

Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair) Appointment 2019

Disallowable instrument DI2019 – 149

made under the

Climate Change and Greenhouse Gas Reduction Act 2010, s 21 (Chair)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair) Appointment 2019* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the disallowable instrument. It is not, and is not meant to be, a comprehensive description of the disallowable instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

The *Climate Change and Greenhouse Gas Reduction Act 2010* (the Act) section 20 (Membership) provides for the appointment to the ACT Climate Change Council (Council) of suitably qualified members of the community to provide advice to the Minister on matters relating to the reduction of greenhouse gas emissions and adaptation to climate change. The appointment for the non-public employee members of the Council is by way of a disallowable instrument which must be notified on the Legislation Register and tabled in the Legislative Assembly under the *Legislation Act 2001* (Legislation Act).

Section 20(3) of the Act provides that the Minister may appoint a person as a member to the Council only if satisfied that the person is committed to addressing climate change and has knowledge and experience in an area relevant to the operation of the Act.

Section 21 of the Act requires the Minister to appoint a member of the council to be the chair of the council.

Appointments

The disallowable instrument appoints Professor Penny Sackett as chair of the Council. Professor Sackett is not a public servant.

Professor Sackett is appointed as chair of the Council for the period 1 July 2019 until 30 June 2021. This coincides with Professor Sackett's period of appointment, made through the *Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 2)*, as a member of the Council, where she is appointed to represent climate change science.

Professor Sackett is a physicist, astronomer and former Chief Scientist for Australia. She has served on Australian, Dutch, European, South African and US science and advisory panels, including several multi-national consortia and working groups. Professor Sackett was appointed Director of the Australian National University (ANU) Research School of Astronomy and Astrophysics and Mount Stromlo and Siding Spring Observatories in 2002, serving a five year term. In October 2008 she took the post of Chief Scientist for Australia and retained academic status at the ANU to enable continued mentoring of students. As Chief Scientist for Australia (2008-2011), Professor Sackett provided independent advice to the Australian government on matters of science and innovation and was a vocal champion of evidenced-based decision making. Professor Sackett is currently an Honorary Professor at the ANU Climate Change Institute, and a private strategic advisor.

The appointment has been made by the Minister for Climate Change and Sustainability. The Minister consulted the Standing Committee on Environment and Transport and City Services in accordance with section 228 (Consultation with appropriate Assembly committee) of the Legislation Act. Any response from the Standing Committee was incorporated as appropriate.

A Regulatory Impact Statement (RIS) is not required for this disallowable instrument as it is unlikely to impose appreciable costs on the community (section 34(1) of the Legislation Act). Further, in accordance with section 36(1)(b) of the Legislation Act, a RIS is not necessary as the matter does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person.

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.

Outline of provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement of appointment

This section provides for the commencement of the instrument.

Section 3 – Climate Change Council Chair appointment

By this section the Minister appoints Professor Penny Sackett as Chair of the Council.

Section 4 – Term of appointment

This section provides that the appointment ends on 30 June 2021. This coincides with Professor Sackett's appointment as a Member which is made through the *Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 2)*.