



Australian Capital Territory

Climate Change and Greenhouse Gas Reduction Amendment Act 2022

A2022-26

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Climate Change and Greenhouse Gas Reduction Amendment Act 2022

A2022-26

An Act to amend the *Climate Change and Greenhouse Gas Reduction Act 2010*

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

1 Name of Act

This Act is the *Climate Change and Greenhouse Gas Reduction Amendment Act 2022*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Climate Change and Greenhouse Gas Reduction Act 2010*.

4 ACT greenhouse gas emissions target Section 6 (2)

substitute

- (2) For this section, ***zero net emissions*** is achieved if any emissions of greenhouse gas in the ACT are balanced by—
 - (a) avoidance and mitigation activities; and
 - (b) emissions offsets outside the ACT but within Australia.
- (3) The Minister may determine emissions offsets that may be used to balance any emissions of greenhouse gas in the ACT.
- (4) A determination is a notifiable instrument.
- (5) In making a determination, the Minister must—
 - (a) seek, and have regard to, the advice of the council to assist the Minister to determine the emissions offsets; and
 - (b) as far as practicable, ensure consistency with the best national and international practices in relation to using emissions offsets to balance greenhouse gas emissions.

**5 Interim greenhouse gas emissions targets
New section 7 (3A)**

after the note, insert

- (3A) In making a determination, the Minister must—
- (a) seek, and have regard to, the advice of the council to assist the Minister to determine the additional interim targets; and
 - (b) as far as practicable, ensure consistency with the best national and international practices in relation to determining interim greenhouse gas emissions targets.

**6 Functions of Minister
Section 14 (1) and note**

substitute

- (1) The main functions of the Minister are—
- (a) to promote action to meet the ACT target and the other targets mentioned in part 2; and
 - (b) to develop, adopt or promote policies and programs relating to climate change; and
 - (c) to consider and recommend amending a territory law (including this Act) or a government policy or practice if the Minister reasonably believes an amendment is necessary to achieve the objects of this Act.
- (1A) The Minister also has the following functions:
- (a) to regularly review issues relating to climate change;
 - (b) to consult business and community entities about issues relating to climate change;

- (c) to consider and promote actions or strategies by business entities, including technological developments, to address or adapt to climate change or reduce greenhouse gas emissions;
- (d) to promote the Territory's involvement in state, national and international climate change forums;
- (e) to promote the commercialisation, generation and use of renewable energy in the ACT;
- (f) to promote the commercialisation and use of other technologies to reduce greenhouse gas emissions in the ACT;
- (g) to promote research and development consistent with the objects of this Act;
- (h) to support the development of regional, national and international approaches to addressing climate change;
- (i) to assess the impact of climate change on the Territory;
- (j) to support public education about climate change;
- (k) any other functions given to the Minister under this Act.

Note A reference to an Act includes a reference to any regulation or other statutory instrument made or in force under the Act (see [Legislation Act](#), s 104).

7 Annual report by Minister

Section 15 (1) (a)

substitute

- (a) the actions the Minister has taken during the year in the exercise of the Minister's functions under this Act, including the actions taken to address and adapt to climate change; and

8 New section 15A

in part 3, insert

15A Assessment by independent entity

The Minister must, at least once every 5 years, ask an independent entity to assess, and report to the Minister about, government policies, programs and practices to address climate change in the ACT, including actions taken to mitigate and adapt to climate change.

Example—independent entity

independent competition and regulatory commission

**9 Membership
Section 20 (2) (b)**

substitute

- (b) the council includes an Aboriginal or Torres Strait Islander person; and
- (c) the members between them include people with extensive knowledge and expertise in the following areas:
 - (i) climate change science;
 - (ii) environmental management;
 - (iii) the built environment;
 - (iv) transport planning;
 - (v) energy;
 - (vi) climate change adaptation;
 - (vii) the interests of the community in relation to climate change; and
 - (viii) the interests of business in relation to climate change;

- (ix) the interests of people who are socially or financially disadvantaged in relation to climate change.

10 New section 20 (5)

insert

- (5) In this section:

Aboriginal or Torres Strait Islander person means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

**11 Chair
Section 21**

omit

(other than a member who is a public employee)

**12 Sector agreements
Section 23 (1)**

omit

on a voluntary basis

13 Section 23 (1) (c)

substitute

- (c) carry out other activities to avoid, mitigate or adapt to climate change.

14 Dictionary, note 2

omit

- public employee

15 Dictionary, new definition of *ACT target*

insert

ACT target—see section 6.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 June 2022.

2 Notification

Notified under the [Legislation Act](#) on 14 December 2022.

3 Republications of amended laws

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

I certify that the above is a true copy of the Climate Change and Greenhouse Gas Reduction Amendment Bill 2022, which was passed by the Legislative Assembly on 30 November 2022.

Clerk of the Legislative Assembly

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