



Procedure

Title:	Applying for a single use plastic exemption
Subtitle:	Exemptions under the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018
Published:	July 2022

1. Purpose

This procedure provides guidance on how to apply for an exemption to the ban on the supply of certain prescribed plastic items and prescribed drinking straws under regulation 20 of the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018.

The procedure includes information that the Department of Water and Environmental Regulation (the department) requires to assess an exemption application and how the application can be submitted.

2. Legislation

The Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018 (Regulations) prohibit the sale and supply of prescribed plastic items and prescribed drinking straws and the release of helium balloons.

Under the Regulations, the Chief Executive Officer (CEO) can provide an exemption to a person or class of persons for a prescribed plastic item (r20(1)) or prescribed drinking straw (r20(2)), for a specified kind or in specified circumstances, or both, where the CEO considers that it is reasonably necessary to do so.

3. How we assess exemption applications

The intent of the Regulations is to remove prohibited plastic items and products from circulation in Western Australia to prevent them becoming waste or litter. The CEO will only consider applications for an exemption where *“it is reasonably necessary to do so”* and when granting an exemption will not undermine the intent of the Regulations.

To meet the goals of Western Australia’s Plan for Plastics, the department will use the [Single-use plastics exemption application considerations](#) to guide decisions on



exemption applications. These considerations provide for circumstances where the continued supply of banned items may be required such as to:

- deliver a public health program
- provide public or workplace safety and security
- meet the service needs of those with a disability
- provide a transitional supply for products awaiting the outcomes of certification to Australian Standard AS4736:2006 or AS5810
- address the inability of businesses to access compliant products due to short term supply chain issues.

Note: Applications for exemptions to enable the continued supply of excess or left-over prohibited items after the enforcement provisions for those items commence, will not be considered. Clearing excess stock of banned items is not a valid exemption consideration.

Please see the [Single-use plastics exemption application considerations](#) for more information about how applications are considered.

4. How to complete your application

The following information is provided to assist applicants to complete their application. The department strongly encourages applicants to contact the department using the details below before submitting an application:

Phone: (08) 6364 7000 (to reach reception) and ask for the Priority Materials Team

Email: plastic-exemptions@dwer.wa.gov.au

The information provided to you by the department in relation to making an application does not constitute legal advice. The department recommends that you obtain independent legal advice, where required.

Applications must be made using the online form provided. Applications must be completed in full and must include all necessary attachments and evidence to support your claims. Applications that are incomplete or incorrect will not be considered. If you have any questions about the application requirements, please contact the department using the details above.

Part 1: Applicant details

To apply for an exemption the applicant must be an individual(s), a company, body corporate, or public authority. **The applicant cannot be a partnership, trust or joint-venture name.** Applications made by or on behalf of business names or unincorporated associations will not be considered.

If applying as an individual, your full legal name must be provided.

If applying as a company, body corporate, or public authority, the full legal entity name must be inserted.



Australian company numbers must be provided for all companies or bodies corporate. A current Australian Securities and Investments Commission (ASIC) information extract is used to verify the information provided in the application and demonstrate current legal status.

Companies or bodies corporate making an application must nominate an authorised representative from within their organisation. If the authorised representative is not a company or body corporate director, then evidence of authorisation must be submitted with the application.

A contact person must be provided for enquiries in relation to your application. This contact person can be a consultant if authorised to represent the applicant. Written evidence of this authorisation must be provided.

Part 2: Exemption request details

Application type

Part 2 of the application form requires the applicant to select the prescribed plastic item(s) for which the exemption is being sought and the reason for the exemption.

Where multiple types of prescribed plastic items are being sought for exemption and the reason for the exemption is the same, all prescribed items can be captured in one application.

However, where there are multiple types of prescribed plastic items and the reasons for exemption are not the same, a separate application (or applications) should be submitted for each exemption reason.

List of application items

[Attachment 2A](#) is to be downloaded and completed before submitting the application form. This document requires the applicant to list and detail each product they are seeking exemption for in their application. This includes the product and brand name, ingredients of each product, the source of the product (manufacturer or supplier details), how many items are intended to be supplied during the requested exemption period and who the supply is to (for suppliers and manufacturers). This information allows the department to identify the items subject to the exemption application.

Applicants can use their own Word or Excel spreadsheets to compile the required information as long as the headings used and detail requested remain the same. The file should be labelled as Attachment 2A.

Detailed information to support the application

The applicant must detail the reasons for the exemption being sought and to present the case for consideration. The requested information is critical to the department's understanding of the need for the exemption.

Accurate, specific, and complete information will assist in the timely assessment of your application.



Where multiple prescribed plastic items are being sought for exemption in one application, please address each item under separate headings.

The information provided should consider how the exemption application relates to the items listed in the table of [Exemption Application Considerations](#). These are the key considerations that will inform the department's determination of exemption applications.

Information presented as part of the application for exemption should also include, but not be limited to:

- the current use and application of the item for which the exemption is sought (including specific settings where it is used – e.g. hospital, hospice, detention facilities etc)
- research undertaken to identify available non-plastic alternatives and evidence to demonstrate that non-plastic alternatives are not currently available, or not suitable for the specified use
- information relating to any public health, safety, clinical or medical needs, social welfare or equity considerations.

This information should be completed in the text field provided in the application form.

Evidence to support the application

Evidence to support the reasons for the exemption must be uploaded.

1. Exemption applications for the following reasons must upload supporting evidence in the appropriate section of the online form:
 - Health and/or hygiene requirements
 - Safety and/or security requirements
 - Clinical and/or medical need
 - Disability service need.
2. Exemption applications for paperboard bowls, cups and food containers to allow time for the receipt of certification under the Australian Standards 4736:2006 or 5810:2010 for composting must provide evidence of an existing composting certification (European Certification EN13432 or TUV OK Home compost) and the submission of an application for Australian certification. These documents are required to be uploaded in the appropriate section of the online form.
3. Exemption applications for unavoidable supply chain issues must provide evidence from the relevant supplier or manufacturer. This can be a letter or email on company letterhead. These documents are required to be uploaded in the appropriate section of the online form.



Phase-out plan

Exemption applications for unavoidable supply chain issues must provide a phase-out plan to demonstrate action being undertaken to move to non-plastic alternatives, including the following information:

- a timetable of proposed action to move to a non-banned alternative
- a process to measure and report on progress and to identify areas where delays may occur.

This information should be completed in the text field provided in the application form.

Part 3: Commercially sensitive and confidential information

Information submitted as part of an application for exemption may be made publicly available.

If you wish to submit commercially sensitive or confidential information, please identify the information in the application, and include details of the reasons why you request each item of information be kept confidential.

Please note that all submitted information may be the subject of an application under the *Freedom of Information Act 1992*.

Part 4: Declaration and signature

An application is considered complete once all relevant sections of the form have been completed, and the declaration has been signed by the authorised person.

The application may be signed by the following person(s):

- if the applicant is a sole trader/ individual, by the individual
- if the applicant is a corporation, by:
 - the common seal being affixed in accordance with the *Corporations Act 2001* (Cth)
 - a company director listed in the ASIC company extract or their authorised representative
- if a proprietary company has a sole director who is also the sole company secretary, by that director
- by a person with legal authority to sign on behalf of the applicant.

Part 5: Submission

Applications are to be made using the online [Single-use plastics exemption form](#).



Please note that incomplete applications will not be considered, and the online form will not submit successfully if the form is incomplete.

Confirmation of a successfully submitted form will be sent automatically to the email address provided in the online form.

If you have trouble accessing or completing the online form, please contact the department using the details below.

Need help?

If you need help to complete your application or have any questions relating to the assessment process, please email us on plastic-exemptions@dwer.wa.gov.au, or phone 6364 7000 and ask for the Priority Materials Team.

Related documents

Non-department documents	
Author	Title
WA State Parliament	Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018

Department documents	
Author	Title
Strategic policy	Policy: Western Australia's Plan for Plastics
Strategic Policy	Table: Exemption Application Considerations
Strategic Policy	Application Form: Single use Plastics Exemption

Custodian and review

Document details	
Lead group (custodian)	Infrastructure and Value Chains, Priority Materials
Current version	3
Corporate file number	DWERVT9693