EXPLANATORY STATEMENT

Issued by the authority of the Minister for Climate Change and Energy Efficiency

Climate Change Authority Act 2011

Proclamation

Item 3 of the table in subsection 2(1) of the Climate Change Authority Act 2011 provides that sections 4 to 9 of the Act commence on a day to be fixed by Proclamation. However, commencement must not occur before the Clean Energy Act 2011 receives Royal Assent, and if any of the provisions in sections 4 to 9 do not commence within six months of the date this Act or the Clean Energy Act 2011 receives the Royal Assent, then those provisions commence on the first day after the end of that six-month period. The Act recently received the Royal Assent. The Clean Energy Act 2011 received the Royal Assent on 18 November 2011.

The purpose of the Proclamation is to fix 9 December 2011 as the day on which sections 4 to 9 of the Act will commence. Item 5 of subsection 2(1) of the Act provides that Parts 4 and 5 of the Act will commence at the same time as sections 4 to 9.

The Act is part of the Clean Energy Legislative Package which sets up the carbon pricing mechanism. The Act establishes the Climate Change Authority which will be responsible for the conduct and completion of major reviews of the carbon pricing mechanism, the National Greenhouse and Energy Reporting System, the Renewable Energy Target, the Carbon Farming Initiative and other requested reviews. It also establishes the Land Sector Carbon and Biodiversity Board.

The Proclamation concerns the commencement of the preliminary provisions of the Act, which concern definitions; the application of the Act to the Crown; and the extension of the Act to external Territories, exclusive economic zone, continental shelf and the Joint Petroleum Development Area.

Parts 4 and 5 of the Act relate to the establishment and operation of the Land Sector Carbon and Biodiversity Board, including the appointment of members, and other miscellaneous provisions. It is necessary for these provisions to commence by 9 December 2011 to allow for the Board to be set up, members appointed and for it to commence work.

Sections 1 and 2 of the Act, concerned with the short title and commencement, commenced on the day the Act received Royal Assent. Section 3, and Parts 2 and 3, commence on 1 July 2012, which coincides with the commencement of the carbon pricing mechanism.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Authority: Item 3 of the table in subsection 2(1) of the Climate Change Authority Act 2011