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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Climate Change Authority Bill 2011

No. , 2011

(Climate Change and Energy Efficiency)

**A Bill for an Act to establish the Climate Change
Authority, and for other purposes**

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1 **A Bill for an Act to establish the Climate Change**
2 **Authority, and for other purposes**

3 The Parliament of Australia enacts:

4 **Part 1—Preliminary**
5

6 **1 Short title**

7 This Act may be cited as the *Climate Change Authority Act 2011*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with

Part 1 Preliminary

Section 2

1 column 2 of the table. Any other statement in column 2 has effect
2 according to its terms.
3

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Section 3	1 July 2012. However, if section 3 of the <i>Clean Energy Act 2011</i> does not commence before 1 July 2012, the provision(s) do not commence at all.	
3. Sections 4 to 9	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day the <i>Clean Energy Act 2011</i> receives the Royal Assent. However, if the provision(s) do not commence within the period of 6 months beginning on the later of: (a) the day this Act receives the Royal Assent; and (b) the day the <i>Clean Energy Act 2011</i> receives the Royal Assent; they commence on the day after the end of that period.	
4. Parts 2 and 3	1 July 2012. However, if section 3 of the <i>Clean Energy Act 2011</i> does not commence before 1 July 2012, the provision(s) do not commence at all.	
5. Parts 4 and 5	At the same time as the provision(s) covered by table item 3.	

Section 4

- 1 ***Agriculture Minister*** means the Minister administering Part 2 of
2 the *Natural Resources Management (Financial Assistance) Act*
3 1992.
- 4 ***associate Authority member*** means an associate member of the
5 Authority.
- 6 ***Authority*** means the Climate Change Authority.
- 7 ***Authority member*** means a member of the Authority, but does not
8 include an associate Authority member.
- 9 ***Biodiversity Fund program measure*** means a measure that has
10 been, is being, or may be, funded by the program known as the
11 Biodiversity Fund program.
- 12 ***Board*** means the Land Sector Carbon and Biodiversity Board.
- 13 ***Board member*** means a member of the Board, and includes the
14 Chair of the Board.
- 15 ***CEO*** means the Chief Executive Officer of the Authority.
- 16 ***Climate Change Department*** means the Department administered
17 by the Climate Change Minister.
- 18 ***Climate Change Minister*** means the Minister administering the
19 *Clean Energy Act 2011*.
- 20 ***Environment Department*** means the Department administered by
21 the Environment Minister.
- 22 ***Environment Minister*** means the Minister administering the
23 *Environment Protection and Biodiversity Conservation Act 1999*.
- 24 ***greenhouse gas*** has the same meaning as in the *National*
25 *Greenhouse and Energy Reporting Act 2007*.
- 26 ***Joint Petroleum Development Area*** has the same meaning as in
27 the *Petroleum (Timor Sea Treaty) Act 2003*.
- 28 ***staff of the Authority*** means the staff described in section 52.

1 **6 Crown to be bound**

2 (1) This Act binds the Crown in each of its capacities.

3 (2) This Act does not make the Crown liable to a pecuniary penalty or
4 to be prosecuted for an offence.

5 (3) The protection in subsection (2) does not apply to an authority of
6 the Crown.

7 **7 Extension to external Territories**

8 This Act extends to every external Territory.

9 **8 Extension to exclusive economic zone and continental shelf**

10 This Act extends to a matter relating to the exercise of Australia's
11 sovereign rights in the exclusive economic zone or the continental
12 shelf.

13 **9 Extension to Joint Petroleum Development Area**

14 This Act extends to the Joint Petroleum Development Area.
15

Part 2 Climate Change Authority

Division 1 Authority's establishment, functions, powers and liabilities

Section 10

1

2 **Part 2—Climate Change Authority**

3 **Division 1—Authority's establishment, functions, powers**
4 **and liabilities**

5 **10 Climate Change Authority**

6 The Climate Change Authority is established by this section.

7 Note: In this Act, *Authority* means the Climate Change Authority—see
8 section 4.

9 **11 Functions of the Authority**

10 The Authority has the following functions:

- 11 (a) to conduct reviews under:
- 12 (i) Part 22 of the *Clean Energy Act 2011*; and
- 13 (ii) section 306 of the *Carbon Credits (Carbon Farming*
14 *Initiative) Act 2011*; and
- 15 (iii) sections 76A and 76B of the *National Greenhouse and*
16 *Energy Reporting Act 2007*; and
- 17 (iv) section 162 of the *Renewable Energy (Electricity) Act*
18 *2000*; and
- 19 (v) Part 3 of this Act;
- 20 (b) if requested to do so by the Climate Change Minister, to
21 assist the Climate Change Minister in preparing the
22 Commonwealth Government's response to recommendations
23 set out in a report of such a review;
- 24 (c) to conduct research about matters relating to climate change;
- 25 (d) to conduct research for purposes in connection with the
26 performance of any of the Authority's functions;
- 27 (e) such other functions as are conferred on the Authority by this
28 Act;
- 29 (f) such functions as are conferred on the Authority by any other
30 law of the Commonwealth;

- 1 (g) to do anything incidental to or conducive to the performance
2 of any of the above functions.

3 **12 Authority must have regard to certain principles**

4 In performing its functions, the Authority must have regard to the
5 following principles:

- 6 (a) the principle that any measures to respond to climate change
7 should:
- 8 (i) be economically efficient; and
 - 9 (ii) be environmentally effective; and
 - 10 (iii) be equitable; and
 - 11 (iv) be in the public interest; and
 - 12 (v) take account of the impact on households, business,
13 workers and communities; and
 - 14 (vi) support the development of an effective global response
15 to climate change; and
 - 16 (vii) be consistent with Australia's foreign policy and trade
17 objectives;
- 18 (b) such other principles (if any) as the Authority considers
19 relevant.

20 **13 Powers of the Authority**

21 (1) The Authority has power to do all things necessary or convenient
22 to be done for or in connection with the performance of its
23 functions.

24 (2) The powers of the Authority include, but are not limited to, the
25 power to enter into contracts.

26 Note: The CEO may also enter into contracts on behalf of the
27 Commonwealth. See section 44 of the *Financial Management and*
28 *Accountability Act 1997*.

29 (3) Any contract entered into by the Authority is to be entered into on
30 behalf of the Commonwealth.

31 (4) Any real or personal property held by the Authority is held for and
32 on behalf of the Commonwealth.

Part 2 Climate Change Authority

Division 1 Authority's establishment, functions, powers and liabilities

Section 14

1 (5) Any money received by the Authority is received for and on behalf
2 of the Commonwealth.

3 (6) The Authority cannot hold real or personal property, or money, on
4 trust for a person other than the Commonwealth.

5 Note: The Commonwealth may hold real or personal property or money on
6 trust.

7 (7) To avoid doubt, a right to sue is taken not to be personal property
8 for the purposes of subsection (4).

9 **14 Authority's liabilities are Commonwealth liabilities**

10 (1) Any financial liabilities of the Authority are taken to be liabilities
11 of the Commonwealth.

12 (2) In this section:

13 *financial liability* means a liability to pay a person an amount,
14 where the amount, or the method for working out the amount, has
15 been determined.

16 **15 Authority has privileges and immunities of the Crown**

17 The Authority has the privileges and immunities of the Crown in
18 right of the Commonwealth.
19

1

2 **Division 2—Constitution and membership of the Authority**
3 **etc.**

4 **Subdivision A—Constitution of the Authority**

5 **16 Constitution of the Authority**

- 6 (1) The Authority:
- 7 (a) is a body corporate with perpetual succession; and
- 8 (b) must have a seal; and
- 9 (c) may acquire, hold and dispose of real and personal property;
- 10 and
- 11 (d) may sue and be sued in its corporate name.
- 12 (2) The seal of the Authority is to be kept in such custody as the
- 13 Authority directs and must not be used except as authorised by the
- 14 Authority.
- 15 (3) All courts, judges and persons acting judicially must:
- 16 (a) take judicial notice of the imprint of the seal of the Authority
- 17 appearing on a document; and
- 18 (b) presume that the document was duly sealed.

19 **Subdivision B—Authority members**

20 **17 Membership of the Authority**

- 21 The Authority consists of the following members:
- 22 (a) a Chair;
- 23 (b) the Chief Scientist;
- 24 (c) 7 other members.

25 **18 Appointment of Authority members**

- 26 (1) Each Authority member (other than the Chief Scientist) is to be
- 27 appointed by the Climate Change Minister by written instrument.

Part 2 Climate Change Authority

Division 2 Constitution and membership of the Authority etc.

Section 19

1 Note: The Authority member is eligible for reappointment: see the *Acts*
2 *Interpretation Act 1901*.

3 (2) A person is not eligible for appointment as an Authority member
4 (other than the Chief Scientist) unless the Climate Change Minister
5 is satisfied that the person has:

6 (a) substantial experience or knowledge; and

7 (b) significant standing;

8 in at least one of the following fields:

9 (c) climate science;

10 (d) economics (including environmental economics);

11 (e) industry;

12 (f) social policy;

13 (g) technology development and adoption;

14 (h) employment policy;

15 (i) energy production and supply;

16 (j) greenhouse gas emissions measurement and reporting;

17 (k) greenhouse gas abatement measures;

18 (l) financial markets and investment;

19 (m) trading of environmental instruments;

20 (n) land resource management;

21 (o) environmental management;

22 (p) public administration.

23 (3) An Authority member (other than the Chief Scientist) may hold
24 office on either a full-time or a part-time basis.

25 (4) The Chief Scientist holds office on a part-time basis.

26 (5) This Act does not prevent the same person from holding office as
27 the Chair and as the CEO.

28 (6) A person must not hold office as an Authority member (other than
29 the Chair) and as the CEO.

30 **19 Period of appointment for Authority members**

31 An Authority member (other than the Chief Scientist) holds office
32 for the period specified in the instrument of appointment. The
33 period must not exceed 5 years.

1 Note: For reappointment, see the *Acts Interpretation Act 1901*.

2 **20 Acting Authority members**

3 *Acting Chair of the Authority*

- 4 (1) The Climate Change Minister may appoint a person (other than the
5 Chief Scientist) to act as the Chair of the Authority:
- 6 (a) during a vacancy in the office of the Chair of the Authority
7 (whether or not an appointment has previously been made to
8 the office); or
 - 9 (b) during any period, or during all periods, when the Chair of
10 the Authority:
 - 11 (i) is absent from duty or Australia; or
 - 12 (ii) is, for any reason, unable to perform the duties of the
13 office.

14 *Acting Authority member (other than the Chair of the Authority)*

- 15 (2) The Climate Change Minister may appoint a person (other than the
16 Chief Scientist) to act as an Authority member (other than the
17 Chair of the Authority):
- 18 (a) during a vacancy in the office of an Authority member (other
19 than the Chair of the Authority), whether or not an
20 appointment has previously been made to the office; or
 - 21 (b) during any period, or during all periods, when an Authority
22 member (other than the Chair of the Authority):
 - 23 (i) is absent from duty or Australia; or
 - 24 (ii) is, for any reason, unable to perform the duties of the
25 office.

26 *Eligibility*

- 27 (3) A person is not eligible for appointment to act as:
- 28 (a) the Chair of the Authority; or
 - 29 (b) an Authority member (other than the Chair of the Authority);
- 30 unless the person is eligible for appointment as an Authority
31 member.

32 Note 1: See subsection 18(2).

Part 2 Climate Change Authority

Division 2 Constitution and membership of the Authority etc.

Section 21

1 Note 2: For rules that apply to acting appointments, see sections 33AB and
2 33A of the *Acts Interpretation Act 1901*.

3 **21 Deputy of the Chief Scientist**

4 *Appointment*

5 (1) The Chief Scientist may appoint an SES employee to be his or her
6 deputy for the purposes of attendance at one or more specified
7 meetings of the Authority.

8 Note: The expression *SES employee* is defined in the *Acts Interpretation Act*
9 *1901*.

10 *Termination of appointment*

11 (2) The Chief Scientist may terminate the appointment of a person as
12 his or her deputy.

13 *Resignation*

14 (3) A deputy of the Chief Scientist may resign his or her appointment
15 by giving the Chief Scientist a written resignation.

16 (4) The resignation takes effect on the day it is received by the Chief
17 Scientist or, if a later day is specified in the resignation, on that
18 later day.

19 *Attendance at meeting of the Authority*

20 (5) If:
21 (a) a person is the deputy of the Chief Scientist for the purposes
22 of attendance at a particular meeting of the Authority; and
23 (b) the Chief Scientist is absent from the meeting;
24 the person is entitled to attend the meeting and, when so attending,
25 is taken to be an Authority member.

26 (6) A deputy of the Chief Scientist is not entitled to any remuneration
27 or allowances for attending a meeting of the Authority (other than
28 remuneration or allowances payable to the deputy in his or her
29 capacity as an SES employee).

1 **Subdivision C—Associate Authority members**

2 **22 Appointment of associate Authority members**

3 (1) The Climate Change Minister may appoint as many associate
4 members of the Authority as the Climate Change Minister thinks
5 fit.

6 (2) Subsection (1) has effect subject to subsection (7).

7 (3) Each associate Authority member is to be appointed by the Climate
8 Change Minister by written instrument.

9 Note: The associate Authority member is eligible for reappointment: see the
10 *Acts Interpretation Act 1901*.

11 (4) A person is not eligible for appointment as an associate Authority
12 member unless the Climate Change Minister is satisfied that the
13 person has:

14 (a) substantial experience or knowledge; and

15 (b) significant standing;

16 in at least one of the following fields:

17 (c) climate science;

18 (d) economics (including environmental economics);

19 (e) industry;

20 (f) social policy;

21 (g) technology development and adoption;

22 (h) employment policy;

23 (i) energy production and supply;

24 (j) greenhouse gas emissions measurement and reporting;

25 (k) greenhouse gas abatement measures;

26 (l) financial markets and investment;

27 (m) trading of environmental instruments;

28 (n) land resource management;

29 (o) environmental management;

30 (p) public administration.

31 (5) An associate Authority member may be appointed as a full-time
32 associate Authority member or as a part-time associate Authority
33 member.

Part 2 Climate Change Authority

Division 2 Constitution and membership of the Authority etc.

Section 23

- 1 (6) An associate Authority member's instrument of appointment must
2 contain a statement to the effect that the associate Authority
3 member's appointment relates to a specified review.
- 4 (7) The Climate Change Minister must ensure that not more than one
5 associate Authority member is appointed for a particular review.

6 **23 Period of appointment for associate Authority members**

- 7 (1) An associate Authority member holds office for the period:
8 (a) beginning at the time specified in his or her instrument of
9 appointment; and
10 (b) ending:
11 (i) at the end of the day of the completion of the report of
12 the review specified in his or her instrument of
13 appointment; or
14 (ii) if the instrument of appointment specifies that the
15 associate Authority member is to remain in office for a
16 specified period beginning at the end of the day of the
17 completion of the report of the review—at the end of
18 that period.
- 19 (2) For the purposes of subsection (1), a review is completed when the
20 report of the review is given to the Climate Change Minister who is
21 responsible for causing the report to be tabled in each House of the
22 Parliament.
- 23 (3) A period specified under subparagraph (1)(b)(ii) must not be
24 longer than 180 days.

25 **24 Acting appointments—associate Authority members**

- 26 (1) The Climate Change Minister may appoint a person to act as an
27 associate Authority member during any period, or during all
28 periods, when an associate Authority member:
29 (a) is acting as an Authority member; or
30 (b) is absent from duty or from Australia; or
31 (c) is, for any reason, unable to perform the duties of the office.

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Eligibility

(2) A person is not eligible for appointment to act as an associate Authority member unless the person is eligible for appointment as an associate Authority member.

Note 1: See subsection 22(4)

Note 2: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

Section 25

1

2 **Division 3—Terms and conditions for Authority members**
3 **and associate Authority members**

4 **25 Remuneration**

- 5 (1) An Authority member (other than the Chief Scientist) or associate
6 Authority member is to be paid the remuneration that is determined
7 by the Remuneration Tribunal. If no determination of that
8 remuneration by the Tribunal is in operation, an Authority member
9 or associate Authority member is to be paid the remuneration that
10 is prescribed by the regulations.
- 11 (2) An Authority member (other than the Chief Scientist) or associate
12 Authority member is to be paid the allowances that are prescribed
13 by the regulations.
- 14 (3) This section has effect subject to the *Remuneration Tribunal Act*
15 *1973*.

16 **26 Disclosure of interests to the Climate Change Minister**

17 An Authority member or associate Authority member must give
18 written notice to the Climate Change Minister of all interests,
19 pecuniary or otherwise, that the Authority member or associate
20 Authority member has or acquires and that conflict or could
21 conflict with the proper performance of the Authority member's
22 functions or the associate Authority member's functions, as the
23 case may be.

24 **27 Disclosure of interests to the Authority**

- 25 (1) An Authority member or associate Authority member who has an
26 interest, pecuniary or otherwise, in a matter being considered or
27 about to be considered by the Authority must disclose the nature of
28 the interest to a meeting of the Authority.
- 29 (2) The disclosure must be made as soon as possible after the relevant
30 facts have come to the knowledge of the Authority member or
31 associate Authority member.

Section 28

-
- 1 (3) The disclosure must be recorded in the minutes of the meeting of
2 the Authority.
- 3 (4) Unless the Authority otherwise determines, the Authority member
4 or associate Authority member:
5 (a) must not be present during any deliberation by the Authority
6 on the matter; and
7 (b) must not take part in any decision of the Authority with
8 respect to the matter.
- 9 (5) For the purposes of making a determination under subsection (4),
10 the Authority member or associate Authority member:
11 (a) must not be present during any deliberation of the Authority
12 for the purpose of making the determination; and
13 (b) must not take part in making the determination.
- 14 (6) A determination under subsection (4) must be recorded in the
15 minutes of the meeting of the Authority.

28 Outside employment

- 16
- 17 (1) A full-time Authority member or full-time associate Authority
18 member must not engage in paid employment outside the duties of
19 his or her office without the Climate Change Minister's approval.
- 20 (2) A part-time Authority member or part-time associate Authority
21 member must not engage in any paid employment that conflicts or
22 may conflict with the proper performance of his or her duties.

29 Leave of absence

- 23
- 24 (1) A full-time Authority member or full-time associate Authority
25 member has the recreation leave entitlements that are determined
26 by the Remuneration Tribunal.
- 27 (2) The Climate Change Minister may grant leave of absence, other
28 than recreation leave, to a full-time Authority member or full-time
29 associate Authority member on the terms and conditions as to
30 remuneration or otherwise that the Climate Change Minister
31 determines.

Part 2 Climate Change Authority

Division 3 Terms and conditions for Authority members and associate Authority members

Section 30

- 1 (3) The Chair of the Authority may grant leave of absence to a
2 part-time Authority member (other than the Chief Scientist) or
3 part-time associate Authority member on the terms and conditions
4 that the Chair determines.

5 **30 Resignation**

- 6 (1) An Authority member (other than the Chief Scientist) or associate
7 Authority member may resign his or her appointment by giving the
8 Climate Change Minister a written resignation.
- 9 (2) The resignation takes effect on the day it is received by the Climate
10 Change Minister or, if a later day is specified in the resignation, on
11 that later day.

12 **31 Termination of appointment**

- 13 (1) The Climate Change Minister may terminate the appointment of an
14 Authority member (other than the Chief Scientist) or associate
15 Authority member for misbehaviour or physical or mental
16 incapacity.
- 17 (2) The Climate Change Minister may terminate the appointment of an
18 Authority member (other than the Chief Scientist) or associate
19 Authority member if:
- 20 (a) the Authority member or associate Authority member:
- 21 (i) becomes bankrupt; or
- 22 (ii) applies to take the benefit of any law for the relief of
23 bankrupt or insolvent debtors; or
- 24 (iii) compounds with his or her creditors; or
- 25 (iv) makes an assignment of his or her remuneration for the
26 benefit of his or her creditors; or
- 27 (b) if the Authority member or associate Authority member is a
28 full-time Authority member or full-time associate Authority
29 member—the Authority member or associate Authority
30 member engages, except with the Climate Change Minister's
31 approval, in paid employment outside the duties of his or her
32 office (see section 28); or

Section 32

- 1 (c) if the Authority member or associate Authority member is a
2 part-time Authority member or part-time associate Authority
3 member—the Authority member or associate Authority
4 member engages in paid employment that conflicts or may
5 conflict with the proper performance of his or her duties (see
6 section 28); or
7 (d) the Authority member or associate Authority member fails,
8 without reasonable excuse, to comply with section 26 or 27;
9 or
10 (e) the Authority member or associate Authority member is
11 absent, except on leave of absence, from 3 consecutive
12 meetings of the Authority.
- 13 (3) The only meetings that are to be taken into account for the purpose
14 of the application of paragraph (2)(e) to an associate Authority
15 member, are meetings that the associate Authority member was
16 entitled to attend (see section 36).

32 Other terms and conditions

18 An Authority member (other than the Chief Scientist) or associate
19 Authority member holds office on the terms and conditions (if any)
20 in relation to matters not covered by this Act that are determined
21 by the Climate Change Minister.
22

Section 33

1

2 **Division 4—Decision-making by the Authority**

3 **33 Holding of meetings**

4 (1) The Authority is to hold such meetings as are necessary for the
5 performance of its functions.

6 (2) The Chair of the Authority may convene a meeting at any time.

7 **34 Presiding at meetings**

8 (1) The Chair of the Authority presides at all meetings at which he or
9 she is present.

10 (2) If the Chair of the Authority is not present at a meeting, the
11 Authority members present must appoint one of themselves to
12 preside.

13 **35 Quorum**

14 At a meeting of the Authority, 5 Authority members constitute a
15 quorum.

16 **36 Participation etc. by associate Authority members at meetings**

17 (1) An associate Authority member is entitled to attend, and participate
18 in discussions at, a meeting of the Authority while the meeting is
19 considering a matter connected with:

20 (a) a review specified in the associate Authority member's
21 instrument of appointment; or

22 (b) assisting the Climate Change Minister to prepare the
23 Commonwealth Government's response to recommendations
24 set out in a report of a review specified in the associate
25 Authority member's instrument of appointment.

26 (2) Subsection (1) has effect subject to section 27.

1 **37 Voting at meetings etc.**

2 (1) At a meeting of the Authority, a question is decided by a majority
3 of the votes of the following people present and voting:

4 (a) the Authority members;

5 (b) if the question relates to a matter connected with:

6 (i) a review specified in the instrument of appointment of
7 an associate Authority member; or

8 (ii) assisting the Climate Change Minister to prepare the
9 Commonwealth Government's response to
10 recommendations set out in a report of a review
11 specified in the instrument of appointment of an
12 associate Authority member;

13 that associate Authority member.

14 (2) The person presiding at a meeting has a deliberative vote and, in
15 the event of an equality of votes, also has a casting vote.

16 **38 Conduct of meetings**

17 The Authority may, subject to this Division, regulate proceedings
18 at its meetings as it considers appropriate.

19 Note: Section 33B of the *Acts Interpretation Act 1901* provides for
20 participation in meetings by telephone etc.

21 **39 Minutes**

22 The Authority must keep minutes of its meetings.
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2 **Division 5—Delegation**

3 **40 Delegation by the Authority**

4 (1) The Authority may, by writing, delegate any or all of its functions
5 and powers to:

6 (a) the CEO; or

7 (b) an Authority member or associate Authority member; or

8 (c) a person who is:

9 (i) a member of the staff of the Authority; and

10 (ii) an SES employee or acting SES employee; or

11 (d) a person who is:

12 (i) a member of the staff of the Authority; and

13 (ii) an APS employee who holds or performs the duties of
14 an Executive Level 2 position or an equivalent position;

15 or

16 (e) a person who is:

17 (i) an SES employee, or acting SES employee, in the
18 Climate Change Department; and

19 (ii) a person assisting the Authority under section 53; or

20 (f) a person who:

21 (i) is an APS employee in the Climate Change Department;
22 and

23 (ii) is a person assisting the Authority under section 53; and

24 (iii) holds or performs the duties of an Executive Level 2
25 position or an equivalent position.

26 Note: The expressions *APS employee*, *SES employee* and *acting SES*
27 *employee* are defined in the *Acts Interpretation Act 1901*.

28 (2) A delegate must comply with any written directions of the
29 Authority.

30 (3) The Authority must not delegate a function or power to an
31 associate Authority member unless the function or power relates to
32 a matter connected with:

Section 40

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- (a) the review specified in the associate Authority member's instrument of appointment; or
- (b) assisting the Climate Change Minister to prepare the Commonwealth Government's response to recommendations set out in a report of the review specified in the associate Authority member's instrument of appointment.

Section 41

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2 **Division 6—Chief Executive Officer of the Authority**

3 **41 Establishment**

4 There is to be a Chief Executive Officer of the Authority.

5 Note: In this Act, *CEO* means the Chief Executive Officer of the
6 Authority—see section 4.

7 **42 Role**

8 (1) The CEO is responsible for the day-to-day administration of the
9 Authority.

10 (2) The CEO has power to do all things necessary or convenient to be
11 done for or in connection with the performance of his or her duties.

12 (3) The CEO is to act in accordance with the policies determined, and
13 any directions given, by the Authority.

14 **43 Appointment**

15 (1) The CEO is to be appointed by the Climate Change Minister.

16 (2) The appointment is to be made by written instrument.

17 (3) Before appointing a person as the CEO, the Climate Change
18 Minister must consult the Authority.

19 (4) The CEO holds office on a full-time basis.

20 (5) The CEO holds office for the period specified in the instrument of
21 appointment. The period must not exceed 5 years.

22 Note: For reappointment, see the *Acts Interpretation Act 1901*.

23 **44 Acting appointments**

24 (1) The Climate Change Minister may appoint a person to act as the
25 CEO:

- 1 (a) during a vacancy in the office of the CEO (whether or not an
2 appointment has previously been made to the office); or
3 (b) during any period, or during all periods, when the CEO:
4 (i) is absent from duty or from Australia; or
5 (ii) is, for any reason, unable to perform the duties of the
6 office.

- 7 (2) An appointment under subsection (1) is to be made by written
8 instrument.

9 Note: For rules that apply to acting appointments, see sections 33AB and
10 33A of the *Acts Interpretation Act 1901*.

11 **45 Outside employment**

12 The CEO must not engage in paid employment outside the duties
13 of his or her office without the approval of the Climate Change
14 Minister.

15 **46 Remuneration**

- 16 (1) The CEO is to be paid the remuneration that is determined by the
17 Remuneration Tribunal. If no determination of that remuneration
18 by the Tribunal is in operation, the CEO is to be paid the
19 remuneration that is prescribed by the regulations.
- 20 (2) The CEO is to be paid the allowances that are prescribed by the
21 regulations.
- 22 (3) This section has effect subject to the *Remuneration Tribunal Act*
23 *1973*.

24 **47 Leave**

- 25 (1) The CEO has the recreation leave entitlements that are determined
26 by the Remuneration Tribunal.
- 27 (2) The Climate Change Minister may grant the CEO leave of absence,
28 other than recreation leave, on the terms and conditions as to
29 remuneration or otherwise that the Climate Change Minister
30 determines.

Section 48

1 **48 Disclosure of interests**

2 The CEO must give written notice to the Climate Change Minister
3 and the Authority of all interests, pecuniary or otherwise, that the
4 CEO has or acquires and that conflict or could conflict with the
5 proper performance of the CEO's duties.

6 **49 Resignation**

7 (1) The CEO may resign his or her appointment by giving the Climate
8 Change Minister a written resignation.

9 (2) The resignation takes effect on the day it is received by the Climate
10 Change Minister or, if a later day is specified in the resignation, on
11 that later day.

12 (3) If the CEO resigns, the Climate Change Minister must notify the
13 Authority of the resignation.

14 **50 Termination of appointment**

15 (1) The Climate Change Minister may terminate the appointment of
16 the CEO for misbehaviour or physical or mental incapacity.

17 (2) The Climate Change Minister must terminate the appointment of
18 the CEO if:

19 (a) the CEO:

20 (i) becomes bankrupt; or

21 (ii) applies to take the benefit of any law for the relief of
22 bankrupt or insolvent debtors; or

23 (iii) compounds with his or her creditors; or

24 (iv) makes an assignment of his or her remuneration for the
25 benefit of his or her creditors; or

26 (b) the CEO is absent, except on leave of absence, for 14
27 consecutive days or for 28 days in any 12 months; or

28 (c) the CEO fails, without reasonable excuse, to comply with
29 section 48; or

30 (d) the CEO engages, except with the approval of the Climate
31 Change Minister, in paid employment outside the duties of
32 his or her office (see section 45).

- 1 (3) Before terminating the appointment of the CEO, the Climate
2 Change Minister must consult the Authority.

3 **51 Other terms and conditions**

4 The CEO holds office on the terms and conditions (if any) in
5 relation to matters not covered by this Act that are determined by
6 the Climate Change Minister.
7

Section 52

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2 **Division 7—Staff of the Authority etc.**

3 **52 Staff**

4 (1) The staff of the Authority are to be persons engaged under the
5 *Public Service Act 1999*.

6 (2) For the purposes of the *Public Service Act 1999*:

7 (a) the CEO and the staff of the Authority together constitute a
8 Statutory Agency; and

9 (b) the CEO is the Head of that Statutory Agency.

10 **53 Persons assisting the Authority**

11 The Authority may also be assisted:

12 (a) by officers and employees of Agencies (within the meaning
13 of the *Public Service Act 1999*); or

14 (b) by officers and employees of authorities of the
15 Commonwealth; or

16 (c) by officers and employees of a State or Territory; or

17 (d) by officers and employees of authorities of a State or
18 Territory;

19 whose services are made available to the Authority in connection
20 with the performance of any of its functions.

21 **54 Consultants**

22 (1) The Authority may engage persons having suitable qualifications
23 and experience as consultants to the Authority.

24 (2) The consultants are to be engaged on the terms and conditions that
25 the Authority determines in writing.
26

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2 **Division 8—Planning and reporting obligations**

3 **55 Corporate plan**

- 4 (1) The Authority must prepare a corporate plan at least once each
5 3-year period and give it to the Climate Change Minister.
- 6 (2) The plan must cover a 3-year period.
- 7 (3) The plan must include details of the following matters:
8 (a) the objectives of the Authority;
9 (b) the strategies and policies that are to be followed by the
10 Authority in order to achieve those objectives;
11 (c) such other matters (if any) as the Climate Change Minister
12 requires.
- 13 (4) The Chair of the Authority must keep the Climate Change Minister
14 informed about:
15 (a) changes to the plan; and
16 (b) matters that might significantly affect the achievement of the
17 objectives set out in the plan.
- 18 (5) The Climate Change Minister may give the Chair of the Authority
19 written guidelines that are to be used by the Chair in deciding
20 whether a matter is covered by paragraph (3)(c) or (4)(b).
- 21 (6) A guideline given under subsection (5) is not a legislative
22 instrument.
- 23 (7) The Authority must ensure that the first corporate plan is prepared
24 within 12 months after the commencement of this section.

25 **56 Annual report**

- 26 (1) The Authority must, as soon as practicable after the end of each
27 financial year, prepare and give to the Climate Change Minister,
28 for presentation to the Parliament, a report on its operations during
29 that year.

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2 **Division 9—Other matters**

3 **57 Climate Change Minister may give directions to the Authority**

4 (1) The Climate Change Minister may, by legislative instrument, give
5 directions to the Authority in relation to the performance of its
6 functions and the exercise of its powers.

7 Note 1: For variation and revocation, see subsection 33(3) of the *Acts*
8 *Interpretation Act 1901*.

9 Note 2: Section 42 (disallowance) and Part 6 (sunsetting) of the *Legislative*
10 *Instruments Act 2003* do not apply to the direction (see sections 44
11 and 54 of that Act).

12 (2) A direction under subsection (1) must be of a general nature only.

13 (3) Without limiting subsection (2), a direction under subsection (1)
14 must not relate to:

- 15 (a) the conduct of a particular review; or
16 (b) the content of a report of a particular review.

17 (4) A direction under subsection (1) must not be inconsistent with the
18 objects of:

- 19 (a) the *Clean Energy Act 2011*; or
20 (b) the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or
21 (c) the *National Greenhouse and Energy Reporting Act 2007*; or
22 (d) the *Renewable Energy (Electricity) Act 2000*.

23 (5) The Authority must comply with a direction under subsection (1).

24 **58 CEO not subject to direction by the Authority on certain matters**

25 To avoid doubt, the CEO is not subject to direction by the
26 Authority in relation to the CEO's performance of functions, or
27 exercise of powers, under:

- 28 (a) the *Financial Management and Accountability Act 1997*; or
29 (b) the *Public Service Act 1999*;

30 in relation to the Authority.
31

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2 **Part 3—Special reviews**

3

4 **59 Special reviews to be conducted by the Authority at the request of**
5 **the Climate Change Minister or the Parliament**

6 *Scope*

7 (1) This section applies if:

8 (a) either:

9 (i) the Climate Change Minister, by written instrument
10 given to the Chair of the Authority, requests the
11 Authority to conduct a review under this section of such
12 matters relating to climate change as are specified in the
13 instrument; or

14 (ii) both Houses of the Parliament, by resolution, request
15 the Authority to conduct a review under this section of
16 such matters relating to climate change as are specified
17 in the resolution; and

18 (b) the matters specified in the instrument or resolution, as the
19 case may be, are covered by:

20 (i) any of the legislative powers of the Parliament; or

21 (ii) the executive power of the Commonwealth.

22 *Review*

23 (2) The Authority is to conduct a review of those matters.

24 *Consultation*

25 (3) In conducting a review, the Authority must make provision for
26 public consultation.

27 *Instrument*

28 (4) An instrument given under subparagraph (1)(a)(i) is not a
29 legislative instrument.

60 Report of special review

- 1
- 2 (1) The Authority must:
- 3 (a) prepare a report of a review under section 59; and
- 4 (b) give the report to the Climate Change Minister; and
- 5 (c) as soon as practicable after giving the report to the Climate
- 6 Change Minister, publish the report on the Authority's
- 7 website.
- 8 (2) The Climate Change Minister must cause copies of the report to be
- 9 tabled in each House of the Parliament within 15 sitting days of
- 10 that House after receiving the report.

Recommendations

- 11
- 12 (3) The report may set out recommendations to the Commonwealth
- 13 Government.
- 14 (4) In formulating a recommendation that the Commonwealth
- 15 Government should take particular action, the Authority must
- 16 analyse the costs and benefits of that action.
- 17 (5) Subsection (4) does not prevent the Authority from taking other
- 18 matters into account in formulating a recommendation.
- 19 (6) If a report sets out one or more recommendations to the
- 20 Commonwealth Government, the report must set out the
- 21 Authority's reasons for those recommendations.

Government response to recommendations

- 22
- 23 (7) If a report sets out one or more recommendations to the
- 24 Commonwealth Government:
- 25 (a) as soon as practicable after receiving the report, the Climate
- 26 Change Minister must cause to be prepared a statement
- 27 setting out the Commonwealth Government's response to
- 28 each of the recommendations; and
- 29 (b) within 6 months after receiving the report, the Climate
- 30 Change Minister must cause copies of the statement to be
- 31 tabled in each House of the Parliament.

Section 60

- 1 (8) The Commonwealth Government's response to the
2 recommendations may have regard to the views of the following:
3 (a) the Authority;
4 (b) such other persons as the Climate Change Minister considers
5 relevant.
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2 **Part 4—Land Sector Carbon and Biodiversity**
3 **Board**

4 **Division 1—Board's establishment and functions**

5 **61 Land Sector Carbon and Biodiversity Board**

6 The Land Sector Carbon and Biodiversity Board is established.

7 **62 Functions of the Board**

8 (1) The Board has the following functions:

9 (a) to advise any or all of the relevant Ministers about:

10 (i) performance indicators for; and

11 (ii) the implementation of; and

12 (iii) the priorities for research in relation to;

13 prescribed measures that:

14 (iv) increase the land sector's resilience to climate change;
15 or

16 (v) improve long-term farm productivity; or

17 (vi) assist landholders and regional communities to benefit
18 from the reduction of greenhouse gas emissions from
19 the land sector; or

20 (vii) assist landholders and regional communities to benefit
21 from the sequestration of carbon in soil, in living
22 biomass, or in dead organic matter;

23 (b) to advise the Environment Minister about:

24 (i) performance indicators for; and

25 (ii) the implementation of; and

26 (iii) guidelines for the funding of;

27 Biodiversity Fund program measures that:

28 (iv) protect, manage or restore biodiverse ecosystems; or

29 (v) establish, protect, manage, improve or restore levels of
30 carbon sequestered in living biomass, or in dead organic

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- 1 matter, so far as that living biomass or dead organic
2 matter, as the case may be, is in a biodiverse ecosystem;
- 3 (c) to advise any or all of the relevant Ministers about any other
4 matters that:
- 5 (i) are specified in a legislative instrument made by the
6 Environment Minister; and
- 7 (ii) relate to measures, or proposed measures, that assist the
8 land sector to deal with climate change;
- 9 (d) to do anything incidental to or conducive to the performance
10 of the above functions.
- 11 (2) For the purposes of this section, each of the following is a *relevant*
12 *Minister*:
- 13 (a) the Environment Minister;
- 14 (b) the Climate Change Minister;
- 15 (c) the Agriculture Minister.

63 Constitutional limits

- 16
- 17 The Board may perform its functions only:
- 18 (a) for purposes related to external affairs, including:
- 19 (i) for purposes related to giving effect to an international
20 agreement to which Australia is a party; and
- 21 (ii) for purposes related to addressing matters of
22 international concern; or
- 23 (b) for purposes related to the executive power of the
24 Commonwealth; or
- 25 (c) for purposes related to statistics; or
- 26 (d) for purposes related to a Territory; or
- 27 (e) with respect to a Commonwealth place (within the meaning
28 of the *Commonwealth Places (Application of Laws) Act*
29 *1970*); or
- 30 (f) for purposes related to trade and commerce:
- 31 (i) between Australia and places outside Australia; or
- 32 (ii) among the States; or
- 33 (iii) within a Territory, between a State and a Territory or
34 between 2 Territories; or

- 1 (g) for purposes related to a corporation to which paragraph
2 51(xx) of the Constitution applies; or
3 (h) by way of the provision of a service to:
4 (i) the Commonwealth; or
5 (ii) an authority of the Commonwealth;
6 for a purpose of the Commonwealth; or
7 (i) for purposes related to matters that are peculiarly adapted to
8 the government of a nation and that cannot otherwise be
9 carried on for the benefit of the nation; or
10 (j) for purposes related to matters incidental to the execution of
11 any of the legislative powers of the Parliament or the
12 executive power of the Commonwealth.
13

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2 **Division 2—Membership of the Board**

3 **64 Membership of the Board**

4 The Board consists of the following members:

- 5 (a) a Chair;
- 6 (b) 4 other members.

7 **65 Appointment of Board members**

8 (1) Each Board member is to be appointed by the Environment
9 Minister and the Agriculture Minister by written instrument.

10 Note: A Board member is eligible for reappointment: see the *Acts*
11 *Interpretation Act 1901*.

12 (2) A person is not eligible for appointment as a Board member unless
13 the Environment Minister and the Agriculture Minister are satisfied
14 that the person has:

- 15 (a) substantial experience or knowledge; and
16 (b) significant standing;

17 in at least one of the following fields:

- 18 (c) agricultural science;
19 (d) economics (including environmental economics);
20 (e) conservation ecology;
21 (f) greenhouse gas emissions measurement and reporting;
22 (g) greenhouse gas abatement measures;
23 (h) public administration;
24 (i) business management;
25 (j) the management or care of indigenous-held land (within the
26 meaning of the *Aboriginal and Torres Strait Islander Act*
27 *2005*).

28 (3) Before appointing a person as a Board member, the Environment
29 Minister and the Agriculture Minister must consult the Climate
30 Change Minister.

31 (4) A Board member holds office on a part-time basis.

1 **66 Period of appointment for Board members**

2 A Board member holds office for the period specified in the
3 instrument of appointment. The period must not exceed 5 years.

4 Note: For reappointment, see the *Acts Interpretation Act 1901*.

5 **67 Acting Board members**

6 *Acting Chair of Board*

- 7 (1) The Environment Minister and the Agriculture Minister may
8 appoint a Board member to act as the Chair of the Board:
- 9 (a) during a vacancy in the office of the Board Chair (whether or
10 not an appointment has previously been made to the office);
11 or
 - 12 (b) during any period, or during all periods, when the Chair of
13 the Board:
 - 14 (i) is absent from duty or from Australia; or
 - 15 (ii) is, for any reason, unable to perform the duties of the
16 office.

17 *Acting Board member (other than the Chair)*

- 18 (2) The Environment Minister and the Agriculture Minister may
19 appoint a person to act as a Board member (other than the Chair of
20 the Board):
- 21 (a) during a vacancy in the office of a Board member (other than
22 the Chair of the Board), whether or not an appointment has
23 previously been made to the office; or
 - 24 (b) during any period, or during all periods, when a Board
25 member (other than the Chair of the Board):
 - 26 (i) is absent from duty or Australia; or
 - 27 (ii) is, for any reason, unable to perform the duties of the
28 office.

29 *Eligibility*

- 30 (3) A person is not eligible for appointment to act as:
31 (a) the Chair of the Board; or
-

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- 1 (b) a Board member (other than the Chair of the Board);
2 unless the person is eligible for appointment as a Board member.

3 Note 1: See subsection 65(2).

4 Note 2: For rules that apply to acting appointments, see sections 33AB and
5 33A of the *Acts Interpretation Act 1901*.

6 **68 Procedures**

- 7 (1) The regulations may prescribe the procedures to be followed at or
8 in relation to meetings of the Board, including matters relating to
9 the following:
10 (a) the convening of meetings of the Board;
11 (b) the number of Board members who are to constitute a
12 quorum;
13 (c) the selection of a Board member to preside at meetings of the
14 Board in the absence of the Chair of the Board;
15 (d) the manner in which questions arising at a meeting of the
16 Board are to be decided.
- 17 (2) A resolution is taken to have been passed at a meeting of the Board
18 if:
19 (a) without meeting, a majority of Board members indicate
20 agreement with the resolution in accordance with the method
21 determined by the Board under subsection (3); and
22 (b) all Board members were informed of the proposed resolution,
23 or reasonable efforts had been made to inform all Board
24 members of the proposed resolution.
- 25 (3) Subsection (2) applies only if the Board:
26 (a) determines that it applies; and
27 (b) determines the method by which Board members are to
28 indicate agreement with resolutions.

29 **69 Disclosure of interests to the Environment Minister and the**
30 **Agriculture Minister**

31 A Board member must give written notice to the Environment
32 Minister and the Agriculture Minister of all interests, pecuniary or
33 otherwise, that the Board member has or acquires and that conflict

1 or could conflict with the proper performance of the Board
2 member's functions.

3 **70 Disclosure of interests to Board**

- 4 (1) A Board member who has an interest, pecuniary or otherwise, in a
5 matter being considered or about to be considered by the Board
6 must disclose the nature of the interest to a meeting of the Board.
- 7 (2) The disclosure must be made as soon as possible after the relevant
8 facts have come to the Board member's knowledge.
- 9 (3) The disclosure must be recorded in the minutes of the meeting of
10 the Board.
- 11 (4) Unless the Board otherwise determines, the Board member:
12 (a) must not be present during any deliberation by the Board on
13 the matter; and
14 (b) must not take part in any decision of the Board with respect
15 to the matter.
- 16 (5) For the purposes of making a determination under subsection (4),
17 the Board member:
18 (a) must not be present during any deliberation of the Board for
19 the purpose of making the determination; and
20 (b) must not take part in making the determination.
- 21 (6) A determination under subsection (4) must be recorded in the
22 minutes of the meeting of the Board.

23 **71 Outside employment**

24 A Board member must not engage in any paid employment that
25 conflicts or may conflict with the proper performance of his or her
26 duties.

27 **72 Remuneration and allowances**

- 28 (1) A Board member is to be paid the remuneration that is determined
29 by the Remuneration Tribunal. If no determination of that

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1 remuneration by the Tribunal is in operation, the Board member is
2 to be paid the remuneration that is prescribed by the regulations.

3 (2) A Board member is to be paid the allowances that are prescribed
4 by the regulations.

5 (3) This section has effect subject to the *Remuneration Tribunal Act*
6 *1973*.

7 **73 Leave of absence**

8 (1) The Environment Minister may grant leave of absence to the Chair
9 of the Board on the terms and conditions that the Environment
10 Minister determines.

11 (2) The Chair of the Board may grant leave of absence to a Board
12 member on the terms and conditions that the Chair determines.

13 **74 Resignation**

14 (1) A Board member may resign his or her appointment by giving the
15 Environment Minister or the Agriculture Minister a written
16 resignation.

17 (2) The resignation takes effect on the day it is received by the
18 Environment Minister or the Agriculture Minister (as the case may
19 be) or, if a later day is specified in the resignation, on that later
20 day.

21 **75 Termination of appointment**

22 (1) The Environment Minister and the Agriculture Minister may
23 terminate the appointment of a Board member for misbehaviour or
24 physical or mental incapacity.

25 (2) The Environment Minister and the Agriculture Minister may
26 terminate the appointment of a Board member if:

27 (a) the Board member:

28 (i) becomes bankrupt; or

29 (ii) applies to take the benefit of any law for the relief of
30 bankrupt or insolvent debtors; or

- 1 (iii) compounds with his or her creditors; or
2 (iv) makes an assignment of remuneration for the benefit of
3 his or her creditors; or
4 (b) the Board member is absent, except on leave of absence, for
5 3 consecutive meetings of the Board; or
6 (c) the Board member engages in paid employment that conflicts
7 or may conflict with the proper performance of his or her
8 duties (see section 71); or
9 (d) the Board member fails, without reasonable excuse, to
10 comply with section 69 or 70.
- 11 (3) The Environment Minister and the Agriculture Minister may
12 terminate the appointment of a Board member if the Environment
13 Minister and the Agriculture Minister are of the opinion that the
14 performance of the Board member has been unsatisfactory.
- 15 (4) Before terminating the appointment of a Board member, the
16 Environment Minister and the Agriculture Minister must consult
17 the Climate Change Minister.

18 **76 Other terms and conditions**

19 A Board member holds office on the terms and conditions (if any)
20 in relation to matters not covered by this Act that are determined
21 by the Environment Minister.
22

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2 **Division 3—Assistance to Board**

3 **77 Assistance to Board**

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(1) Any or all of the following bodies:

5

(a) the Environment Department;

6

(b) any other Department, agency or authority of the
Commonwealth;

7

8

may assist the Board in the performance of its functions.

9

(2) The assistance may include the following:

10

(a) the provision of information;

11

(b) the provision of advice;

12

(c) the making available of resources and facilities (including
secretariat services and clerical assistance).

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2 **Division 4—Committees**

3 **78 Committees**

- 4 (1) The Environment Minister may, with the agreement of the
5 Agriculture Minister, establish committees to advise or assist the
6 Board in the performance of its functions.
- 7 (2) A committee may be constituted:
8 (a) wholly by Board members; or
9 (b) wholly by persons who are not Board members; or
10 (c) partly by Board members and partly by other persons.
- 11 (3) Each member of a committee established under this section is to be
12 appointed by the Environment Minister and the Agriculture
13 Minister by written instrument.
- 14 (4) The Environment Minister may, with the agreement of the
15 Agriculture Minister, determine in writing, in relation to a
16 committee established under this section:
17 (a) the committee's terms of reference; and
18 (b) the terms and conditions of appointment of the members of
19 the committee; and
20 (c) the procedures to be followed by the committee.

21 **79 Remuneration and allowances**

22 *Scope*

- 23 (1) This section applies if a committee is established under section 78.

24 *Remuneration and allowances*

- 25 (2) A committee member is to be paid the remuneration that is
26 determined by the Remuneration Tribunal. If no determination of
27 that remuneration by the Tribunal is in operation, the member is to
28 be paid the remuneration that is prescribed by the regulations.

Part 4 Land Sector Carbon and Biodiversity Board

Division 4 Committees

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- 1 (3) A committee member is to be paid the allowances that are
2 prescribed by the regulations.
- 3 (4) This section has effect subject to the *Remuneration Tribunal Act*
4 1973.

5 **80 Assistance to committees**

- 6 (1) Any or all of the following bodies:
7 (a) the Environment Department;
8 (b) any other Department, agency or authority of the
9 Commonwealth;
10 may assist a committee established under section 78 in the
11 performance of its functions.
- 12 (2) The assistance may include the following:
13 (a) the provision of information;
14 (b) the provision of advice;
15 (c) the making available of resources and facilities (including
16 secretariat services and clerical assistance).
17

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2 **Division 5—Annual report**

3 **81 Annual report**

4 (1) The Board must, as soon as practicable after the end of each
5 financial year, prepare and give to the Environment Minister, for
6 presentation to the Parliament, a report on its operations during that
7 year.

8 Note: See also section 34C of the *Acts Interpretation Act 1901*, which
9 contains extra rules about annual reports.

10 (2) If, in accordance with paragraph 62(1)(d), the Board makes an
11 assessment during a financial year of:
12 (a) the performance of a measure prescribed for the purposes of
13 paragraph 62(1)(a) against performance indicators; or
14 (b) the implementation of a measure prescribed for the purposes
15 of paragraph 62(1)(a); or
16 (c) the performance of a Biodiversity Fund program measure
17 referred to in paragraph 62(1)(b) against performance
18 indicators; or
19 (d) the implementation of a Biodiversity Fund program measure
20 referred to in paragraph 62(1)(b);
21 the Board's report for the financial year must include:
22 (e) a summary of that assessment; and
23 (f) a statement describing the contribution (if any) of the
24 performance and implementation of the measure in
25 advancing:
26 (i) the protection, management or restoration of land
27 biodiversity; and
28 (ii) the reduction of greenhouse gas emissions from the land
29 sector.
30

Section 82

1

2 **Part 5—Miscellaneous**

3

4 **82 Liability for damages**

5

None of the following:

6

(a) the Authority;

7

(b) a delegate of the Authority;

8

(c) an Authority member;

9

(d) an associate Authority member;

10

(e) the CEO;

11

(f) a member of the staff of the Authority;

12

(g) a person whose services are made available to the Authority under section 53;

13

14

(h) a person engaged as a consultant under section 54;

15

(i) a Board member;

16

(j) a member of a committee established under section 78;

17

is liable to an action or other proceeding for damages for, or in relation to, an act or matter in good faith done or omitted to be done in the performance or purported performance of any function, or in the exercise or purported exercise of any power, conferred by:

18

19

20

21

(k) this Act; or

22

(l) Part 22 of the *Clean Energy Act 2011*; or

23

(m) section 306 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or

24

25

(n) section 76A or 76B of the *National Greenhouse and Energy Reporting Act 2007*; or

26

27

(o) section 162 of the *Renewable Energy (Electricity) Act 2000*.

28

82A Transitional—validity of things done under appointments under section 67

29

30

Anything done before the commencement of Schedule 1 to the *Acts*

31

Interpretation Amendment Act 2011 by or in relation to a person

32

purporting to act under an appointment under section 67 of this Act is

33

not invalid merely because:

Section 83

- 1 (a) the occasion for the appointment had not arisen; or
- 2 (b) there was a defect or irregularity in connection with the
- 3 appointment; or
- 4 (c) the appointment ceased to have effect; or
- 5 (d) the occasion to act had not arisen or had ceased.

6 **83 Regulations**

7 The Governor-General may make regulations prescribing matters:

- 8 (a) required or permitted by this Act to be prescribed; or
- 9 (b) necessary or convenient to be prescribed for carrying out or
- 10 giving effect to this Act.