

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION (MEMBERSHIP)
AMENDMENT BILL 2024**

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
Shane Rattenbury MLA
Minister for Water, Energy and Emissions Reduction**

CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION AMENDMENT BILL 2024

INTRODUCTION

This explanatory statement relates to the Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill 2024 (the *bill*) as presented to the Legislative Assembly. It has been prepared to assist the reader of the bill and to help inform debate. It does not form part of the bill and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the bill. It is not, and is not meant to be, a comprehensive description of the bill. 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.

The bill **is not** a Significant Bill. Significant bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004* (the *HRA*).

OVERVIEW OF THE BILL

The ACT Climate Change Council (the *Council*) is established under the *Climate Change and Greenhouse Gas Reduction Act 2010* (the *Act*) and advises the Minister for Water, Energy and Emissions Reduction (the *Minister*) on reducing greenhouse gas emissions and addressing and adapting to climate change.

The bill amends the Act to increase representation of the Aboriginal and Torres Strait Islander community on the Council. This responds to a request received from the Dhawura Ngunnawal Caring for Country Committee (DNCCC, an internal non-statutory committee), about ensuring adequate representation on the Council to provide specific, connected and localised solutions relevant to the Council's remit.

Specifically, the bill amends section 20 (1) of the Act to enable the Minister to appoint an additional member to the Council. The Council's composition would increase to a maximum of 10 members (from the current nine), while maintaining the same minimum (five) membership requirement.

The amendment to section 20 (2) (b) requires that the Minister must, to the greatest extent practicable, ensure the Council includes at least two Aboriginal and / or Torres Strait Islander people, as members of the Council. This amendment should be read in the context of the entirety of section 20 within the Act, and with reference to the ordinary meaning of the term "practicable".

Overall, the amendments within the bill progress the Government's commitment to First Nations perspectives being represented in climate change policy related decision-making and promotes the lore of traditional cultures.

CONSULTATION ON THE PROPOSED APPROACH

In developing the bill, the Government consulted with relevant stakeholders including the Office for Climate Action, the Office of Aboriginal and Torres Strait Islander Affairs (OATSIA), Traditional Custodian Engagement (TCE), the Dhawura Ngunnawal Caring for Country Committee (DNCCC), the United Ngunnawal Elders Council (UNEC), the Workforce Capability and Governance team (WCAG) within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), ACT Remuneration Tribunal, ACT Minister for Aboriginal and Torres Strait Islander Affairs, the Office of Industrial Relations and Workforce Safety (OIRWS), and the Justice and Community Services Directorate (JACS).

CONSISTENCY WITH HUMAN RIGHTS

Rights Promoted

The bill promotes the right to recognition and equality before the law under section 8 of the *Human Rights Act 2004* and cultural and other rights of Aboriginal and Torres Strait Islanders people under section 27 of the *Human Rights Act 2004*.

This bill has a positive impact on the rights of Aboriginal and Torres Strait Islander peoples. Amending the Council membership to include at least two Aboriginal and/or Torres Strait Islander people increases the opportunity for Aboriginal and Torres Strait Islander participation and the promotion of the interests of the Aboriginal and Torres Strait Islander community in decision-making processes related to climate change policy. Noting the remit of the Council, this recognises the Aboriginal and Torres Strait Islander community's continuing connection to the lands and waters of the ACT. This will have a positive impact for diversity and representation on the Council.

Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill 2024

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Climate Change and Greenhouse Gas Reduction (Membership) Amendment Bill 2024**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Shane Rattenbury MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause provides that the name of the Act is the *Climate Change and Greenhouse Gas Reduction (Membership) Amendment Act 2024*.

Clause 2 Commencement

This clause provides the Act commences on the day after it is notified.

Clause 3 Legislation amended

This clause sets out that the Act amends the *Climate Change and Greenhouse Gas Reduction Act 2010*.

Clause 4 Membership Section 20 (1)

This clause amends section 20 (1) to enable the Minister to appoint an additional member to the ACT Climate Change Council. The Council's total membership composition is increased to a maximum of 10 members (from the current nine), while maintaining the same minimum (five) membership requirement. The amendment is required to support the amendment in clause 5.

Clause 5 Section 20 (2) (b)

The Act previously included a position for only one Aboriginal and / or Torres Strait Islander person to be appointed to the Council.

This clause amends the existing provision to specify that the Minister must, to the greatest extent practicable, ensure that at least two Aboriginal and / or Torres Strait Islander people are to be appointed to the Council.