

Climate Change and Greenhouse Gas Reduction (Interim Targets) Determination 2018

Disallowable instrument DI2018–215

made under the

Climate Change and Greenhouse Gas Reduction Act 2010, s 7(2) (Interim greenhouse gas emissions targets)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Climate Change and Greenhouse Gas Reduction (Interim Targets) Determination 2018* as made by the Minister for Climate Change and Sustainability and presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

This explanatory statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a matter for the courts.

Overview

The *Climate Change and Greenhouse Gas Reduction Act 2010* (the Act) sets targets to reduce greenhouse gas emissions in the ACT.

Section 6(1) of the Act sets the principal target of reducing greenhouse gas emissions to achieve net zero emissions by 30 June 2050. Section 7(1) of the Act sets an interim target of reducing greenhouse gas emissions to 40% less than 1990 emissions by 30 June 2020. Section 7(2) of the Act allows the Minister to determine additional interim targets by disallowable instrument. The additional interim targets are the subject of this instrument.

The Minister has determined the following additional interim targets of reducing greenhouse gas emissions to:

- (i) 50-60% less than 1990 emissions by 30 June 2025;
- (ii) 65-75% less than 1990 emissions by 30 June 2030; and
- (iii) 90-95% less than 1990 emissions by 30 June 2040.

This instrument will operate in conjunction with the *Climate Change and Greenhouse Gas Reduction (Principal Target) Amendment Bill 2018* (the Bill), which is being introduced in the Legislative Assembly to bring forward the principal target in section 6(1) of the Act from 30 June 2050 to 30 June 2045.

Background

In 2010, the Act adopted greenhouse gas emissions targets for the ACT that were consistent with the Intergovernmental Panel on Climate Change's Fourth Assessment Report. These targets have been progressively updated, most recently to align with the findings of the United Nations Framework Convention on Climate Change's twenty-first Conference of the Parties (COP21) in Paris.

In October 2017, the ACT Climate Change Council (the Council) submitted advice to the ACT Government on the greenhouse gas emissions targets in sections 6 and 7 of the Act. The Council recommended bringing forward the principal target for reaching net zero emissions in section 6(1) of the Act from 30 June 2050 to 30 June 2045, and adopting additional interim targets to set a pathway to achieving net zero emissions by 2045.

The Council's advice is based on:

- (i) The latest scientific evidence of the impacts and risks of climate change both globally and in the ACT;
- (ii) The ambition to limit the impacts of climate change to a 2 degrees warming scenario;
- (iii) The latest information and analysis on the ACT's emissions and technical options for emissions reductions; and
- (iv) The ACT's ability to reduce emissions as a relatively prosperous and well-educated region.

The ACT Government's discussion paper 'ACT's Climate Strategy to a Net Zero Emissions Territory' (the Discussion Paper) sought community feedback on the proposed targets. During the public consultation period for the Discussion Paper, which occurred between December 2017 and April 2018, strong support was expressed for the setting of interim targets.

In this context, the Minister for Climate Change and Sustainability has decided to adopt the Council's advice and in May 2018 publicly announced the ACT Government's intention to implement the interim targets and bring forward the principal target date. The adoption of these additional interim targets, together with bringing forward the principal target for net zero emissions to 2045 through the passage of the Bill, will set the framework for future climate policy development in the ACT.

A Regulatory Impact Statement (RIS) is not required for this disallowable instrument as it is unlikely to impose appreciable costs on the community (section 34(1) of the *Legislation Act 2001*). Further, in accordance with section 36(1)(b) of the *Legislation Act 2001*, a RIS is not necessary as the matter does not operate to the disadvantage of anyone by adversely affecting the person's rights or imposing liabilities on the person. Any specific initiatives that are developed to achieve the reductions in emissions will be subject to a RIS and/or Triple Bottom Line Assessment as they are developed in the future.

Outline of provisions

Clause 1 – Name of instrument

This clause provides the name of the instrument.

Clause 2 – Commencement

This clause provides the date of commencement of the instrument, which is the day after its notification day.

Clause 3 – Determination of Interim Greenhouse Gas Emissions Targets

This clause provides the additional interim targets as determined by the Minister.

The additional interim targets are set by reference to 1990 emissions. ‘1990 emissions’ is defined in the Act and means the amount of greenhouse gas emissions in the ACT for the year ending on 30 June 1990.