



## EXEMPTION NOTICE

<b>Exemption number</b>	SUP0052/2022/1
<b>Issued under</b>	Regulation 20(1)
<b>Exemption type</b>	Company
<b>Exemption holder</b>	Huhtamaki Packaging Pty Ltd
<b>ACN</b>	43 003 122 843
<b>Registered business address</b>	120 Mileham Street SOUTH WINDSOR NSW 2756
<b>DWER file number</b>	DWERVT9714~55
<b>Date of issue</b>	18May 2023
<b>Duration</b>	18May 2023 to 1 October 2023

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

Prescribed plastic items	Specified exempt circumstance	Exemption reason
PLA coated paper cups for cold beverage service and PLA coated bowls for food service. All products have been certified to the European Industrial compostability standard EN13432.	The supply of a prescribed plastic items 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 SUP0083/2023/1.

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.

**Daniel Nevin**  
**EXECUTIVE DIRECTOR**  
**STRATEGIC POLICY**

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

18 May 2023

## 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 September 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
bowl	has the same meaning given to that term in the regulations
CEO	means Chief Executive Officer of the Department of Water and Environmental Regulation.  “submit to / notify the CEO” (or similar), means either:  Director General Department administering the Environmental Protection Act 1986 Locked Bag 10 Joondalup DC WA 6919  or:  plastic-action@dwer.wa.gov.au
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 Packaging Pty Ltd. ACN 43 003 122 843.
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	Main components
1	11oz Paper Bowl printed up to 100%		PLA coated paper – 280 gsm paper + 18.75 gsm PLA coating for the sidewall of the cup. 210 gsm paper and 31.25 gsm PLA coating for the base of the cup.  11.32 gram total paper weight
2	12oz Cold Cup printed up to 100%		PLA coated paper – 280 gsm paper + 18.75 gsm PLA coating for the sidewall of the cup. 210 gsm paper and 31.25 gsm PLA coating for the base of the cup.  10.06 gram total paper weight
3	16oz Cold Cup printed up to 100%		PLA coated paper – 280 gsm paper + 18.75 gsm PLA coating for the sidewall of the cup. 210 gsm paper and 31.25 gsm PLA coating for the base of the cup.  13.21 gram total paper weight
4	20oz Cold Cup printed up to 100%		PLA coated paper – 280 gsm paper + 18.75 gsm PLA coating for the sidewall of the cup. 210 gsm paper and 31.25 gsm PLA coating for the base of the cup.  15.27 gram total paper weight