

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Climate Change Authority Act 2011 (Cth)

Land Sector Carbon and Biodiversity Board Specification under section 62(1)(c) of the *Climate Change Authority Act 2011 (Cth)* (1)

The *Climate Change Authority Act 2011 (Cth)* (the **Act**) establishes the Land Sector Carbon and Biodiversity Board (the **Board**) (under section 61 of the Act).

Legislative background

The functions of the Board are set out in section 62 of the Act and the constitutional limits on the Board's functions are set out in section 63 of the Act.

Section 62(1)(c) of the Act provides that, in addition to the Board's functions under section 62(1)(a) and section 62(1)(b), the Board can advise on a matter specified in a legislative instrument made by the Environment Minister that relates to a measure, or proposed measure, that assists the land sector to deal with climate change.

Effect of the Instrument

The purpose of this instrument is to implement a proposal in the National Wildlife Corridors Plan (the **Plan**) to establish an independent council to support the effective, long-term implementation of the Plan and to ensure that the declaration of National Wildlife Corridors is based on robust and independent assessment.

The instrument specifies matters related to the Plan and the development of National Wildlife Corridors (being matters related to measures or proposed measures that assist the land sector to deal with climate change) as matters upon which the Board is required to provide advice as part of its functions. Those matters are:

- a. the implementation of the National Wildlife Corridors Plan;
- b. the nomination of wildlife corridors for declaration as **National Wildlife Corridors** and the assessment of those nominated wildlife corridors;
- c. the declaration of wildlife corridors as National Wildlife Corridors;
- d. progress towards the implementation of National Wildlife Corridors in its annual report for presentation to the Parliament; and
- e. the priorities for research and investigation in relation to the matters specified in paragraphs (a) – (d).

Consultation

In March 2012, the Department of Sustainability, Environment, Water, Population and Communities released a draft of the Plan. Almost 200 submissions were received and 11 stakeholder meetings were held in all capital cities and selected regional centres. The draft Plan was revised based on the comments received.

Both the draft Plan and revised Plan propose the establishment of an independent council to support the effective, long-term implementation of the Plan and ensure that the declaration of National Wildlife Corridors is based on robust and independent assessment. In performing its task, the council would endeavour to reflect community values and encourage a whole-of-landscape approach to corridor design and management, consistent with the objectives and

principles of the Plan. There were no objections to the proposal for an independent council during the consultation period.

Prior to the making of the instrument, the Department of Sustainability, Environment, Water, Population and Communities also consulted with the Attorney-General's Department, the Department of Finance and Deregulation, the Treasury, the Department of Prime Minister and Cabinet, the Department of Defence, the Department of Resources, Energy and Tourism, the Department of Climate Change and Energy Efficiency, the Department of Agriculture, Fisheries and Forestry and the Department of Regional Australia, Local Government, Arts and Sport.

Statement of Compatibility with Human Rights

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth). The instrument does not engage any of the applicable rights or freedoms.

The instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (Cth).

The instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

Authority: Section 62(1)(c) of the *Climate Change Authority Act 2011* (Cth).