



## EXEMPTION NOTICE

<b>Exemption number</b>	SUP0132/24/1
<b>Issued under</b>	Regulation 20(1)
<b>Exemption type</b>	Company
<b>Exemption holder</b>	Biopak Pty Ltd
<b>ACN</b>	119 998 711
<b>Registered business address</b>	Suite 202 Level 2, 59-75 Grafton Street, BONDI JUNCTION NSW 2022
<b>DWER file number</b>	DWERVT13821~45
<b>Date of issue</b>	11 November 2024
<b>Duration</b>	11 November 2024 to 1 June 2025

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

Prescribed plastic items	Specified exempt circumstance	Exemption reason
White and Kraft Aqueous lined paper Rectangular BioBoard Takeaway Bases, BioBowls and their lids	The supply of a prescribed plastic items listed in Appendix 1 of this Exemption Notice is only exempt under this notice where the prescribed plastic items are awaiting determination of an application to the Australian Bioplastics Association (ABA) for certification to Australian Standard AS4736:2006 and AS5810:2010.	Awaiting certification to AS4736:2006 and AS5810:2010.



## 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 SUP0132/24/1.

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 'Adrian Wiley'.

Adrian Wiley

**EXECUTIVE DIRECTOR**

**CIRCULAR ECONOMY**

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

11 November 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.

### Australian Standards certification decision

2. Within **30 business days** of the date of determination by the Australasian Bioplastics Association for an application of certification under Australian Standards AS4736:2006 and AS5810:2010 for prescribed plastic items supplied under this Exemption Notice, the Exemption Holder must:
  - (a) notify any purchasers or receivers of the prescribed plastic item(s) during the duration of this Exemption Notice and for which the certification application applies, the determination made by the Australasian Bioplastics Association for that certification application; and
  - (b) clearly identify on their website, supply records and purchase/ordering systems, the outcome of that determination for the prescribed plastic item(s) supplied under this Exemption Notice.
3. If the application for certification to Australian Standard AS4736:2006 and/or AS5810:2010 for a prescribed plastic item exempt under this notice is refused by the Australasian Bioplastics Association the Exemption Holder must:
  - (a) immediately cease selling or supplying the prescribed plastic item which has received a refused determination by the Australasian Bioplastics Association; and
  - (b) notify the CEO of the refused certification determination, within **10 business days** of the date of determination.
4. If an application for certification to AS4736:2006 and/or AS5810:2010 for a prescribed plastic item exempt under this notice has been granted by the Australasian Bioplastics Association the Exemption Holder must notify the CEO of the granted certification determination, within **10 business days** of the date of determination.

## Reporting

5. Before **1 June 2025**, the Exemption Holder must prepare and submit to the CEO an Exemption Evaluation Report that provides the following information:
  - (a) an update on the status of the certification applications made to the Australasian Bioplastics Association to certify the prescribed plastic items exempt under this notice; and
  - (b) an estimated completion date for the certification process to be undertaken, including any completion dates for the relevant laboratory testing, anticipated dates to receive the relevant laboratory reporting or determination of the application by the Australasian Bioplastics Association.

## Non-compliance reporting

6. 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

7. 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
ABN	means Australian Business Number, registered with Business Registration Service
ACN	means Australian Company Number, registered with the Australian Securities and Investments Commission (ASIC)
AS	means Australian Standard
ASIC	means the Australian Securities and Investments Commission
AS4736:2006	means Australian Standard AS4736:2006 <i>Biodegradable Plastic-Biodegradable Plastics Suitable for Composting and other Microbial Treatment</i> , published by Standards Australia and amended from time to time
AS5810:2010	means Australian Standard AS5810:2010 <i>Biodegradable plastics-Biodegradable Plastics Suitable for Home Composting</i> , published by Standards Australia and amended from time to time
Australasian Bioplastics Association	means the Australasian Bioplastics Association, ABN 29431733271, that manages the verification scheme for certification of AS composting standards AS4736:2006 and AS5810:2010
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;"><a href="mailto:plastic-exemptions@dwer.wa.gov.au">plastic-exemptions@dwer.wa.gov.au</a></p>
date of determination	means the date that the Australasian Bioplastics Association determines the certification application for a prescribed plastic item
Delegated officer	an officer under section 20 of the EP Act
EP Act	means the <i>Environmental Protection Act 1986</i> (WA)

Term	Definition
Exemption Holder	means Biopak Pty Ltd. ACN 119 998 711
food container	has the same meaning given to that term in the regulations
lid	has the same meaning given to that term in the regulations
plastic	has the same meaning given to that term in the regulations
PLA	means polylactic acid
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 Appendix 1 of this Exemption Notice
regulations	means the <i>Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018</i> .
supply	has the same meaning given to that term in the regulations







## Appendix 1 – Exempt prescribed plastic items




**Table 3: Exempt prescribed plastic item information.**

	Product name/ SKU	Product image	Main components
1	500ml White BioBoard Takeaway Base BB-LB-500-W		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
2	650ml White BioBoard Takeaway Base BB-LB-650-W		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
3	750ml White BioBoard Takeaway Base BB-LB-750-W		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
4	1,000ml White BioBoard Takeaway Base BB-LB-1000-W		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
5	500ml Small White BioBowl BB-BL-SMALL-W		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%

	Product name/ SKU	Product image	Main components
6	750ml Medium White BioBowl BB-BL-MEDIUM- W		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
7	1,000ml Large White BioBowl BB-BL-LARGE-W		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
8	1,300ml Extra Large White BioBowl BB-BL-EXTRA- LARGE-W		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
9	500-1,000ml White Paper BioBoard Takeaway Lid BB-LBL-PAPER- W		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
10	500-1,000ml Paper White BioBowl Lid BB-BLL-148- PAPER-W		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
11	500ml Kraft BioBoard Takeaway Base BB-LB-500-N		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%



	Product name/ SKU	Product image	Main components
12	650ml Kraft BioBoard Takeaway Base BB-LB-650-N		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
13	750ml Kraft BioBoard Takeaway Base BB-LB-750-N		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
14	1,000ml Kraft BioBoard Takeaway Base BB-LB-1000-N		Grammage 320+8g Composition (including inks, dyes, and adhesives) 329 Paper content 97.26% Coating content 2.43% Ink content 0.12%
15	500ml Small Kraft BioBowl BB-BL-SMALL		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
16	750ml Medium Kraft BioBowl BB-BL-MEDIUM		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
17	1,000ml Large Kraft BioBowl BB-BL-LARGE		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%

	Product name/ SKU	Product image	Main components
18	1,300ml Extra Large Kraft BioBowl BB-BL-EXTRA-LARGE		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
19	500-1,000ml Kraft Paper BioBoard Takeaway Lid BB-LBL-PAPER-N		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%
20	500-1,000ml Paper Kraft Biobowl Lid BB-BLL-148-PAPER		Grammage 300+8g Composition (including inks, dyes, and adhesives) 309 Paper content 97.09% Coating content 2.59% Ink content 0.13%