



## EXEMPTION NOTICE

<b>Exemption number</b>	SUP0006/2022/1
<b>Issued under</b>	Regulation 20(1)
<b>Exemption type</b>	Person
<b>Exemption holder</b>	Huhtamaki Tailored Packaging Pty Ltd, trading as Huhtamaki Interfresh Australia Pty Ltd
<b>ACN / ABN</b>	625 661 216 / 98 625 661 216
<b>Registered business address</b>	120 Mileham Street SOUTH WINDSOR NSW 2756
<b>DWER file number</b>	DWERVT9714~8
<b>Date of issue</b>	20 December 2022
<b>Duration</b>	20 December 2022 to 30 June 2023

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

Prescribed plastic items	Specified exempt circumstance	Exemption reason
Single, double or triple lined polylactic acid (PLA) lined cups listed in Table 3 in Appendix 1 of this Exemption Notice.	The supply of a prescribed plastic item listed in Appendix 1 of this Exemption Notice is only exempt under this notice where that prescribed plastic item is awaiting determination of an application to the Australian Bioplastics Association (ABA) for certification to Australian Standard AS4736:2006.	Awaiting certification to AS4736:2006.



## 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 SUP0007/2022/1.

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.

**Sarah McEvoy**  
**EXECUTIVE DIRECTOR**  
**STRATEGIC POLICY**

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

20 December 2022

## 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 for a prescribed plastic item 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 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 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 30 April 2023, 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 AS/NZS 4736:2006 <i>Biodegradable Plastic-Biodegradable Plastics Suitable for Composting and other Microbial Treatment</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
books	has the same meaning given to that term under the EP Act
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-action@dwer.wa.gov.au</p>
cup	has the same meaning given to that term in the regulations
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 Huhtamaki Tailored Packaging Pty Ltd trading as Huhtamaki Interfresh Australia Pty Ltd, ACN 625 661 216
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	<i>means the 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	Paperboard thickness/gsm and main components
1	4oz Boost SW paper sampling cup Product Code Z-BJ1009A		Paperboard 220gsm PLA liner Ink
2	12oz Boost Juice T/W Corrugated squat cup Product code Z-BJ1190H		Paperboard 280gsm 135gsm (middle layer) 100gsm (outer layer) PLA liner Ink Adhesive
3	16oz Boost Juice T/W Corrugated cup Product Code Z-BJ1192H		Paperboard 280gsm 135gsm (middle layer) 100gsm (outer layer) PLA liner Ink Adhesive
4	20oz Boost Juice T/W Corrugated cup Product Code Z-BJ1194H		Paperboard 280gsm 300gsm (middle layer) 100gsm (outer layer) Polylactic acid liner Ink Adhesive
5	5oz Betty's printed ice cream cup Product Code Z-BET-2185		Paperboard 220gsm PLA liner Ink

	Product name/ SKU	Product image	Paperboard thickness/gsm and main components
6	12oz Betty's Printed chip cup Product Code Z-BET-2190		Paperboard 240gsm PLA liner Ink
7	16oz Betty's Printed cold cup Product Code Z-BET-2192		Paperboard 220gsm PLA Liner Ink
8	24oz Betty's Printed cold cup Product Code Z-BET-2194		Paperboard 230gsm PLA liner Ink
9	8oz Salsas Chip cup – small white Product Code SA2500B		Paperboard 160gsm PLA liner Ink
10	8oz Salsas Chip cup - small white Product Code SA2501B		Paperboard 160gsm PLA liner Ink
11	16oz Donut King Paper cold cup Product Code Z-DK-CC16A		Paperboard 230gsm PLA liner Ink



	Product name/ SKU	Product image	Paperboard thickness/gsm and main components
12	22oz Donut King Paper cold cup Product Code Z-DK-CC22		Paperboard 240gsm PLA liner Ink
13	22oz Donut King Paper cold cup Product Code Z-DK-CC22A		Paperboard 240gsm PLA liner Ink
14	8oz Donut King Mixers cup Product Code Z-DK-IC08		Paperboard 240gsm PLA liner Ink