlighted that there is strong demand for polypropylene recyclate (at high and steady rates) on commodity markets globally and based on these current markets, polypropylene food ware products, such as food and beverage containers, should continue to be permitted, provided that the ban only includes products that do not carry the Australasian Recycling Label (ARL).

It was noted that there was no legislation in place to mandate recycled soft plastic content or to prohibit soft plastic items to support markets for suitable available alternatives.

Government response

The South Australian Government intends to continue implementing policy which promotes the circularity of materials within the economy at the highest beneficial use through recycling and composting. There has been significant investment over more than a decade by both government and the composting sector to ensure that organics systems in South Australia can accept and effectively process compostable fibre and certified compostable bioplastic packaging. This investment means that 80% of South Australians have a household organics bin, accepting food and compostable materials alongside garden organics, provided as part of their council waste collection service.

It is intended that future bans on single-use and other plastic items used to contain food and beverages (such as cups with lids, coffee cups with lids, bowls with lids, food containers) will provide an exemption for compostable bioplastic certified to AS 4736 or AS 5810. It is also intended that all AS certified bioplastic packaging will be clearly labelled for the user so that it is clear that it can be placed in green organics bins at kerbside, in commercial organics collections and at events.

The South Australian Government is aware of the lead time required for AS certification of packaging and will consider appropriate transition arrangements as part of future regulations.

2.4.5 Reuse and Extended Producer Responsibility

There were several submissions that suggested more support for consumers and businesses to implement reuse and refilling options that are easily accessible, and economically and environmentally sustainable. This included developing policy in a broader context as part of South Australia's transition to a more circular economy rather than a singular focus on eliminating problematic plastic products. There was also a call to amplify messaging and education for a greater use of 'avoid' rather than 'replace' as the most preferable action on the waste hierarchy. This was seen as an opportunity for South Australia to use its leadership position, particularly for reusable and returnable options to be considered for single-use plastic cups and coffee cups.

In comparison, there was also concern about a transition to reusables particularly in quick service restaurant applications as single-use fibre packaging is often replaced by rigid plastic.

One submission suggested that producers of the plastic packaging need to take the material back, through a product stewardship scheme which invests directly in facilities that will accept and remanufacture this material into recycled packaging.

Government response

Consideration will be given as part of future regulations on opportunities to encourage and expand the use of reusable and returnable options.

South Australia's Waste Strategy 2020-2025 advocates for packaging to be covered by a regulated extended producer responsibility scheme under the Australian Government's product stewardship legislation.

2.4.6 Materials

Several submissions focused on specific materials that may be used for alternative products. This included polylactic acid or polylactide (PLA), and polyhydroxyalkanoate (PHA).

One submission highlighted there are only 3 to 4 primary PLA plastics producers globally (one of which produces more than 50% of PLA supply globally). The submission stated that these producers control pricing and supply and that competitive pricing is hard to achieve. It was suggested that demand for PLA material has increased globally, largely driven by legislation requiring industry to produce certified PLA products to replace banned single-use plastic items. This has resulted in demand exceeding supply.

Another submission raised concerns that a requirement for AS certification favours PLA lining as it is the only widely commercially available material that is currently certified to this standard. It

was argued that a PLA-lined cup compared to a current PE-lined cup contains 60 to 70% more plastic.

Several submissions questioned whether products lined with PHA would be permitted under South Australian regulations, stating that this material is considered recyclable and compostable.

There were also recommendations regarding the need for more research and investment to identify new alternative packaging materials from renewable sources that are both food safe and water repellent, and that can also be recycled at end of use.

One submission noted that any move from transparent plastic packaging to non-transparent fibre-based packaging will require additional labels and stickers to identify the packaged products and could potentially increase both costs and inconvenience to consumers. The submission highlighted that fibre based tubs were unable to hold and maintain the product integrity for the same amount of time so suggested that 100% recycled PET lidded containers be considered for food safety. The same submission also raised concerns about potential food waste impacts of moving to fibre based non-transparent containers as it is thought that customers are less like to purchase food products in-store which cannot be seen.

Government response

As noted above, it is intended that future bans on single-use and other plastic items used to contain food and beverages (such as cups with lids, coffee cups with lids, bowls with lids, food containers) will provide an exemption for compostable bioplastic certified to AS 4736 or AS 5810 that is clearly labelled with the appropriate standard.

AS certification of the product (rather than the raw materials) is important to ensure that the entire product can be safely and effectively put into composting systems without introducing any toxic elements (for example, introduced by printing or dyes on the packaging).

Further investigations will be required regarding potentially compostable bioplastic that is not AS certified. Further investigations will be required regarding bioplastic products that have not been certified compostable to Australian Standards but have the potential to undergo this certification process.

List of organisations who made submissions on the draft regulations

Australian Council of Recycling (ACOR)

Australian Hotels Australia (SA) (AHA|SA)

ALDI

Australian Retailers Association (ARA)

City of Burnside council (Administrative team)

City of Holdfast Bay

City of Norwood Payneham & St Peters

Detmold

East Waste

Erthos

Genfac plastics

Huhtamaki

KESAB

Local Government Association (LGA)

McDonalds Australia

National Retailers Association (NRA)

Waste Management and Resource Recovery Association Australia (WMRR)

Woolworths group