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HOUSE OF REPRESENTATIVES

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Climate Change (National Framework for Adaptation and Mitigation) Bill 2020

No. , 2020

(Ms Steggall)

**A Bill for an Act to establish a national climate
change adaptation and mitigation framework, and
to establish the Climate Change Commission, and
for related purposes**

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1 **A Bill for an Act to establish a national climate**
2 **change adaptation and mitigation framework, and**
3 **to establish the Climate Change Commission, and**
4 **for related purposes**

5 The Parliament of Australia enacts:

Section ^1

1 **Part 1—Introduction**

2 **Division 1—Preliminary**

3 **^1 Short title**

4 This Act is the *Climate Change (National Framework for*
5 *Adaptation and Mitigation) Act 2020*.

6 **^2 Commencement**

7 (1) Each provision of this Act specified in column 1 of the table
8 commences, or is taken to have commenced, in accordance with
9 column 2 of the table. Any other statement in column 2 has effect
10 according to its terms.

11

Commencement information		
Column 1	Column 2	Column 3
Provisions	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. Sections ^3 to ^83	The day after the day on which the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment for the purposes of the Climate Change Commission.	

12 Note: This table relates only to the provisions of this Act as originally
13 enacted. It will not be amended to deal with any later amendments of
14 this Act.

- 1 (2) Any information in column 3 of the table is not part of this Act.
2 Information may be inserted in this column, or information in it
3 may be edited, in any published version of this Act.

4 **^3 Objects of this Act**

- 5 (1) This Act recognises:
6 (a) that climate change is a serious challenge to Australia's
7 prosperity and security and this requires a planned transition
8 towards a net zero emissions economy and the
9 implementation of adaptation measures to protect livelihoods,
10 business and the environment; and
11 (b) that decisions under this Act should be consistent with
12 limiting the increase in global warming to well below 2°C
13 and pursuing efforts to limit it to 1.5°C above pre-industrial
14 levels.
- 15 (2) The objects of this Act are to establish a framework to address the
16 challenge of climate change, including by doing the following:
17 (a) setting a target for achieving net zero greenhouse gas
18 emissions by the year 2050;
19 (b) providing for a system of emissions budgeting;
20 (c) assessing the risk and preparing for climate change impacts;
21 (d) building the resilience of the national economy to climate
22 change;
23 (e) establishing an independent body to ensure accountable and
24 transparent plans to manage the climate challenge;
25 (f) to assist and guide the taking of action by government and
26 the community to reduce emissions in order to
27 meet Australia's obligations under any or all of the following:
28 (i) the Climate Change Convention;
29 (ii) the Kyoto Protocol;
30 (iii) the Paris Agreement;
31 (iv) any other international agreement relating to climate
32 change.
33

Section ^4

1 **^4 Simplified outline of this Act**

2	<p>This Act establishes a framework for adaptation and mitigation in relation to climate change.</p> <p>Decision-makers must consider 7 guiding principles when performing functions or duties or exercising powers under this Act or provisions of other prescribed Acts.</p> <p>The Commission is required to prepare a national climate change risk assessment within a year of the commencement of this Act and every 5 years after that.</p> <p>In response to each national climate change risk assessment, the Minister must prepare a national adaptation plan. The Commission must evaluate the implementation of these plans annually.</p> <p>This Act sets a target of zero net accounting emissions by 2050. The target can only be changed if there is a significant change in circumstances and the Commission is satisfied the significant change justifies the change.</p> <p>In order to meet the net zero target, the Act also provides for the Minister to set emissions budgets for emissions budget periods on advice from the Commission.</p> <p>The Minister must also prepare emissions reduction plans for each emissions budget. The Commission provides advice on these plans also.</p> <p>This Act establishes the Commission and provides for a Parliamentary Joint Committee on Climate Adaptation and Mitigation. Appointments to the Commission must be approved by the Committee.</p>
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27 **^5 Definitions**

28 In this Act:

1 **adaptation** means any process of adjusting to actual or expected
2 climate change and its effects that:

- 3 (a) in human systems—seeks to moderate or avoid harm or
4 exploit beneficial opportunities; and
5 (b) in natural systems—may be facilitated by human
6 intervention.

7 **carbon dioxide equivalence** of an amount of greenhouse gas has
8 the same meaning as in the *National Greenhouse and Energy*
9 *Reporting Act 2007*.

10 **CEO** means the Chief Executive Officer of the Commission.

11 **climate change** means a change of climate which is attributed
12 directly or indirectly to human activity that alters the composition
13 of the global atmosphere and which is in addition to natural climate
14 variability observed over comparable time periods.

15 **Climate Change Convention** means the United Nations
16 Framework Convention on Climate Change done at New York on
17 9 May 1992, as amended and in force for Australia from time to
18 time.

19 Note: The text of the Convention is set out in Australian Treaty Series 1994
20 No. 2 ([1994] ATS 2). In 2020, the text of a Convention in the
21 Australian Treaty Series was accessible through the Australian
22 Treaties Library on the AustLII website (www.austlii.edu.au).

23 **climate system** means the totality of the atmosphere, hydrosphere,
24 biosphere and geosphere and their interactions.

25 **Commission** means the Climate Change Commission established
26 by section **^41**.

27 **constitutional corporation** means a corporation to which
28 paragraph 51(xx) of the Constitution applies.

29 **eligible offset** has the meaning given by the rules.

30 **emissions budget**: see subsection **^30(2)**.

31 **emissions budget period** means the following:

Section 5

- 1 (a) the 4 year period beginning 1 January 2022;
2 (b) the 5 year period beginning 1 January 2026;
3 (c) each later 5 year period.

4 **greenhouse gas** has the same meaning as in the *National*
5 *Greenhouse and Energy Reporting Act 2007*.

6 **Kyoto Protocol** means the agreement done at Kyoto on 11
7 December 1997, and agreed to by Australia on 4 December 2007,
8 as amended and in force for Australia from time to time.

9 **gross emissions** means Australia's total emissions from the
10 agriculture, energy, industrial processes, and waste sectors (as
11 reported in the National Greenhouse Gas Inventory)

12 **net accounting emissions** means the total of gross emissions and
13 emissions from land use, land-use change, and forestry (as reported
14 in the National Greenhouse Gas Inventory), less—

- 15 (a) removals, including from land use, land-use change, and
16 forestry (as reported in the National Greenhouse Gas
17 Inventory); and
18 (b) eligible offsets.

19 **net zero target** means the target set out in section 24.

20 **Paris Agreement** means the Paris Agreement, done at Paris on
21 12 December 2015, as amended and in force for Australia from
22 time to time.

23 Note: The Agreement is in Australian Treaty Series 2016 No. 24 ([2016]
24 ATS 24) and could in 2020 be viewed in the Australian Treaties
25 Library on the AustLII website (<http://www.austlii.edu.au>).

26 **reduction**, of greenhouse gas emissions, has the same meaning as
27 in the *National Greenhouse and Energy Reporting Act 2007*.

28 **removal**, of greenhouse gas, has the same meaning as in the
29 *National Greenhouse and Energy Reporting Act 2007*.

1 **reservoir** means a component or components of the climate system
2 where a greenhouse gas or a precursor of a greenhouse gas is
3 stored.

4 **rules** means rules made under section **^83**.

sink means any process, activity or mechanism which removes a
 greenhouse gas, an aerosol or a precursor of a greenhouse gas from
 the atmosphere.

5 **source** means any process or activity which releases a greenhouse
6 gas, an aerosol or a precursor of a greenhouse gas into the
7 atmosphere

8 **^6 Crown to be bound**

- 9 (1) This Act binds the Crown in each of its capacities.
- 10 (2) This Act does not make the Crown liable to a pecuniary penalty or
11 to be prosecuted for an offence.
- 12 (3) The protection in subsection (2) does not apply to an authority of
13 the Crown.

14 **^7 Extension to external Territories**

15 This Act extends to every external Territory.

16 **^8 Interaction with other laws**

17 This Act has effect despite any other law of the Commonwealth,
18 whether enacted before or after the commencement of this Act.

1 **Division 2—Guiding principles**

2 **^9 Decision makers must apply guiding principles**

3 This Division applies in relation to the performance of functions or
4 duties, or exercise of powers, under:

- 5 (a) this Act; or
6 (b) a provision of another Act prescribed by the rules.

7 **^10 Principle of effective, efficient and equitable action**

8 A decision, policy, program or process relating to performing
9 functions or duties, or exercising powers, under the Act must be:

- 10 (a) effective in reducing or adapting to climate change impacts
11 and in supporting an effective global response to climate
12 change; and
13 (b) efficient in doing so consistently with Australia’s financial,
14 economic, health, environmental, industry, community,
15 human rights and foreign policy objectives; and
16 (c) equitable in regard to Australia’s households, business,
17 workers, communities and rural and regional Australia,
18 taking into account their social and economic differences.

19 **^11 Principle of informed decision making**

20 (1) A decision, policy, program or process relating to performing
21 functions or duties, or exercising powers, under the Act must be
22 based on:

- 23 (a) the best available scientific information about the
24 contributing causes and potential impacts of climate change;
25 and
26 (b) technological developments and readiness.

27 (2) The best available information must include public reports from all
28 of the following which must take precedence over other sources of
29 information:

- 30 (a) the Commission;

- 1 (b) the Intergovernmental Panel on Climate Change;
- 2 (c) the Bureau of Meteorology;
- 3 (d) the Commonwealth Scientific and Industrial Research
- 4 Organisation;
- 5 (e) the Australian Energy Market Operator;
- 6 (f) the Energy Security Board;
- 7 (g) the Australian Prudential Regulation Authority;
- 8 (h) the Australian Securities and Investments Commission.

9 **^12 Principle of risk-based, integrated decision making**

10 A decision, policy, program or process relating to performing
11 functions or duties, or exercising powers, under the Act must:

- 12 (a) assess the competing long-term, medium-term and short-term
- 13 environmental, economic and community consequences
- 14 relating to climate change; and
- 15 (b) explicitly address the relevant climate change risks; and
- 16 (c) apply the precautionary principle to prevent likely serious or
- 17 irreversible loss.

18 **^13 Principle of fiscal responsibility**

19 A decision, policy, program or process relating to performing
20 functions or duties, or exercising powers, under the Act must seek
21 to maintain economic prosperity and public finances over the long
22 term, taking into account the established evidence that:

- 23 (a) the direct costs of climate change include damage to property
- 24 and infrastructure, the disruption of telecommunications,
- 25 essential services and business supply chains, reduced
- 26 agricultural and tourism revenue, and increased health,
- 27 migration and security costs; and
- 28 (b) the impact of those costs will weaken asset values, corporate
- 29 profitability, national productivity and public finances; and
- 30 (c) these costs are highly likely to be substantially greater than
- 31 the costs of mitigating climate change; and
- 32 (d) the costs of early action to mitigate climate change are highly
- 33 likely to be substantially lower than the costs of later action;

Section [^]14

- 1 (e) the growing burden of debt upon future generations which, in
2 failing to act early, will grow significantly.

3 **[^]14 Principle of fair employment transition**

- 4 A decision, policy, program or process relating to performing
5 functions or duties, or exercising powers, under the Act that may
6 affect employment in an industry or a geographic region must:
7 (a) apply the principle of community engagement to any affected
8 communities; and
9 (b) pursue sustainable economic, social and ecological solutions
10 for those communities; and
11 (c) prioritise employment transition opportunities in those
12 communities; and
13 (d) offer appropriate education and training for those
14 opportunities; and
15 (e) allow reasonable time for the economic transition; and
16 (f) provide a mechanism for appropriate compensation for those
17 unable to pursue those opportunities, without undermining
18 the incentives for transition.

19 **[^]15 Principle of community engagement and self-determination**

- 20 A decision, policy, program or policy relating to performing
21 functions or duties, or exercising powers, under the Act must:
22 (a) provide appropriate information to members of affected
23 communities, especially vulnerable or marginalised
24 communities, and
25 (b) enable those communities to be involved in its determination
26 or implementation, with adequate public consultation.

27 **[^]16 Principle of national and international cooperation**

- 28 A decision, policy, program or process relating to performing
29 functions or duties, or exercising powers, under the Act must:
30 (a) pursue a coherent, clear and effective policy framework
31 across the Commonwealth and the States and Territories; and

- 1 (b) fulfil Australia’s obligations under international agreements;
2 and
3 (c) pursue international agreements that reflect Australia’s
4 highest ambition to reduce greenhouse gas emissions and
5 remove greenhouse gases, taking into account Australia’s:
6 (i) support for multilateral global-agreements; and
7 (ii) knowledge and understanding of climate change risks
8 and opportunities, in particular the risks to Australia and
9 to Australia’s regional neighbours; and
10 (iii) access to local and global technology; and
11 (iv) opportunities as the world’s largest national generator
12 renewable energy; and
13 (v) opportunities as the world’s largest potential national
14 greenhouse gas sink.

1 **Part 2—National climate change risk assessment**
2

3 **^17 Commission must complete assessment**

4 (1) The Commission must prepare and give to the Minister a national
5 climate change risk assessment:

6 (a) for the first assessment—no later than 1 year after the
7 commencement of this Act; and

8 (b) for later assessments—no later than 5 years after the day on
9 which the previous assessment was made publicly available.

10 (2) A national climate change risk assessment must:

11 (a) assess the risks to Australia’s economy, society, agriculture,
12 environment, and ecology from the current and future effects
13 of climate change; and

14 (b) identify the most significant risks to Australia, based on the
15 nature of the risks, their severity, and the need for
16 coordinated responses to those risks in the next 5-year period.

17 (3) A national climate change risk assessment must be published on
18 the Commission’s website.

19 (4) At the same time as making a national climate change risk
20 assessment publicly available under subsection (3), the
21 Commission must make any evidence commissioned to support its
22 preparation publicly available.

23 **^18 Factors to be taken into account**

24 In preparing a national climate change risk assessment, the
25 Commission must take into account the following:

26 (a) economic, social, health, water and food security,
27 environmental, ecological, and cultural effects of climate
28 change;

29 (b) the distribution of the effects of climate change across
30 society, taking particular account of vulnerable groups or
31 sectors;

- 1 (c) Australia's relevant obligations under international
- 2 agreements;
- 3 (d) how the assessment aligns or links with any other relevant
- 4 national risk assessments;
- 5 (e) current effects and likely future effects of climate change;
- 6 (f) scientific and technical advice including that of the Bureau of
- 7 Meteorology, and Commonwealth Scientific and Industrial
- 8 Research Organisation;
- 9 (g) economic, financial and fiscal advice from financial
- 10 regulators, including the Australian Prudential Regulation
- 11 Authority and the Australian Securities and Investments
- 12 Commission;
- 13 (h) opportunities arising for Australia's economy, society,
- 14 regions and environment as a result of the effects of climate
- 15 change;
- 16 (i) any other factor that the Commission considers relevant or
- 17 appropriate.

1 **Part 3—National adaptation plan**
2

3 **^19 Minister must prepare national adaptation plan**

- 4 (1) In response to each national climate change risk assessment, the
5 Minister must prepare a national adaptation plan.
- 6 (2) A national adaptation plan must be completed no later than one
7 year after the date on which the national climate change risk
8 assessment to which the plan relates is made publicly available.
- 9 (3) A national adaptation plan must set out the following:
10 (a) Australia’s objectives to protect and mitigate risks as
11 identified in the national climate change risk assessment;
12 (b) the strategies, policies, and proposals for meeting those
13 objectives;
14 (c) the time frames for implementing the strategies, policies, and
15 proposals;
16 (d) how the matters in paragraphs (a) to (c) address the most
17 significant risks identified in the most recent national climate
18 change risk assessment;
19 (e) the measures and indicators that will enable regular
20 monitoring of and reporting on the implementation of the
21 strategies, policies, and proposals;
22 (f) how the strategies, policies and proposals will be funded.
- 23 (4) A national adaptation plan may include any other matter that the
24 Minister considers relevant.
- 25 (5) In preparing a national adaptation plan, the Minister must take into
26 account the following:
27 (a) economic, social, health, water and food security,
28 environmental, ecological, and cultural effects of climate
29 change, including effects on Indigenous Australians;
30 (b) the distribution of the effects of climate change across
31 society, taking particular account of vulnerable groups or
32 sectors;

- 1 (c) Australia's relevant obligations under international
2 agreements;
- 3 (d) any relevant advice or reports received from the
4 Commission;
- 5 (e) the ability of communities or organisations to undertake
6 adaptation action, including how any action may be funded;
- 7 (f) scientific and technical advice including that of the Bureau of
8 Meteorology and Commonwealth Scientific and Industrial
9 Research Organisation;
- 10 (g) existing State and Territory strategies, policies and proposals;
- 11 (h) any other matter that the Minister considers relevant.
- 12 (6) In preparing a national adaptation plan, the Minister must
13 undertake public consultation on the draft plan.

14 **^20 Tabling and publication of plans**

- 15 (1) The Minister must cause a national adaptation plan prepared under
16 section ^19 to be tabled in each House of the Parliament within 15
17 sitting days of that house after the report was prepared.
- 18 (2) A national adaptation plan must be published on the Commission's
19 website as soon as practicable after it is first tabled in a House of
20 the Parliament.

21 **^21 Progress reports**

- 22 (1) For each national adaptation plan, the Commission must provide
23 the Minister with an annual progress report that evaluates the
24 implementation of the adaptation plan and its effectiveness.
- 25 (2) Each progress report must include:
- 26 (a) an assessment of the progress made towards implementing
27 the strategies, policies, and proposals included in the plan;
28 and
- 29 (b) an assessment of the degree to which the objectives of the
30 plan have been achieved and how well the plan responds to
31 the most significant risks posed by climate change; and

Section ^22

- 1 (c) an identification of any known barriers to the implementation
2 and effectiveness of the current plan, including
3 recommendations for how those barriers might be addressed
4 or overcome in future; and
5 (d) any other relevant matters required to support the report.

6 **^22 Response to reports**

7 The Minister must, no later than 6 months after the date on which
8 the Minister receives a progress report under section ^21 prepare a
9 statement setting out a response to the progress report.

10 **^23 Tabling and publication of response**

- 11 (1) The Minister must cause a response prepared under section ^22 to
12 be tabled in each House of the Parliament within 15 sitting days of
13 that house after the response was completed.
- 14 (2) A response prepared under section ^22 must be published on the
15 Commission's website as soon as practicable after it is first tabled
16 in a House of the Parliament.

Part 4—Emissions reduction target**[^]24 Net zero target**

- (1) In accordance with the guiding principles set out in Division 2 of Part 2, this Act sets a target of zero net accounting emissions by 2050.
- (2) The Minister may, by legislative instrument, vary the target.
- (3) However, the Minister must not vary the target unless:
 - (a) the Minister has provided the proposed variation to the Commission; and
 - (b) the Commission recommends the proposed variation under section [^]26.
- (4) In varying the net zero target, it cannot be reduced

[^]25 Reviews of the net zero target

- (1) The Commission must review the net zero target and advise the Minister of the outcome of the review and any recommendations:
 - (a) if setting an emissions budget under section [^]30; and
 - (b) following a request from the Minister.
- (2) The Commission must advise the Minister in writing of the outcome of the review, including any recommendations made in accordance with section [^]26, and give the advice to the Minister:
 - (a) for a review required under paragraph (1)(a)—at the same time as giving the advice on the emissions budget under section [^]31; or
 - (b) for a review required under paragraph (1)(b)—as soon as practicable following completion of the review.

[^]26 Recommendations to amend the net zero target

- (1) As a result of a review under section [^]25, the Commission may recommend a change to any of the following:

Section ²⁷

- 1 (a) the time frame for achievement of the net zero target;
2 (b) the levels of reductions of sources of greenhouse gas
3 emissions and increases in sinks required by the net zero
4 target;
5 (c) the kinds of greenhouse gases, greenhouse gas emissions or
6 removals of greenhouse gases to which the net zero target
7 applies;
8 (d) how the net zero target may be met.
- 9 (2) However, the Commission may recommend a change to the net
10 zero target only if:
11 (a) significant change has occurred, or is likely to occur, since
12 the commencement of this Act to one or more of the
13 following in relation to climate change:
14 (i) global action;
15 (ii) scientific evidence;
16 (iii) Australia's economic or fiscal circumstances;
17 (iv) Australia's obligations under relevant international
18 agreements;
19 (v) technological developments;
20 (vi) distributional impacts;
21 (vii) equity implications (including intergenerational equity);
22 (viii) the principal risks and uncertainties associated with
23 reductions of greenhouse gas emissions and removals of
24 greenhouse gases;
25 (ix) social, cultural, environmental and ecological
26 circumstances; and
27 (b) the Commission is satisfied that the significant change
28 justifies the change to the net zero target.

29 **²⁷ Response to recommendations**

- 30 (1) If a review under section ²⁵ sets out one or more
31 recommendations under section ²⁶, the Minister must, as soon as
32 practicable after receiving the Commission's advice under
33 subsection ²⁵(2), prepare a statement setting out a response to
34 each of the recommendations.

- 1 (2) The statement must include reasons for any departure from a
2 recommendation of the Commission.

3 **^28 Tabling and publication of response**

- 4 (1) The Minister must cause a statement prepared in accordance with
5 section ^27 to be tabled in each House of the Parliament within 15
6 sitting days of that House after the statement is completed.
- 7 (2) A statement prepared in accordance with section ^27 must be
8 published on the Commission's website as soon as practicable after
9 it is first tabled in a House of the Parliament.

10 **^29 Fossil fuel export emissions**

- 11 (1) The Commission must advise on the effect of Australia's fossil fuel
12 export emissions in meeting the objects of this Act.
- 13 (2) The Minister may, by legislative instrument, determine:
14 (a) the meaning of fossil fuel export emissions; and
15 (b) the method for accounting for fossil fuel export emissions.
- 16 (3) However, the Minister must not make a determination under
17 subsection (2) unless:
18 (a) the Minister has referred the proposed determination to the
19 Commission; and
20 (b) the Commission has provided advice on the determination.

1 **Part 5—Setting emissions budgets etc.**

2 **Division 1—Emissions budgets**

3 **^30 Minister to set emissions budgets**

- 4 (1) The Minister must, by legislative instrument, set an emissions
5 budget for each emissions budget period.
- 6 (2) An *emissions budget* means an amount of greenhouse gas
7 emissions for an emissions budget period expressed as a net
8 amount of carbon dioxide equivalent.
- 9 (3) There must be 2 consecutive greenhouse gas emissions budgets in
10 place at any one time.
- 11 (4) A greenhouse gas emissions budget must be set:
12 (a) for the emissions budget period beginning 1 January 2022 or
13 1 January 2026—by 31 December 2021; and
14 (b) for the emissions budget period beginning 1 January 2031—
15 by 31 December 2025; and
16 (c) for the emissions budget period beginning 1 January 2036—
17 by 31 December 2030; and
18 (d) for the emissions budget period beginning 1 January 2041—
19 by 31 December 2035; and
20 (e) for the emissions budget period beginning 1 January 2046—
21 by 31 December 2040; and
22 (f) for any later emissions budget period—not less than 10 years
23 before that emissions budget period commences.
- 24 (5) The Minister must ensure that the net accounting emissions for an
25 emissions budget period do not exceed the emissions budget for the
26 period.
- 27 (6) The Minister must not set an emissions budget under subsection (1)
28 unless the Commission has provided advice on the budget under
29 section ^31.

- 1 (7) In determining an emissions budget, carry over credits from earlier
2 emissions budgets must not be used.

3 **[^]31 Commission to advise Minister**

- 4 (1) The Commission must advise the Minister on the following matters
5 relevant to setting an emissions budget:
6 (a) the amount of greenhouse gas emissions that will be
7 permitted in each emissions budget period;
8 (b) how to measure progress towards meeting emissions budgets
9 and the net zero target;
10 (c) the means by which emissions budgets and the net zero target
11 may be met (including pricing and policy methods);
12 (d) the proportion of an emissions budget to be met through
13 reductions of greenhouse gas emissions, and removal of
14 greenhouse gases, in Australia;
15 (e) the amount by which emissions of each greenhouse gas
16 should be reduced to meet emissions budgets and the net zero
17 target;
18 (f)
- 19 (2) Commission must have regard to the guiding principles set out in
20 Division 2 of Part 2 and the matters set out in section [^]32.
- 21 (3) Before providing advice to the Minister under subsection (1), the
22 Commission must:
23 (a) make the proposed advice publicly available and invite
24 submissions on the advice; and
25 (b) allow adequate time and opportunity for any submissions to
26 be received, heard and considered by the Commission.
- 27 (4) The Commission must provide advice under subsection (1):
28 (a) for the emissions budgets for the first 2 emissions budget
29 periods—by 1 February 2021; and
30 (b) for any other emissions budget—no later than 12 months
31 before the emissions budget must be set under section [^]30.

Section ^32

1 **^32 Matters relevant to emissions budgets**

- 2 (1) This section applies to:
- 3 (a) the Commission when the Commission is preparing advice
- 4 for the Minister under section ^31; and
- 5 (b) to the Minister, when the Minister is setting an emissions
- 6 budget under section ^30.
- 7 (2) The Commission and the Minister must:
- 8 (a) have regard to how the emissions budget and the net zero
- 9 target may be met, including considering the following:
- 10 (i) the key opportunities for reductions of greenhouse gas
- 11 emissions, and removal of greenhouse gases, in
- 12 Australia;
- 13 (ii) the principal risks and uncertainties associated with
- 14 those reductions and removals;
- 15 (b) have regard to the following matters:
- 16 (i) the greenhouse gas emissions and removal of
- 17 greenhouse gases projected for the emissions budget
- 18 period;
- 19 (ii) a broad range of domestic and international scientific
- 20 advice;
- 21 (iii) existing technology and anticipated technological
- 22 developments, including the costs and benefits of early
- 23 adoption of these in Australia;
- 24 (iv) the need for emissions budgets that are ambitious but
- 25 technically and economically achievable;
- 26 (v) the need to maintain energy security, reliability and
- 27 affordability;
- 28 (vi) the results of public consultation on a proposed
- 29 emissions budget;
- 30 (vii) the likely impact of actions taken to achieve an
- 31 emissions budget and the net zero target, including on
- 32 the ability to adapt to climate change;
- 33 (viii) the distribution of those impacts across the States and
- 34 Territories, and from generation to generation;
- 35 (ix) the impact on rural, regional and remote Australia;

Section **^33**

- 1 (x) economic circumstances and the likely impact on
2 taxation, public spending, and public borrowing;
3 (xi) the implications, or potential implications, of land-use
4 change for communities;
5 (xii) responses to climate change taken or planned by parties
6 to the Paris Agreement or the Climate Change
7 Convention;
8 (xiii) Australia's relevant obligations under international
9 agreements.

10 **^33 Response to recommendations**

11 If an emissions budget departs from the advice provided by the
12 Commission under section ^31, the Minister must, as soon as
13 practicable after setting the emissions budget, prepare a statement
14 setting out a response to the advice.

15 **^34 Tabling and publication of response**

- 16 (1) The Minister must cause a statement prepared in accordance with
17 section ^33 to be tabled in each House of the Parliament within 15
18 sitting days of that House after the statement is completed.
19 (2) A statement prepared in accordance with section ^33 must be
20 published on the Commission's website as soon as practicable after
21 it is first tabled in a House of the Parliament.

22 **^35 Commission to report at end of emissions budget period**

23 Not later than one year after the end of an emissions budget period,
24 the Commission must prepare a report for the Minister evaluating
25 the progress made in that emissions budget period towards meeting
26 the emissions budget in the next emissions budget period,
27 including an evaluation of how well the emissions reduction plan
28 has contributed to that progress.

Section [^]36

1 **[^]36 Response to report**

- 2 (1) Within 3 months after receiving the Commission's report under
3 section [^]35, the Minister must prepare a statement setting out a
4 response to the Commission's report.
- 5 (2) The statement must provide reasons for any failure to meet an
6 emissions budget and for any departures from recommendations or
7 advice of the Commission.

8 **[^]37 Tabling and publication of response**

- 9 (1) The Minister must cause a statement prepared in accordance with
10 section [^]36 to be tabled in each House of the Parliament within 15
11 sitting days of that House after the statement is completed.
- 12 (2) A statement prepared in accordance with section [^]36 must be
13 published on the Commission's website as soon as practicable after
14 it is first tabled in a House of the Parliament.

1 **Division 2—Emissions reduction plans**

2 **[^]38 Requirement for emissions reduction plan**

- 3 (1) The Minister must prepare an emissions reduction plan setting out
4 the policies and strategies for meeting each emissions budget.
- 5 (2) The plan must be in writing and prepared:
6 (a) after the emissions budget has been set under section [^]30;
7 and
8 (b) before the commencement of the emissions budget period to
9 which the emissions budget relates.
- 10 (3) The plan must include:
11 (a) sector-specific policies to reduce greenhouse gas emissions
12 and increase removals of greenhouse gases; and
13 (b) a multi-sector strategy to meet emissions budgets and
14 improve the ability of those sectors to adapt to the effects of
15 climate change; and
16 (c) a strategy to mitigate the impacts that reducing greenhouse
17 gas emissions and increasing removals of greenhouse gases
18 will have on employees and employers, rural and regional
19 Australia, Indigenous Australians and wider communities,
20 including the funding for any mitigation action; and
21 (d) any other policies or strategies that the Minister considers
22 necessary.
- 23 (4) In preparing the emissions reduction plan, the Minister must obtain
24 and have regard to the advice of the following:
25 (a) State and Territory ministers with responsibility for climate
26 change or emissions reduction;
27 (b) the Commission..

28 **[^]39 Commission to advise on emissions reduction plans**

- 29 (1) Not later than 24 months before the beginning of an emissions
30 budget period, the Commission must provide to the Minister advice

1 **Part 6—Climate Change Commission**

2 **Division 1—Establishment, functions and powers**

3 **[^]41 Climate Change Commission**

- 4 (1) The Climate Change Commission is established by this section.
- 5 (2) For the purposes of the finance law (within the meaning of the
6 *Public Governance, Performance and Accountability Act 2013*):
- 7 (a) the Commission is a listed entity; and
- 8 (b) the CEO is the accountable authority of the Commission; and
- 9 (c) the following persons are officials of the Commission:
- 10 (i) the CEO;
- 11 (ii) a member of the Commission;
- 12 (iii) the staff of the Commission;
- 13 (iv) persons whose services are made available to the
14 Commission under section [^]77;
- 15 (v) consultants engaged under section [^]78; and
- 16 (d) the purposes of the Commission include the functions of the
17 Commission referred to in section [^]42.

18 **[^]42 Functions of the Commission**

- 19 (1) The Commission has the following functions:
- 20 (a) to provide advice to the Minister to enable the preparation of
21 greenhouse gas emissions budgets;
- 22 (b) to recommend any necessary amendments to emissions
23 budgets;
- 24 (c) to provide advice to the Minister to enable the preparation of
25 emissions reduction plans;
- 26 (d) to monitor and report on progress towards meeting emissions
27 budgets and the net-zero target;
- 28 (e) to prepare national climate change risk assessments;
- 29 (f) to prepare reports on the implementation of national
30 adaptation plans;

Section ⁴³

- 1 (g) to conduct reviews under:
2 (i) section 306 of the *Carbon Credits (Carbon Farming*
3 *Initiative) Act 2011*; and
4 (ii) sections 76A and 76B of the *National Greenhouse and*
5 *Energy Reporting Act 2007*; and
6 (iii) this Act.

7 **⁴³ Powers**

8 The Commission has power to do all things necessary or
9 convenient to be done for or in connection with the performance of
10 its functions.

11 Note: The CEO may enter into contracts and other arrangements on behalf
12 of the Commonwealth. See section 23 of the *Public Governance,*
13 *Performance and Accountability Act 2013*.

14 **⁴⁴ Commission not subject to direction**

15 The Commission is not subject to direction by, or on behalf of, the
16 Commonwealth Government in relation to the performance of a
17 function, or the exercise of a power, by the Commission.

1 **Division 2—Membership of the Commission etc**

2 **^{^45} Commission members**

3 The Commission consists of the following members:

- 4 (a) a Chair;
5 (b) Australia’s Chief Scientist;
6 (c) 5 other members.

7 **^{^46} Appointment of members of the Commission**

- 8 (1) Each member of the Commission (other than the Chief Scientist) is
9 to be appointed by the Minister by written instrument.

10 Note: A member of the Commission may be reappointed: see section 33AA
11 of the *Acts Interpretation Act 1901*.

- 12 (2) A person must not be appointed as a member of the Commission
13 unless the person has a high level of skill and experience in one or
14 more of the following:

- 15 (a) climate science;
16 (b) business or economics;
17 (c) agriculture;
18 (d) environmental management;
19 (e) energy;
20 (f) transport and industry;
21 (g) regional development.

- 22 (3) The Chief Scientist holds office on a part-time basis.

- 23 (4) The other members of the Commission may hold office either on a
24 full-time or part-time basis.

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

1 **^48 Period of appointment for members of the Commission**

2 A member of the Commission (other than the Chief Scientist)
3 holds office for the period specified in the instrument of
4 appointment. The period must not exceed 5 years.

5 **^49 Acting members of the Commission**

6 *Acting Chair of the Commission*

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

17 Note: For rules that apply to acting appointments, see sections 33AB and
18 33A of the *Acts Interpretation Act 1901*.

19 *Acting member of the Commission (other than the Chair of the*
20 *Commission or the Chief Scientist)*

- 21 (2) The Minister may, by written instrument, appoint a person to act as
22 a member of the Commission (other than the Chair of the
23 Commission or the Chief Scientist):
- 24 (a) during a vacancy in the office of a member of the
25 Commission (other than the Chair of the Commission or the
26 Chief Scientist), whether or not an appointment has
27 previously been made to the office; or
 - 28 (b) during any period, or during all periods, when a member of
29 the Commission (other than the Chair of the Commission or
30 the Chief Scientist):
 - 31 (i) is absent from duty or Australia; or

Part 6 Climate Change Commission
Division 2 Membership of the Commission etc

Section ^49

1 (ii) is, for any reason, unable to perform the duties of the
2 office.

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

1 **Division 3—Terms and conditions for members of the**
2 **Commission**

3 **[^]50 Remuneration**

4 (1) A member of the Commission is to be paid the remuneration that is
5 determined by the Remuneration Tribunal. If no determination of
6 that remuneration by the Tribunal is in operation, the member is to
7 be paid the remuneration that is prescribed by the rules.

8 (2) A member of the Commission is to be paid the allowances that are
9 prescribed by the rules.

10 (3) Subsection 7(13) of the *Remuneration Tribunal Act 1973* does not
11 apply in relation to the office of a member of the Commission.

12 Note: The effect of this subsection is to require remuneration of a member of
13 the Commission that is determined by the Remuneration Tribunal to
14 be paid out of money appropriated by the Parliament by an Act other
15 than the *Remuneration Tribunal Act 1973*.

16 (4) Subject to subsection (3), this section has effect subject to the
17 *Remuneration Tribunal Act 1973*.

18 **[^]51 Disclosure of interests**

19 (1) A disclosure by a member of the Commission under section 29 of
20 the *Public Governance, Performance and Accountability Act 2013*
21 (which deals with the duty to disclose interests) must be made to
22 the Minister.

23 (2) Subsection (1) applies in addition to any rules made for the
24 purposes of section 29 of the *Public Governance, Performance and*
25 *Accountability Act 2013*.

26 (3) For the purposes of this Act and the *Public Governance,*
27 *Performance and Accountability Act 2013*, a member of the
28 Commission is taken not to have complied with section 29 of that
29 Act if the member does not comply with subsection (1) of this
30 section.

Section ⁵²

1 **⁵² Paid work**

- 2 (1) If a member of the Commission is appointed on a full-time basis,
3 the member must not engage in paid work outside the duties of the
4 member's office without the Minister's approval.
- 5 (2) If a member of the Commission is appointed on a part-time basis,
6 the member must not engage in any paid work that, in the
7 Minister's opinion, conflicts or could conflict with the proper
8 performance of the member's duties.

9 **⁵³ Leave of absence**

- 10 (1) If a member of the Commission is appointed on a full-time basis:
11 (a) the member has the recreation leave entitlements that are
12 determined by the Remuneration Tribunal; and
13 (b) the Minister may grant the member leave of absence, other
14 than recreation leave, on the terms and conditions as to
15 remuneration or otherwise that the Minister determines.
- 16 (2) If a member of the Commission is appointed on a part-time basis,
17 the Minister may grant the member leave of absence on the terms
18 and conditions that the Minister determines.

19 **⁵⁴ Resignation**

- 20 (1) A member of the Commission may resign the member's
21 appointment by giving the Minister a written resignation.
- 22 (2) The resignation takes effect on the day it is received by the
23 Minister or, if a later day is specified in the resignation, on that
24 later day.

25 **⁵⁵ Termination of appointment**

- 26 (1) The Minister may terminate the appointment of a member of the
27 Commission:
28 (a) for misbehaviour; or

- 1 (b) if the member is unable to perform the duties of the
2 member's office because of physical or mental incapacity.
- 3 (2) The Minister may terminate the appointment of a member of the
4 Commission if:
- 5 (a) the member:
- 6 (i) becomes bankrupt; or
7 (ii) applies to take the benefit of any law for the relief of
8 bankrupt or insolvent debtors; or
9 (iii) compounds with the member's creditors; or
10 (iv) makes an assignment of the member's remuneration for
11 the benefit of the member's creditors; or
- 12 (b) if the member is appointed on a full-time basis—the member
13 is absent, except on leave of absence, for 14 consecutive days
14 or for 28 days in any 12 months; or
- 15 (c) if the member is appointed on a full-time basis—the member
16 engages, except with the Minister's approval, in paid work
17 outside the duties of the member's office (see subsection
18 ^52(1)); or
- 19 (d) if the member is appointed on a part-time basis—the member
20 engages in paid work that conflicts or may conflict with the
21 proper performance of the member's duties (see subsection
22 ^52(2)); or
- 23 (e) in any case—the member fails, without reasonable excuse, to
24 comply with section 29 of the *Public Governance,*
25 *Performance and Accountability Act 2013* (which deals with
26 the duty to disclose interests) or rules made for the purposes
27 of that section.

28 **^56 Other terms and conditions**

29 A member of the Commission holds office on the terms and
30 conditions (if any) in relation to matters not covered by this Act
31 that are determined by the Minister.

1 **Division 4—Parliamentary Joint Committee on Climate**
2 **Adaptation and Mitigation**

3 **^57 Parliamentary Joint Committee on Climate Adaptation and**
4 **Mitigation**

5 (1) As soon as practicable after the commencement of the first session
6 of each Parliament, a joint committee of members of the
7 Parliament, to be known as the Parliamentary Joint Committee on
8 Climate Adaptation and Mitigation, is to be appointed according to
9 the practice of the Parliament.

10 (2) The Committee is to consist of 11 members:
11 (a) 5 members of the Senate appointed by the Senate; and
12 (b) 6 members of the House of Representatives appointed by that
13 House.

14 (3) A member of the Committee ceases to hold office:
15 (a) when the House of Representatives expires by effluxion of
16 time or is dissolved; or
17 (b) if the member ceases to be a member of the House of the
18 Parliament by which the member was appointed; or
19 (c) if the member resigns the member’s office as provided by
20 subsection (4) or (5).

21 (4) A member appointed by the Senate may resign the member’s office
22 by writing signed by the member and delivered to the President of
23 the Senate.

24 (5) A member appointed by the House of Representatives may resign
25 the member’s office by writing signed by the member and
26 delivered to the Speaker of that House.

27 (6) Either House of the Parliament may appoint one of its members to
28 fill a vacancy amongst the members of the Committee appointed
29 by that House.

1 **^58 Powers and proceedings of the Committee**

2 All matters relating to the powers and proceedings of the
3 Committee are to be determined by resolution of both Houses of
4 the Parliament.

5 **^59 Functions of the Committee**

6 The functions of the Committee are:

- 7 (a) to approve proposals for appointment of members to the
8 Commission; and
9 (b) to review the administration and expenditure of the
10 Commission; and
11 (c) to review any matter in relation to the Commission referred
12 to the Committee by:
13 (i) the Minister; or
14 (ii) a resolution of either House of the Parliament.

Section ^60

1 **Division 5—Decision making of the Commission**

2 **^60 Convening meetings**

3 (1) The Commission must hold such meetings as are necessary for the
4 efficient performance of its functions.

5 (2) The Chair of the Commission may convene a meeting at any time.

6 **^61 Presiding at meetings**

7 (1) The Chair of the Commission presides at all meetings at which the
8 Chair is present.

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

12 **^62 Quorum**

13 (1) At a meeting of the Commission, a quorum is constituted by 5
14 Commission members.

15 (2) However, if:

16 (a) a member of the Commission is required by rules made for
17 the purposes of section 29 of the *Public Governance,*
18 *Performance and Accountability Act 2013* not to be present
19 during the deliberations, or to take part in any decision, of the
20 Commission with respect to a particular matter; and

21 (b) when the member of the Commission leaves the meeting
22 concerned there is no longer a quorum present;
23 the remaining members of the Commission at the meeting
24 constitute a quorum for the purpose of any deliberation or decision
25 at that meeting with respect to that matter.

1 **^63 Voting at meetings**

2 (1) A question arising at a meeting of the Commission is to be
3 determined by a majority of the votes of the Commission members
4 present and voting.

5 (2) The person presiding at a meeting of the Commission has a
6 deliberative vote and, if the votes are equal, a casting vote.

7 **^64 Conduct of meetings**

8 The Commission may, subject to this Division, regulate
9 proceedings at its meetings as it considers appropriate.

10 Note: Section 33B of the *Acts Interpretation Act 1901* contains further
11 information about the ways in which members of the Commission
12 may participate in meetings.

13 **^65 Minutes**

14 The Commission must keep minutes of its meetings.

Section ^66

1 **Division 6—Chief Executive Officer of the Commission**

2 **^66 Establishment**

3 There is to be a Chief Executive Officer of the Commission.

4 **^67 Role**

5 (1) The CEO is responsible for the day-to-day administration of the
6 Commission.

7 (2) The CEO has power to do all things necessary or convenient to be
8 done for or in connection with the performance of the CEO's
9 duties.

10 (3) The CEO is to act in accordance with the policies determined, and
11 any directions given, by the Commission.

12 (4) However, the CEO is not subject to direction by the Commission in
13 relation to the CEO's performance of functions, or exercise of
14 powers, under:

15 (a) the *Public Governance, Performance and Accountability Act*
16 *2013*; or

17 (b) the *Public Service Act 1999*.

18 **^68 Appointment**

19 (1) The CEO is to be appointed by the Minister by written instrument.

20 Note: The CEO may be reappointed: see section 33AA of the *Acts*
21 *Interpretation Act 1901*.

22 (2) Before appointing a person as the CEO, the Minister must consult
23 the Commission.

24 (3) The CEO holds office on a full-time basis.

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

27 Note: The CEO may be reappointed: see section 33AA of the *Acts*
28 *Interpretation Act 1901*.

1 **^69 Acting appointments**

2 The Minister may, by written instrument, appoint a person to act as
3 the CEO:

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

10 Note: For rules that apply to acting appointments, see sections 33AB and
11 33A of the *Acts Interpretation Act 1901*.

12 **^70 Paid work**

13 The CEO must not engage in paid work outside the duties of the
14 CEO's office without the approval of the Minister.

15 **^71 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 rules.

20 (2) The CEO is to be paid the allowances that are prescribed by the
21 rules.

22 (3) Subsection 7(13) of the *Remuneration Tribunal Act 1973* does not
23 apply in relation to the office of the CEO.

24 Note: The effect of this subsection is to require remuneration of the CEO
25 that is determined by the Remuneration Tribunal to be paid out of
26 money appropriated by the Parliament by an Act other than the
27 *Remuneration Tribunal Act 1973*.

28 (4) Subject to subsection (3), this section has effect subject to the
29 *Remuneration Tribunal Act 1973*.

Section ^72

1 **^72 Leave**

- 2 (1) The CEO has the recreation leave entitlements that are determined
3 by the Remuneration Tribunal.
- 4 (2) The Minister may grant the CEO leave of absence, other than
5 recreation leave, on the terms and conditions as to remuneration or
6 otherwise that the Minister determines.

7 **^73 Resignation**

- 8 (1) The CEO may resign the CEO's appointment by giving the
9 Minister a written resignation.
- 10 (2) The resignation takes effect on the day it is received by the
11 Minister or, if a later day is specified in the resignation, on that
12 later day.
- 13 (3) If the CEO resigns, the Minister must notify the Commission of the
14 resignation.

15 **^74 Termination of appointment**

- 16 (1) The Minister may terminate the appointment of the CEO for:
17 (a) for misbehaviour; or
18 (b) if the CEO is unable to perform the duties of the CEO's
19 office because of physical or mental incapacity.
- 20 (2) The Minister must terminate the appointment of the CEO if:
21 (a) the CEO:
22 (i) becomes bankrupt; or
23 (ii) applies to take the benefit of any law for the relief of
24 bankrupt or insolvent debtors; or
25 (iii) compounds with the CEO's creditors; or
26 (iv) makes an assignment of the CEO's remuneration for the
27 benefit of the CEO's creditors; or
28 (b) the CEO is absent, except on leave of absence, for 14
29 consecutive days or for 28 days in any 12 months; or

Section ⁷⁵

1 (d) the CEO engages, except with the approval of the Minister,
2 in paid work outside the duties of the CEO's office (see
3 section ⁷⁰).

4 (3) Before terminating the appointment of the CEO, the Minister must
5 consult the Commission.

6 Note: The appointment of the CEO may also be terminated under section 30
7 of the *Public Governance, Performance and Accountability Act 2013*
8 (which deals with terminating the appointment of an accountable
9 authority, or a member of an accountable authority, for contravening
10 general duties of officials).

11 **⁷⁵ Other terms and conditions**

12 The CEO holds office on the terms and conditions (if any) in
13 relation to matters not covered by this Act that are determined by
14 the Minister.

1 **Division 7—Staff of the Commission**

2 **^76 Staff**

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

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

6 (a) the CEO and the staff of the Commission together constitute
7 a Statutory Agency; and

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

9 **^77 Persons assisting the Commission**

10 The Commission may also be assisted:

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

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

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

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

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

20 **^78 Consultants**

21 The CEO may, on behalf of the Commonwealth, engage
22 consultants to assist in the performance of the Commission's
23 functions.

Part 7—Miscellaneous**^79 Annual report**

The annual report prepared by the Commission and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include details of:

- (a) greenhouse gas emissions and removals of greenhouse gases (as reported in Australia's national greenhouse gas inventory) for the most recent year figures are available; and
- (b) the latest projections for current and future greenhouse gas emissions and removals of greenhouse gases; and
- (c) an assessment of the adequacy of the emissions reduction plan to which the period relates and progress in its implementation, including any new opportunities to reduce greenhouse gas emissions.

^80 Response to annual report

The Minister must, within 3 months after receiving the Commission's annual report, prepare a statement that includes the following:

- (a) the Minister's response to the Commission's report and any recommendations;
- (b) a description of the progress made in implementing the emissions reduction plan to which the annual report relates;
- (c) any amendments to that emissions reduction plan.

^81 Tabling and publication of response

- (1) The Minister must cause a statement prepared in accordance with section ^80 to be tabled in each House of the Parliament within 15 sitting days of that House after the statement is completed.
- (2) A statement prepared in accordance with section ^80 must be published on the Commission's website as soon as practicable after it is first tabled in a House of the Parliament.

Section ^82

1 **^82 Minister or Commission may request information**

- 2 (1) The Minister or the Commission may, in writing, request that a
3 constitutional corporation provide all or any of the following
4 information:
5 (a) a description of the corporation's governance in relation to
6 the risks of, and opportunities arising from, climate change;
7 (b) a description of the actual and potential effects of the risks
8 and opportunities on the corporation's business, strategy, and
9 financial planning;
10 (c) a description of the processes that the corporation uses to
11 identify, assess, and manage the risks;
12 (d) a description of the metrics and targets used to assess and
13 manage the risks and opportunities, including, if relevant,
14 time frames and progress;
15 (e) any other matters prescribed by the rules.
- 16 (2) A constitutional corporation commits an offence if the corporation
17 fails to comply with a request made under subsection (1).
18 Penalty: 50 penalty units.
- 19 (3) The Minister must, as soon as practicable, provide the Commission
20 with a copy of any information received in response to a request
21 made by the Minister under subsection (1).
- 22 (4) The Commission must, as soon as practicable, provide the Minister
23 with a copy of any information received in response to a request
24 made by the Commission.
- 25 (5) The Minister and the Commission must not publicly disclose any
26 information received in response to a request, unless disclosure of
27 the information is necessary to enable the Minister or the
28 Commission to perform a function or duty under this Act.
- 29 (6) Subsection (5) does not apply in respect of information that is
30 already in the public domain.

- 1 (7) Before publicly disclosing any information received in response to
2 a request, the Minister or Commission must consult with the
3 person to whom the information relates.

4

5

83 Concurrent operation of State and Territory Laws

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This Act is not intended to exclude or limit the operation of a law
of a State or Territory that is capable of operating concurrently
with this Act.

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- (1) The Minister may, by legislative instrument, make rules (*rules*)
prescribing matters:
- (a) required or permitted by this Act to be prescribed by the
rules; or
 - (b) necessary or convenient to be prescribed for carrying out or
giving effect to this Act.
- (2) To avoid doubt, the general rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated
Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.

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