

Australian Capital Territory

Commissioner for Sustainability and the Environment (State of the Environment Report—Reporting Period and Reporting Day) Determination 2024

Disallowable instrument DI2024-91

made under the

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

EXPLANATORY STATEMENT

Introduction

Section 19 (5) of the *Commissioner for Sustainability and the Environment Act 1993* (the *Act*) requires the Minister to determine the reporting period and reporting day for the next state of the environment report (the *report*). This instrument sets out the reporting period and reporting day for the next report.

Background

Before determining the reporting period and reporting day, the Minister must consider the recommendation of the Commissioner for Sustainability and the Environment (the *commissioner*) made under section 19 (4) of the Act. The commissioner wrote to the Minister on 6 March 2024 and recommended a reporting period ending on 30 June 2027 and a reporting day of 20 December 2027. The Minister has accepted the commissioner's recommendation.

The reporting period is the period of time that the report covers. This instrument provides that the period begins on 1 July 2023 and ends on 30 June 2027. This period is 4 years from the end of the reporting period of the previous report. It is the same length as previous reporting period and complies with the statutory requirements for the reporting period stated in section 19 (5) (a) of the Act.

The reporting day is the day by which the commissioner must give the report to the Minister. This instrument determines the reporting day to be 20 December 2027. This will provide time for the report to be finalised after the end of the reporting period and is within the statutory requirement of being between 3 and 6 months after the end of the reporting period, as required by section 19 (5) (b) of the Act.

Scrutiny of Bills Committee Principles

The disallowable instrument is in accordance with the Scrutiny of Bills Committee's scrutiny principles. The following addresses the Scrutiny of Bills Committee principles.

(a) is in accord with the general objects of the Act under which it is made;

The determination is made in accordance with the objects of the Act. By determining the reporting period and reporting day for the State of the Environment Report, this instrument supports the following objects of the Act:

- (a) ensure regular and consistent reporting on matters relating to the condition and management of the environment in the Territory; and
- (b) ensure regular reporting on progress towards ecologically sustainable development by the Territory and territory authorities.

(b) unduly trespasses on rights previously established by law;

No rights, liberties or obligations are directly impacted by the determination.

(c) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;

The determination sets a reporting period and reporting day for the State of the Environment Report, after consideration of the commissioner.

(d) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly.

It is appropriate that the matter be dealt with in a disallowable instrument rather than an Act of the Legislative Assembly.

Regulatory impact statement

A regulatory impact statement is not required for this instrument, under section 34 of the *Legislation Act 2001*. This is because this instrument is not likely to impose appreciable costs on the community or a part of the community. The instrument affects the scope of the report and the date the report must be completed. It does not impose a cost or regulatory burden; it only sets requirements for a reporting process.

Human rights

The disallowable instrument does not engage any human rights contained in the *Human Rights Act 2004* and merely corrects an administrative oversight.