

2022

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Water, Energy and Emissions Reduction)

# Climate Change and Greenhouse Gas Reduction Amendment Bill 2022

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J2022-390

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# Climate Change and Greenhouse Gas Reduction Amendment Bill 2022

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## A Bill for

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

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

1 **1 Name of Act**

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

4 **2 Commencement**

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

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

8 **3 Legislation amended**

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

11 **4 ACT greenhouse gas emissions target**  
12 **Section 6 (2)**

13 *substitute*

14 (2) For this section, *zero net emissions* is achieved if any emissions of  
15 greenhouse gas in the ACT are balanced by—

16 (a) avoidance and mitigation activities; and

17 (b) emissions offsets outside the ACT but within Australia.

18 (3) The Minister may determine emissions offsets that may be used to  
19 balance any emissions of greenhouse gas in the ACT.

20 (4) A determination is a notifiable instrument.

21 (5) In making a determination, the Minister must—

22 (a) seek, and have regard to, the advice of the council to assist the  
23 Minister to determine the emissions offsets; and

24 (b) as far as practicable, ensure consistency with the best national  
25 and international practices in relation to using emissions offsets  
26 to balance greenhouse gas emissions.

1 **5 Interim greenhouse gas emissions targets**  
2 **New section 7 (3A)**

3 *after the note, insert*

4 (3A) In making a determination, the Minister must—

- 5 (a) seek, and have regard to, the advice of the council to assist the  
6 Minister to determine the additional interim targets; and  
7 (b) as far as practicable, ensure consistency with the best national  
8 and international practices in relation to determining interim  
9 greenhouse gas emissions targets.

10 **6 Functions of Minister**  
11 **Section 14 (1) and note**

12 *substitute*

13 (1) The main functions of the Minister are—

- 14 (a) to promote action to meet the ACT target and the other targets  
15 mentioned in part 2; and  
16 (b) to develop, adopt or promote policies and programs relating to  
17 climate change; and  
18 (c) to consider and recommend amending a territory law (including  
19 this Act) or a government policy or practice if the Minister  
20 reasonably believes an amendment is necessary to achieve the  
21 objects of this Act.

22 (1A) The Minister also has the following functions:

- 23 (a) to regularly review issues relating to climate change;  
24 (b) to consult business and community entities about issues relating  
25 to climate change;

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

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

20 **7 Annual report by Minister**  
21 **Section 15 (1) (a)**

22 *substitute*

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

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**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;

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

3 **10 New section 20 (5)**

4 *insert*

5 (5) In this section:

6 ***Aboriginal or Torres Strait Islander person*** means a person who—

- 7 (a) is a descendant of an Aboriginal person or a Torres Strait  
8 Islander person; and  
9 (b) identifies as an Aboriginal person or a Torres Strait Islander  
10 person; and  
11 (c) is accepted as an Aboriginal person or a Torres Strait Islander  
12 person by an Aboriginal community or Torres Strait Islander  
13 community.

14 **11 Chair**  
15 **Section 21**

16 *omit*

17 (other than a member who is a public employee)

18 **12 Sector agreements**  
19 **Section 23 (1)**

20 *omit*

21 on a voluntary basis

22 **13 Section 23 (1) (c)**

23 *substitute*

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



1 **14 Dictionary, note 2**

2 *omit*

- 3 • public employee

4 **15 Dictionary, new definition of *ACT target***

5 *insert*

6 *ACT target*—see section 6.

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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