

Australian Capital Territory

Commissioner for Sustainability and the Environment Appointment 2020 (No 3)

Disallowable instrument DI2020–284

made under the

Commissioner for Sustainability and the Environment Act 1993, s 4 (Commissioner for Sustainability and the Environment)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Commissioner for Sustainability and the Environment Appointment 2020 (No 3)* as made by the Minister. It has been prepared in order to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

Overview

Section 4 of the *Commissioner for Sustainability and the Environment Act 1993* (the *Act*) requires the Minister to appoint a person as the Commissioner for Sustainability and the Environment (the *Commissioner*). Section 5 of the Act provides that the Commissioner must not be appointed for a term longer than 5 years.

The instrument appoints Dr Sophie Lewis as the Commissioner until 30 April 2025. Dr Lewis has significant skills, expertise and qualifications in science and in the study of climate change. Dr Lewis was the ACT Scientist of the Year in 2019.

The Chief Minister has made a referral to the Remuneration Tribunal to determine the remuneration, allowances and other entitlements for the Commissioner. This means that the Remuneration Tribunal will now determine the remuneration, allowances and other entitlements for the Commissioner. The Remuneration Tribunal has issued a determination which applies to the Commissioner (Determination 4 of 2020).

The instrument revokes and replaces Dr Lewis's previous instrument of appointment, DI2020-83 as a result of the Remuneration Tribunal's determination.

Under the *Legislation Act 2001*, an appointment to a statutory position is a disallowable instrument and requires consultation with the relevant Legislative Standing Committee, in this case the Standing Committee on Environment and Transport and City Services. The consultation on the appointment of Dr Lewis has already been undertaken.

Regulatory Impact Statement (RIS)

The *Legislation Act 2001* (Legislation Act) requires a RIS for disallowable instruments subject to specified exceptions. In this case, a RIS is not required because the determination does not impose any appreciable costs on the community or part of the community (s 34(1) of the Legislation Act).

Outline of provisions

Section 1 - Name of Instrument

This section names the instrument.

Section 2 - Commencement

This section states that the instrument commences on the day after notification.

Section 3 – Appointment of Commissioner for Sustainability and the Environment

This section appoints Dr Sophie Lewis as the Commissioner for Sustainability and the Environment.

Section 4 – Remuneration, allowances and entitlements

This section provides that the remuneration, allowances and other entitlements of the Commissioner are to be determined by the ACT Remuneration Tribunal.

Section 5 – Revocation

This section revokes the previous appointment instrument DI2020-83.