



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

Environment Protection Act 2017

As the Minister responsible for the **Environment Protection Act 2017**, I give notice under section 12 of the **Subordinate Legislation Act 1994** (the Act) that, further to public consultation on a Regulatory Impact Statement (RIS), I have decided to recommend the making of the proposed Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022 (proposed Regulations).

The RIS and a draft of the proposed Regulations were advertised for public comment.

I hereby give notice of the decision to make the proposed Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022.

After consideration of the submissions, I have decided that the proposed Regulations should be made, with amendments to the drafts of the proposed Regulations that were released for public comment. Key information about the proposed Regulations is outlined below:

- a. The objective of the proposed Regulations is to reduce the overall use of certain single-use plastic items by removing them from the supply chain and Victorian economy.
- b. 52 submissions and over 1,600 responses to the online survey were received and have been considered in accordance with section 11(3) of the Act.
- c. The proposed Regulations will introduce a ban on single-use plastic drinking straws, plates, cutlery, drink stirrers, expanded polystyrene food and drink containers, and cotton bud sticks in Victoria from 1 February 2023.
- d. The proposed Regulations also introduce offences for the sale, supply, distribution or provision of these banned items, and the provision of false or misleading information on the composition of those items.
- e. The analysis quantified a positive Benefit Cost Ratio of 6.51 and Net Present Value of \$13.04 million over 10 years. Benefits covered, but not quantified in monetary terms, include reducing the impact of plastics on the environment and human health; improved tourism through greater amenity; and reducing contamination of recycling.
- f. The draft Regulations and RIS were released for public consultation on 14 April 2022 and closed on 15 May 2022.
- g. Stakeholders were invited to provide feedback on a survey or by written submission.

After careful consideration of submissions, survey responses and other feedback received as part of consultation, the following changes have been made to the final proposed Regulations:

- a. A new definition of ‘existing plastic item’ and an exemption to the offence is added to prevent pre-existing plastic items that are genuinely reusable but may not have been manufactured with the warranty or other written representation required under the ‘reusable’ definition, from becoming banned from 1 February 2023.
- b. The timebound exemption for integrated items is revised to remove reference to specific items so that the exemption will include any banned item that is integrated into packaging.
- c. The exemption for paper or cardboard plates lined with plastic has been timebound to 1 November 2024.
- d. The single-use plastic cutlery exemption is revised to more accurately reflect the settings in which it should apply, and to clarify that it is necessary for ‘the purposes of preventing any physical harm or injury’.

SPECIAL

- e. The single-use plastic straws exemption to the offence clarifies that straws must be available ‘only’ on request, and not accessible to members of the public without the assistance of a person from the business.
- f. A series of minor changes for clarification purposes.

More details on how submissions have been considered and responded to are set out in the Statement of Reasons document published on the Engage Victoria webpage and available in hard copy at the Department of Environment, Land, Water and Planning, 8 Nicholson Street, East Melbourne 3004.

After the proposed Regulations are made, they will become available for download from www.legislation.vic.gov.au The proposed Regulations will come into operation on 1 February 2023.

LILY D’AMBROSIO
Minister for Environment and Climate Action

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