

ACT CLIMATE CHANGE COUNCIL TERMS OF REFERENCE

The ACT Climate Change Council (the Council) is established under the Climate Change and Greenhouse Gas Reduction Act 2010 (the Act), available online at www.legislation.act.gov.au. Part 4 of the Act sets out Council's terms of reference as follows:

Establishment of council

The Climate Change Council is established.

Functions of council

(1) The main function of the council is to advise the Minister on matters relating to—

- (a) reducing greenhouse gas emissions; and
- (b) addressing, and adapting to, climate change.

(2) The council also has any other function given to the council under this Act.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act](#), s 104).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def **entity**).

(3) Without limiting subsection (1), the matters on which the council may advise the Minister include the following matters:

- (a) actions or strategies to achieve energy efficiencies;
- (b) actions or strategies to increase renewable energy use;
- (c) actions or strategies to achieve the targets mentioned in part 2;
- (d) community and business views on climate change, including—
 - (i) barriers to addressing climate change; and
 - (ii) proposed actions or strategies to overcome the barriers;
- (e) actions or strategies to encourage private entities to take action to reduce greenhouse gas emissions and address climate change;
- (f) actions taken or strategies implemented by private entities to reduce greenhouse gas emissions and address climate change;
- (g) commercial, regional, national and international practices or policies, including technological developments, to address climate change that may be used in the ACT.

(4) In exercising its functions, the council—

- (a) must try to—
 - (i) consult representatives from business and the community, including environmental and conservation entities, on matters relating to climate change; and

- (ii) provide information to private entities to encourage entities to take action to address, or adapt to, climate change; and
- (b) must consider—
 - (i) the social, economic and environmental impact of issues relating to climate change; and
 - (ii) national and international practices or developments in climate change; and
 - (iii) any relevant report given to the Minister by an independent entity under section 12; and
 - (iv) information available in any other report the Minister requires the council to consider; and
- (c) may consider any other relevant information.

Minister to consider council advice

In exercising a function under this Act, the Minister must consider any relevant advice given to the Minister by the council.

Annual report by council

- (1) For each financial year, the council must prepare a report about the council's activities during the financial year, including any advice given or recommendations made to the Minister.
- (2) The council must give the report to the Minister within 3 months after the end of the financial year.
- (3) The Minister must, within 21 days after receiving the report, present to the Legislative Assembly—
 - (a) the report; and
 - (b) statement by the Minister responding to any advice given or recommendations made to the Minister in the council's annual report.
- (4) However, if—
 - (a) there are no sitting days during the 21-day period—
 - (i) the Minister must give the report and the statement, and a copy of each for each member of the Legislative Assembly, to the Speaker; and
 - (ii) the report and the statement are taken for all purposes to have been presented to the Legislative Assembly on the day the Minister gives it to the Speaker (the **report day**); and
 - (iii) the Speaker must arrange for a copy of the report and a copy of the statement to be given to each member of the Legislative Assembly on the report day; and
 - (iv) despite subparagraph (ii), the Speaker must present the report and the statement to the Legislative Assembly on the next sitting day; or

- (b) the 21-day period coincides with all or part of the pre-election period for a general election of members of the Assembly—the Minister must table the report and the statement in the Legislative Assembly on the second sitting day after the election is held.

(5) In this section:

pre-election period—see the [Electoral Act 1992](#), dictionary.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is **unavailable** if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

Membership

(1) The council consists of at least 5, but not more than 10, members appointed by the Minister.

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

(2) The Minister must, to the greatest extent practicable, ensure that—

- (a) the council includes people with a broad range of skills and knowledge relating to addressing, or adapting to, climate change; and
- (b) the council includes at least 2 Aboriginal or Torres Strait Islander people; and
- (c) the members between them include people with extensive knowledge and expertise in the following areas:
 - (i) climate change science;
 - (ii) environmental management;
 - (iii) the built environment;
 - (iv) transport planning;
 - (v) energy;
 - (vi) climate change adaptation;
 - (vii) the interests of the community in relation to climate change; and
 - (viii) the interests of business in relation to climate change;
 - (ix) the interests of people who are socially or financially disadvantaged in relation to climate change.

(3) The Minister may appoint a person as a member only if satisfied that the person—

- (a) is committed to addressing climate change; and

- (b) has knowledge and experience in an area relevant to the operation of this Act.
- (4) The conditions of appointment of a member are the conditions stated in the appointment.
- (5) In this section:

Aboriginal or Torres Strait Islander person means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

Chair

The Minister must appoint a member of the council to be the chair of the council.

Ending of appointments

- (1) The Minister may end the appointment of a member of the council—
 - (a) if the member contravenes a territory law; or
 - (b) for misbehaviour; or
 - (c) if the member becomes bankrupt or personally insolvent; or
 - (d) if the member is convicted, or found guilty, in Australia of an offence punishable by imprisonment for at least 1 year; or
 - (e) if the member is convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or
 - (f) if the member is absent for 3 consecutive council meetings without leave; or
 - (g) for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions.

Note A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

- (2) The Minister may also end the appointment of a member (the **member concerned**) if the council tells the Minister in writing that it has resolved, by a majority of at least $\frac{2}{3}$ of the members, to recommend to the Minister that the member's appointment be ended.
- (3) The council may pass a resolution mentioned in subsection (2) only if—
 - (a) at least 3 weeks written notice of the intention to consider the proposed resolution has been given to the member concerned; and
 - (b) the member concerned has been given an opportunity to make submissions and present documents to a meeting of the council; and
 - (c) if the member concerned has used the opportunity mentioned in paragraph (b)—a summary of the member's submissions is recorded in the minutes of the council and a copy of any documents presented is included in the minutes.