

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 2)

Disallowable instrument DI2019 – 152

made under the

Climate Change and Greenhouse Gas Reduction Act 2010, s 20 (Membership)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 2)* 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.

Appointment

The disallowable instrument appoints Dr Paul Bannister as a member of the Council. Dr Bannister is not a public servant. Dr Bannister is appointed for the period 1 July 2019 until 30 June 2022.

Dr Bannister has expertise in the field of commercial and institutional building energy efficiency. He had a central role in the development of major energy efficiency innovations such as the NABERS Energy and water ratings and the redevelopment of Section J (Energy Efficiency) of the Australian Building Code (2019 Edition). One of Dr Bannister's particular specialities is the optimisation of building controls, which he has been able to use to create significant improvements in building performance on a wide range of sites. Dr Bannister is a well-known speaker on energy efficiency issues both nationally and internationally, having presented at numerous conferences within Australia and overseas. He has published well over 80 papers on energy efficiency related issues. Dr Bannister has strong networks in the building and property industry, from government through to builders and from industry associations through to individual property managers.

Dr Bannister is appointed to the Council to represent energy efficiency and the built environment.

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. The Standing Committee did not provide any comment in relation to the proposed reappointment. 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. The instrument commences on 1 July 2019.

Section 3 – Climate Change Council member appointment

By this section the Minister appoints Dr Paul Bannister as a member of the Council.

Section 4 – Term of appointment

This section provides that the appointment of the member ends on 30 June 2022.