

# Prescribed food container and lid

## How to decide if this plastic product is banned

Issued July 2024

*EPA 1158/24:* The Environment Protection Authority (EPA) has developed a series of guides to assist business, industry, and community in determining whether a product is prohibited under the *Single-Use and Other Plastic (Waste Avoidance) Act 2020*. These documents serve as guidance tools, offering a structured pathway to help users assess the compliance status of various products.

## Introduction

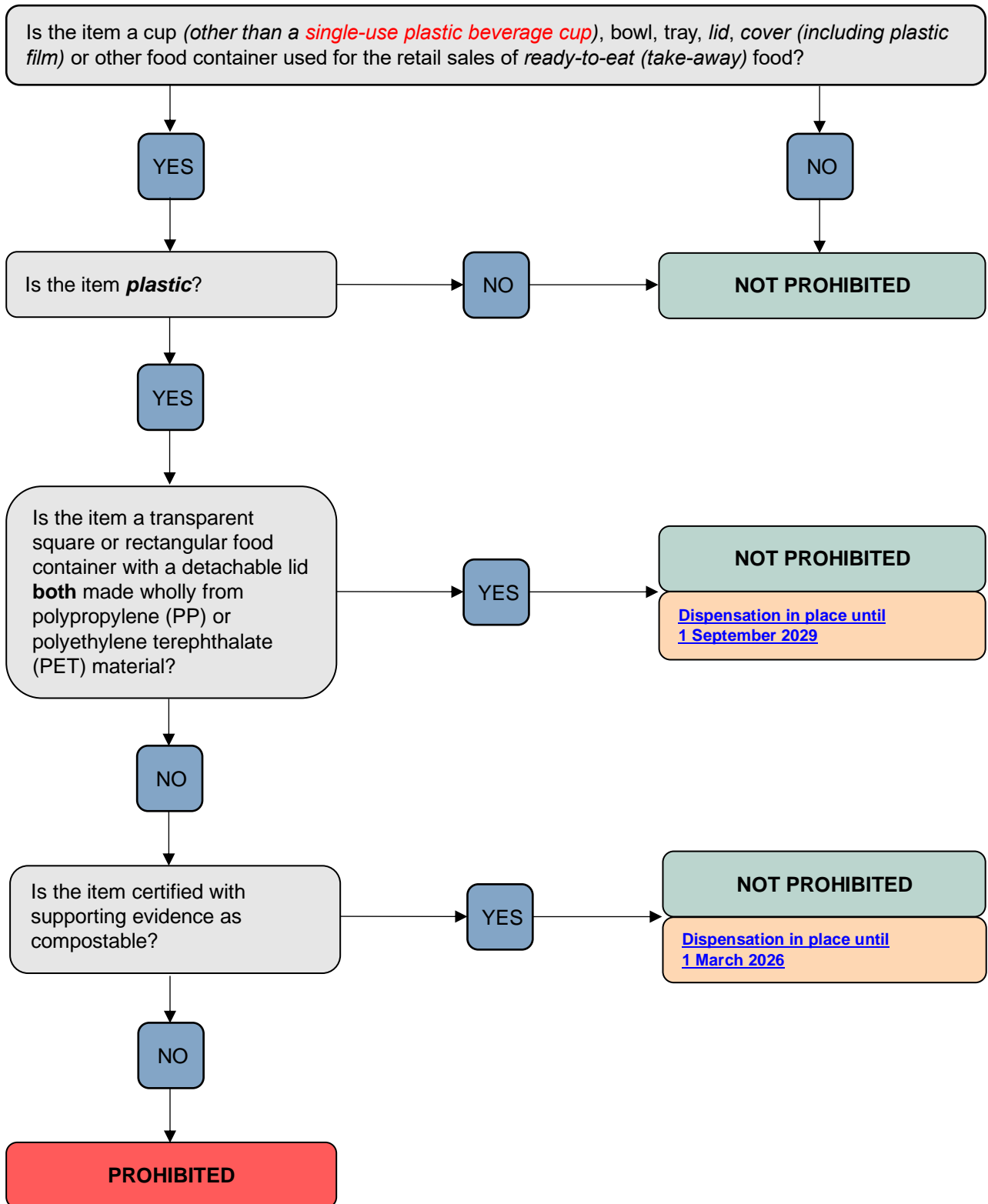
From 1 September 2024, the ban on single-use plastics will include plastic balloon sticks and ties, plastic food bag tags, plastic barrier bags and shopping bags, plastic confetti, single-use plastic beverage cups and lids and prescribed food containers and lids.

In this guideline, users can follow the step-by-step questions provided on the next page to understand if a product falls under the prohibition. To navigate the document, users should follow the flow of questions and branches that lead to potential outcomes based on their specific product scenarios. However, it is important to note that the results derived from these documents are to assist people to understand if a particular product is prohibited. It is not to be considered as legal advice.

If you have further questions about if a product is prohibited, please contact the EPA at [EPASUPteam@sa.gov.au](mailto:EPASUPteam@sa.gov.au).

If you would like information regarding reusable or compostable alternatives to plastic products, please visit [Replace the Waste](#) website.

## Prescribed food container and lid



## Legislated definitions

**Plastic** means a material made from, or comprising, organic polymers, whether plant extracts or of fossil fuel origin. Note this definition includes 'alternative' plastics such as compostable and a specific exemption must be in the legislation if this alternative is permitted to be used for this item.

**Plastic product** means a product comprised, in whole or in part, of plastic.

**Home compostable**, in relation to a plastic product, means that the product complies with AS 5810-2010.

**Industrially compostable**, in relation to a plastic product, means that the product complies with AS 4736-2006.

**Charitable organisation** means an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

**Prescribed food container lid** means a single-use plastic lid or cover designed or intended to be fitted onto a prescribed food container (whether separate or attached to the container) and includes plastic film intended to seal the top of a prescribed food container.

**Ready-to-eat food** means food that is prepared or packaged on retail premises at the request or order of a customer or prepared fresh and pre-packaged on the day, or shortly before the day, on which it is intended to be offered for retail sale, and is ready to be eaten without further cooking, heating, defrosting, washing or other preparation and is ordinarily intended to be eaten at the site of sale or shortly after at another place.

**Catering platter** means a food container that is designed or intended to be used to contain multiple serves of food for the purposes of catering at a function or event, and includes any lid for the container (whether separate or attached to the container).

## Legislation

***Single-use and Other Plastic Products (Waste Avoidance) Regulations 2021*** under *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*

3A Definition of prohibited plastic product (section 6(1)(h) of Act)—inclusions

**Prescribed food container** means a single-use plastic food container, including a cup (other than a single-use plastic beverage cup), bowl, tray or other food container, whether or not it has, or is designed or intended to have, a lid (whether separate or attached) that is used—

- (a) for the retail sale of ready-to-eat food; or
- (b) to hold a condiment that is—
  - (i) provided to be used with ready-to-eat food; and
  - (ii) packaged in the container on the retail premises at which the ready-to-eat food is sold,
 but does not include—
- (c) an expanded polystyrene cup, bowl, plate or clamshell container; or

**Note—**

See section 6(1) of the Act.

- (d) an expanded polystyrene food or beverage container or an expanded polystyrene food tray; or
- (e) a single-use plastic catering platter; or
- (f) a single-use plastic food container that is certified as compostable; or
- (g) before 1 September 2029—a single-use plastic food container comprised of a transparent square or rectangular food container with a detachable transparent lid, both of which are made wholly from polypropylene or polyethylene terephthalate.

**Prescribed food container lid** means a single-use plastic lid or cover designed or intended to be fitted onto a prescribed food container (whether separate or attached to the container) and includes plastic film intended to seal the top of a prescribed food container, but does not include—

- (a) a paper or cardboard lid lined or coated with plastic that is designed or intended to be used with an aluminium foil food container used for ready-to-eat food; or
- (b) a single-use plastic lid that is certified as compostable.

**Ready-to-eat food** means food that is—

- (a) prepared or packaged on retail premises at the request or order of a customer; or
- (b) prepared fresh and pre-packaged on the day, or shortly before the day, on which it is intended to be offered for retail sale,

and is ready to be eaten without further cooking, heating, defrosting, washing or other preparation and is ordinarily intended to be eaten at the site of sale or shortly after at another place.

**Relevant food or beverage product** means a food or beverage product that is pre-packaged as a single-serve prior to its sale, supply or distribution to a retailer for retail sale or supply and is ready for—

- (a) immediate consumption; or
- (b) consumption after cooling or heating the food or beverage.

(2) For the purposes of these regulations, a plastic product is certified as compostable if—

- (a) —
  - (i) the plastic product has been assessed and tested by an authorised certifier and the authorised certifier has issued a certificate verifying that the product complies with AS 4736-2006 or AS 5810-2010; and
  - (ii) the certificate's period of validity has not expired; or

- (b) until the determination date—the plastic product is the subject of an application for its certification in accordance with AS 4736-2006 or AS 5810-2010 that is made to an authorised certifier before 1 March 2026, but has not been determined before that date (and, in the case of a plastic shopping bag or a plastic barrier bag, the labelling requirements in paragraph (f) of the definition of plastic shopping bag or paragraphs (c) and (d) of the definition of plastic barrier bag (as the case requires) do not apply until the determination date); or
- (c) until 1 March 2026 (other than in the case of a plastic shopping bag or a plastic barrier bag)—the plastic product has, before that date—
  - (i) a current and valid certification in accordance with—
    - (A) ASTM D6400-23 (Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities); or
    - (B) EN 13432 (Packaging—Requirements for packaging recoverable through composting and biodegradation—Test scheme and evaluation criteria for the final acceptance of packaging); or
  - (ii) a current and valid TUV OK compost INDUSTRIAL or TUV OK compost HOME certification.
- (3) For the purposes of subregulation (2), the determination date, in respect of a plastic product, is the date on which the application for the product's certification in accordance with AS 4736-2006 or AS 5810-2010 is determined, withdrawn or otherwise finalised.
- (4) For the purposes of the definition of authorised certifier, the Minister may, by notice in the Gazette—
  - (a) approve a person as an authorised certifier for the purposes of these regulations; or
  - (b) revoke an approval under paragraph (a).

## Exemptions

Nil

## Disclaimer

The criteria and approach in this document are provided for information and guidance only. It is not definitive, and is not legal or regulatory advice. The EPA reserves the right to use its discretion to determine whether an item is banned and to take regulatory action. You may wish to obtain your own advice if you are unsure whether your item is prohibited.

## Further information

### Legislation

[Online legislation](#) is freely available.

### General information

Environment Protection Authority

GPO Box 2607

Adelaide SA 5001

Telephone: (08) 8204 2004

Website: <https://www.epa.sa.gov.au>

Email: [EPASUPteam@sa.gov.au](mailto:EPASUPteam@sa.gov.au)