



## EXEMPTION NOTICE

<b>Exemption number</b>	SUP0003/2024/1
<b>Issued under</b>	Regulation 20(1)
<b>Exemption type</b>	Class of persons
<b>Exemption holder</b>	Manufacturers, suppliers and purchasers of the prescribed plastic items listed in Table 1 of this exemption notice
<b>DWER file number</b>	
<b>Date of issue</b>	5 July 2024
<b>Duration</b>	Ends 30 August 2025

**Table 1: Prescribed plastic items and exempt specified circumstance**

Prescribed plastic items	Specified exempt circumstance	Exemption reason
Takeaway food containers and takeaway food container lids	This class exemption is for the sale or supply of food containers and their lids and is only applicable for takeaway food uses when the container is holding soupy or liquid foods that can be poured and are served at over 60 degrees Celsius.	Currently there are limited food packaging options available that meet safe food handling requirements, reduce risks of leaking and provide an effective barrier for prolonged storage.



## Declaration

In accordance with regulation 20(1) of the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018* I consider that it is reasonably necessary to grant Exemption Notice SUP003/2024/1.

I HEREBY EXEMPT the Exemption Holder from regulation 7(1) of the *Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018*, subject to the conditions set out in this notice.

A handwritten signature in black ink that reads "Daniel Nevin".

**Daniel Nevin**  
**A/DEPUTY DIRECTOR GENERAL**  
**CLIMATE AND SUSTAINABILITY**

Officer delegated under section 20  
of the *Environmental Protection Act 1986*

5 July 2024

## Interpretation

In this Exemption Notice:

- (a) the words 'including', 'includes' and 'include' in conditions mean "including but not limited to", and similar, as appropriate;
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act; and
- (d) unless specified otherwise, all definitions are in accordance with the EP Act.

## Conditions

### Conditions of supply

1. The Exemption Holder may supply the prescribed plastic items listed in Table 1 of this Exemption Notice in the specified exempt circumstance and for the corresponding exemption reason only.
2. Before 30 August 2024, or within 30 days of adding a product under this exemption, the Exemption Holder, or someone using this exemption, must provide the following information to the CEO:
  - (a) Business name;
  - (b) Details of authorised representative;
  - (c) List of items supplied under this exemption

### Non-compliance reporting

3. Within 14 business days of becoming aware of any non-compliance with the conditions of this Exemption Notice, the Exemption Holder must notify the CEO in writing of that non-compliance and include in that notification the following information:
  - (a) which condition was not complied with;
  - (b) the time and date when the non-compliance occurred;
  - (c) the details and result of any investigation undertaken into the cause of the non-compliance;
  - (d) what action has been taken and the date on which it was taken to prevent the non-compliance occurring again; and
  - (e) what action will be taken and the date by which it will be taken to prevent the non-compliance occurring again.

### Revocation or Variation

4. In accordance with regulation 20(5) of the regulations this exemption notice may be revoked or varied by the CEO or a Delegated Officer at any time by written notice.

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**END OF CONDITIONS**

## Definitions

In this Exemption Notice, the terms in Table 2 have the meanings defined.

**Table 2: Definitions**

Term	Definition
CEO	means Chief Executive Officer of the Department of Water and Environmental Regulation.  “submit to / notify the CEO” (or similar), means either: <p style="text-align: center;">plastic-exemptions@dwer.wa.gov.au</p> or: <p style="text-align: center;">Director General Department administering the Environmental Protection Act 1986 Locked Bag 10 Joondalup DC WA 6919</p>
Delegated officer	an officer under section 20 of the EP Act
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i>
Exemption Holder	means suppliers of the prescribed plastic items listed in Table 1 of this Exemption Notice
food container	has the same meaning given to that term under the regulations
purchasers or receivers	means any person, business, venue, store or retail outlet that has purchased (at a cost) or received (free of charge, or at a cost) the prescribed plastic items identified in Table 1 of this Exemption Notice
regulations	<i>means the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018.</i>
Soupy and Liquid Foods	These items relate to takeaway food that can be poured and includes, but are not limited to: <ul style="list-style-type: none"> <li>• curry</li> <li>• gravy</li> <li>• soup</li> <li>• laksa</li> </ul> <p>These products are typically packaged currently in plastic containers or bowls with tight fitting lids.</p>
Soupy	having the appearance or consistency of soup.

Term	Definition
supplier	is a manufacturer, wholesale or retail company that sells or supplies one or more of the prescribed plastic items listed in Table 1 of this Exemption Notice to a purchaser or consumer, and that manufacturer, wholesale or retail company has a valid:  a) Australian Company Number (ACN) registered with the Australian Securities and Investments Commission (ASIC) to operate within Australia; or  b) Australian Business Number (ABN) registered with the Business Registration Service to operate within Australia.
supply	has the same meaning given to that term in the regulations