

Australian Capital Territory

Climate Change and Greenhouse Gas Reduction (Council Member) Appointment 2025 (No 4)

Disallowable instrument DI2025–9

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 2025 (No 4)* as presented to the Legislative Assembly. It has been prepared 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 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

Section 16 of the *Climate Change and Greenhouse Gas Reduction Act 2010* (the *Act*) establishes the Climate Change Council (the *council*). Section 20 of the Act provides for the appointment to the 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* (the *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 appointed for the period 1 February 2025 until 30 June 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 in leadership and strategy roles in government, politics, private sector and non-government organisations with a focus on sustainability, inclusion and climate change.

In addition to her role as a Consultant, Ms Swainson is also a sustainable living advocate and writes on sustainable living for HerCanberra. Her highly successful book, *Happy Planet Living*, is a practical guide to sustainable living and was released in 2022. She engages regularly with Canberra's environmental NGO sector as the current President of the Canberra Environment Centre and founding Chair of Canberra's Zero Waste Revolution. Ms Swainson also has experience in designing and delivering community workshops on how people can halve their household waste. In 2017 she delivered a TEDx Canberra talk on how to start your zero-waste journey.

Ms Swainson is not a public servant.

Consultation

The appointment has been made by the Minister for Climate Change, Environment, Energy and Water. The Minister consulted the Standing Committee on Environment, Planning, Transport and City Services in accordance with section 228 of the Legislation Act. Any response from the Standing Committee was incorporated as appropriate.

Regulatory Impact Statement (RIS)

A 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.

Remuneration

As the role of member is a statutory appointment, remuneration arrangements have been determined by the ACT Remuneration Tribunal. Council members will be paid in accordance with Determination 18 of 2023 Part-time Statutory Office Holders.

Scrutiny Committee terms of reference

The instrument is consistent with the Legislative Assembly's Scrutiny of Bills Committee Terms of Reference. In particular, the instrument:

1. Is made under a ministerial power found in the Act (see section 20 of the Act).

2. Is in accordance with the general objects of the Act under which it is made. The appointment of a member to the council is integral to the operation of the council and achieving the objects of the Act.
3. Does not unduly trespass on rights previously established by law.
4. Does not make rights, liberties and/or obligations unduly dependent on non-reviewable decisions. The instrument enables formal appointment.