

# 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](http://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 [of the Act];
  - 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 [the] 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) a statement by the Minister responding to any advice given or recommendations made to the Minister in the council's annual report.
- 4) However, if there are no sitting days during the 21-day period—
  - a) 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
  - b) 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

- c) 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
- d) despite paragraph (b), the Speaker must present the report and the statement to the Legislative Assembly on the next sitting day.

5) In this section:

**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 9, members appointed by the Minister.

**Note 1** For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

**Note 2** In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

**Note 3** A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def **appoint**).

- 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 following people are among the members appointed:
    - i) a person to represent the interests of business;
    - ii) a person to represent the community's interest in climate change;
    - iii) a person to represent climate change science;
    - iv) a person to represent environmental management;
    - v) a person to represent the built environment;
    - vi) a person to represent transport planning;
    - vii) a person to represent people who are socially or financially disadvantaged;
    - viii) an energy specialist;
    - ix) a public employee.

- 3) The Minister may appoint a person as a member only if satisfied that the person—
  - b) is committed to addressing climate change; and
  - c) 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.

## CHAIR

The Minister must appoint a member of the council (other than a member who is a public employee) 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.