



New South Wales

# Waste Avoidance and Resource Recovery Amendment (Marine Plastics Reduction) Bill 2018

## Explanatory note

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

## Overview of Bill

The object of this Bill is to provide for the phasing out of single-use plastics, polystyrene packaging, products containing plastic microbeads and other harmful plastic products, so as to reduce the threat to the survival of marine animals and ecosystems caused by the amount of plastic flowing into the marine environment.

This is achieved by amending the *Waste Avoidance and Resource Recovery Act 2001* to establish the Marine Plastics Reduction Commission, require that Commission to develop reports, and liaise with industry and government to plan for measures to meet the certain targets and require the Premier to ensure that they are met.

The marine plastics elimination targets are as follows:

- (a) a 90% reduction in the amount of plastic waste that enters the ocean by the end of 2020,
- (b) “zero pellet loss” in industrial processes, so that no plastic resin pellets used in industrial processes enter the marine environment, by the end of 2020,
- (c) all new washing machines being fitted with a lint filter that is capable of trapping any microplastics (including microfibrres) by the end of 2023,
- (d) all packaging used in the State being recyclable, compostable or reusable by the end of 2023,
- (e) the elimination of petroleum-based single-use plastics from entering the marine environment before 2023 (through a staggered process involving the elimination of specified types of plastic waste by the end of 2018, 2020 and then 2023).

The marine plastics elimination targets are subject to any legitimate reason for manufacturing, selling or distributing single-use plastics to meet the access needs of those who, because of a physical or other condition, need those items to be able to eat or drink safely, independently and in comfort or are required for medical, therapeutic or health-related purposes. This Bill requires the Commission to be involved in developing affordable, effective non-plastic alternatives to single-use plastic items for that purpose.

## 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.

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

**Schedule 1 [1]** inserts a new Part 5A (Marine plastics reduction), containing the following provisions.

### **Division 1 Preliminary:**

- (a) **Proposed section 48A** lists the objects of the proposed Part, which include to recognise that marine plastic waste is a critical threat to the continued viability of marine ecosystems, to phase out single-use plastics and other products that have a harmful impact on the marine environment and to encourage more conscious consumption of resources in the community through public education.
- (b) **Proposed section 48B** inserts definitions used in the proposed Part.

### **Division 2 Planning for elimination of marine plastics pollution**

- (a) **Proposed section 48C** requires the Marine Plastics Reduction Commission to conduct inquiries, and prepare reports, on the management of marine plastic waste, mechanisms to reduce marine plastics pollution and compliance with the marine plastics elimination targets established by the proposed Act.
- (b) **Proposed section 48D** requires the Commission to liaise with industry and government to develop strategies to achieve each of the following marine plastics elimination targets:
  - (i) reducing the amount of marine plastic waste that enters the marine environment by 90% (from 2018 levels) by the end of 2020,
  - (ii) eliminating plastic resin pellets that are used in industrial processes entering the marine environment by the end of 2020,
  - (iii) ensuring that, by the end of 2023, all new washing machines are fitted with a lint filter that is capable of trapping any microplastics (including microfibres) that are loosened during the laundering of synthetic fabrics,
  - (iv) ensuring that, by the end of 2023, all packaging used in the State is recyclable, compostable or reusable,
  - (v) eliminating each type of marine plastic waste listed in the table to the proposed section entering the marine environment before the end of the year specified.
- (c) **Proposed section 48E** requires the Premier to ensure that the marine plastics elimination targets are met.
- (d) **Proposed section 48F** makes it clear that the marine plastics elimination targets are subject to meeting the access needs of those who, because of a physical or other condition, need those items to be able to eat or drink safely, independently and in comfort or for medical or health-related purposes.
- (e) **Proposed section 48G** 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 marine plastics elimination targets established by the proposed Act.

### **Division 3 Marine plastics pollution threat abatement plans**

- (a) **Proposed section 48H** requires the Commission to prepare a marine plastics pollution threat abatement plan, following a period of public consultation.
- (b) **Proposed section 48I** requires Ministers and public authorities (including the Environment Protection Authority) to take any 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.
- (c) **Proposed section 48J** provides that the regulations may make provision for or with respect to the implementation and operation of a threat abatement plan in connection with an item of marine plastic waste, group of items of marine 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.

### **Division 4 Establishment of Marine Plastics Reduction Commission**

- (a) **Proposed section 48K** establishes a Marine Plastics Reduction Commission as a body corporate, the functions of which are exercisable by the person who holds the office of Commissioner.
- (b) **Proposed section 48L** creates a statutory office of Commissioner for the Marine Plastics Reduction Commission.
- (c) **Proposed section 48M** creates 3 statutory offices of Assistant Commissioner.
- (d) **Proposed section 48N** provides that the Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission, but in other respects is subject to the control and direction of the Minister.
- (e) **Proposed section 48O** provides that the general function of the Commission is to provide the Minister with independent advice on the management of marine plastics pollution and lists further specific functions of the Commission.
- (f) **Proposed section 48P** 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.
- (g) **Proposed section 48Q** authorises the Commission to enter into arrangements with any 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.
- (h) **Proposed section 48R** authorises the Commission to delegate any of 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 with respect to the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.

**Schedule 1 [3]** inserts a Schedule of provisions relating to the employment of the Commissioner for the Marine Plastics Reduction Commission and the Assistant Commissioners.

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

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



New South Wales

# Waste Avoidance and Resource Recovery Amendment (Marine Plastics Reduction) Bill 2018

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New South Wales

# **Waste Avoidance and Resource Recovery Amendment (Marine Plastics Reduction) Bill 2018**

No. , 2018

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## **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 marine environment; and for other purposes.

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**The Legislature of New South Wales enacts:**

1

**1 Name of Act**

2

This Act is the *Waste Avoidance and Resource Recovery Amendment (Marine Plastics Reduction) Act 2018*.

3

4

**2 Commencement**

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This Act commences 3 months after the date of assent to this Act.

6

<b>Schedule 1</b>	<b>Amendment of Waste Avoidance and Resource Recovery Act 2001 No 58</b>	1
		2
[1] <b>Part 5A</b>		3
Insert after Part 5:		4
	<b>Part 5A Marine plastics reduction</b>	5
	<b>Division 1 Preliminary</b>	6
<b>48A Objects of Part</b>		7
	The objects of this Part are as follows:	8
	(a) to recognise that marine plastic waste is a critical threat to the continued viability of marine ecosystems,	9 10
	(b) to phase out single-use plastics and other products that have a harmful impact on the marine environment,	11 12
	(c) to encourage more conscious consumption of resources in the community through public education,	13 14
	(d) to support research initiatives into marine plastic waste and its impact on the marine environment,	15 16
	(e) to promote producer responsibility to ensure better environmental and social outcomes through improved design,	17 18
	(f) to support a circular economy in which materials are used, collected, recovered and re-used.	19 20
<b>48B Definitions</b>		21
	In this Part:	22
	<i>Assistant Commissioner</i> means an Assistant Commissioner for the Marine Plastics Reduction Commission appointed under section 48M.	23 24
	<i>Commission</i> means the Marine Plastics Reduction Commission established under section 48K.	25 26
	<i>Commissioner</i> means the Commissioner for the Marine Plastics Reduction Commission appointed under section 48L.	27 28
	<i>marine plastic waste</i> means items that:	29
	(a) are made of plastic, whether alone or in combination with other materials and whether or not the items are processed, recycled, re-used or recovered, and	30 31 32
	(b) are discharged or deposited into the marine environment in a volume, constituency or manner that causes an alteration in the marine environment.	33 34 35
	<b>Note.</b> The following are some examples of marine plastic waste:	36
	(a) single-use plastic bags,	37
	(b) microbeads that are intentionally added to personal products or detergents during their manufacture,	38 39
	(c) single-use plastic cutlery,	40
	(d) plastic drinking straws,	41
	(e) disposable plastic cups, including coffee cups, and lids for those cups,	42
	(f) containers for food or beverages that are made from polystyrene,	43
	(g) packaging that is made from polystyrene or polyethylene.	44

- marine plastics elimination targets* means the targets specified in section 48D. 1  
 2
- marine plastics pollution* means pollution of the marine environment by marine plastic waste. 3  
 4
- microplastics* means plastics smaller than 5 millimetre in size, and includes microbeads. 5  
 6
- threat abatement plan* means a marine plastics pollution threat abatement plan prepared under section 48H. 7  
 8

**Division 2 Planning for elimination of marine plastics pollution** 9

**48C Commission required to undertake inquiries and prepare reports** 10

- (1) The Commission is to conduct inquiries relating to marine plastics pollution, including: 11  
 12
- (a) the management of marine plastic waste, and 13
  - (b) mechanisms to reduce marine plastics pollution, and 14
  - (c) compliance with the marine plastics elimination targets. 15
- (2) The Commission is required to prepare reports of those inquiries and make them publicly available. 16  
 17

**48D Commission to plan to eliminate all marine plastics pollution by 2023** 18

- The Commission is to liaise with industry and government to develop strategies to achieve each of the following targets: 19  
 20
- (a) reducing the amount of marine plastic waste that enters the marine environment by 90% (from 2018 levels) by the end of 2020, 21  
 22
  - (b) eliminating plastic resin pellets that are used in industrial processes from the matter that is discharged or deposited into the marine environment by the end of 2020, 23  
 24  
 25
  - (c) ensuring that, by the end of 2023, all new washing machines are fitted with a lint filter that is capable of trapping any microplastics (including microfibres) that are loosened during the laundering of synthetic fabrics, 26  
 27  
 28  
 29
  - (d) ensuring that, by the end of 2023, all packaging used in the State is recyclable, compostable or reusable, 30  
 31
  - (e) eliminating each type of marine plastic waste listed in the table to this section from any matter that is discharged or deposited into the marine environment before the end of the year specified. 32  
 33  
 34

Type of marine plastic waste	Target date for banning
Single-use plastic bags	2018
Plastic drinking straws	2018
Plastic drink stirrers	2018
Balloons containing plastic	2018
Plastic ring carriers for beverage containers (Hi-Cones)	2018
Confection sticks	2018



Type of marine plastic waste	Target date for banning
Cosmetics, personal hygiene products or household detergents containing microbeads	2018
Polystyrene food and beverage containers	2018
Polystyrene packaging	2020
Plastic cotton buds	2020
Single-use plastic cutlery	2020
Plastic takeaway food containers	2020
Non-compostable cigarettes	2020
Non-recyclable and non-compostable beverage containers	2023
All petroleum-based single-use plastics	2023

<b>48E</b>	<b>Premier must ensure marine plastics elimination targets are met</b>	1
	The Premier is to ensure that the marine plastics elimination targets specified in section 48D are met.	2 3
<b>48F</b>	<b>Requirement to ensure accessible items remain available</b>	4
(1)	The marine plastics elimination targets are subject to any legitimate reason for manufacturing, selling or distributing single-use plastics:	5 6
(a)	that meet the access needs of those who, because of a physical or other condition, need those items to be able to eat or drink safely, independently and in comfort, or	7 8 9
(b)	that are required for medical, therapeutic or health-related purposes.	10
(2)	The Commission is to undertake inquiries, prepare reports, and liaise with industry and government, to develop strategies to develop affordable, effective non-plastic alternatives to single-use plastic items required for those purposes.	11 12 13
<b>48G</b>	<b>Minister to convene meeting of Commonwealth, State and Territory Ministers</b>	14
	The Minister is 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 this State of washing machines, or specific items of marine plastic waste, in accordance with the marine plastics elimination targets.	15 16 17 18 19
<b>Division 3 Marine plastics pollution threat abatement plans</b>		20
<b>48H</b>	<b>Marine plastics pollution threat abatement plans</b>	21
(1)	The Commission is to prepare a marine plastics pollution threat abatement plan the objectives of which are:	22 23
(a)	to manage marine plastic waste so as to abate, ameliorate or eliminate its adverse effects on the marine environment, and	24 25
(b)	to implement measures necessary to meet the marine plastics elimination targets.	26 27
(2)	A threat abatement plan must (without limitation) do all of the following:	28
(a)	identify the prevalence of marine plastics pollution and the impact of that pollution on the marine environment,	29 30

(b)	identify the action needed to abate, ameliorate or eliminate the effect of marine plastics pollution and the timetable for taking that action,	1 2
(c)	identify the organisations (including industry, government or 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
(3)	The Commission is to 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
(4)	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 any public authority or industry representative that the Commission knows is likely to be affected by the plan, and	13 14 15
(b)	give the public an opportunity to make submissions on the draft plan.	16
(5)	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.	17 18 19
(6)	The Commission is to publish a final threat abatement plan on its website and in any other way that the Commission considers necessary to cause the plan to come to the attention of the public.	20 21 22
(7)	The Commission is to review a threat abatement plan once every 3 years and prepare a further plan in accordance with this section.	23 24
<b>48I</b>	<b>Ministers and public authorities to implement threat abatement plans</b>	25
(1)	Ministers and public authorities (including the EPA) are to take any appropriate action available to them to implement those measures included in a threat abatement plan for which they are responsible and must not make decisions that are inconsistent with the provisions of a threat abatement plan.	26 27 28 29
(2)	If the implementation of a threat abatement plan affects a statutory discretion of a Minister or public authority, this section does not operate to exclude the discretion, but the Minister or authority must take the plan into account.	30 31 32
(3)	This section does not operate to require or authorise any action by a Minister or public authority that is inconsistent with any statutory or other legal obligation of the Minister or public authority.	33 34 35
<b>48J</b>	<b>Regulations for implementation and operation of threat abatement plan</b>	36
(1)	The regulations may make provision for or with respect to the implementation and operation of a threat abatement plan in connection with an item of marine plastic waste, group of items of marine plastic waste or an industry in New South Wales.	37 38 39 40
(2)	Those regulations may create offences relating to carrying out activities in contravention of a threat abatement plan.	41 42

<b>Division 4</b>	<b>Establishment of Marine Plastics Reduction Commission</b>	1
		2
<b>48K</b>	<b>Establishment of Marine Plastics Reduction Commission</b>	3
(1)	There is established by this Act a Marine Plastics Reduction Commission. The Commission is a body corporate.	4 5
(2)	The functions of the Commission are exercisable by the Commissioner, and 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 9
(3)	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.	10 11
	<b>Note.</b> 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 staff.	12 13 14 15 16
<b>48L</b>	<b>Commissioner</b>	17
(1)	The Governor may appoint a Commissioner for the Marine Plastics Reduction Commission, being a person who has expertise in at least one of the areas of waste management, community engagement, manufacturing, non-plastic manufacturing, waste avoidance, commercial retail product design or sustainability.	18 19 20 21 22
(2)	The Commissioner has the functions conferred or imposed on the Commissioner by or under this or any other Act.	23 24
(3)	Schedule 1 contains provisions relating to the Commissioner.	25
<b>48M</b>	<b>Assistant Commissioners</b>	26
(1)	The Commissioner may, with the concurrence of the Minister, appoint 3 Assistant Commissioners for the Marine Plastics Reduction Commission, each having expertise in at least one of the areas of waste management, community engagement, manufacturing, non-plastic manufacturing, waste avoidance, commercial retail product design or sustainability.	27 28 29 30 31
(2)	An Assistant Commissioner has the functions conferred or imposed on the Assistant Commissioner by or under this or any other Act.	32 33
(3)	An Assistant Commissioner is to assist the Commissioner as the Commissioner requires.	34 35
(4)	Schedule 1 contains provisions relating to an Assistant Commissioner.	36
<b>48N</b>	<b>Ministerial control</b>	37
	The Commission is not subject to the control and direction of the Minister in respect of the preparation and contents of any advice or recommendation of the Commission, but in other respects is subject to the control and direction of the Minister.	38 39 40 41
<b>48O</b>	<b>Functions of Commission</b>	42
(1)	The Commission has the general function of providing the Minister with independent advice on the management of marine plastics pollution.	43 44
(2)	The Commission has the following specific functions:	45

(a)	to recommend State-wide standards and mechanisms to reduce marine plastics pollution,	1 2
(b)	to liaise with industry in the preparation of plans and measures to meet the marine plastics elimination targets,	3 4
(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,	5 6 7
(d)	to undertake audits of government and industry compliance with the marine plastics elimination targets, and recommend appropriate actions, including (but not limited to) marine plastic waste reduction plans,	8 9 10
(e)	to coordinate the gathering of information on the sources and impact of marine plastics pollution,	11 12
(f)	to undertake inquiries on marine plastics pollution as required by the Minister,	13 14
(g)	to advise the Minister on matters relating to meeting the marine plastics elimination targets,	15 16
(h)	to advise the Minister on the implementation of extended producer responsibility schemes (within the meaning of Part 4) in relation to any specific marine plastic waste, including a scheme for product stewardship so as to ensure better environmental and social outcomes through improved design,	17 18 19 20 21
(i)	any other functions relating to the management of marine plastics that the Commission considers appropriate.	22 23
(3)	The Commission has any other functions that are conferred or imposed on it by or under this or any other Act.	24 25
<b>48P</b>	<b>Annual reports of Commission to Parliament</b>	26
(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 furnish the report to the Presiding Officer of each House of Parliament.	27 28 29 30
(2)	A report by the Commission under this section must include:	31
(a)	an evaluation of the progress of the Minister in meeting the marine plastics elimination targets, and	32 33
(b)	a description of the Commission's activities during that year in relation to each of the Commission's functions under sections 48C, 48D, 48F, 48H and 48O.	34 35 36
(3)	A copy of a report furnished to the Presiding Officer of a House of Parliament under this section is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.	37 38 39
(4)	The Commission may include in a report a recommendation that the report be made public immediately.	40 41
(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 that House is in session and whether or not the report has been laid before that House.	42 43 44 45
(6)	If such a report is made public by a Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.	46 47 48

(7)	A Presiding Officer need not inquire whether all or any conditions precedent have been satisfied as regards a report purporting to have been made and furnished in accordance with this section.	1 2 3
<b>48Q</b>	<b>Assistance to Commission</b>	4
(1)	The Commission may enter into arrangements with any 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.	5 6 7 8
(2)	The Commission may obtain advice from any advisory committee appointed by the Commission.	9 10
<b>48R</b>	<b>Delegation of Commission's functions</b>	11
	The Commission may delegate any of its functions, other than this power of delegation, to:	12 13
(a)	an Assistant Commissioner, or	14
(b)	a member of staff of the Commission, or	15
(b)	a committee appointed by the Commission.	16
<b>[2]</b>	<b>Section 56 Regulations</b>	17
	Insert after section 56 (1):	18
(1A)	In particular, the regulations may make provision for or with respect to the disclosure of pecuniary interests by:	19 20
(a)	the Commissioner for the Marine Plastics Reduction Commission, and	21
(b)	any Assistant Commissioner for the Marine Plastics Reduction Commission.	22 23
<b>[3]</b>	<b>Schedule 1</b>	24
	Insert before Schedule 4:	25
<b>Schedule 1</b>	<b>Provisions relating to Commissioner and Assistant Commissioners for Marine Plastics Reduction Commission</b>	26 27 28
	(Sections 48L (3) and 48M (4))	29
<b>1</b>	<b>Definitions</b>	30
	In this Schedule:	31
	<i>Assistant Commissioner</i> means an Assistant Commissioner for the Marine Plastics Reduction Commission appointed under section 48M.	32 33
	<i>Commissioner</i> means the Commissioner for the Marine Plastics Reduction Commission appointed under section 48L.	34 35
<b>2</b>	<b>Acting Commissioner or Assistant Commissioner</b>	36
(1)	The Minister may appoint a person to act in the office of Commissioner during the illness or absence of the Commissioner.	37 38
(2)	The Commissioner may, with the concurrence of the Minister, appoint a person to act in the office of an Assistant Commissioner.	39 40

- (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 (as the case requires). 1  
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3
- (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. 4  
5
- (5) A person while acting under this clause is entitled to be paid any remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine. 6  
7  
8
- (6) For the purposes of this clause: 9
- (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 10  
11  
12
- (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. 13  
14  
15
- 3 Basis of offices** 16
- (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. 17  
18
- (2) The holder of such a full-time office is required to hold it on that basis, except to the extent permitted by the Minister. 19  
20
- 4 Terms of office** 21
- (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, but is eligible (if otherwise qualified) for re-appointment. 22  
23  
24
- (2) The instrument of appointment of an Assistant Commissioner may provide that the person holds office until: 25  
26
- (a) the expiry of a specified period (not exceeding 5 years), or 27
- (b) the completion by the Assistant Commissioner of a specified report, audit or inquiry, 28  
29
- whichever first occurs. 30
- 5 Remuneration** 31
- (1) A full-time Commissioner or Assistant Commissioner is entitled to be paid: 32
- (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and 33  
34
- (b) any travelling and subsistence allowances that the Minister may from time to time determine in respect of the person. 35  
36
- (2) A part-time Commissioner or Assistant Commissioner is entitled to be paid any remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person. 37  
38  
39
- 6 Vacancy in office** 40
- (1) The office of the Commissioner or an Assistant Commissioner becomes vacant if the person: 41  
42
- (a) dies, or 43
- (b) completes a term of office and is not re-appointed, or 44

(c)	resigns the office by instrument in writing addressed to the Minister, or	1
(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	2 3 4
(e)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	5 6 7
(f)	becomes a mentally incapacitated person, or	8
(g)	is convicted in New South Wales of an offence that is punishable by 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 10 11 12
(2)	The Minister may remove the Commissioner or an Assistant Commissioner from office for misbehaviour, incompetence or incapacity.	13 14
<b>7</b>	<b>Filling of vacancy</b>	15
(1)	If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	16 17
(2)	If the office of an Assistant Commissioner becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.	18 19
<b>8</b>	<b>Effect of certain other Acts</b>	20
(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.	21 22 23 24
(2)	If, by or under any Act, provision is made:	25
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	26 27
(b)	prohibiting the person from engaging in employment outside the duties of that office,	28 29
	the provision does not operate to disqualify the person from holding that office and also the office of a part-time Commissioner or Assistant Commissioner or from accepting and retaining any remuneration payable to the person under this Act as a part-time Commissioner or Assistant Commissioner.	30 31 32 33
<b>9</b>	<b>Personal liability</b>	34
	A matter or thing done or omitted to be done by the Commission, the Commissioner, an Assistant Commissioner or a person acting under the direction of the Commission does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject the Commissioner, an Assistant Commissioner or a person so acting personally to any action, liability, claim or demand.	35 36 37 38 39 40

<b>Schedule 2</b>	<b>Amendment of Statutory and Other Offices</b>	1
	<b>Remuneration Act 1975 (1976 No 4)</b>	2
<b>Schedule 2 Public offices</b>		3
Insert at the end of Part 1:		4
	Full-time Commissioner for the Marine Plastics Reduction Commission	5
	Full-time Assistant Commissioner for the Marine Plastics Reduction Commission	6
		7