

Commissioner for Sustainability and the Environment (Reporting Period and Reporting Day) Determination 2015

Disallowable instrument DI2015–327

made under the

Commissioner for Sustainability and the Environment Act 1993, s 19 (State of the environment report)

EXPLANATORY STATEMENT

Overview

This Determination specifies that the reporting period for the next ACT State of the Environment Report will commence on 1 July 2011 and end on 30 June 2015. The Determination further specifies that the reporting day for the Commissioner for Sustainability and the Environment (the Commissioner) to submit this report to the Minister for Environment is 21 December 2015.

Detail

Section 19(4) of the *Commissioner for Sustainability and the Environment Act 1993* (the Act) requires that the Commissioner must, within 12 months of the Minister presenting a State of the Environment Report in the Legislative Assembly, recommend to the Minister a reporting period and reporting date for the next State of the Environment Report.

The Minister must then determine a reporting period and reporting date under s 19(5) of the Act.

The reporting period must begin the day after the end of the previous report and not exceed 4 years (see s 19(5)(a) of the Act).

The reporting day must be not less than 3 months and not more than 6 months after the end of the reporting period (see s 19(5)(b) of the Act).

This Determination gives effect to the Commissioner's recommendation pursuant to section 19(5) of the Act.

It is considered that a regulatory impact statement (RIS) is not required for this disallowable instrument as it is not likely to impose appreciable costs on the community (as per s 34(1) of the *Legislation Act 2001*). The instrument merely gives effect to administrative arrangements for the reporting period and reporting day.

Also, a RIS is unnecessary under s 36(1)(b) of the *Legislation Act* as the instrument does not operate to the disadvantage of anyone other than the OCSE, which is a territory authority.

This instrument arguably has retrospective effect in that it determines the reporting period to be 1 July 2011 to 30 June 2015. To the extent that this instrument is retrospective, this is consistent with s 76(1) of the *Legislation Act* as it is a non-prejudicial provision, as defined in s 76(4), that does not affect anyone's rights other than the Commissioner's (a territory authority) or other territory agencies.

In any event, a retrospective element for a determination of a reporting period and reporting day under s 19(5) of the *Act* is inherent given the practical application of the legislation (see s 19(4) and (5) of the *Act*).