



EXEMPTION NOTICE

Exemption number	SUP0005/2024/1
Issued under	Regulation 20(1)
Exemption type	Class of persons
Exemption holder	Suppliers and purchasers of the prescribed plastic items listed in Table 1 of this Exemption Notice
DWER file number	DWERVT13821~33
Date of issue	1 September 2024
Duration	Ends 1 September 2026

Table 1: Prescribed plastic items and exempt circumstance

Prescribed plastic items	Specified exempt circumstance	Exemption reason
Including but not limited to: <ul style="list-style-type: none">CupsFood containersBowlsLids	This class exemption applies to circumstances where the use of certain prescribed plastic items is necessary for medical and/or scientific purposes, including the following, but not limited to: <ul style="list-style-type: none">the collection of specimens to be tested or studied; oras a transparent closed vessel for live experiment.	To allow for transparent prescribed plastic items for medical or scientific use unrelated to food and beverage supply.



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 SUP0005/2024/1.

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, appearing to read 'E Briggs'.

Emily Briggs

DEPUTY DIRECTOR GENERAL

CLIMATE AND SUSTAINABILITY

Officer delegated under section 20

of the Environmental Protection Act 1986

30 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.
- (e) unless specified otherwise, all definitions are in accordance with the EP Act. Defined terms can be found in Table 2 of this Exemption Notice.

Conditions

General conditions

1. A supplier for the purpose of this Exemption Notice, 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.
2. A purchaser for the purpose of this Exemption Notice, is a:
 - a) Medical care provider;
 - b) Scientific institution;
 - c) State Government department;
 - d) Local Government agency; or
 - e) Tertiary institution.

that purchases any of the prescribed plastic items listed in Table 1 from a manufacturer, wholesale, or retail company to sell or supply for medical or scientific purposes.
3. The Exemption Holder may purchase or 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.
4. Suitable substitutes to the prescribed plastic items listed in Table 1 should be implemented by Exemption Notice expiry.

Records

5. A supplier using this Exemption Notice for a prescribed plastic item(s) listed in Table 1 of this Exemption Notice must maintain records of who they sold or supplied a prescribed plastic item(s) to under this Exemption Notice.
6. These records must include written evidence of the medical or scientific research being undertaken.
7. The records specified under conditions 5 and 6 must be accurate, auditable, legible and;
 - a) if amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
 - b) be retained by the Exemption Holder for the duration of the Exemption Notice; and
 - c) be available to be produced to an inspector or the CEO as required.

Non-compliance reporting

8. Within 14 business days of becoming aware of any non-compliance with the conditions of this Exemption Notice, 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

9. 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.

END OF CONDITIONS

Definitions

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

Table 2: Definitions

Term	Definition
ABN	means Australian Business Number, registered with Business Registration Service
ACN	means Australian Company Number, registered with the Australian Securities and Investments Commission (ASIC)
ASIC	means the Australian Securities and Investments Commission
CEO	<p>means Chief Executive Officer of the Department of Water and Environmental Regulation.</p> <p>“submit to / notify the CEO” (or similar), means either:</p> <p style="padding-left: 40px;">Director General Department administering the Environmental Protection Act 1986 Locked Bag 10 Joondalup DC WA 6919</p> <p>or:</p> <p style="padding-left: 40px;">plastic-exemptions@dwer.wa.gov.au</p>
Delegated officer	an officer under section 20 of the EP Act
EP Act	means the <i>Environmental Protection Act 1986</i> (WA)
prescribed plastic items	has the same meaning given to that term in the regulations
purchasers	has the meaning set out in condition 2 of this Exemption Notice
regulations	means the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018
supplier	has the meaning set out in condition 1 of this Exemption Notice
supply	has the same meaning given to that term in the regulations