

Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement) Determination 2016

Disallowable instrument DI2016–257

made under the

Climate Change and Greenhouse Gas Reduction Act 2010 (the Act), s 11 (Measuring greenhouse gas emissions – determinations)

EXPLANATORY STATEMENT

Overview

The *Climate Change and Greenhouse Gas Reduction Act 2010* (the Act) sets targets for greenhouse gas (GHG) emissions reductions and the increase in renewable energy use and generation in the ACT. It also provides for monitoring and reporting on progress made in achieving GHG reductions, informs the government’s development of policies, and encourages private entities to actively address climate change.

Pursuant to section 12 of the Act, an independent entity must prepare and report annually on the measured emissions for the ACT. The report must be provided to the Minister within three months after the end of the reporting period—that is, by 30 September each year for the period two years in arrears.

Purpose

The purpose of the Determination is to prescribe a method for measuring GHG emissions. Under section 11 of the Act, the Determination is by way of a Disallowable Instrument which must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

The Determination takes effect the day after notification.

In making the determination, the Minister must (1) seek and have regard to the advice of an independent entity on the method for measuring GHG emissions, and (2) as far as practical, ensure consistency with the best national and international practices in relation to measuring greenhouse gas emissions. Prior to making this determination, the Minister sought and had regard to the advice of the independent consulting firm Pitt&Sherry on the method for measuring GHG emissions.

In 2015 a fundamental review of the methodology was made to align the ACT greenhouse gas inventory with:

- the publication in 2014 of the *Global Protocol for Community-Scale Greenhouse Gas Emission Inventories*, and
- the use of the 2006 IPCC (*Intergovernmental Panel on Climate Change*) *Guidelines for National Greenhouse Gas Inventories* in the National Greenhouse Gas Inventory 2013, published in May 2015.

This year, the amendments to the method as presented in this determination are minor and technical. The two key changes are:

1. Using a waste emission model that incorporates ACT specific data from landfill sites to improve the accuracy of accounting, while remaining consistent with the methods used in the National GHG Inventory and National Greenhouse and Energy Reporting system.
2. The use of an extrapolation calculation to synthetic gas data as provided by the National Inventory system to better estimate the current years emissions value.

The Determination is not likely to impose appreciable costs on the community, or part of the community and for this reason a regulatory impact statement is not required consistent with section 34 of the Legislation Act. In addition, in accordance with s36(1)(b) of the Legislation Act, a regulatory impact statement is unnecessary as the determination provides a tool to calculate the greenhouse gas emissions in the ACT and does not adversely affect a person's rights, or impose liabilities on anyone.

Similarly, as the determination only provides a tool to calculate the greenhouse gas emissions in the ACT it does not derogate from a right contained in the *Human Rights Act 2004*.