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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 ^75	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 of achieving net zero emissions by a target
18 day (which is 31 December 2050 unless the Minister
19 determines an earlier day because of a significant change in
20 relevant factors);
21 (b) providing for a system of emissions budgeting;
22 (c) assessing the risk of, and preparing for, climate change
23 impacts;
24 (d) building the resilience of the national economy to climate
25 change;
26 (e) establishing an independent body to ensure accountable and
27 transparent plans to manage the climate challenge;
28 (f) aligning government and the private sector in the assessment
29 of climate risks;
30 (g) providing policy certainty to assist the private sector in
31 decision making;
32 (h) assisting and guiding the taking of action by government and
33 the community to reduce emissions in order to meet
34 Australia's obligations under the following:

Section ⁴

- 1 (i) the Climate Change Convention;
2 (ii) the Kyoto protocol;
3 (iii) the Paris Agreement;
4 (iv) any other international agreement relating to climate
5 change.

6 **⁴ Simplified outline of this Act**

7 This Act establishes a framework for adaptation and mitigation in
8 relation to climate change.

9 Decision makers must consider 7 guiding principles when
10 performing functions or duties or exercising powers under this Act
11 or provisions of other prescribed Acts.

12 The Commission is required to prepare a national climate change
13 risk assessment within a year of the commencement of this Act and
14 every 5 years after that.

15 In response to each national climate change risk assessment, the
16 Minister must prepare a national adaptation plan. The Commission
17 must evaluate the implementation of these plans annually.

18 This Act sets a target of net zero emissions by a target day (which
19 is 31 December 2050). The target day can be changed by the
20 Minister if there is a significant change in factors relevant to the
21 target.

22 In order to meet the Target, this Act also provides for the Minister
23 to set emissions budgets on advice from the Commission.

24 The Minister must also prepare emissions reduction plans for each
25 emissions budget. The Commission provides advice on these plans
26 also.

27 This Act establishes the Commission and provides for a
28 Parliamentary Joint Committee on Climate Adaptation and

1 Mitigation. Appointments to the Commission must be approved by
2 the Committee.

3 **^5 Definitions**

4 In this Act:

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

- 7 (a) in human systems—seeks to moderate or avoid harm or
8 exploit beneficial opportunities; and
9 (b) in natural systems—may be facilitated by human
10 intervention.

11 **carbon dioxide equivalence** of an amount of greenhouse gas has
12 the same meaning as in the *National Greenhouse and Energy*
13 *Reporting Act 2007*.

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

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

19 **Climate Change Convention** means the United Nations
20 Framework Convention on Climate Change done at New York on
21 9 May 1992, as amended and in force for Australia from time to
22 time.

23 Note: The text of the Convention is set out in Australian Treaty Series 1994
24 No. 2 ([1994] ATS 2) and in 2020 could be viewed in the Australian
25 Treaties Library on the AustLII website (www.austlii.edu.au).

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

28 **Commission** means the Climate Change Commission established
29 by section **^32**.

1 Note: The text of the Kyoto Protocol is in Australian Treaty Series 2008
2 No. 2 ([2008] ATS 2) and could in 2020 be viewed in the Australian
3 Treaties Library on the AustLII website (www.austlii.edu.au).

4 ***low emissions technologies*** means technologies set out in the
5 Technology Investment Roadmap.

6 ***low emissions technology statement***: see paragraph ^70(d).

7 ***net accounting emissions*** means the total of gross emissions and
8 emissions from land use, land-use change, and forestry sectors (as
9 reported in the National Greenhouse Inventory), less the sum of the
10 following:

- 11 (a) removals of greenhouse gases (including from land use,
12 land-use change and forestry sectors);
13 (b) eligible offsets.

14 ***net zero emissions*** means zero net accounting emissions.

15 ***Paris Agreement*** means the Paris Agreement, done at Paris on
16 12 December 2015, as amended and in force for Australia from
17 time to time.

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

21 ***precautionary principle*** means taking precautionary measures to
22 anticipate, prevent or minimize the causes of climate change and
23 mitigate its adverse effects. Where there are threats of serious or
24 irreversible damage, lack of full scientific certainty should not be
25 used as a reason for postponing such measures.

26 ***reduction***, of emissions, has the same meaning as in the *National*
27 *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*.

30 ***reservoir*** means a component or components of the climate system
31 where a greenhouse gas or a precursor of a greenhouse gas is
32 stored.

Section ^6

1 *rules* means rules made under section ^75.

2 *sink* means any process, activity or mechanism which removes a
3 greenhouse gas, an aerosol or a precursor of a greenhouse gas from
4 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 *Target*: see subsection ^22(1).

9 *target day*: see subsection ^22(2).

10 *Technology Investment Roadmap* means the Technology
11 Investment Roadmap as in force or existing from time to time and
12 published on the Department's website.

13 Note: Information about the Technology Investment Roadmap could in 2020
14 be viewed on the Department's website (<https://www.industry.gov.au>)

15 **^6 Crown to be bound**

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

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

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

21 **^7 Extension to external Territories**

22 This Act extends to every external Territory.

23 **^8 Interaction with other laws**

24 This Act has effect despite any other law of the Commonwealth,
25 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, to which this Division
10 applies must be:

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

20 **^11 Principle of informed decision making**

21 (1) A decision, policy, program or process relating to performing
22 functions or duties, or exercising powers, to which this Division
23 applies must take into consideration:

- 24 (a) the best available academic peer reviewed research and
25 public reports on the contributing causes and potential
26 impacts of climate change; and
27 (b) any Technology Investment Roadmap; and
28 (c) the most recent low emissions technology statement.

Section [^]12

- 1 (2) The best available academic peer reviewed research and public
2 reports must include research and reports from all of the following
3 which must take precedence over other sources of information:
4 (a) the Commission;
5 (b) the Intergovernmental Panel on Climate Change;
6 (c) the Bureau of Meteorology;
7 (d) the Commonwealth Scientific and Industrial Research
8 Organisation;
9 (e) the Australian Energy Market Operator;
10 (f) the Energy Security Board;
11 (g) the Australian Prudential Regulation Authority;
12 (h) the Australian Securities and Investments Commission;
13 (i) the Reserve Bank of Australia.

14 **[^]12 Principle of risk-based, integrated decision making**

15 A decision, policy, program or process relating to performing
16 functions or duties, or exercising powers, to which this Division
17 applies must:

- 18 (a) assess the competing long-term, medium-term and short-term
19 environmental, economic and community consequences
20 relating to climate change; and
21 (b) explicitly address the relevant climate change risks; and
22 (c) apply the precautionary principle to prevent likely serious or
23 irreversible loss.

24 **[^]13 Principle of fiscal responsibility**

25 A decision, policy, program or process relating to performing
26 functions or duties, or exercising powers, to which this Division
27 applies must seek to maintain economic prosperity and public
28 finances over the long term, taking into account the established
29 evidence that:

- 30 (a) the direct costs of climate change include damage to property
31 and infrastructure, the disruption of telecommunications,
32 essential services and business supply chains, reduced

- 1 agricultural and tourism revenue, and increased health,
2 migration and security costs; and
- 3 (b) the impact of those costs will weaken asset values, corporate
4 profitability, national productivity and public finances; and
- 5 (c) these costs are highly likely to be substantially greater than
6 the costs of mitigating climate change; and
- 7 (d) the costs of early action to mitigate climate change are highly
8 likely to be substantially lower than the costs of later action;
9 and
- 10 (e) the growing burden of debt upon future generations which, in
11 failing to act early, will grow significantly.

12 **^14 Principle of fair employment transition**

- 13 A decision, policy, program or process relating to performing
14 functions or duties, or exercising powers, to which this Division
15 applies that may affect employment in an industry or a geographic
16 region must:
- 17 (a) apply the principle of community engagement to any affected
18 communities; and
- 19 (b) pursue sustainable economic, social and ecological solutions
20 for those communities; and
- 21 (c) prioritise employment transition opportunities to new or
22 existing industries within those communities; and
- 23 (d) offer appropriate education and training for those
24 opportunities; and
- 25 (e) allow reasonable time for implementation of transition
26 solutions for those communities; and
- 27 (f) for those unable to pursue transition opportunities—without
28 undermining the incentives for transition, provide a
29 mechanism for compensated redundancy or voluntary
30 redeployment of workers to other sites where the workers
31 wish to continue working.

Section ^15

1 **^15 Principle of community engagement and self-determination**

2 A decision, policy, program or process relating to performing
3 functions or duties, or exercising powers, to which this Division
4 applies must:

- 5 (a) provide appropriate information to members of affected
6 communities, especially vulnerable or marginalised
7 communities, and
8 (b) enable those communities to be involved in its determination
9 or implementation, with adequate public consultation.

10 **^16 Principle of national and international cooperation**

11 A decision, policy, program or process relating to performing
12 functions or duties, or exercising powers, to which this Division
13 applies must:

- 14 (a) pursue a coherent, clear and effective policy framework
15 across the Commonwealth and the States and Territories; and
16 (b) ensure fulfilment of Australia's obligations under
17 international agreements; and
18 (c) enable Australia to play a leadership role internationally by
19 demonstrating that Australia's efforts reflect Australia's
20 highest possible ambition and fair share of international
21 action to both reduce emissions and enhance sinks of
22 greenhouse gases, considering Australia's:
23 (i) knowledge and understanding of climate change risks,
24 in particular the risks to Australia and to Australia's
25 regional neighbours; and
26 (ii) access to local and global technology; and
27 (iii) opportunities as a potentially significant generator of
28 renewable energy; and
29 (iv) opportunities as a potentially significant greenhouse gas
30 sink.

Part 2—National climate change risk assessment**^17 Commission must complete assessment**

- (1) The Commission must prepare and give to the Minister a national climate change risk assessment:
 - (a) for the first assessment—no later than 1 year after the commencement of this Act; and
 - (b) for later assessments—no later than 5 years after the day on which the previous assessment was made publicly available.
- (2) A national climate change risk assessment must:
 - (a) assess, along multiple global emissions pathway scenarios, the risks to Australia’s economy, workers, society, agriculture, environment, and biodiversity from the current and future effects of climate change; and
 - (b) identify the most significant risks to Australia, based on the nature of the risks, their severity, probability and cost; and
 - (c) assess the need for coordinated responses to those risks in the next 5 year period.
- (3) A national climate change risk assessment must be published on the Commission’s website as soon as practicable after the assessment is completed.
- (4) At the same time as making a national climate change risk assessment publicly available under subsection (3), the Commission must make any evidence commissioned to support its preparation publicly available.

^18 Factors to be taken into account

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

Section 18

- 1 (a) economic, social, health, water and food security,
2 environmental, ecological, and cultural effects of climate
3 change, including effects on Indigenous Australians;
4 (b) the distribution of the effects of climate change across
5 society, taking particular account of vulnerable groups or
6 sectors;
7 (c) Australia's relevant obligations under international
8 agreements;
9 (d) how the assessment aligns or links with any other relevant
10 national risk assessments;
11 (e) current effects and likely future effects of climate change;
12 (f) the best available academic peer reviewed research and
13 public reports including that of the Bureau of Meteorology,
14 and Commonwealth Scientific and Industrial Research
15 Organisation;
16 (g) economic, financial and fiscal advice from financial
17 regulators, including the Australian Prudential Regulation
18 Authority, the Australian Securities and Investments
19 Commission and the Reserve Bank of Australia;
20 (h) opportunities arising for Australia's economy, society,
21 regions and environment as a result of the effects of climate
22 change;
23 (i) existing State and Territory strategies, policies and proposals
24 in relation to climate change;
25 (j) any other relevant factors.

Part 3—National adaptation plan**^19 Minister must prepare national adaptation plan**

- (1) In response to each national climate change risk assessment, the Minister must prepare a national adaptation plan.
- (2) A national adaptation plan must be completed no later than one year after the date on which the national climate change risk assessment to which the plan relates is made publicly available.
- (3) A national adaptation plan must set out the following:
 - (a) Australia’s objectives to protect against and mitigate risks as identified in the national climate change risk assessment;
 - (b) the strategies, policies, and proposals for meeting those objectives;
 - (c) the time frames for implementing the strategies, policies, and proposals;
 - (d) how the matters in paragraphs (a) to (c) address the most significant risks identified in the most recent national climate change risk assessment;
 - (e) the measures and indicators that will enable regular monitoring of and reporting on the implementation of the strategies, policies, and proposals;
 - (f) how the strategies, policies and proposals will be funded.
- (4) A national adaptation plan may include any other matter that the Minister considers relevant.
- (5) In preparing a national adaptation plan, the Minister must consider the factors listed in section **^18** and any relevant advice or reports from the Commission.
- (6) In preparing a national adaptation plan, the Minister must undertake public consultation on the draft plan.

Section ^20

1 **^20 Tabling and publication of plans**

- 2 (1) The Minister must cause a national adaptation plan prepared under
3 section ^19 to be tabled in each House of the Parliament within 15
4 sitting days of that house after the plan is prepared.
- 5 (2) A national adaptation plan must be published on the Commission’s
6 website as soon as practicable after it is first tabled in a House of
7 the Parliament.

8 **^21 Progress reports**

- 9 (1) For each national adaptation plan, the Commission must provide
10 the Minister with an annual progress report that evaluates the
11 implementation of the adaptation plan and its effectiveness.
- 12 (2) Each progress report must include:
- 13 (a) an assessment of the progress made towards implementing
14 the strategies, policies, and proposals included in the plan;
15 and
- 16 (b) an assessment of the degree to which the objectives of the
17 plan have been achieved and how well the plan responds to
18 the most significant risks posed by climate change; and
- 19 (c) an identification of any known barriers to the implementation
20 and effectiveness of the current plan, including
21 recommendations for how those barriers might be addressed
22 or overcome in future; and
- 23 (d) any other relevant matters required to support the report.
- 24 (3) The annual progress report must be published on the Commission’s
25 website as soon as practicable after the report is completed.
- 26 (4) After receiving an annual progress report under subsection (1), the
27 Minister must prepare a statement in response. The Minister must
28 cause the statement to be:
- 29 (a) tabled in each House of the Parliament within 15 sitting days
30 of that house after the statement is completed; and
- 31 (b) published on the Commission’s website as soon as
32 practicable after it is first tabled in a House of the Parliament.

Part 4—Emissions reduction target

^22 The Target

- (1) In accordance with the guiding principles set out in Division 2 of Part 1, this Act sets a target (the *Target*) of net zero emissions for the emissions budget period ending on the target day.
- (2) The *target day* is:
 - (a) 31 December 2050; or
 - (b) if the Minister determines an earlier day under subsection (3)—that day.
- (3) The Minister may, by legislative instrument, determine a day for the purposes of subsection (2) if the Minister considers that there has been a significant change to any of the factors listed in paragraph ^24(2)(a) in relation to climate change.
- (4) Before determining a day under subsection (3), the Minister must obtain and consider the recommendations of the Commission on the proposed target day.

^23 Reviews of the Target

- (1) The Commission must review the Target and advise the Minister of the outcome of the review and any recommendations:
 - (a) if setting an emissions budget under section ^26; 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 ^24, 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 ^27; or
 - (b) for a review required under paragraph (1)(b)—as soon as practicable following completion of the review.

Section ^24

1 **^24 Recommendations to amend the Target**

- 2 (1) As a result of a review under section ^23, the Commission may
3 recommend a change to any of the following:
4 (a) the time frame for achievement of the Target;
5 (b) the levels of reductions of sources of emissions and increases
6 in sinks required by the Target;
7 (c) how the Target may be met.
- 8 (2) However, the Commission must not recommend a change to the
9 Target unless:
10 (a) significant change has occurred, or is likely to occur, since
11 the commencement of this Act to one or more of the
12 following in relation to climate change:
13 (i) global action;
14 (ii) best available academic peer reviewed research or
15 public reports;
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 emissions and removals of greenhouse
24 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 Target.
- 29 (3) The Commission must, as soon as practicable after making a
30 recommendation under subsection (1), publish the recommendation
31 on the Commission's website.

- 1 (4) The Minister must, as soon as practicable after receiving a
2 recommendation under subsection (1), prepare a statement in
3 response. The Minister must cause the statement to be:
4 (a) tabled in each House of the Parliament within 15 sitting days
5 of that house after the statement is completed; and
6 (b) published on the Commission's website as soon as
7 practicable after it is first tabled in a House of the Parliament.

8 **^25 Fossil fuel export emissions**

- 9 (1) The Commission must report to the Minister on the effect of
10 Australia's fossil fuel export emissions in meeting the objects of
11 this Act before each of the following:
12 (a) the one year anniversary of the commencement of this Act;
13 (b) the end of each two year period after that anniversary.
- 14 (2) The Minister may, by legislative instrument, determine:
15 (a) the meaning of *fossil fuel export emissions*; and
16 (b) the method for accounting for fossil fuel export emissions.
- 17 (3) However, the Minister must not make a determination under
18 subsection (2) unless:
19 (a) the Minister has referred the proposed determination to the
20 Commission; and
21 (b) the Commission has provided advice on the proposal.
- 22 (4) The Commission must publish a report prepared under subsection
23 (1), or advice provided under paragraph (3)(b), on the
24 Commission's website as soon as practicable after the report or
25 advice is completed.

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

2 **Division 1—Emissions budgets**

3 **^26 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 emissions for an
7 emissions budget period expressed as a net amount of carbon
8 dioxide equivalent.

9 (3) There must be 2 consecutive emissions budgets in place at any one
10 time.

11 (4) An emissions budget must be set:

12 (a) for the emissions budget period beginning 1 January 2022
13 and 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) Before setting an emissions budget under subsection (1), the
28 Minister must obtain and consider the advice of the Commission
29 on the proposed budget.

- 1 (7) The Commission's advice must be published on the Commission's
2 website as soon as practicable after the advice is given to the
3 Minister.
- 4 (8) The Minister must as soon as practicable after receiving the advice,
5 prepare a statement in response. The Minister must cause the
6 statement to be:
- 7 (a) tabled in each House of the Parliament within 15 sitting days
8 of that house after the statement is completed; and
9 (b) published on the Commission's website as soon as
10 practicable after it is first tabled in a House of the Parliament.
- 11 (9) In setting an emissions budget under subsection (1), the Minister
12 must not take into account any emissions units or credits held or
13 earned during previous emissions budget periods or under
14 international agreements (including the Kyoto Protocol).

15 **^27 Commission to advise Minister**

- 16 (1) The Commission must advise the Minister on the following matters
17 relevant to setting an emissions budget:
- 18 (a) the amount of emissions that will be permitted in each
19 emissions budget period;
- 20 (b) how to measure progress towards meeting emissions budgets
21 and the Target;
- 22 (c) the means by which emissions budgets and the Target may be
23 met (including pricing and policy methods);
- 24 (d) the proportion of an emissions budget to be met through
25 reductions of emissions, and removal of greenhouse gases, in
26 Australia;
- 27 (e) the amount by which emissions of each greenhouse gas
28 should be reduced to meet emissions budgets and the Target.
- 29 (2) In providing advice under subsection (1), the Commission must
30 have regard to the guiding principles set out in Division 2 of Part 1
31 and the matters set out in section **^28**.
- 32 (3) Before providing advice to the Minister under subsection (1), the
33 Commission must:

Part 5 Setting emissions budgets etc.

Division 1 Emissions budgets

Section 28

- 1 (a) make the proposed advice publicly available and invite
2 submissions on the advice; and
3 (b) allow adequate time and opportunity for any submissions to
4 be received, heard and considered by the Commission.
- 5 (4) The Commission must provide advice under subsection (1):
6 (a) for the emissions budgets for the first 2 emissions budget
7 periods—by 1 February 2021; and
8 (b) for any other emissions budget—no later than 12 months
9 before the emissions budget must be set under section 26.

10 **28 Matters relevant to emissions budgets**

- 11 (1) This section applies to:
12 (a) the Commission when the Commission is preparing advice
13 for the Minister under section 27; and
14 (b) to the Minister, when the Minister is setting an emissions
15 budget under section 26.
- 16 (2) The Commission and the Minister must:
17 (a) have regard to how the emissions budget and the Target may
18 be met, including considering the following:
19 (i) the key opportunities for reductions of emissions, and
20 removal of greenhouse gases, in Australia;
21 (ii) the principal risks and uncertainties associated with
22 those reductions and removals; and
23 (b) have regard to the following matters:
24 (i) the emissions and removal of greenhouse gases
25 projected for the emissions budget period;
26 (ii) a broad range of domestic and international scientific
27 advice;
28 (iii) existing technology and anticipated technological
29 developments, including the costs and benefits of early
30 adoption of these in Australia;
31 (iv) the need for emissions budgets that are ambitious but
32 technically and economically achievable;

- 1 (v) maintaining energy security, reliability and
2 affordability;
- 3 (vi) the results of public consultation on a proposed
4 emissions budget;
- 5 (vii) the likely impact of actions taken to achieve an
6 emissions budget and the Target, including on the
7 ability to adapt to climate change;
- 8 (viii) the distribution of those impacts across the States and
9 Territories, and from generation to generation;
- 10 (ix) the impact on rural, regional and remote Australia;
- 11 (x) the likely impact on employment and workers;
- 12 (xi) economic circumstances and the likely impact on
13 taxation, public spending, and public borrowing;
- 14 (xii) the implications, or potential implications, of land-use
15 change for communities;
- 16 (xiii) responses to climate change taken or planned by parties
17 to the Paris Agreement or the Climate Change
18 Convention;
- 19 (xiv) Australia's relevant obligations under international
20 agreements.

21 **^29 Commission to report at end of emissions budget period**

- 22 (1) Not later than one year after the end of an emissions budget period,
23 the Commission must prepare a report for the Minister evaluating
24 the progress made in that emissions budget period towards meeting
25 the emissions budget in the next emissions budget period,
26 including an evaluation of how well the emissions reduction plan
27 has contributed to that progress.
- 28 (2) The Minister must as soon as practicable after receiving the report,
29 prepare a statement in response. The Minister must cause the
30 statement to be:
- 31 (a) tabled in each House of the Parliament within 15 sitting days
32 of that house after the statement is completed; and
- 33 (b) published on the Commission's website as soon as
34 practicable after it is first tabled in a House of the Parliament.

1 **Division 2—Emissions reduction plans**

2 **30 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 26;
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 emissions and increase
12 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 emissions and
17 increasing removals of greenhouse gases will have on
18 employees and employers, rural and regional Australia,
19 Indigenous Australians and wider communities, including the
20 funding for any mitigation action; and

21 (d) policies, strategies and proposals for the deployment and
22 development of low emissions technologies; and

23 (e) any other policies or strategies that the Minister considers
24 necessary.

25 (4) Before preparing an emissions reduction plan under subsection (1),
26 the Minister must obtain and consider the advice of the following:

27 (a) State and Territory ministers with responsibility for climate
28 change or emissions reduction;

29 (b) the Commission.

30 (5) The Minister must cause an emissions reduction plan to be:

- 1 (a) tabled in each House of the Parliament within 15 sittings
2 days of that House after the emissions reduction plan is
3 completed; and
4 (b) published on the Commission's website as soon as
5 practicable after it is first tabled in a House of the Parliament.

6 **[^]31 Commission to advise on emissions reduction plans**

- 7 (1) Not later than 24 months before the beginning of an emissions
8 budget period, the Commission must provide to the Minister advice
9 on the direction of the policy required in the emissions reduction
10 plan for that emissions budget period.
- 11 (2) Despite subsection (1), the advice for the emissions budget plan for
12 the emissions budget period beginning 1 January 2022 must be
13 given no later than 1 February 2021.
- 14 (3) In preparing advice under subsection (1), the Commission must
15 apply subsection [^]28(2) as if that subsection included a reference
16 to preparing an emissions reduction plan.

1 **Part 6—Climate Change Commission**

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

3 **^32 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 ^68;
- 15 (v) consultants engaged under section ^69; and
- 16 (d) the purposes of the Commission include the functions of the
17 Commission referred to in section ^33.

18 **^33 Functions of the Commission**

19 The Commission has the following functions:

- 20 (a) to advise the Minister to enable the preparation of emissions
21 budgets;
- 22 (b) to advise on any necessary amendments to emissions
23 budgets;
- 24 (c) to advise the Minister to enable the preparation of emissions
25 reduction plans;
- 26 (d) to monitor and report on progress towards meeting emissions
27 budgets and the Target;
- 28 (e) to prepare national climate change risk assessments and low
29 emissions technology statements;

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

9 **[^]34 Powers**

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

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

16 **[^]35 Commission not subject to direction**

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

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

2 **^36 Commission members**

3 The Commission consists of the following members:

- 4 (a) a Chair;
- 5 (b) Australia’s Chief Scientist;
- 6 (c) a minimum of five, and not more than seven, other members.

7 **^37 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) In appointing a member, the Minister must ensure that the
- 13 Commission (taken as a whole) has experience in, or knowledge
- 14 of, the following:

- 15 (a) business competitiveness;
- 16 (b) climate change policy;
- 17 (c) climate science;
- 18 (d) economic analysis and forecasting;
- 19 (e) energy production and supply;
- 20 (f) financial investment;
- 21 (g) regional development;
- 22 (h) industrial relations;
- 23 (i) agriculture;
- 24 (j) technology development and diffusion.

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

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

- 28 (5) The Minister must ensure that, at any time:

- 1 (a) a minimum of two members of the Commission must hold
2 expertise in climate science and climate policy; and
3 (b) a minimum of one member of the Commission must be an
4 Indigenous Australian.

5 **[^]38 Approval of proposed appointment by Parliamentary Joint**
6 **Committee on Climate Adaptation and Mitigation**

- 7 (1) The Minister must not appoint a person under subsection [^]37(1)
8 unless:
9 (a) the Minister has referred the proposed appointment to the
10 Parliamentary Joint Committee on Climate Adaptation and
11 Mitigation; and
12 (b) the Committee has approved the proposal.
- 13 Note: Section [^]48 provides for the establishment and membership of the
14 Committee.
- 15 (2) A referral under paragraph (1)(a) must be in writing and may be
16 withdrawn by the Minister at any time.
- 17 (3) If the Minister refers a proposed appointment to the Committee for
18 approval under paragraph (1)(a), the Committee must:
19 (a) approve or reject the proposal within 14 days after receiving
20 it; or
21 (b) notify the Minister under subsection (5).
- 22 (4) The Committee may request the Minister to provide further
23 information in relation to the proposal.
- 24 (5) The Committee may notify the Minister within 14 days after
25 receiving a proposal that it needs more time to consider the
26 proposal. If the Committee does so, the Committee must approve
27 or reject the proposal within 44 days after receiving it.
- 28 (6) The decision to approve or reject a proposal is to be by a majority
29 of the members of the Committee for the time being holding office.

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- 1 (7) If the Committee does not make a decision on a proposal by the
2 required time, the Committee is taken, at that time, to have
3 approved the proposal.
- 4 (8) The Committee must notify the Minister, in writing, of its decision
5 on a proposal as soon as practicable after making the decision.
- 6 (9) The Committee must report to both Houses of the Parliament on its
7 decision on a proposal.

8 **³⁹ Period of appointment for members of the Commission**

9 A member of the Commission (other than the Chief Scientist)
10 holds office for the period specified in the instrument of
11 appointment. The period must not exceed 10 years.

12 **⁴⁰ Acting members of the Commission**

13 *Acting Chair of the Commission*

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

24 Note: For rules that apply to acting appointments, see sections 33AB and
25 33A of the *Acts Interpretation Act 1901*.

26 *Acting member of the Commission (other than the Chair of the*
27 *Commission or the Chief Scientist)*

- 28 (2) The Minister may, by written instrument, appoint a person to act as
29 a member of the Commission (other than the Chair of the
30 Commission or the Chief Scientist):

- 1 (a) during a vacancy in the office of a member of the
2 Commission (other than the Chair of the Commission or the
3 Chief Scientist), whether or not an appointment has
4 previously been made to the office; or
5 (b) during any period, or during all periods, when a member of
6 the Commission (other than the Chair of the Commission or
7 the Chief Scientist):
8 (i) is absent from duty or Australia; or
9 (ii) is, for any reason, unable to perform the duties of the
10 office.
11 Note: For rules that apply to acting appointments, see sections 33AB and
12 33A of the *Acts Interpretation Act 1901*.

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

3 **^41 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) Subsections 7(9) and (13) of the *Remuneration Tribunal Act 1973*
11 do not apply in relation to the office of a member of the
12 Commission.

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

16 (4) This section has effect subject to the *Remuneration Tribunal Act*
17 *1973* (except as provided by subsection (3)).

18 **^42 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.

1 **^43 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 **^44 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 **^45 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 **^46 Termination of appointment**

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

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Division 3 Terms and conditions for members of the Commission

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- 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 ^43(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 ^43(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.

^47 Other terms and conditions

28
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 ^{^48} **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 **Division 5—Decision making of the Commission**

2 **^51 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 **^52 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 **^53 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 **Division 6—Chief Executive Officer of the Commission**

2 **^{^57} Establishment**

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

4 **^{^58} 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 **^{^59} 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.

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

3 **^60 Acting appointments**

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

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

12 Note: For rules that apply to acting appointments, see sections 33AB and
13 33A of the *Acts Interpretation Act 1901*.

14 **^61 Paid work**

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

17 **^62 Remuneration**

18 (1) The CEO is to be paid the remuneration that is determined by the
19 Remuneration Tribunal. If no determination of that remuneration
20 by the Tribunal is in operation, the CEO is to be paid the
21 remuneration that is prescribed by the rules.

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

24 (3) Subsections 7(9) and (13) of the *Remuneration Tribunal Act 1973*
25 do not apply in relation to the office of the CEO.

26 Note: The effect of this subsection is that remuneration or allowances of the
27 CEO will be paid out of money appropriated by an Act other than the
28 *Remuneration Tribunal Act 1973*.

29 (4) This section has effect subject to the *Remuneration Tribunal Act*
30 *1973* (except as provided by subsection (3)).

1 **^63 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 **^64 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 **^65 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

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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 ^61).

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 **^66 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 **^{^67} 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 **^{^68} 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 **^{^69} Consultants**

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

1 **Part 7—Miscellaneous**
2

3 **^70 Annual report**

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

- 7 (a) emissions and removals of greenhouse gases (as reported in
8 the National Greenhouse Gas Inventory) for the most recent
9 year figures are available; and
10 (b) the latest projections for current and future emissions and
11 removals of greenhouse gases; and
12 (c) an assessment of the adequacy of the emissions reduction
13 plan to which the period relates and progress in its
14 implementation, including any new opportunities to reduce
15 emissions; and
16 (d) a statement (a *low emissions technology statement*) that
17 includes the following:
18 (i) a summary of progress towards the Commonwealth's
19 defined technology goals;
20 (ii) an update of global technological developments;
21 (iii) a review of the Clean Energy Finance Corporation and
22 Australian Renewable Energy Agency's investment
23 portfolios;
24 (iv) any recommendations to improve the performance of
25 those agencies in assisting efforts to deploy and develop
26 low emissions technologies.

27 **^71 Response to annual report**

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

- 31 (a) the Minister's response to the Commission's report and any
32 recommendations;

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- 1 (b) a description of the progress made in implementing the
2 emissions reduction plan to which the annual report relates;
3 (c) any amendments to that emissions reduction plan.

^72 Tabling and publication of response

- 4
5 (1) The Minister must cause a statement prepared in accordance with
6 section ^71 to be tabled in each House of the Parliament within 15
7 sitting days of that House after the statement is completed.
- 8 (2) A statement prepared in accordance with section ^71 must be
9 published on the Commission's website as soon as practicable after
10 it is first tabled in a House of the Parliament.

^73 Minister or Commission may request information

- 11
12 (1) The Minister or the Commission may, in writing, request that a
13 constitutional corporation provide all or any of the following
14 information:
15 (a) a description of the corporation's governance in relation to
16 the risks of, and opportunities arising from, climate change;
17 (b) a description of the actual and potential effects of the risks
18 and opportunities on the corporation's business, strategy, and
19 financial planning;
20 (c) a description of the processes that the corporation uses to
21 identify, assess, and manage the risks;
22 (d) a description of the metrics and targets used to assess and
23 manage the risks and opportunities, including, if relevant,
24 time frames and progress;
25 (e) any other matters prescribed by the rules.
- 26 (2) A constitutional corporation commits an offence if the corporation
27 fails to comply with a request made under subsection (1).
- 28 Penalty: 50 penalty units.
- 29 (3) The Minister must, as soon as practicable, provide the Commission
30 with a copy of any information received in response to a request
31 made by the Minister under subsection (1).

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- 1 (4) The Commission must, as soon as practicable, provide the Minister
2 with a copy of any information received in response to a request
3 made by the Commission.
- 4 (5) The Minister and the Commission must not publicly disclose any
5 information received in response to a request, unless disclosure of
6 the information is necessary to enable the Minister or the
7 Commission to perform a function or duty under this Act.
- 8 (6) Subsection (5) does not apply in respect of information that is
9 already in the public domain.
- 10 (7) Before publicly disclosing any information received in response to
11 a request, the Minister or Commission must consult with the
12 person to whom the information relates.

13 **^74 Concurrent operation of State and Territory laws**

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

17 **^75 Rules**

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

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(e) directly amend the text of this Act.