



Climate Change Authority Act 2011

No. 143, 2011

Compilation No. 4

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Climate Change Authority Act 2011* that shows the text of the law as amended and in force on 14 September 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish the Climate Change Authority, and for other purposes

Part 1—Preliminary

1 Short title

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

2 Commencement

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

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.	29 November 2011
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.	1 July 2012
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	9 December 2011 (see F2011L02582)

Climate Change Authority Act 2011

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Compilation No. 4

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Part 1 Preliminary

Section 3

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	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.	1 July 2012
5. Parts 4 and 5	At the same time as the provision(s) covered by table item 3.	9 December 2011

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

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

3 Simplified outline

The following is a simplified outline of this Act:

- This Act establishes the Climate Change Authority.
- The Authority is to conduct reviews under:
 - (a) the *Carbon Credits (Carbon Farming Initiative) Act 2011*; and

- (b) the *National Greenhouse and Energy Reporting Act 2007*; and
 - (c) this Act.
- The Authority is to give advice under the *Climate Change Act 2022*.
 - This Act establishes the Land Sector Carbon and Biodiversity Board.
 - The Board is to advise the Environment Minister, the Climate Change Minister and the Agriculture Minister about climate change measures that relate to the land sector.

4 Definitions

In this Act:

Agriculture Minister means the Minister administering Part 2 of the *Natural Resources Management (Financial Assistance) Act 1992*.

associate Authority member means an associate member of the Authority.

Australia's greenhouse gas emissions reduction targets means:

(a) if:

- (i) Australia's current nationally determined contribution was communicated in accordance with Article 4 of the Paris Agreement in June 2022; and
- (ii) that nationally determined contribution has not been adjusted in accordance with paragraph 11 of Article 4 of the Paris Agreement;

the greenhouse gas emissions reduction targets set out in paragraphs 10(1)(a) and (b) of the *Climate Change Act 2022*;
or

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- (b) in any other case—the greenhouse gas emissions reduction targets included in:
 - (i) Australia’s current nationally determined contribution communicated in accordance with Article 4 of the Paris Agreement; or
 - (ii) if that nationally determined contribution has been adjusted in accordance with paragraph 11 of Article 4 of the Paris Agreement—that nationally determined contribution, as adjusted and in force from time to time.

Authority means the Climate Change Authority.

Authority member means a member of the Authority, but does not include an associate Authority member.

Biodiversity Fund program measure means a measure that has been, is being, or may be, funded by the program known as the Biodiversity Fund program.

Board means the Land Sector Carbon and Biodiversity Board.

Board member means a member of the Board, and includes the Chair of the Board.

CEO means the Chief Executive Officer of the Authority.

Climate Change Department means the Department administered by the Climate Change Minister.

Climate Change Minister means the Minister administering this Act.

Environment Department means the Department administered by the Environment Minister.

Environment Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

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

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

Note: The Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2022 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

staff of the Authority means the staff described in section 52.

6 Crown to be bound

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

7 Extension to external Territories

This Act extends to every external Territory.

8 Extension to exclusive economic zone and continental shelf

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

9 Extension to Greater Sunrise special regime area

- (1) Despite subsection 13AB(1) of the *Seas and Submerged Lands Act 1973*, this Act extends to acts, omissions, matters and things directly or indirectly connected with the exploration of, or exploitation of the natural resources of, the continental shelf in the Greater Sunrise special regime area (within the meaning of that Act).
- (2) This section does not limit section 8.

Part 2 Climate Change Authority

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

Section 10

Part 2—Climate Change Authority

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

10 Climate Change Authority

- (1) The Climate Change Authority is established by this section.

Note 1: The Authority does not have a legal identity separate from the Commonwealth.

Note 2: In this Act, *Authority* means the Climate Change Authority—see section 4.

- (2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

- (a) the Authority is a listed entity; and
- (b) the CEO is the accountable authority of the Authority; and
- (c) the following persons are officials of the Authority:
 - (i) the CEO;
 - (ii) an Authority member;
 - (iii) an associate Authority member;
 - (iv) the staff of the Authority;
 - (v) persons whose services are made available to the Authority under section 53;
 - (vi) consultants engaged under section 54; and
- (d) the purposes of the Authority include the functions of the Authority referred to in section 11.

11 Functions of the Authority

The Authority has the following functions:

- (a) to conduct reviews under:
 - (ii) section 306 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; and

- (iii) sections 76A and 76B of the *National Greenhouse and Energy Reporting Act 2007*; and
- (v) Part 3 of this Act;
- (b) if requested to do so by the Climate Change Minister, to assist the Climate Change Minister in preparing the Commonwealth Government's response to recommendations set out in a report of such a review;
- (ba) to give advice under Part 4 of the *Climate Change Act 2022*;
- (c) to conduct research about matters relating to climate change;
- (d) to conduct research for purposes in connection with the performance of any of the Authority's functions;
- (e) such other functions as are conferred on the Authority by this Act;
- (f) such functions as are conferred on the Authority by any other law of the Commonwealth;
- (g) to do anything incidental to or conducive to the performance of any of the above functions.

12 Authority must have regard to certain principles

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

- (a) the principle that any measures to respond to climate change should:
 - (i) be economically efficient; and
 - (ii) be environmentally effective; and
 - (iii) be equitable; and
 - (iv) be in the public interest; and
 - (v) take account of the impact on households, business, workers and communities; and
 - (vi) support the development of an effective global response to climate change; and
- (vii) be consistent with Australia's foreign policy and trade objectives; and

Part 2 Climate Change Authority

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

Section 13

- (viii) take account of the matters set out in Article 2 of the Paris Agreement; and
- (ix) boost economic, employment and social benefits, including for rural and regional Australia;
- (b) such other principles (if any) as the Authority considers relevant.

13 Powers of the Authority

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

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

15 Authority has privileges and immunities of the Crown

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

Division 2—Membership of the Authority etc.

Subdivision B—Authority members

17 Membership of the Authority

The Authority consists of the following members:

- (a) a Chair;
- (b) the Chief Scientist;
- (c) 7 other members.

18 Appointment of Authority members

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

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

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

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

in at least one of the following fields:

- (c) climate science;
- (d) economics (including environmental economics);
- (e) industry;
- (f) social policy;
- (g) technology development and adoption;
- (h) employment policy;
- (i) energy production and supply;
- (j) greenhouse gas emissions measurement and reporting;
- (k) greenhouse gas abatement measures;
- (l) financial markets and investment;
- (m) trading of environmental instruments;

Section 19

- (n) land resource management;
 - (o) environmental management;
 - (p) public administration;
 - (q) rural and regional development;
 - (r) community energy.
- (3) An Authority member (other than the Chief Scientist) may hold office on either a full-time or a part-time basis.
- (4) The Chief Scientist holds office on a part-time basis.
- (5) This Act does not prevent the same person from holding office as the Chair and as the CEO.
- (6) A person must not hold office as an Authority member (other than the Chair) and as the CEO.

19 Period of appointment for Authority members

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

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

20 Acting Authority members

Acting Chair of the Authority

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

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

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

Eligibility

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

Note 1: See subsection 18(2).

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

21 Deputy of the Chief Scientist

Appointment

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

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

Section 22

Termination of appointment

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

Resignation

- (3) A deputy of the Chief Scientist may resign his or her appointment by giving the Chief Scientist a written resignation.
- (4) The resignation takes effect on the day it is received by the Chief Scientist or, if a later day is specified in the resignation, on that later day.

Attendance at meeting of the Authority

- (5) If:
- (a) a person is the deputy of the Chief Scientist for the purposes of attendance at a particular meeting of the Authority; and
 - (b) the Chief Scientist is absent from the meeting;
- the person is entitled to attend the meeting and, when so attending, is taken to be an Authority member.
- (6) A deputy of the Chief Scientist is not entitled to any remuneration or allowances for attending a meeting of the Authority (other than remuneration or allowances payable to the deputy in his or her capacity as an SES employee).

Subdivision C—Associate Authority members

22 Appointment of associate Authority members

- (1) The Climate Change Minister may appoint as many associate members of the Authority as the Climate Change Minister thinks fit.
- (2) Subsection (1) has effect subject to subsection (7).
- (3) Each associate Authority member is to be appointed by the Climate Change Minister by written instrument.

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

- (4) A person is not eligible for appointment as an associate Authority member unless the Climate Change Minister is satisfied that the person has:
- (a) substantial experience or knowledge; and
 - (b) significant standing;
- in at least one of the following fields:
- (c) climate science;
 - (d) economics (including environmental economics);
 - (e) industry;
 - (f) social policy;
 - (g) technology development and adoption;
 - (h) employment policy;
 - (i) energy production and supply;
 - (j) greenhouse gas emissions measurement and reporting;
 - (k) greenhouse gas abatement measures;
 - (l) financial markets and investment;
 - (m) trading of environmental instruments;
 - (n) land resource management;
 - (o) environmental management;
 - (p) public administration;
 - (q) rural and regional development;
 - (r) community energy.
- (5) An associate Authority member may be appointed as a full-time associate Authority member or as a part-time associate Authority member.
- (6) An associate Authority member's instrument of appointment must contain a statement to the effect that the associate Authority member's appointment relates to a specified review.
- (7) The Climate Change Minister must ensure that not more than one associate Authority member is appointed for a particular review.

Section 23

23 Period of appointment for associate Authority members

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

24 Acting appointments—associate Authority members

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

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*.

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

25 Remuneration

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

26 Disclosure of interests to the Climate Change Minister

- (1) A disclosure by an Authority member or an associate Authority member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Climate Change Minister.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, an Authority member or an associate Authority member is taken not to have complied with section 29 of that Act if the member does not comply with subsection (1) of this section.

28 Outside employment

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

29 Leave of absence

- (1) A full-time Authority member or full-time associate Authority member has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Climate Change Minister may grant leave of absence, other than recreation leave, to a full-time Authority member or full-time associate Authority member on the terms and conditions as to remuneration or otherwise that the Climate Change Minister determines.
- (3) The Chair of the Authority may grant leave of absence to a part-time Authority member (other than the Chief Scientist) or part-time associate Authority member on the terms and conditions that the Chair determines.

30 Resignation

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

Section 31

31 Termination of appointment

- (1) The Climate Change Minister may terminate the appointment of an Authority member (other than the Chief Scientist) or associate Authority member for misbehaviour or physical or mental incapacity.
- (2) The Climate Change Minister may terminate the appointment of an Authority member (other than the Chief Scientist) or associate Authority member if:
 - (a) the Authority member or associate Authority member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) if the Authority member or associate Authority member is a full-time Authority member or full-time associate Authority member—the Authority member or associate Authority member engages, except with the Climate Change Minister’s approval, in paid employment outside the duties of his or her office (see section 28); or
 - (c) if the Authority member or associate Authority member is a part-time Authority member or part-time associate Authority member—the Authority member or associate Authority member engages in paid employment that conflicts or may conflict with the proper performance of his or her duties (see section 28); or
 - (d) the Authority member or associate Authority member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purpose of that section; or
 - (e) the Authority member or associate Authority member is absent, except on leave of absence, from 3 consecutive meetings of the Authority.

- (3) The only meetings that are to be taken into account for the purpose of the application of paragraph (2)(e) to an associate Authority member, are meetings that the associate Authority member was entitled to attend (see section 36).

32 Other terms and conditions

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

Division 4—Decision-making by the Authority

33 Holding of meetings

- (1) The Authority is to hold such meetings as are necessary for the performance of its functions.
- (2) The Chair of the Authority may convene a meeting at any time.

34 Presiding at meetings

- (1) The Chair of the Authority presides at all meetings at which he or she is present.
- (2) If the Chair of the Authority is not present at a meeting, the Authority members present must appoint one of themselves to preside.

35 Quorum

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

36 Participation etc. by associate Authority members at meetings

- (1) An associate Authority member is entitled to attend, and participate in discussions at, a meeting of the Authority while the meeting is considering a matter connected with:
 - (a) a 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 a review specified in the associate Authority member's instrument of appointment.
- (2) Subsection (1) has effect subject to any rules made for the purpose of section 29 of the *Public Governance, Performance and*

Accountability Act 2013 (which deals with the duty to disclose interests).

37 Voting at meetings etc.

- (1) At a meeting of the Authority, a question is decided by a majority of the votes of the following people present and voting:
 - (a) the Authority members;
 - (b) if the question relates to a matter connected with:
 - (i) a review specified in the instrument of appointment of an associate Authority member; or
 - (ii) assisting the Climate Change Minister to prepare the Commonwealth Government's response to recommendations set out in a report of a review specified in the instrument of appointment of an associate Authority member;that associate Authority member.
- (2) The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

38 Conduct of meetings

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

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

39 Minutes

The Authority must keep minutes of its meetings.

Division 5—Delegation

40 Delegation by the Authority

- (1) The Authority may, by writing, delegate any or all of its functions and powers to:
 - (a) the CEO; or
 - (b) an Authority member or associate Authority member; or
 - (c) a person who is:
 - (i) a member of the staff of the Authority; and
 - (ii) an SES employee or acting SES employee; or
 - (d) a person who is:
 - (i) a member of the staff of the Authority; and
 - (ii) an APS employee who holds or performs the duties of an Executive Level 2 position or an equivalent position; or
 - (e) a person who is:
 - (i) an SES employee, or acting SES employee, in the Climate Change Department; and
 - (ii) a person assisting the Authority under section 53; or
 - (f) a person who:
 - (i) is an APS employee in the Climate Change Department; and
 - (ii) is a person assisting the Authority under section 53; and
 - (iii) holds or performs the duties of an Executive Level 2 position or an equivalent position.
- Note: The expressions *APS employee*, *SES employee* and *acting SES employee* are defined in the *Acts Interpretation Act 1901*.
- (2) A delegate must comply with any written directions of the Authority.
- (3) The Authority must not delegate a function or power to an associate Authority member unless the function or power relates to a matter connected with:

- (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.

Division 6—Chief Executive Officer of the Authority

41 Establishment

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

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

42 Role

- (1) The CEO is responsible for the day-to-day administration of the Authority.
- (2) The CEO has power to do all things necessary or convenient to be done for or in connection with the performance of his or her duties.
- (3) The CEO is to act in accordance with the policies determined, and any directions given, by the Authority.

43 Appointment

- (1) The CEO is to be appointed by the Climate Change Minister.
- (2) The appointment is to be made by written instrument.
- (3) Before appointing a person as the CEO, the Climate Change Minister must consult the Authority.
- (4) The CEO holds office on a full-time basis.
- (5) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

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

44 Acting appointments

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

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

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

45 Outside employment

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

46 Remuneration

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

47 Leave

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Climate Change Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to

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remuneration or otherwise that the Climate Change Minister determines.

48 Disclosure of interests to the Authority

- (1) A disclosure by the CEO under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Authority.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the CEO is taken not to have complied with section 29 of that Act if the CEO does not comply with subsection (1) of this section.

49 Resignation

- (1) The CEO may resign his or her appointment by giving the Climate Change Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Climate Change Minister or, if a later day is specified in the resignation, on that later day.
- (3) If the CEO resigns, the Climate Change Minister must notify the Authority of the resignation.

50 Termination of appointment

- (1) The Climate Change Minister may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.
- (2) The Climate Change Minister must terminate the appointment of the CEO if:
 - (a) the CEO:
 - (i) becomes bankrupt; or

- (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
 - (d) the CEO engages, except with the approval of the Climate Change Minister, in paid employment outside the duties of his or her office (see section 45).
- (3) Before terminating the appointment of the CEO, the Climate Change Minister must consult the Authority.

51 Other terms and conditions

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

Division 7—Staff of the Authority etc.

52 Staff

- (1) The staff of the Authority are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the CEO and the staff of the Authority together constitute a Statutory Agency; and
 - (b) the CEO is the Head of that Statutory Agency.

53 Persons assisting the Authority

The Authority may also be assisted:

- (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*); or
- (b) by officers and employees of authorities of the Commonwealth; or
- (c) by officers and employees of a State or Territory; or
- (d) by officers and employees of authorities of a State or Territory;

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

54 Consultants

- (1) The Authority may engage persons having suitable qualifications and experience as consultants to the Authority.
- (2) The consultants are to be engaged on the terms and conditions that the Authority determines in writing.

Division 8—Corporate plans

55 Corporate plan

- (1) A corporate plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013* must include such matters (if any) as the Minister requires.
- (2) The Minister may give the CEO written guidelines that are to be used by the CEO in deciding whether a matter is covered by subsection (1).
- (3) A guideline given under subsection (2) is not a legislative instrument.

Division 9—Other matters

57 Climate Change Minister may give directions to the Authority

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

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

Note 2: Section 42 (disallowance) and Part 4 (sunsetting) of the *Legislation Act 2003* do not apply to the direction (see sections 44 and 54 of that Act).

- (2) A direction under subsection (1) must be of a general nature only.
- (3) Without limiting subsection (2), a direction under subsection (1) must not relate to:
- (a) the conduct of a particular review; or
 - (b) the content of a report of a particular review.
- (4) A direction under subsection (1) must not be inconsistent with the objects of:
- (b) the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or
 - (c) the *National Greenhouse and Energy Reporting Act 2007*.
- (4A) A direction under subsection (1) must not be inconsistent with Australia's greenhouse gas emissions reduction targets.
- (5) The Authority must comply with a direction under subsection (1).

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

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

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

(b) the *Public Service Act 1999*;
in relation to the Authority.

Part 3—Special reviews

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

Scope

- (1) This section applies if:
 - (a) either:
 - (i) the Climate Change Minister, by written instrument given to the Chair of the Authority, requests the Authority to conduct a review under this section of such matters relating to climate change as are specified in the instrument; or
 - (ii) both Houses of the Parliament, by resolution, request the Authority to conduct a review under this section of such matters relating to climate change as are specified in the resolution; and
 - (b) the matters specified in the instrument or resolution, as the case may be, are covered by:
 - (i) any of the legislative powers of the Parliament; or
 - (ii) the executive power of the Commonwealth.

Review

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

Consultation

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

Instrument

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

60 Report of special review

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

Recommendations

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

Government response to recommendations

- (7) If a report sets out one or more recommendations to the Commonwealth Government:
 - (a) as soon as practicable after receiving the report, the Climate Change Minister must cause to be prepared a statement setting out the Commonwealth Government's response to each of the recommendations; and

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- (b) within 6 months after receiving the report, the Climate Change Minister must cause copies of the statement to be tabled in each House of the Parliament.
- (8) The Commonwealth Government's response to the recommendations may have regard to the views of the following:
 - (a) the Authority;
 - (b) such other persons as the Climate Change Minister considers relevant.

Part 4—Land Sector Carbon and Biodiversity Board

Division 1—Board's establishment and functions

61 Land Sector Carbon and Biodiversity Board

The Land Sector Carbon and Biodiversity Board is established.

62 Functions of the Board

- (1) The Board has the following functions:
 - (a) to advise any or all of the relevant Ministers about:
 - (i) performance indicators for; and
 - (ii) the implementation of; and
 - (iii) the priorities for research in relation to; prescribed measures that:
 - (iv) increase the land sector's resilience to climate change; or
 - (v) improve long-term farm productivity; or
 - (vi) assist landholders and regional communities to benefit from the reduction of greenhouse gas emissions from the land sector; or
 - (vii) assist landholders and regional communities to benefit from the sequestration of carbon in soil, in living biomass, or in dead organic matter;
 - (b) to advise the Environment Minister about:
 - (i) performance indicators for; and
 - (ii) the implementation of; and
 - (iii) guidelines for the funding of; Biodiversity Fund program measures that:
 - (iv) protect, manage or restore biodiverse ecosystems; or

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- (v) establish, protect, manage, improve or restore levels of carbon sequestered in living biomass, or in dead organic matter, so far as that living biomass or dead organic matter, as the case may be, is in a biodiverse ecosystem;
 - (c) to advise any or all of the relevant Ministers about any other matters that:
 - (i) are specified in a legislative instrument made by the Environment Minister; and
 - (ii) relate to measures, or proposed measures, that assist the land sector to deal with climate change;
 - (d) to do anything incidental to or conducive to the performance of the above functions.
- (2) For the purposes of this section, each of the following is a ***relevant Minister***:
- (a) the Environment Minister;
 - (b) the Climate Change Minister;
 - (c) the Agriculture Minister.

63 Constitutional limits

The Board may perform its functions only:

- (a) for purposes related to external affairs, including:
 - (i) for purposes related to giving effect to an international agreement to which Australia is a party; and
 - (ii) for purposes related to addressing matters of international concern; or
- (b) for purposes related to the executive power of the Commonwealth; or
- (c) for purposes related to statistics; or
- (d) for purposes related to a Territory; or
- (e) with respect to a Commonwealth place (within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*); or
- (f) for purposes related to trade and commerce:
 - (i) between Australia and places outside Australia; or

- (ii) among the States; or
- (iii) within a Territory, between a State and a Territory or between 2 Territories; or
- (g) for purposes related to a corporation to which paragraph 51(xx) of the Constitution applies; or
- (h) by way of the provision of a service to:
 - (i) the Commonwealth; or
 - (ii) an authority of the Commonwealth; for a purpose of the Commonwealth; or
- (i) for purposes related to matters that are peculiarly adapted to the government of a nation and that cannot otherwise be carried on for the benefit of the nation; or
- (j) for purposes related to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

Division 2—Membership of the Board

64 Membership of the Board

The Board consists of the following members:

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

65 Appointment of Board members

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

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

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

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

in at least one of the following fields:

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

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

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

66 Period of appointment for Board members

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

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

67 Acting Board members

Acting Chair of Board

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

Acting Board member (other than the Chair)

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

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Eligibility

- (3) A person is not eligible for appointment to act as:
- (a) the Chair of the Board; or
 - (b) a Board member (other than the Chair of the Board);
- unless the person is eligible for appointment as a Board member.

Note 1: See subsection 65(2).

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

68 Procedures

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

69 Disclosure of interests to the Environment Minister and the Agriculture Minister

A Board member must give written notice to the Environment Minister and the Agriculture Minister of all interests, pecuniary or otherwise, that the Board member has or acquires and that conflict or could conflict with the proper performance of the Board member's functions.

70 Disclosure of interests to Board

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

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71 Outside employment

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

72 Remuneration and allowances

- (1) A Board member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Board member is to be paid the remuneration that is prescribed by the regulations.
- (2) A Board member is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

73 Leave of absence

- (1) The Environment Minister may grant leave of absence to the Chair of the Board on the terms and conditions that the Environment Minister determines.
- (2) The Chair of the Board may grant leave of absence to a Board member on the terms and conditions that the Chair determines.

74 Resignation

- (1) A Board member may resign his or her appointment by giving the Environment Minister or the Agriculture Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Environment Minister or the Agriculture Minister (as the case may be) or, if a later day is specified in the resignation, on that later day.

75 Termination of appointment

- (1) The Environment Minister and the Agriculture Minister may terminate the appointment of a Board member for misbehaviour or physical or mental incapacity.
- (2) The Environment Minister and the Agriculture Minister may terminate the appointment of a Board member if:
 - (a) the Board member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of remuneration for the benefit of his or her creditors; or
 - (b) the Board member is absent, except on leave of absence, for 3 consecutive meetings of the Board; or
 - (c) the Board member engages in paid employment that conflicts or may conflict with the proper performance of his or her duties (see section 71); or
 - (d) the Board member fails, without reasonable excuse, to comply with section 69 or 70.
- (3) The Environment Minister and the Agriculture Minister may terminate the appointment of a Board member if the Environment Minister and the Agriculture Minister are of the opinion that the performance of the Board member has been unsatisfactory.
- (4) Before terminating the appointment of a Board member, the Environment Minister and the Agriculture Minister must consult the Climate Change Minister.

76 Other terms and conditions

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

Division 3—Assistance to Board

77 Assistance to Board

- (1) Any or all of the following bodies:
 - (a) the Environment Department;
 - (b) any other Department, agency or authority of the Commonwealth;may assist the Board in the performance of its functions.
- (2) The assistance may include the following:
 - (a) the provision of information;
 - (b) the provision of advice;
 - (c) the making available of resources and facilities (including secretariat services and clerical assistance).

Division 4—Committees

78 Committees

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

79 Remuneration and allowances

Scope

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

Remuneration and allowances

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

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

80 Assistance to committees

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

Division 5—Annual report

81 Annual report

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

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

- (2) If, in accordance with paragraph 62(1)(d), the Board makes an assessment during a financial year of:
- (a) the performance of a measure prescribed for the purposes of paragraph 62(1)(a) against performance indicators; or
 - (b) the implementation of a measure prescribed for the purposes of paragraph 62(1)(a); or
 - (c) the performance of a Biodiversity Fund program measure referred to in paragraph 62(1)(b) against performance indicators; or
 - (d) the implementation of a Biodiversity Fund program measure referred to in paragraph 62(1)(b);
- the Board's report for the financial year must include:
- (e) a summary of that assessment; and
 - (f) a statement describing the contribution (if any) of the performance and implementation of the measure in advancing:
 - (i) the protection, management or restoration of land biodiversity; and
 - (ii) the reduction of greenhouse gas emissions from the land sector.

Part 5—Miscellaneous

82 Liability for damages

None of the following:

- (a) the Authority;
- (b) a delegate of the Authority;
- (c) an Authority member;
- (d) an associate Authority member;
- (e) the CEO;
- (f) a member of the staff of the Authority;
- (g) a person whose services are made available to the Authority under section 53;
- (h) a person engaged as a consultant under section 54;
- (i) a Board member;
- (j) a member of a committee established under section 78;

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:

- (k) this Act; or
- (l) Part 4 of the *Climate Change Act 2022*; or
- (m) section 306 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*; or
- (n) section 76A or 76B of the *National Greenhouse and Energy Reporting Act 2007*.

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

Anything done before the commencement of Schedule 1 to the *Acts Interpretation Amendment Act 2011* by or in relation to a person purporting to act under an appointment under section 67 of this Act is not invalid merely because:

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

83 Regulations

The Governor-General may make regulations prescribing matters:

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

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Climate Change Authority Act 2011	143, 2011	29 Nov 2011	s 3 and 10–60: 1 July 2012 (s 2(1) items 2, 4) s 4–9 and 61–83: 9 Dec 2011 (s 2(1) items 3, 5) Remainder: 29 Nov 2015 (s 2(1) item 1)	
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 3 (items 6–10), Sch 4 (items 3, 4), Sch 5 (items 25–31, 74–77) and Sch 7: 14 Apr 2015 (s 2)	Sch 3 (item 10), Sch 5 (items 74–77) and Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Renewable Energy (Electricity) Amendment Act 2015	90, 2015	26 June 2015	Sch 1 (items 40–46): 27 June 2015 (s 2(1) item 1)	Sch 1 (item 46)
Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019	57, 2019	7 Aug 2019	Sch 1 (items 8, 9): 30 Aug 2019 (s 2(1) item 2)	—
Climate Change (Consequential Amendments) Act 2022	38, 2022	13 Sept 2022	Sch 1 (items 23–32): 14 Sept 2022 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3	am No 90, 2015; No 38, 2022
s 4	am No 57, 2019; No 38, 2022
s 9	rs No 57, 2019
Part 2	
Division 1	
s 10	am No 36, 2015
s 11	am No 90, 2015; No 38, 2022
s 12	am No 38, 2022
	ed C4
s 13	rs No 36, 2015
s 14	rep No 36, 2015
Division 2	
Division 2 heading	rs No 36, 2015
Subdivision A	rep No 36, 2015
s 16	rep No 36, 2015
Subdivision B	
s 18	am No 38, 2022
Subdivision C	
s 22	am No 38, 2022
Division 3	
s 26	rs No 36, 2015
s 27	rep No 36, 2015
s 31	am No 36, 2015
Division 4	
s 36	am No 36, 2015
Division 6	
s 48	rs No 36, 2015

Endnote 4—Amendment history

Provision affected	How affected
s 50	am No 36, 2015
Division 8	
Division 8	rs No 36, 2015
s 55	rs No 36, 2015
s 56	rep No 36, 2015
Division 9	
s 57	am No 90, 2015; No 38, 2022 ed C4
s 58	am No 36, 2015
Part 5	
s 82	am No 90, 2015; No 38, 2022

Endnotes

Endnote 5—Editorial changes

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Subparagraph 12(a)(vix)

Kind of editorial change

Change to punctuation and renumbering of provisions

Details of editorial change

Schedule 1 item 29 of the *Climate Change (Consequential Amendments) Act 2022* provides as follows:

29 At the end of paragraph 12(a)

Add:

- and (viii) take account of the matters set out in Article 2 of the Paris Agreement; and
- (vix) boost economic, employment and social benefits, including for rural and regional Australia.

Subparagraph 12(a)(vix) ends in a full stop despite being followed by paragraph (b). Subparagraph 12(a)(vix) also refers to “(vix)” rather than “(ix)”.

This compilation was editorially changed to omit the full stop and substitute a semicolon at the end of subparagraph 12(a)(vix) to bring it into line with legislative drafting practice.

This compilation was also editorially changed by renumbering subparagraph 12(a)(vix) as subparagraph 12(a)(ix).

Subsection 57(1) (note 2)

Kind of editorial change

Update to a reference of a law or a provision

Details of editorial change

This compilation was editorially changed to update a reference from Part 6 of the *Legislative Instruments Act 2003* to Part 4 of the *Legislation Act 2003* in note 2 to subsection 57(1).