

Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2017

Disallowable instrument DI2017–250

made under the

Climate Change and Greenhouse Gas Reduction Act 2010, 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 *Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2017* (the Determination) is to prescribe a method for measuring GHG emissions. Under section 11 of the Act, the Determination is made 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 on the day after its notification day.

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 consultant, Dr Hugh Saddler, 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.

In 2016 minor technical amendments were made to the methodology to:

1. use 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, and
2. use an extrapolation calculation to synthetic gas data as provided by the National Inventory system to better estimate the current years emissions value.

The amendments in 2017 are minor technical changes to reflect best practice greenhouse gas accounting and improve the accuracy of the GHG Inventory. The required changes are to:

1. include emissions from commercial composting of biomass materials; and
2. calculate below-baseline electricity generation on a 5 year rolling average.

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*.

Outline of Provisions

Clause 1 Name of Instrument

This clause names the instrument as the *Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2017*.

Clause 2 Commencement

This clause states that the instrument commences on the day after its notification day.

Clause 3 Determination of method for measuring greenhouse gas emissions

This clause determines the method for measuring the amount of greenhouse gas emission in the Act by reference to the methodology set out in the schedule.

The schedule to the instrument contains a number of provisions that provide the method for calculating emissions from different energy sources and industries. The schedule includes methods for measuring emissions from stationary energy including electricity; natural gas; LPG stationary combustion; fuel oil; wood fuel and fugitive energy emissions: natural gas distribution. The schedule also includes methods for calculating emissions from transport; industrial processes and product use; agriculture; land use, land-use change and forestry; and waste.

Clause 4 Revocation

This clause provides that the previous disallowable instrument, the *Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2016* (DI2016-257), is revoked.