

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 4)

Disallowable instrument DI2019 – 154

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 4)* 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 Cristopher Brack as a member of the Council. Dr Brack is not a public servant. Dr Brack is appointed for the period 1 July 2019 until 30 June 2022.

Dr Brack is Associate Professor of Natural Resource Measurement and Management in The Fenner School of Environment and Society at the Australian National University. He has over twenty years of experience in researching, teaching and developing best practices in urban forestry, having published 12 peer reviewed articles specifically on urban forests and green spaces, in addition to another 70 papers on carbon sequestration, natural resource assessment and management. Dr Brack won an Australian Museum Eureka Award for Environmental Science for his work on the National Carbon Accounting System (NCAS), which was developed to support national policy development on climate change mitigation. Dr Brack has extensive skills and experience working with ANU and the ACT Government on the planning and management of Canberra's urban forest, including street trees and the National Arboretum. Dr Brack's recent research has focused on sustaining a vibrant and healthy urban forest in the presence of increasingly harsh climate scenarios, as well as opportunities to maintain the benefits of living infrastructure where land use pressures affect the availability of urban trees.

Dr Brack is appointed to the Council to represent environmental management.

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. The instrument commences on 1 July 2019.

Section 3 – Climate Change Council member appointment

By this section the Minister appoints Dr Cristopher Brack 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.