

Single-use plastics ban

Exemptions

A guide to help businesses and organisations where some banned single-use plastic items will still be permitted. It explains the purpose of the exemptions, how they apply to businesses and organisations, and why some are time limited.



Plastic pollution harms our health, wildlife and environment

From 1 February 2023, the Victorian Government is banning single-use plastic drinking straws, plates, cutlery, drink stirrers, cotton bud sticks, and expanded polystyrene (EPS) food service items and drink containers.

Single-use plastics:

- make up a third of the litter we see in our environment – they are difficult and costly to clean up
- are a poor use of resources – they are often used for only a few minutes and generate significant waste that is not recyclable
- pollute the environment – harming wildlife and contaminating our food and water, this is of particular concern given the toxicity of plastic items and their ability to bioaccumulate
- can often be easily avoided or replaced with reusable products.

With less litter and waste, the risk to human health and the environment can be reduced.

Exemptions

There are exemptions where single-use plastic items can continue to be used in Victoria. These are for health and safety reasons or where suitable alternatives are not currently available.

1. Single-use plastic drinking straws for people who need them due to a disability or for medical reasons.
2. Single-use plastic cutlery used in correctional and mental health facilities to prevent physical harm or injury.
3. Single-use plastic cotton bud sticks for scientific, medical, forensic or law enforcement testing.
4. Until 1 November 2024, single-use paper or cardboard plates lined with plastic.
5. Until 1 January 2026, any single-use plastic item that is integrated into food or drink packaging (e.g. a plastic straw attached to a juice box).

Although the exemptions allow the continued use of these items, to reduce litter and waste businesses and organisations should consider avoidance and reusable items, ahead of single-use items made from alternative materials.

Businesses and organisations do not need to apply for an exemption, however single-use plastic items can only be used for the specific circumstances listed in the exemptions.

Detailed information on the exemptions is set out on the following page.



www.vic.gov.au/plastics





Single-use plastic drinking straws for individuals who require one due to a disability or for medical reasons

People who need single-use plastic drinking straws due to a disability or for a medical need can still purchase and use these items.

These individuals are referred to as a 'designated person' in the Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022 (the Regulations).

To make single-use plastic straws available for a designated person:

- any business or organisation is permitted to purchase and provide them
- any retailer can sell them to a designated person, or a person or entity purchasing them on their behalf.

In both circumstances, single-use plastic drinking straws can only be provided on request.

A business or organisation which sells, supplies, distributes or provides single-use plastic drinking straws for a designated person (or a person acting on their behalf) must reasonably believe that the straw is for a designated person, or a person or entity acting on behalf of a designated person.

The business or organisation should know:

- single-use plastic drinking straws must not be accessible to members of the public e.g. they could be stored in a locked glass display case or on a shelf behind the checkout counter
- the purchaser or user is not required to prove medical need or disability
- some people may choose to carry a medical letter to help them request a straw, but this is not required
- users may have a visual or a hearing impairment, impaired speech, learning disability or communication support need, which may make requesting a straw more challenging.

When a single-use plastic drinking straw is sold, supplied or provided in accordance with the Regulations, the penalties for supplying a banned item do not apply.

Reusable straws, alongside straws made from other types of materials, such as paper or wheat, can continue to be used. There are no restrictions on how straws made from other materials can be stored, displayed and provided to customers. Drinking straws do not include specialised medical straws – such as those with a built in valve to control the direction and intake of fluids.



Single-use plastic drinking straws that bend, are flexible and can be positioned. These straws are an accessibility aid for many people who rely on them to eat and drink independently. They enable independent living, social inclusion and equal participation. Other options such as paper or reusable straws are not always suitable or safe. Some people may require short term use of a single-use plastic straw, such as after a medical procedure that impacts their jaw or spine, and where items made from alternative materials – including reusable items, do not provide the necessary characteristics for ease of use.

Businesses and organisations that are selling, supplying or providing single-use plastic straws should follow the below advice:

Setting

Aged care, disability support, hospitals and other health care organisations

Additional advice

- A doctor, nurse, other medical expert, or carer can provide a single-use plastic straw to a designated person in their care. This is considered as acting on behalf of an individual who requires one.
- Single-use plastic straws must not be freely accessible to the public, patients, people in care, or used in staff rooms.
- Any onsite food and drink venues, and retailers, including pharmacies, must follow the same requirements as outlined for hospitality and food service businesses, and retailers.

Setting

Hospitality and food service businesses, such as restaurants, canteens, bars, pubs, cafes, markets and food trucks, vehicles or fixed and mobile stalls.

Additional advice

- Only provide a single-use plastic straw if requested.
- Keep single-use plastic straws in a place where customers cannot help themselves (for example, under a bar or café counter).
- Penalties do not apply for providing a straw to someone who requests one, if there is reasonable belief that the person requesting the straw is a designated person or acting on behalf of a designated person.

Setting

Any retail business or organisation, including charities, pharmacies, and not for profit organisation

Additional advice

- Keep single-use plastic straws in a place which is not accessible to customers, clients, or the general public without the assistance of a staff member, such as behind the counter.
- Only provide a single-use plastic straw if requested.
- Online retail stores must also adhere to the Regulations. Online retailers can make it known that single-use plastic straws are available, for example, by including them in a list of products on their website.
- Designated persons should have to specifically search for single-use plastic straws to find them in the online store.

Setting

Suppliers, wholesalers and distributors

Additional advice

- Single-use plastic straws intended to be used for an individual who requires one due to a disability or medical need can continue to be sold to businesses and organisations. These restricted circumstances should be noted in product information or advertising to prevent unintended or non-permitted requests for single-use plastic straws.
- When selling exempt items, suppliers, wholesalers and distributors should confirm that items are to be used under an exemption and in line with the Regulations.



Single-use plastic cutlery used or intended to be used by a mental health service provider or premises, or correctional, police or youth justice facility for the purposes of preventing any physical harm or injury.

This exemption for single-use plastic cutlery has been provided as cutlery made from alternative materials, and reusable items, can pose greater security and safety risks in some settings.

A service provider or facility can use this targeted exemption where it is deemed that reusable cutlery or disposable cutlery made from alternative materials (such as wood or bamboo) would create a risk of physical harm or injury.

According to the Mental health Act 2014, a mental health service provider or premises includes

- Designated mental health service:
 - Public hospital
 - Premises occupied by a public hospital
 - Public health service
 - Denominational hospital
 - Premises occupied by a denominational hospital
 - Privately operated hospital
 - Premises occupied by a privately operated hospital
 - Private hospital
 - Victorian Institute of Forensic Mental Health
 - The Victorian Collaborative Centre for Mental Health and Wellbeing
- Publicly funded mental health community support service
- Mental health service provider in which residential services and 24 hour nursing care is provided for persons who have mental illness
- Prescribed mental health service provider or prescribed class of mental health service

providers in which residential care is provided for persons who have mental illness

- Residential treatment facility (within the meaning of the Disability Act 2006).

According to the Corrections Act 1986; Children, Youth and Families Act 2005; and Serious Offenders Act 2018, a correctional, police or youth justice facility includes

- community corrections centre
- police gaol
- prison
- remand centre
- youth justice centre
- any other facility, place or premises at which a person may be detained or held in custody according to law
- any other facility, place or premises at which an offender is required to attend under a correctional order.



Single-use plastic cotton bud sticks for testing carried out for scientific, medical, forensic or law enforcement purposes

Cotton bud sticks for scientific, medical, forensic or law enforcement testing are not included in the ban. This is due to the stable nature of plastic which allows a sample to be collected, transported or tested without becoming contaminated or deteriorating. This exemption allows plastic cotton bud sticks to be used for:

- polymerase chain reaction (PCR) and at-home rapid antigen tests
- medical purposes, including in veterinary clinics, where required for testing.

The exemption does not permit plastic cotton bud sticks being used for purposes not related to testing, such as the application of ointments, or for beauty purposes. There are alternative items and materials available for these purposes.



Plastic lined paper plates

Some paper or cardboard plates have a plastic lining – such as laminate or other thin film, to prevent inks and dyes from contaminating food.

Paper or cardboard plates with a plastic lining, regardless of whether the lining is made from conventional or compostable plastic, will be banned from sale and supply in Victoria from 1 November 2024.

Alternative products that do not contain plastic are currently in development and are becoming more widely available.

The delayed commencement of the ban for these items provides time for the industry and the community to transition to alternative non-plastic products. To support national consistency this date is aligned with similar rules in NSW.

The Victorian Government will work with businesses involved in the plastic lined paper plate supply chain to monitor and support this transition.



Items attached to or integrated into packaging

Integrated items are items that are included in, or attached to, packaging material by a machine, such as a straw attached to a juice box, or spoon in a yoghurt tub. Any of the single-use plastic items that are included in pre-packaged products used for food or beverages are exempt until 1 January 2026.

These items can continue to be sold or supplied when they are included within food and drink packaging until 1 January 2026. This delay will give businesses time to remove or replace these items from food and drink packaging and aligns with timeframes for integrated items to be banned in other Australian jurisdictions.

This exemption applies to items that are pre-packaged by a machine, and are not designed to be removed from the packaging or container before being supplied to the customer.

Single-use plastic items that are not packaged by a machine, for example, a staff member placing cutlery with a salad in a paper bag, are not considered to be integrated items and are banned from 1 February 2023.

Support and advice

More information

The Victorian Government has developed a website, information, resources and translated materials to assist businesses and organisations to understand the ban.



Website & materials

www.vic.gov.au/plastics
Regulations are available [here](#)



Tollfree hotline

1800 844 946



Email

sustainability@nra.net.au

The Victorian Government has engaged the National Retail Association (NRA) to support businesses to prepare for the ban, including stores visits, information sessions, and providing a tollfree hotline

Reusable signage and support

Sustainability Victoria is providing store visits, information and resources to help your business and customers make the switch to reusables.

More information:

www.sustainability.vic.gov.au/plastics

Free information sessions

Free information sessions are being held online every Friday at 11am from October 2022 until February 2023.

These sessions are designed for all businesses (of any size or type) to 'pop in', ask questions, receive practical advice, and see what other businesses are doing.

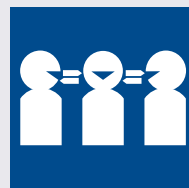
Register for a session [here](#) or scan the QR code.

Support for non-business / individuals

Non-business organisations and members of the public are also encouraged to use the resources on the [website](#).

If you wish to contact the Victorian Government about the ban, please email:

SUP.policy@delwp.vic.gov.au



If you need assistance with translating and interpreting, please contact Translating and Interpreting Service (TIS) on 131 450 or visit www.tisnational.gov.au

FAQ

Who do the regulations apply to?

The Regulations apply to businesses and undertakings, and any person who owns, manages or has substantial control over the business or undertaking, not employees.

It is the responsibility of all Victorian businesses and undertakings to comply with the Regulations and not sell, supply, distribute or provide certain single-use plastic items, including to patrons or customers.

A business or undertaking can be a company; not-for-profit, government, sports club, school, unincorporated body or association, incorporated entity, sole trader, self-employed person, and partners of a partnership.

Key sectors include:

- Retail and hospitality businesses, such as cafes, bars, restaurants, hotels, takeaway food outlets, party stores, discount stores, supermarkets, market stalls, festivals, events, and online stores.
- Suppliers, such as manufacturers, distributors, importers, wholesalers, and online marketplaces.
- Other businesses, organisations and non-for-profits, such as health and community services, hospitals, charities, community groups, sporting clubs, child care centres, schools, and government bodies.

As defined in the Environment Protection Act 2017, a person conducts a business or undertaking—

- (a) whether or not the business or undertaking is conducted for profit or gain; and
- (b) whether or not the business or undertaking is conducted by a government or public authority (however described).

Undertakings are described as 'organisations' in this document.

What can be used instead of the banned single-use plastics?

Avoid single-use items where possible and choose reusable alternatives instead.

If you cannot avoid single-use, then consider items made from non-plastic materials such as responsibly sourced paper, wood or bamboo.

The [Sustainability Victoria website](#) has more information and resources on how your business can avoid single-use plastics and make the switch to reusables.

Do I need to apply for an exemption?

Businesses and organisations that are using single-use plastic items in line with exemptions outlined in the Regulations do not need to apply for an exemption.

Do the exemptions allow facility-wide use of single-use plastic items?

No. Banned single-use plastic items must only be used in the specific circumstances outlined in the exemptions. This does not allow businesses or organisations to use these items across the whole business or undertaking. For example, a hospital can only use single-use plastic drinking straws for individuals who require one due to a disability or for a medical reason.



www.vic.gov.au/plastics

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