



EXEMPTION NOTICE

Exemption number	SUP0007/2022/1
Issued under	Regulation 20(1)
Exemption type	Person
Exemption holder	Woolworths Group Limited (trading as Woolworths Supermarkets, Woolworths Metro and Big W)
ACN / ABN	000 014 675/ 88 000 014 675
Registered business address	1 Woolworths Way BELLA VISTA NSW 2153
DWER file number	DWERVT9714~9
Date of issue	1 December 2022
Duration	1 December 2022 to 30 June 2023

Table 1: Prescribed plastic items and exempt specified circumstance

Prescribed plastic items	Specified exempt circumstance	Exemption reason
Plastic coated paperboard bowls and 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 AS5810:2010.	Awaiting certification to 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 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

Department of Water and Environmental Regulation

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

Delegation No. 161

1 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 AS5810:2010 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 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) remove the prescribed plastic item(s) from all Western Australian retail stores and outlets within 15 business days; and
 - (c) notify the CEO of the refused certification determination, within 10 business days of the date of determination.
4. If an application for certification to 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 30 April 2023, the Exemption Holder must prepare and submit to the CEO an Exemption Evaluation Report that provides the following information:
 - (a) a review of the implementation of the Exemption Notice within retail stores and outlets owned and operated by the Exemption Holder;
 - (b) 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
 - (c) 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, 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

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.

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
AS5810:2010	means Australian Standard AS/NZS 5810:2010 <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
books	has the same meaning given to that term under the EP Act
bowl	has the same meaning given to that term in the regulations
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

Term	Definition
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)
EN13432	means European standard EN13432 <i>Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging</i>
Exemption Holder	means Woolworths Group Limited, ACN 000 014 675
purchasers or receivers	means any person, business, 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 - Prescribed plastic items exempt under this notice

Table 3: Exempt prescribed plastic item information

Product name/ SKU	Product description and components
BOWLS	
<p>Armada Paper Bowls coloured 20pk (Red/ Blue) SKU/ Product number 169348</p> <p>Armada Metallic Bowls 10pk SKU/ Product number 221702</p> <p>Armada Pattern 1 Bowls 10pk (Leaf) SKU/ Product number 221710</p> <p>Armada Pattern 2 Bowls 10pk (waterflow) SKU/ Product number 221478</p>	<p><u>Paper bowl with printing</u></p> <p>Paper, coated by spraying with oil varnish</p> <p><u>Components</u></p> <p>NSL Inks Yellow/Red/Blue/Black</p> <p>Allyking Oil Proof Board</p>
<p>Essentials Paper Bowls 50PK SKU/ Product number 169342</p>	<p><u>Paper bowl without printing</u></p> <p>Paper, coated by spraying with oil varnish</p> <p><u>Components</u></p> <p>Allyking Oil Proof Board</p>
<p>Armada Princess Design Ice Cream Bowls 10pk SKU/ Product number 221676</p> <p>Armada Sea Design Ice Cream Bowls 10pk SKU/ Product number 221348</p>	<p><u>Paper icecream bowl with printing</u></p> <p>Paper with water-based coating</p> <p><u>Components</u></p> <p>NSL Inks Yellow/Red/Blue/Black</p> <p>Plastic free container paper</p>
CUPS	
<p>Armada Metallic Cups 10pk SKU/ Product number 221703</p> <p>Armada Paper College Cups 20pk SKU/ Product number 221697</p>	<p><u>Paper cup with printing</u></p> <p>Paper with water-based coating</p> <p><u>Components</u></p> <p>NSL Inks Yellow/Red/Blue/Black</p> <p>Plastic free container paper</p>

Product name/ SKU	Product description and components
Armada Paper Cups coloured 20pk (red/ blue) SKU/ Product number 221700	<u>Paper cup with printing</u> Paper, coated by spraying with water based acrylic copolymer emulsion <u>Components</u> NSL Inks Red/Blue Plastic free container paper
Armada Paper Cups Large 20pk SKU/ Product number 221692 Armada Paper Cups XL 20pk SKU/ Product number 221693 Armada Paper Shot Cups 50pk SKU/ Product number 221694 Essentials Paper 7oz Cups 60pk SKU/ Product number 221696 Essentials Paper Cups 25pk SKU/ Product number 221698	<u>Paper cup without printing</u> Paper with water-based coating <u>Components</u> Plastic free container paper
Armada Pattern 1 Cups 10pk (Leaf) SKU/ Product number 221589 Armada Pattern 2 Cups 10pk (waterflow) SKU/ Product number 221479 Armada Princess Design Cups 10pk SKU/ Product number 221590 Armada Sea Design Cups 10pk SKU/ Product number 221349	<u>Paper cup with printing</u> Paper with water- based coating <u>Components</u> NSL Inks Yellow/Red/Blue/Black Plastic free container paper