

Climate Change and Greenhouse Gas Reduction (Council Member) Appointment 2021 (No 4)

Disallowable instrument DI2021–293

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 (Council Member) Appointment 2021 (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 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 Ms Mia Swainson as a member of the Council. Ms Swainson is not a public servant. Ms Swainson is appointed for the period 1 February 2022 until 31 January 2025.

Ms Swainson is appointed to the Council to represent the community's interest in climate change.

Ms Swainson has an environmental engineering qualification and experience in social analysis, environmental management and business in government and non-government organisations. Ms Swainson has experience providing consulting services on environmental and climate-related matters. Ms Swainson is also the President of the Canberra Environment Centre (since 2018) and has significant experience engaging with a large variety of ACT stakeholders across the public, private and community sectors. This has included contribution to the development of community environment education programs in the ACT. Ms Swainson is also the Chair of Zero Waste Revolution looking at innovative ways for the ACT to reach zero waste.

The appointment has been made by the Minister for Water, Energy and Emissions Reduction. The Minister consulted the Standing Committee on Environment, Climate Change and Biodiversity 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.