



## EXEMPTION NOTICE

<b>Exemption number</b>	SUP0043/2022/1
<b>Issued under</b>	Regulation 20(1)
<b>Exemption type</b>	Person
<b>Exemption holder</b>	FPA Australia Pty Ltd trading as Envirochoice
<b>ACN / ABN</b>	009 271 103/ 34 009 271 103
<b>Registered business address</b>	151 Mulgul Road MALAGA WA 6090
<b>DWER file number</b>	DWERVT9714~46
<b>Date of issue</b>	18 November 2022
<b>Duration</b>	18 November 2022 to 30 June 2023

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

Prescribed plastic items	Specified exempt circumstance	Exemption reason
Lined paperboard takeaway food containers and cups as listed in Table 1 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**

**Department of Water and Environmental Regulation**

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

21 November 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 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.

### Records

5. A supplier or purchaser using this Exemption Notice for an exemption under the regulations for a prescribed plastic item listed in Table 1 of this Exemption Notice must maintain accurate and auditable books for the prescribed plastic item(s) sold, supplied

or purchased under this Exemption Notice. These books must include:

- (a) a copy of the current and valid EN13432 composting or TUV OK compost HOME certification for each prescribed plastic item; and
  - (b) written evidence that the Exemption Holder has sought certification from the Australasian Bioplastics Association for each prescribed plastic item under the Australian Standards for composting AS4736:2006 or AS5810:2010.
6. The books specified under condition 5 must:
- (a) be legible;
  - (b) if amended, be amended in such a way that the original version(s) and any
  - (c) subsequent amendments remain legible and are capable of retrieval;
  - (d) be retained by the Exemption Holder for the duration of the Exemption Notice; and
  - (e) be available to be produced to an inspector or the CEO as required.

### Reporting

7. 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

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.

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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>
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
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 FPA Australia Pty Ltd, ACN 009 271 103
food container	has the same meaning given to that term in 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 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 1: Exempt prescribed plastic item information**



	Product name/ SKU	Product image	Paperboard thickness and grammage
<p><u>PLANET trays range</u></p> <p>Product description – Kraft paper with polylactic acid lining. 30gsm polylactic acid grammage. 0.2% ink.</p> <p>Manufacturer - Ningbo Oolima Pack Co., Ltd JUCAI Road Jishigang Industry Oark Yinzhou District, Ningbo 315000 ZHEJIANG CHINA</p>			
1	2 oz Condiment tray Product ID EC-SB0451 Dimensions (Base 30x30mm, Top 48x48mm, Height 32mm)		Kraft paper top 0.35mm thickness and grammage 250gsm
2	Tray #2 Product ID EC-SB0452 Dimensions (Base 110x75mm, Top 140x110mm, Height 37mm)		Kraft paper top 0.35mm thickness and grammage 250gsm
3	Tray #3 Product ID EC-SB0453 Dimensions (Base 140x85mm, Top 185x130mm, Height 50mm)		Kraft paper top 0.38mm thickness and grammage 280gsm
4	Tray #4 Product ID EC-SB0454 Dimensions (Base 170x95mm, Top 215x140mm, Height 50mm)		Kraft paper top 0.38mm thickness and grammage 280gsm
5	Tray #5 Product ID EC-SB0455 Dimensions (Base 185x110mm, Top 240x165mm, Height 75mm)		Kraft paper top 0.38mm thickness and grammage 280gsm

	Product name/ SKU	Product image	Paperboard thickness and grammage
6	Tray #6 Product ID EC-SB0456 Dimensions (Base 240x160mm, Top 280x200mm, Height 55mm)		Kraft paper top 0.38mm thickness and grammage 280gsm
7	Tray #7 Product ID EC-SB0457 Dimensions (Base 95x95mm, Top 135x135mm, Height 45mm)		Kraft paper top 0.35mm thickness and grammage 250gsm
8	Hot Dog tray Product ID EC-SB0461 Dimensions (Base 190x70mm, Top 220x100mm, Height 48mm)		Kraft paper top 0.38mm thickness and grammage 280gsm
<p><u>CoRe cups - Single wall paper cup range</u></p> <p>Product description –Foopak Bio Natura Aqueous coated Paper Board and ink.</p> <p>Manufacturer - PT Glopac Indonesia Newton Technopark II Jati5 Blok J4 No. 3 17550 BEKASI WEST JAVA, INDONESIA</p>			
1	Dog series Product ID EC-HC0796 Dimensions 8oz, 90 x 90mm		Total product weight 8.6g Paper board 310 gsm, 8.58g weight, 99.77% of final product Ink 0.02g, 0.23% final product
2	Dog series Product ID EC-HC0797 Dimensions 12oz, 90 x 110mm		Total product weight 10.3g Paper board 310 gsm, 10.276g weight, 99.77% of final product Ink 0.024g, 0.23% final product
3	Dog series Product ID EC-HC0798 Dimensions 16oz, 90 x 135mm		Total product weight 12.2g Paper board 310 gsm, 12.172g weight, 99.77% of final product Ink 0.028g, 0.23% final product



	Product name/ SKU	Product image	Paperboard thickness and grammage
4	Keip series Product ID EC-HC0716 Dimensions 8oz, 90 x 90mm		Total product weight 8.6g Paper board 310 gsm, 8.58g weight, 99.77% of final product Ink 0.02g, 0.23% final product
5	Keip series Product ID EC-HC0717 Dimensions 12oz, 90 x 110mm		Total product weight 10.3g Paper board 310 gsm, 10.276g weight, 99.77% of final product Ink 0.024g, 0.23% final product
6	Keip series Product ID EC-HC0718 Dimensions 16oz, 90 x 135mm		Total product weight 12.2g Paper board 310 gsm, 12.172g weight, 99.77% of final product Ink 0.028g, 0.23% final product
7	Greener Schooner Product ID EC-DC425S Dimensions 425ml, 115 x 90mm		Total product weight 10.53g Paper board 310 gsm, 7.577g weight, 99.7% of final product Ink 0.023g, 0.3% final product
8	Greener Vino Product ID EC-DC200 Dimensions 200ml, 90 x 82mm		Total product weight 7.6g Paper board 310 gsm, 12.172g weight, 99.77% of final product Ink 0.028g, 0.23% final product
9	Dispenser cup Product ID EC-DC0552 Dimensions 180ml, 73 x 75mm		Total product weight 4.31g Paper board 310gsm, 4.3g weight, 99.77% of final product Ink 0.1g, 0.23% final product
<b>CoRe cups - Double wall paper cup range</b> Product description – Double wall cup with polylactic acid lining, ink and adhesive Manufacturer - PT Glopac Indonesia Newton Technopark II Jati5 Blok J4 No. 3 17550 BEKASI WEST JAVA, INDONESIA			
1	Dog series Product ID EC-HC0776 Dimensions 8oz, 90 x 90mm		Total product weight 12.9g Inner wall paperboard 310gsm, 8.6g, 66.67% final product Outer wall paperboard 210gsm, 4.18g, 32.4% final product Ink 0.03g, 0.23% Glue 0.09g, 0.7% final product

2	Dog series Product ID EC-HC0777 Dimensions 12oz, 90 x 110mm		Total product weight 15.5g Inner wall paperboard 310gsm, 10.3g, 66.45% final product Outer wall paperboard 210gsm, 5.07g, 32.71% final product Ink 0.036g, 0.23% Glue 0.094g, 0.61% final product
3	Dog series Product ID EC-HC0778 Dimensions 16oz, 90 x 135mm		Total product weight 18.6g Inner wall paperboard 310gsm, 12.2g, 65.59% Outer wall paperboard 210gsm, 6.24g, 33.55% Ink 0.043g, 0.23% Glue 0.117g, 0.65%
4	Keip series Product ID EC-HC0706 Dimensions 8oz, 90 x 90mm		Total product weight 12.9g Inner wall paperboard 310gsm, 8.6g, 66.67% final product Outer wall paperboard 210gsm, 4.18g, 32.4% final product Ink 0.03g, 0.23% Glue 0.09g, 0.7% final product
5	Keip series Product ID EC-HC0707 Dimensions 12oz, 90 x 110mm		Total product weight 15.5g Inner wall paperboard 310gsm, 10.3g, 66.45% final product Outer wall paperboard 210gsm, 5.07g, 32.71% final product Ink 0.036g, 0.23% Glue 0.094g, 0.61% final product
6	Keip series Product ID EC-HC0708 Dimensions 16oz, 90 x 135mm		Total product weight 18.6g Inner wall paperboard 310gsm, 12.2g, 65.59% Outer wall paperboard 210gsm, 6.24g, 33.55% Ink 0.043g, 0.23% Glue 0.117g, 0.65%
7	Greener Schooner Product ID EC-DC425D Dimensions 425ml, 115 x 90mm		Total product weight 13.16g Inner wall paperboard 310gsm, 10.5g, 79.78% Outer wall paperboard 210gsm, 2.55g, 19.38% Ink 0.03g, 0.23% Glue 0.08g, 0.61%
<p><u>CoRe cups – Single wall paper cup (Optus Stadium single wall wine cups)</u></p> <p>Product description – Paperboard and ink</p> <p>Manufacturer - PT Glopac Indonesia Newton Technopark II Jati5 Blok J4 No. 3 17550 BEKASI WEST JAVA, INDONESIA</p>			

1	<p>Wine Paper Cup</p> <p>Dog Series, Keip Series, Greener Schooner, Greener Vino, Dispenser Cup</p> <p>Product ID SP. SP.EC-DC200.PFF</p> <p>Dimensions</p> <p>200ml, 90 x 82mm</p>		<p>Total product weight 7.60g</p> <p>Inner cup made of paperboard 310gsm, 7.577g, 99.7% final product</p> <p>Ink 0.023g, 0.3%</p>
<p><u>CoRe cups – Double wall paper beer cup (Optus Stadium double wall beer cups)</u></p> <p>Product description – Paperboard, ink and glue</p> <p>Manufacturer - PT Glopac Indonesia Newton Technopark II Jati5 Blok J4 No. 3 17550 BEKASI WEST JAVA, INDONESIA</p>			
1	<p>Beer Paper Cup</p> <p>Dog Series, Keip Series, Greener Schooner, Greener Vino, Dispenser Cup</p> <p>Product ID SP.EC-DC425.PFF</p> <p>Dimensions</p> <p>425ml, 115 x 90mm</p>		<p>Total product weight 13.16g</p> <p>Inner cup made of paperboard 310gsm, 10.5g, 79.78% final product</p> <p>Outer wall made of paperboard 210gsm, 2.55g, 19.38%</p> <p>Ink 0.03g, 0.23%</p> <p>Glue 0.08g, 0.61%</p>