

Australian Capital Territory

Commissioner for Sustainability and the Environment (Acting Commissioner) Appointment 2021 (No 1)

Notifiable instrument NI2021-240

made under the

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

EXPLANATORY STATEMENT

Overview

Section 4 of the *Commissioner for Sustainability and the Environment Act 1993* requires the Minister to appoint a person as the Commissioner for Sustainability and the Environment (the *commissioner*). On 9 September 2020, the Minister appointed Dr Sophie Lewis as the commissioner from 11 September 2020 to 30 April 2025 (see *Commissioner for Sustainability and the Environment Appointment 2020 (No 3)* [DI2020-284]).

This instrument appoints Dr Margaret Kitchin as the acting commissioner during Dr Lewis's leave. Dr Kitchin's acting appointment is from 28 May 2021 to 30 July 2021.

Under the *Legislation Act 2001*, an appointment to a statutory position is a disallowable instrument and requires consultation with the relevant standing committee of the Legislative Assembly, subject to certain exceptions. In this case, no consultation is required with a standing committee because:

- Dr Kitchin is a public servant being appointed to a statutory position (Legislation Act, s 227 (2) (a)); and
- Dr Kitchin is being appointed to act in a statutory position for not longer than 6 months (Legislation Act, s 227 (2) (b)).

Regulatory impact statement

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