



New South Wales

Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other plastic products that are harmful to the environment,
- (b) to establish a Plastics Reduction Commission (the *Commission*),
- (c) to require the Commission to develop reports and liaise with industry and government to plan for measures to meet specified plastics elimination targets.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 3 months after the date of assent to the proposed Act unless commenced sooner by proclamation.

Schedule 1 Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58

Schedule 1[1] inserts proposed Part 5A containing the following provisions—

- (a) **Proposed section 48A** lists the objects of the proposed Part, which include recognising that plastic waste is a critical threat to the environment, phasing out single-use plastics and other

- products that have a harmful impact on the environment and encouraging more conscious consumption of resources in the community through public education.
- (b) **Proposed section 48B** inserts definitions used in the proposed Part.
 - (c) **Proposed section 48C** requires the Commission to conduct inquiries and prepare reports on the management of plastic waste, mechanisms to reduce plastics pollution and compliance with the plastics elimination targets established under the proposed Part.
 - (d) **Proposed section 48D** requires the Commission to liaise with industry and government to develop strategies to achieve each of the following plastics elimination targets—
 - (i) reducing the amount of plastic waste by 90%, from 2019 levels, by the end of 2022,
 - (ii) eliminating plastic resin pellets used in industrial processes from matter that is discharged or deposited into the environment by the end of 2022,
 - (iii) ensuring that, by the end of 2024, all new washing machines are fitted with a lint filter that is capable of trapping microplastics and microfibrils that are loosened during the laundering of synthetic fabrics,
 - (iv) ensuring that, by the end of 2024, all packaging used in the State is recyclable, compostable or reusable,
 - (v) ensuring that, by the end of 2024, all packaging used in the State is comprised of at least 30% recycled plastic,
 - (vi) eliminating types of plastic waste listed in the table to the proposed section from matter that is discharged or deposited into the environment by the date or period specified.
 - (e) **Proposed section 48E** provides that the regulations may prescribe other types of single-use plastic waste for the purposes of proposed section 48D. The Minister may recommend the making of a regulation only if certain requirements are met.
 - (f) **Proposed section 48F** requires the Premier to ensure that the plastics elimination targets are met.
 - (g) **Proposed section 48G** makes it clear that the plastics elimination targets are subject to meeting the access needs of people who, because of a physical or other condition, need the items to be able to eat or drink safely, independently and in comfort or for medical or health-related purposes.
 - (h) **Proposed section 48H** requires the Minister to take all steps reasonably necessary to convene a meeting of responsible Ministers of the Commonwealth and other States and Territories for the purpose of achieving prohibitions on the manufacture or sale in New South Wales of specific items in accordance with the plastics elimination targets established under the proposed Part.
 - (i) **Proposed section 48I** requires the Commission to prepare a threat abatement plan in relation to plastics pollution following a period of public consultation.
 - (j) **Proposed section 48J** requires Ministers and public authorities, including the Environment Protection Authority, to take appropriate action available to them to implement the measures included in a threat abatement plan for which they are responsible and prohibits them from making decisions that are inconsistent with the provisions of a threat abatement plan.
 - (k) **Proposed section 48K** provides that the regulations may make provision for or about the implementation and operation of a threat abatement plan in connection with an item of plastic waste, group of items of plastic waste or an industry in New South Wales and that the regulations may create offences relating to carrying out activities in contravention of a threat abatement plan.
 - (l) **Proposed section 48L** establishes a Plastics Reduction Commission as a body corporate, the functions of which are exercisable by the person who holds the office of Commissioner.

- (m) **Proposed section 48M** creates the office of Commissioner for the Plastics Reduction Commission.
- (n) **Proposed section 48N** creates 3 offices of Assistant Commissioner.
- (o) **Proposed section 48O** provides that the Commission is subject to Ministerial control, other than in relation to the preparation and contents of any advice, report or recommendation of the Commission.
- (p) **Proposed section 48P** provides that the general function of the Commission is to provide the Minister with independent advice on the management of plastics pollution and lists further specific functions of the Commission.
- (q) **Proposed section 48Q** requires the Commission to make an annual report to Parliament, which includes an evaluation of the progress of the Minister in achieving the targets created by the proposed Part and a description of the Commission's activities during that year in relation to each of the Commission's functions.
- (r) **Proposed section 48R** authorises the Commission to enter into arrangements with a government agency or other body or person, including the engagement of consultants, for the provision of assistance to the Commission in connection with the exercise of its functions.
- (s) **Proposed section 48S** authorises the Commission to delegate its functions, other than the power of delegation, to an Assistant Commissioner or to a committee.

Schedule 1[2] provides for the regulations to make provision for or about the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.

Schedule 1[3] inserts a Schedule of provisions relating to the Commissioner and the Assistant Commissioners.

Schedule 2 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

Schedule 2 includes the offices of the full-time Commissioner and a full-time Assistant Commissioner in the list of public offices in Schedule 2, Part 1 of the *Statutory and Other Offices Remuneration Act 1975*.



New South Wales

Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

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New South Wales

Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

No. _____, 2021

A Bill for

An Act to amend the *Waste Avoidance and Resource Recovery Act 2001* to phase out the use of single-use plastics and certain other products that have a harmful impact on the environment; and for other purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Act 2021*.

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2 Commencement

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This Act commences 3 months after the date of assent to this Act unless commenced sooner by proclamation.

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Schedule 1	Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58	1
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[1] Part 5A		3
Insert after Part 5—		4
	Part 5A Plastics reduction	5
	Division 1 Preliminary	6
48A Objects of Part		7
	The objects of this Part are as follows—	8
	(a) to recognise that plastic waste is a critical threat to the environment,	9
	(b) to phase out single-use plastics and other products that have a harmful impact on the environment,	10
	(c) to encourage more conscious consumption of resources in the community through public education,	12
	(d) to support research initiatives into plastic waste and its impact on the environment,	14
	(e) to promote producer responsibility to ensure better environmental and social outcomes through improved design,	16
	(f) to support a circular economy in which materials are used, collected, recovered and reused.	17
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48B Definitions		20
	In this Part—	21
	<i>Assistant Commissioner</i> means an Assistant Commissioner for the Commission appointed under section 48N.	22
	<i>Commission</i> means the Plastics Reduction Commission established under section 48L.	23
	<i>Commissioner</i> means the Commissioner for the Commission appointed under section 48M.	24
	<i>elimination target date</i> —see section 48D.	25
	<i>microplastics</i> means plastics smaller than 5 millimetres in size, and includes microbeads.	26
	<i>plastic waste</i> means items that—	27
	(a) are made of plastic—	28
	(i) whether alone or in combination with other materials, including plant materials, and	29
	(ii) whether or not the items are processed, recycled, reused or recovered, and	30
	(b) are discharged or deposited into the environment in a volume, constituency or manner that causes an alteration in the environment.	31
	Example — The following are some examples of plastic waste—	32
	(a) single-use plastic bags,	33
	(b) microbeads that are intentionally added to personal products or detergents during the manufacture of the products or detergents,	34
	(c) single-use plastic cutlery,	35
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- (d) plastic drinking straws, 1
 - (e) disposable plastic cups, including disposable coffee cups and lids for the cups, 2
 - (f) containers for food or beverages that are made from polystyrene, 3
 - (g) packaging that is made from polystyrene or polyethylene. 4
- plastics elimination targets** means the targets specified in section 48D. 5
- plastics pollution** means pollution of the environment by plastic waste. 6
- threat abatement plan** means a threat abatement plan in relation to plastics pollution prepared under section 48I. 7
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Division 2 Planning for elimination of plastics pollution 9

48C Commission required to undertake inquiries and prepare reports 10

- (1) The Commission must conduct inquiries relating to plastics pollution, including— 11
 - (a) the management of plastic waste, and 12
 - (b) mechanisms to reduce plastics pollution, and 13
 - (c) compliance with the plastics elimination targets. 14
- (2) The Commission must prepare reports on the outcomes of the inquiries and make them publicly available. 15
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48D Commission to plan to eliminate plastics pollution by 2025 18

The Commission must liaise with industry and government to develop strategies to achieve each of the following targets— 19
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- (a) reducing the amount of plastic waste by 90%, from 2019 levels, by the end of 2022, 21
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- (b) eliminating plastic resin pellets used in industrial processes from matter that is discharged or deposited into the environment by the end of 2022, 23
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- (c) ensuring that, by the end of 2024, all new washing machines are fitted with a lint filter capable of trapping microplastics and microfibres that are loosened during the laundering of synthetic fabrics, 25
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- (d) ensuring that, by the end of 2024, all packaging used in the State is recyclable, compostable or reusable, 28
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- (e) ensuring that, by the end of 2024, all plastic packaging used in the State is comprised of at least 30% recycled plastic, 30
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- (f) eliminating each type of plastic waste listed in the table to this section from any matter that is discharged or deposited into the environment by the date or period specified (the **elimination target date**). 32
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Type of plastic waste	Elimination target date
Single-use plastic bags	3 months after the date on which this Part commences
Oxo-degradable plastic	3 months after the date on which this Part commences
Cosmetics, personal hygiene products or household detergents containing microbeads	3 months after the date on which this Part commences
Plastic waste prescribed by the regulations under section 48E	3 months after the date on which the regulations commence

Type of plastic waste	Elimination target date
Plastic drinking straws	6 months after the date on which this Part commences
Plastic drink stirrers	6 months after the date on which this Part commences
Balloons containing plastic	6 months after the date on which this Part commences
Plastic ring carriers for beverage containers	6 months after the date on which this Part commences
Confection sticks	6 months after the date on which this Part commences
Reusable plastic bags	6 months after the date on which this Part commences
Single-use expanded polystyrene food and beverage containers	6 months after the date on which this Part commences
Plastic cotton buds	6 months after the date on which this Part commences
Plastic takeaway sauce containers	6 months after the date on which this Part commences
Plastic fruit and vegetable packaging	6 months after the date on which this Part commences
Plastic newspaper and magazine packaging	6 months after the date on which this Part commences
Single-use plastic tablecloths	6 months after the date on which this Part commences
Single-use plastic cutlery	18 months after the date on which this Part commences
Non-compostable cigarettes	18 months after the date on which this Part commences
Polystyrene packaging	18 months after the date on which this Part commences
Plastic takeaway food containers, other than plastic takeaway sauce containers	18 months after the date on which this Part commences
Polystyrene waffle pods used in construction	18 months after the date on which this Part commences
Non-recyclable and non-compostable beverage containers	3 years after the date on which this Part commences
All petroleum-based single-use plastics	3 years after the date on which this Part commences

48E Regulations may prescribe further single-use plastic waste that must be eliminated

- (1) The regulations may prescribe other types of single-use plastic waste for the purposes of section 48D(f).
Note. The prescribed single-use plastic waste will have an elimination target date that is 3 months after the date on which the regulation made under this section commences.
- (2) The Minister must not recommend the making of a regulation under this section unless the Minister—

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	(a) publishes a notice in the Gazette in relation to the proposed regulation, and	1 2
	(b) invites submissions on the proposed regulation, and	3
	(c) considers the submissions received, and	4
	(d) considers the availability and appropriateness of an alternative product that may be used to substitute the single-use plastic waste subject of the proposed regulation.	5 6 7
(3)	The notice must—	8
	(a) specify the type of single-use plastic waste that is prescribed in the proposed regulation for the purposes of this section, together with reasons, and	9 10 11
	(b) invite submissions within a specified time, not less than 28 days after the day of publishing the notice.	12 13
48F	Premier to ensure plastics elimination targets are met	14
	The Premier must ensure that the plastics elimination targets are met.	15
48G	Requirement to ensure accessible items remain available	16
(1)	The plastics elimination targets are subject to any legitimate reason for manufacturing, selling or distributing single-use plastics—	17 18
	(a) that meet the access needs of people who, because of a physical or other condition, need the items to be able to eat or drink safely, independently and in comfort, or	19 20 21
	(b) that are required for medical, therapeutic or health-related purposes.	22
(2)	The Commission must undertake inquiries, prepare reports and liaise with industry and government to develop strategies to develop affordable and effective non-plastic alternatives to single-use plastic items required for the purposes specified in subsection (1).	23 24 25 26
48H	Minister to convene meeting of Commonwealth, State and Territory Ministers	27
	The Minister must take all reasonable steps to convene a meeting of responsible Ministers of the Commonwealth and other States and Territories for the purpose of achieving prohibitions on the manufacture or sale in this State of washing machines, or specific items of plastic waste, in accordance with the plastics elimination targets.	28 29 30 31 32
Division 3	Threat abatement plans in relation to plastics pollution	33
48I	Threat abatement plans	34
(1)	The Commission must prepare a threat abatement plan in relation to plastics pollution.	35 36
(2)	The objectives of a threat abatement plan are—	37
	(a) to manage plastic waste so as to abate, ameliorate or eliminate its adverse effects on the environment, and	38 39
	(b) to implement measures necessary to meet the plastics elimination targets.	40 41
(3)	A threat abatement plan must, without limitation, do all of the following—	42
	(a) identify the prevalence of plastics pollution and the impact of that pollution on the environment,	43 44

(b)	identify the action needed to abate, ameliorate or eliminate the effect of plastics pollution and the timetable for taking that action,	1 2
(c)	identify the organisations, including industry, government and community organisations, that are responsible for the implementation of the measures included in the plan,	3 4 5
(d)	where practicable, provide a proposed timetable for the implementation of the plan.	6 7
(4)	The Commission must prepare a draft threat abatement plan with the assistance of stakeholders including government, scientific experts, industry, non-government agencies and the community.	8 9 10
(5)	As soon as practicable after preparing a draft threat abatement plan, the Commission must—	11 12
(a)	give a copy of the draft plan to a public authority or industry representative that the Commission considers is likely to be affected by the plan, and	13 14 15
(b)	give the public an opportunity to make written submissions on the draft plan.	16 17
(6)	The Commission must consider all written submissions received by the Commission on or before the date specified for the receipt of public submissions about the draft plan.	18 19 20
(7)	The Commission must publish a final threat abatement plan on its website and in another way the Commission considers necessary to cause the plan to come to the attention of the public.	21 22 23
(8)	The Commission must review a threat abatement plan once every 3 years and prepare a further plan after the review in accordance with this section.	24 25
48J	Ministers and public authorities to implement threat abatement plans	26
(1)	Ministers and public authorities, including the EPA, must take any appropriate action available to them to—	27 28
(a)	implement measures included in a threat abatement plan for which they are responsible, and	29 30
(b)	make decisions not inconsistent with the provisions of the plan.	31
(2)	If the implementation of a threat abatement plan affects the statutory discretion of a Minister or public authority, this section does not operate to exclude the discretion.	32 33 34
(3)	However, the Minister or public authority must take the threat abatement plan into account.	35 36
(4)	This section does not operate to require or authorise any action by a Minister or public authority that is inconsistent with a statutory or other legal obligation of the Minister or public authority.	37 38 39
48K	Regulations for implementation and operation of threat abatement plan	40
(1)	The regulations may make provision for or about the implementation and operation of a threat abatement plan in connection with an item of plastic waste, group of items of plastic waste or an industry in New South Wales.	41 42 43
(2)	The regulations may create offences relating to carrying out activities in contravention of a threat abatement plan.	44 45

Division 4	Plastics Reduction Commission	1
48L	Establishment of Commission	2
(1)	A Plastics Reduction Commission is established by this Act.	3
(2)	The Commission is a body corporate.	4
(3)	The functions of the Commission are exercisable by the Commissioner.	5
(4)	Any act, matter or thing done in the name of, or on behalf of, the Commission by the Commissioner, or with the authority of the Commissioner, is taken to have been done by the Commission.	6 7 8
(5)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commission to exercise its functions.	9 10
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed, or whose services the Commission makes use of, may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the <i>Constitution Act 1902</i> precludes the Commission from employing people.	11 12 13 14 15
48M	Commissioner	16
(1)	The Governor may appoint a Commissioner for the Commission.	17
(2)	A person appointed under subsection (1) must have expertise in at least one of the following areas—	18 19
(a)	waste management,	20
(b)	community engagement,	21
(c)	manufacturing,	22
(d)	non-plastic manufacturing,	23
(e)	waste avoidance,	24
(f)	commercial retail product design,	25
(g)	sustainability.	26
(3)	The Commissioner has the functions conferred or imposed on the Commissioner by or under this or another Act.	27 28
(4)	Schedule 5 contains provisions relating to the Commissioner.	29
48N	Assistant Commissioners	30
(1)	The Commissioner may, with the concurrence of the Minister, appoint 3 Assistant Commissioners for the Commission.	31 32
(2)	An Assistant Commissioner appointed under subsection (1) must have expertise in at least one of the following areas—	33 34
(a)	waste management,	35
(b)	community engagement,	36
(c)	manufacturing,	37
(d)	non-plastic manufacturing,	38
(e)	waste avoidance,	39
(f)	commercial retail product design,	40
(g)	sustainability.	41
(3)	An Assistant Commissioner has the functions conferred or imposed on the Assistant Commissioner by or under this or another Act.	42 43

(4)	An Assistant Commissioner must assist the Commissioner as the Commissioner requires.	1 2
(5)	Schedule 5 contains provisions relating to an Assistant Commissioner.	3
48O	Ministerial control	4
	The Commission is subject to the control and direction of the Minister, other than in relation to the preparation and contents of an advice, report or recommendation of the Commission.	5 6 7
48P	Functions of Commission	8
(1)	The Commission has the general function of providing the Minister with independent advice on the management of plastics pollution.	9 10
(2)	The Commission has the following specific functions—	11
(a)	to recommend State-wide standards and mechanisms to reduce plastics pollution,	12 13
(b)	to liaise with industry in the preparation of plans and measures to meet the plastics elimination targets,	14 15
(c)	to undertake inquiries on plastic waste education programs in schools and communities and to advise the Minister on how plastic waste education can be delivered and supported,	16 17 18
(d)	to undertake audits of government and industry compliance with the plastics elimination targets and recommend appropriate actions, including plastic waste reduction plans,	19 20 21
(e)	to coordinate the gathering of information on the sources and impact of plastics pollution,	22 23
(f)	to undertake inquiries on plastics pollution as required by the Minister,	24
(g)	to advise the Minister on matters relating to meeting the plastics elimination targets,	25 26
(h)	to advise the Minister on the implementation of extended producer responsibility schemes, within the meaning of Part 4, in relation to specific plastic waste, including a scheme for product stewardship to ensure better environmental and social outcomes through improved design,	27 28 29 30 31
(i)	other functions relating to the management of plastics that the Commission considers appropriate.	32 33
(3)	The Commission has other functions that are conferred or imposed on it by or under this or any other Act.	34 35
48Q	Annual reports of Commission to Parliament	36
(1)	The Commission is required to prepare, within the period of 4 months after 30 June in each year, a report of the Commission's operations during the year ending on that 30 June and provide the report to the Presiding Officer of each House of Parliament.	37 38 39 40
(2)	A report by the Commission under this section must include—	41
(a)	an evaluation of the progress of the Minister in meeting the plastics elimination targets, and	42 43
(b)	a description of the Commission's activities during that year in relation to each of the Commission's functions under this Part.	44 45

(3)	A copy of a report provided to the Presiding Officer of a House of Parliament under this section must be laid before the House within 15 sitting days of the House after it is received by the Presiding Officer.	1 2 3
(4)	The Commission may include in a report a recommendation that the report be made public immediately.	4 5
(5)	If a report includes a recommendation by the Commission that the report be made public immediately, a Presiding Officer of a House of Parliament may make it public whether or not the House is in session and whether or not the report has been laid before the House.	6 7 8 9
(6)	If the report referred to in subsection (5) is made public by a Presiding Officer of a House of Parliament before it is laid before the House, the report attracts the same privileges and immunities as if the report was laid before the House.	10 11 12
(7)	A Presiding Officer is not required to inquire whether any or all conditions have been satisfied in relation to a report purporting to have been made and provided in accordance with this section.	13 14 15
48R	Assistance to Commission	16
(1)	The Commission may enter into arrangements with a government agency or other body or person, including the engagement of consultants and the appointment of an advisory committee, for the provision of assistance to the Commission in connection with the exercise of its functions.	17 18 19 20
(2)	The Commission may obtain advice from an advisory committee appointed by the Commission.	21 22
48S	Delegation of Commission's functions	23
	The Commission may delegate its functions, other than this power of delegation, to—	24 25
(a)	an Assistant Commissioner, or	26
(b)	a member of staff of the Commission, or	27
(c)	a committee appointed by the Commission.	28
[2]	Section 56 Regulations	29
	Insert after section 56(1)—	30
(1A)	In particular, the regulations may make provision for or about the disclosure of pecuniary interests by—	31 32
(a)	the Commissioner for the Plastics Reduction Commission, and	33
(b)	an Assistant Commissioner for the Plastics Reduction Commission.	34
[3]	Schedule 5	35
	Insert after Schedule 4—	36
Schedule 5	Provisions relating to Commissioner and Assistant Commissioners for Plastics Reduction Commission	37 38 39
	sections 48M(4) and 48N(5)	40

1	Acting Commissioner or Assistant Commissioner	1
(1)	The Minister may appoint a person to act in the office of Commissioner during the illness or absence of the Commissioner.	2 3
(2)	The Commissioner may, with the concurrence of the Minister, appoint a person to act in the office of an Assistant Commissioner.	4 5
(3)	A person, while acting in the office of Commissioner or an Assistant Commissioner under this clause, has all of the functions of the Commissioner or Assistant Commissioner.	6 7 8
(4)	A power to appoint a person to an office under this clause includes the power to remove the person from that office at any time.	9 10
(5)	A person acting under this clause is entitled to be paid remuneration, including travelling and subsistence allowances, that the Minister may from time to time determine in relation to the person.	11 12 13
(6)	For the purposes of this clause—	14
(a)	a vacancy in the office of Commissioner or an Assistant Commissioner is to be regarded as an absence from the office of the Commissioner or Assistant Commissioner, and	15 16 17
(b)	during any period when an Assistant Commissioner acts in the office of Commissioner under this clause, the Assistant Commissioner is to be regarded as absent from office as Assistant Commissioner.	18 19 20
2	Basis of offices	21
(1)	The office of Commissioner or an Assistant Commissioner may be a full-time office or part-time office, according to the terms of appointment.	22 23
(2)	The holder of a full-time office is required to hold it on that basis, except to the extent permitted by the Minister.	24 25
3	Terms of office	26
(1)	Subject to this Act, the Commissioner or an Assistant Commissioner holds office for the period, not exceeding 5 years, specified in the instrument of appointment.	27 28 29
(2)	The Commissioner or an Assistant Commissioner may be re-appointed after the period specified in the instrument of appointment has ended.	30 31
(3)	The instrument of appointment of an Assistant Commissioner may provide that the person holds office until the first of the following occurrences—	32 33
(a)	the expiry of a specified period, not exceeding 5 years,	34
(b)	the completion by the Assistant Commissioner of a specified report, audit or inquiry.	35 36
4	Remuneration	37
(1)	A full-time Commissioner or Assistant Commissioner is entitled to be paid—	38
(a)	remuneration in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> , and	39 40
(b)	travelling and subsistence allowances that the Minister may from time to time determine in relation to the person.	41 42
(2)	A part-time Commissioner or Assistant Commissioner is entitled to be paid remuneration, including travelling and subsistence allowances, that the Minister may from time to time determine in relation to the person.	43 44 45

5 Vacancy in office	1
(1) The office of the Commissioner or an Assistant Commissioner becomes vacant if the person—	2
(a) dies, or	3
(b) completes a term of office and is not re-appointed, or	4
(c) resigns from the office by instrument in writing addressed to the Minister, or	5
(d) is removed from office by the Minister under this clause or the Governor under Part 6 of the <i>Government Sector Employment Act 2013</i> , or	6
(e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the person's creditors or makes an assignment of the person's remuneration for the person's benefit, or	7
(f) becomes a mentally incapacitated person, or	8
(g) is convicted in New South Wales of an offence that is punishable by a term of imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	9
(2) The Minister may remove the Commissioner or an Assistant Commissioner from office for misbehaviour, incompetence or incapacity.	10
6 Filling of vacancy	11
(1) If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	12
(2) If the office of an Assistant Commissioner becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.	13
7 Effect of certain other Acts	14
(1) The offices of Commissioner and Assistant Commissioner are statutory offices and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to those offices.	15
(2) If, by or under an Act, a prescribed provision is made, the provision does not operate to—	16
(a) disqualify the person from holding that office and the office of a part-time Commissioner or Assistant Commissioner, or	17
(b) from accepting and keeping remuneration payable to the person under this Act as a part-time Commissioner or Assistant Commissioner.	18
(3) In this clause—	19
prescribed provision means a provision—	20
(a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of that office, or	21
(b) prohibiting the person from engaging in employment outside the duties of that office.	22

8 Personal liability	1
(1) A protected person is not personally subject to any liability for anything done—	2 3
(a) in good faith, and	4
(b) for the purpose of exercising functions under this Act.	5
(2) The liability instead attaches to the Crown.	6
(3) In this section—	7
<i>done</i> includes omitted to be done.	8
<i>liability</i> means civil liability and includes action, claim or demand.	9
<i>protected person</i> means—	10
(a) the Commission, the Commissioner or an Assistant Commissioner, or	11
(b) a person acting under the direction of the Commission.	12

Schedule 2	Amendment of Statutory and Other Offices	1
	Remuneration Act 1975 (1976 No 4)	2
Schedule 2 Public offices		3
Insert at the end of Part 1—		4
	Full-time Commissioner for the Plastics Reduction Commission	5
	Full-time Assistant Commissioner for the Plastics Reduction Commission	6