

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Climate Change (Greenhouse Gas Emissions Targets) Bill 2008

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Climate Change (Greenhouse Gas Emissions Targets) Bill 2008

A Bill for

An Act to set, and report about, greenhouse gas emissions targets and related targets to assist in achieving a sustainable future for the ACT

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Climate Change (Greenhouse Gas Emissions*
4 *Targets) Act 2008*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 **3 Objects of Act**

10 The objects of this Act are—

11 (a) to set targets in relation to greenhouse gas emissions and
12 electricity use to—

13 (i) assist in achieving ecologically sustainable development
14 in the ACT by addressing issues associated with climate
15 change; and

16 (ii) promote commitment to action in the ACT to address
17 climate change; and

18 (iii) promote community understanding about issues of
19 climate change; and

20 (iv) encourage energy efficiency and conservation in the
21 ACT; and

22 (v) promote action in the ACT that is consistent with national
23 and international schemes designed to address climate
24 change; and

- 1 (b) to provide for reporting on progress being made in the ACT to
2 meet the targets mentioned in paragraph (a).

3 **4 Dictionary**

4 The dictionary at the end of this Act is part of this Act.

5 *Note 1* The dictionary at the end of this Act defines certain terms used in this
6 Act, and includes references (*signpost definitions*) to other terms
7 defined elsewhere.

8 For example, the signpost definition '*greenhouse gas*—see the
9 *Electricity (Greenhouse Gas Emissions) Act 2004*, dictionary.' means
10 that the term 'greenhouse gas' is defined in that dictionary and the
11 definition applies to this Act.

12 *Note 2* A definition in the dictionary (including a signpost definition) applies to
13 the entire Act unless the definition, or another provision of the Act,
14 provides otherwise or the contrary intention otherwise appears (see
15 Legislation Act, s 155 and s 156 (1)).

16 **5 Notes**

17 A note included in this Act is explanatory and is not part of this Act.

18 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
19 notes.

Part 2 Targets

6 Greenhouse gas emissions targets

- (1) The principal target (the *ACT target*) under this Act is to reduce by 31 December 2050 greenhouse gas emissions in the ACT by at least 60% to an amount that is equal to or less than 40% of the 1990 levels.
- (2) An *interim target* under this Act is to reduce by 31 December 2020 greenhouse gas emissions in the ACT by at least 30% to an amount that is equal to or less than 70% of the 1990 levels.

7 Related targets

Related targets under this Act are—

- (a) to increase by 31 December 2014 the proportion of renewable electricity used in the ACT to at least 20% of the electricity used in the ACT; and
- (b) to reduce by 31 December 2020 the per capita use of electricity in the ACT by at least 25% to a per capita use of electricity in the ACT that is equal to or less than 75% of the 1990 levels.

8 Greenhouse gas emissions targets—determinations

- (1) The Minister must make a determination in relation to measuring greenhouse gas emissions for this Act.
- (2) A determination may apply, adopt or incorporate a law or instrument as in force from time to time.

1 (3) Without limiting subsection (1), the Minister may do any of the
2 following:

3 (a) determine a method for working out greenhouse gas emissions
4 for setting relevant 1990 levels (the *baseline*) and the figure
5 that represents the baseline;

6 (b) determine a method for working out any reduction in
7 greenhouse gas emissions;

8 (c) determine a baseline for a stated activity (as part of the
9 baseline);

10 (d) make any other determination that helps in measuring
11 greenhouse gas emissions in the ACT.

12 *Note* The power to make an instrument includes power to do the following:

13 (a) amend or repeal it (see Legislation Act, s 46);

14 (b) make different provision for different categories (see Legislation
15 Act, s 48).

16 (4) For this section, the Minister must, as far as practicable, do the
17 following:

18 (a) get advice from relevant experts;

19 (b) take into account any relevant practices, methodologies and
20 principles that apply elsewhere in Australia;

21 (c) ensure consistency with the best national and international
22 practices in relation to measuring greenhouse gas emissions.

23 (5) A determination is a disallowable instrument.

24 *Note* A disallowable instrument must be notified, and presented to the
25 Legislative Assembly, under the Legislation Act.

1 **Part 3 Reports about targets**

2 **9 Annual reports**

- 3 (1) The Minister must, for each calendar year (the *reporting period*),
4 prepare a report about the targets mentioned in part 2.
- 5 (2) The reporting period for the first report is the calendar year
6 beginning on 1 January after the day this Act commences.
- 7 (3) Subsection (2) and this subsection expire on 1 July 2010.

8 **10 Contents of annual reports**

- 9 (1) A report mentioned in section 9 (1) must include the following:
- 10 (a) an assessment of the progress being made to achieve the ACT
11 target, interim target and related targets during the reporting
12 period;
- 13 (b) for a report that has a reporting period that is a target year—
14 whether the relevant target was achieved;
- 15 (c) a summary of the following in the ACT during the reporting
16 period:
- 17 (i) the levels of greenhouse gas emissions;
- 18 (ii) the use of renewable electricity;
- 19 (iii) the per capita use of electricity;

- 1 (d) an assessment of the effectiveness of initiatives that are being,
2 or have been, adopted to achieve the ACT target, interim target
3 and related targets during the reporting period;

4 **Example—initiative**

5 The ACT Greenhouse Gas Abatement Scheme under the *Electricity*
6 (*Greenhouse Gas Emissions*) Act 2004.

7 *Note* An example is part of the Act, is not exhaustive and may extend,
8 but does not limit, the meaning of the provision in which it
9 appears (see Legislation Act, s 126 and s 132).

- 10 (e) a summary, from available information, of the development of
11 technologies to reduce greenhouse gas emissions or remove
12 greenhouse gases from the atmosphere during the reporting
13 period;
- 14 (f) information about any relevant rates, trends or impacts
15 associated with climate change, with particular reference to
16 any identified or assessed impacts of climate change on the
17 ACT, or any expected future impacts of climate change, that
18 have emerged or become increasingly relevant during the
19 reporting period;
- 20 (g) particulars of any determinations made under section 8
21 (Greenhouse gas emissions targets—determinations) during the
22 reporting period;
- 23 (h) anything else prescribed by regulation.

- 24 (2) In this section:

25 ***available information*** means the following information that is
26 reasonably available to the Minister:

- 27 (a) publicly-available information;
- 28 (b) any other information that is not confidential commercial
29 information.

- 1 ***confidential commercial information*** means—
- 2 (a) information that has a commercial or other value that would
- 3 be, or could reasonably be expected to be, destroyed or
- 4 diminished if the information were disclosed; or
- 5 (b) other information that—
- 6 (i) concerns the lawful commercial or financial affairs of a
- 7 person or undertaking; and
- 8 (ii) if it were disclosed, could unreasonably affect the person
- 9 or undertaking.
- 10 ***target year*** means 2014, 2020 or 2050.

11 **11 Minister to present annual reports**

12 The Minister must present a report mentioned in section 9 (1) to the

13 Legislative Assembly within 3 months after the end of the reporting

14 period for the report.

Part 4 Miscellaneous

12 Review of targets

- (1) The Minister must—
- (a) review the targets under this Act every 2 years (the *2-year period*); and
 - (b) present a report about the targets to the Legislative Assembly within 3 months after the end of the 2-year period.
- (2) Without limiting subsection (1) (b), the report must include information about—
- (a) national, State and recognised international targets; and
 - (b) whether the targets under this Act are consistent with the targets mentioned in paragraph (a).
- (3) A report under this section may be included in a report mentioned in section 9 (1).
- (4) The first 2-year period begins on 1 January after the day this Act commences.
- (5) Subsection (4) and this subsection expire on 1 July 2010.

13 Presentation of reports—Legislative Assembly not sitting

- (1) This section applies if—
- (a) a report that is required under this Act to be presented to the Legislative Assembly has not been presented to the Assembly before the last 7 days of the relevant 3-month period for the report; and
 - (b) there are no sitting days of the Legislative Assembly during the 7 days.

- 1 (2) The Minister must give the report, and a copy for each member of
2 the Legislative Assembly, to the Speaker before the end of the
3 relevant 3-month period.
- 4 (3) The Speaker must arrange for a copy of the report to be given to
5 each member of the Legislative Assembly on the day the Minister
6 gives it to the Speaker.
- 7 (4) The Minister must present the report to the Legislative Assembly—
8 (a) on the next sitting day after the end of the relevant 3-month
9 period; or
10 (b) if the next sitting day is the first meeting of the Legislative
11 Assembly after a general election of members of the
12 Assembly—on the second sitting day after the election.
- 13 (5) In this section:
14 *relevant 3-month period* means—
15 (a) for a report under section 9 (Annual reports)—the 3 months
16 mentioned in that section; and
17 (b) for a report under section 12 (Review of targets)—the
18 3 months mentioned in that section.
- 19 *Speaker* includes—
20 (a) if the Speaker is unavailable—the Deputy Speaker; and
21 (b) if both the Speaker and Deputy Speaker are unavailable—the
22 clerk of the Legislative Assembly.
- 23 *unavailable*—the Speaker or Deputy Speaker is *unavailable* if—
24 (a) he or she is absent from duty; or
25 (b) there is a vacancy in the office of Speaker or Deputy Speaker.

1 **14** **Regulation-making power**

2 The Executive may make regulations for this Act.

3 *Note* A regulation must be notified, and presented to the Legislative
4 Assembly, under the Legislation Act.

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Deputy Speaker
- disallowable instrument (see s 9)
- instrument (see s 14)
- Minister (see s 162)
- must (see s 146)
- Speaker
- State.

ACT target—see section 6 (1).

greenhouse gas—see the *Electricity (Greenhouse Gas Emissions) Act 2004*, dictionary.

interim target—see section 6 (2).

related targets—see section 7.

renewable electricity means electricity generated from renewable energy sources.

renewable energy source means any of the following:

- (a) solar;
- (b) wind;
- (c) any other source prescribed by regulation.

reporting period—see section 9 (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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