



Australian Capital Territory

# **Circular Economy Regulation 2023**

**SL2023-27**

made under the

**Circular Economy Act 2023**

**Republication No 1**

**Effective: 10 November 2023**

Republication date: 10 November 2023

Regulation not amended

Not all provisions are in force: see last endnote

## About this republication

### The republished law

This is a republication of the *Circular Economy Regulation 2023*, made under the *Circular Economy Act 2023* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 10 November 2023. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

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Australian Capital Territory

# Circular Economy Regulation 2023

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made under the

**Circular Economy Act 2023**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Circular Economy Regulation 2023*.

### 2 Commencement

- (1) This regulation (other than part 3 and schedule 1) commences on the day the *Circular Economy Act 2023*, section 3 commences.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Part 3 and schedule 1 commence on 1 January 2024.

### 3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

## Part 2 Prohibited products

### 4 Prescribed single-use plastic product—Act, s 13 (1), def *prohibited plastic product*, par (a) (i)

- (1) The following are prescribed:
- (a) a single-use expanded polystyrene container for serving food or a beverage;
  - (b) a single-use expanded polystyrene tray used for packaging perishable food for retail sale;
  - (c) single-use expanded polystyrene loose-fill packaging;  
**Example**  
packing peanuts used to protect products during transportation
  - (d) a single-use plastic plate;
  - (e) a single-use plastic bowl, other than a bowl designed or intended to have a spill-proof lid;
  - (f) a single-use plastic beverage stirrer;
  - (g) single-use plastic cutlery;
  - (h) a single-use plastic shopping bag;
  - (i) a single-use plastic drinking straw;
  - (j) a cotton bud with a single-use plastic stick or stem;
  - (k) single-use plastic microbeads contained in a rinse-off product.

*Note* Subsection (1) does not apply to a single-use plastic product that is an integrated packaging item, eg a straw attached to a juice box (see [Act](#), s 13 (1), def *prohibited plastic product*, par (b)).

(2) In this section:

***barrier bag*** means a bag used to carry unpackaged perishable food, including fruit, vegetables, meat and fish.

***cutlery*** means utensils used for consuming food and includes a spork, splade and chopsticks.

***plastic microbead*** means a plastic particle less than 5mm wide.

***rinse-off product*** means a liquid product that is—

- (a) used for cleaning or personal care; and
- (b) designed or intended to be rinsed off immediately or shortly after use.

**Examples—rinse-off product**

- 1 shampoo and conditioner
- 2 face masks and face wash, including exfoliants
- 3 hair dye, whether permanent, semi-permanent or otherwise
- 4 toothpaste
- 5 body wash products, including exfoliants

***single-use plastic shopping bag***—

- (a) means a bag that is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; but
- (b) does not include—
  - (i) a barrier bag; or
  - (ii) a compostable plastic bag.



**5 Prescribed non-compostable degradable plastic product—Act, s 13 (1), def *prohibited plastic product*, par (a) (ii)**

- (1) A product made of oxo-degradable plastic is prescribed.
- (2) In this section:

*non-compostable*—see the [Act](#), section 13 (2).

*oxo-degradable plastic* means a plastic that contains 1 or more additives to accelerate fragmentation.

**U** Part 3 Amendments

**U** 6 Legislation amended—sch 1

This regulation amends the legislation mentioned in schedule 1.

## **U** Schedule 1      **Circular Economy Regulation 2023—Amendments**

(see s 6)

### **U** [1.1]      **Section 4 (2), new definition of *plastic retail carry bag***

*insert*

***plastic retail carry bag*** means a bag with handles that is—

- (a) made, in whole or in part, of plastic; and
- (b) used for carrying goods purchased from a retailer.

**Example—made partly of plastic**

a bag made of plastic-laminated paper or cardboard

### **U** [1.2]      **Section 4 (2), definition of *single-use plastic shopping bag***

*substitute*

***single-use plastic shopping bag***—

- (a) means—
  - (i) a bag that is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; or
  - (ii) a plastic retail carry bag; but
- (b) does not include—
  - (i) a barrier bag; or
  - (ii) a compostable plastic bag; or
  - (iii) an unsealed bag that is the packaging in which perishable food is offered for sale; or

- (iv) a carry bag that is made, in whole or in part, of 1 or more of the following fabrics:
  - (A) nylon;
  - (B) polyester;
  - (C) woven polypropylene;
  - (D) non-woven polypropylene if the bag has sewn, rather than heat-welded, seams and the fabric has a minimum weight of 90g/m<sup>2</sup> measured as a single layer of fabric.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Circular Economy Regulation 2023 SL2023-27**

notified LR 9 November 2023

s 1, s 2 commenced 9 November 2023 (LA s 75 (1))

pt 3, sch 1 awaiting commencement

remainder commenced 10 November 2023 (LA s 73 (3))

### 4 Uncommenced provisions

Pt 3 and sch 1 were uncommenced at the republication date but have been included in this republication with the symbol U immediately before the provision headings.

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