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2007 Legislative Session: 3rd Session, 38th Parliament
THIRD READING

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Certified correct as passed Third Reading on the 26th day of November, 2007
Ian D. Izard, Q.C., Law Clerk

HONOURABLE BARRY PENNER
MINISTER OF ENVIRONMENT AND MINISTER
RESPONSIBLE FOR WATER STEWARDSHIP
AND SUSTAINABLE COMMUNITIES

BILL 44 — 2007
GREENHOUSE GAS REDUCTION TARGETS ACT

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

"carbon neutral", in relation to a public sector organization for a particular period, means that the public sector organization has complied with the obligations under section 6 [*requirements for achieving carbon neutral status*] to

- (a) pursue actions to minimize the relevant greenhouse gas emissions for that period, and
- (b) net those greenhouse gas emissions to zero in accordance with that section;

"emission offset" means an emission offset, as established, approved or recognized under the regulations for the purpose of

- (a) reducing greenhouse gas emissions, or
- (b) reducing atmospheric greenhouse gas concentrations through storage, sequestration or other means;

"greenhouse gas" means any or all of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other substance prescribed by regulation;

"Provincial government" means that part of the government reporting entity referred to in paragraph (a) [*government as reported through the consolidated revenue fund*] of the definition of "government reporting entity" in section 1 (1) of the *Budget Transparency and Accountability Act*;

"PSO greenhouse gas emissions", in relation to a public sector organization, means the PSO greenhouse gas emissions for which the organization is responsible under the regulations;

"public sector organization" means any of the following:

- (a) the Provincial government;
- (b) an organization or corporation that is not part of the Provincial government but is included within the government reporting entity under the *Budget Transparency and Accountability Act*, unless excluded by regulation under this Act;
- (c) any other public organization or corporation included by regulation.

PART 1 — BC GREENHOUSE GAS EMISSIONS TARGETS

BC greenhouse gas emissions — target levels

- 2 (1) The following targets are established for the purpose of reducing BC greenhouse gas emissions:
- (a) by 2020 and for each subsequent calendar year, BC greenhouse gas emissions will be at least 33% less than the level of those emissions in 2007;
 - (b) by 2050 and for each subsequent calendar year, BC greenhouse gas emissions will be at least 80% less than the level of those emissions in 2007.
- (2) By December 31, 2008, the minister must, by order, establish BC greenhouse gas emissions targets for 2012 and 2016.
- (3) The minister may, by order, establish BC greenhouse gas emissions targets for other years or periods.

Determination of 2007 baseline level

- 3 As soon as reasonably practicable, the minister must determine and make public the 2007 BC greenhouse gas emissions level for the purpose of section 2.

Progress reports on reducing BC greenhouse gas emissions

- 4 Beginning with a report on 2008 BC greenhouse gas emissions, and continuing with a report for every subsequent even-numbered calendar year, the minister must, as soon as reasonably practicable for each year, make public a report respecting
- (a) a determination of the BC greenhouse gas emissions level for the relevant calendar year,
 - (b) the progress that has been made toward achieving the targets under section 2,
 - (c) the actions that have been taken to achieve that progress, and
 - (d) the plans to continue that progress.

PART 2 — CARBON NEUTRAL PUBLIC SECTOR

Targets for carbon neutral public sector

- 5 (1) Each public sector organization must be carbon neutral for the 2010 calendar year and for each subsequent calendar year.
- (2) The Provincial government must be carbon neutral for the 2008 and 2009 calendar years in relation to its PSO greenhouse gas emissions that are directly related to public officials travelling on public business for which the travel expenses are covered by the consolidated revenue fund.

(3) In advance of the obligation under subsection (1), for the 2008 and 2009 calendar years, each public sector organization must pursue actions to minimize its PSO greenhouse gas emissions.

Requirements for achieving carbon neutral status

- 6** (1) In order to be carbon neutral for a calendar year, a public sector organization must
- (a) pursue actions to minimize its PSO greenhouse gas emissions for the calendar year,
 - (b) determine its PSO greenhouse gas emissions for that calendar year in accordance with the regulations, and
 - (c) no later than the end of June in the following calendar year, apply emission offsets in accordance with the regulations to net those emissions to zero.
- (2) In order to be carbon neutral in relation to the PSO greenhouse gas emissions referred to in section 5 (2) [*emissions related to travel*] for a calendar year, the Provincial government must
- (a) pursue actions to minimize those PSO greenhouse gas emissions for the calendar year,
 - (b) determine those PSO greenhouse gas emissions for that calendar year in accordance with the regulations, and
 - (c) no later than the end of June in the following calendar year, apply emission offsets in accordance with the regulations to net those emissions to zero.

Carbon neutral action reports — Provincial government

- 7** (1) Beginning with a report for the 2008 calendar year, and continuing with a report for every subsequent calendar year, the minister must prepare, and make public no later than the end of June of the following calendar year, a carbon neutral action report in accordance with this section.
- (2) The carbon neutral action reports for 2008 and 2009 must include the following:
- (a) a description of the actions taken by the Provincial government in the relevant calendar year to minimize its PSO greenhouse gas emissions;
 - (b) its plans to continue minimizing those emissions;
 - (c) a determination of the PSO greenhouse gas emissions referred to in section 5 (2) [*emissions related to travel*] for the relevant calendar year;

- (d) a statement of the emission offsets applied by the Provincial government in relation to those emissions;
 - (e) any other information required by regulation.
- (3) The carbon neutral action reports for 2010 and subsequent calendar years must include the following:
- (a) a description of the actions taken by the Provincial government in the relevant calendar year to minimize its PSO greenhouse gas emissions;
 - (b) its plans to continue minimizing those emissions;
 - (c) a determination of its PSO greenhouse gas emissions for the relevant calendar year;
 - (d) a statement of the emission offsets applied by the Provincial government in relation to those emissions;
 - (e) any other information required by regulation.

Carbon neutral action reports — other public sector organizations

- 8** (1) Beginning with a report for the 2008 calendar year, and continuing with a report for every subsequent calendar year, each public sector organization, other than the Provincial government, must prepare, and make public no later than the end of June of the following calendar year, a carbon neutral action report in accordance with this section.
- (2) The carbon neutral action reports for 2008 and 2009 must include the following:
- (a) a description of the actions taken by the public sector organization in the relevant calendar year to minimize its PSO greenhouse gas emissions;
 - (b) its plans to continue minimizing those emissions;
 - (c) any other information required by regulation.
- (3) The carbon neutral action reports for 2010 and subsequent calendar years must include the following:
- (a) a description of the actions taken by the public sector organization in the relevant calendar year to minimize its PSO greenhouse gas emissions;
 - (b) its plans to continue minimizing those emissions;
 - (c) a determination of its PSO greenhouse gas emissions for the relevant calendar year;
 - (d) a statement of the emission offsets applied by the public sector organization in relation to those emissions;

(e) any other information required by regulation.

Obligations may be combined

- 9 If satisfied that it is appropriate to do so, the minister may, by order, permit or require 2 or more public sector organizations to be treated as a single organization for the purposes of this Part.

PART 3 — GENERAL PROVISIONS

Public sector organization authority in relation to emission offsets

- 10 Without limiting an authority provided under any other Act, but subject to the regulations,
- (a) public sector organizations may, for the purposes of this Act or for other prescribed purposes, acquire, dispose of or otherwise deal with emission offsets, and
 - (b) the Provincial government may act as agent for other public sector organizations in exercising their authority under paragraph (a).

Making documents public

- 11 If a person or public sector organization is required to make a document public under this Act, the person or public sector organization meets that obligation by making the document available to the general public in a reasonable manner, which may include by electronic means.

Regulations

- 12 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing a substance, whether it is normally gaseous or not, as a greenhouse gas;
 - (b) prescribing organizations or corporations as being included within, or excluded from, the definition of "public sector organization";
 - (c) respecting the form of measurement in which greenhouse gas emissions are to be expressed for the purposes of this Act;
 - (d) respecting what are deemed to be BC greenhouse gas emissions and the basis on which and the methodology by which these greenhouse gas emissions and their levels are to be determined

including, without limiting this, respecting accounting for emission offsets in the determination of BC greenhouse gas emissions;

(e) authorizing the minister to revise previously determined BC greenhouse gas emission levels and establishing criteria that must be applied by the minister in doing this;

(f) respecting what are deemed to be PSO greenhouse gas emissions for which a public sector organization is responsible and the methodology by which these greenhouse gas emissions and their levels are to be determined;

(g) respecting emission offsets including, without limiting this,

(i) establishing one or more systems of emission offsets,

(ii) providing authority for projects or actions to be approved as the basis for emission offsets, including authority to establish the parameters of emission offsets related to projects or actions,

(iii) recognizing as emission offsets for the purposes of this Act units of systems established by other jurisdictions or organizations, and

(iv) providing when, how and to what extent emission offsets are to be applied;

(h) providing exceptions from the obligation under section 6 [*requirements for achieving carbon neutral status*] in circumstances where the relevant greenhouse gas emissions are or are deemed to be below a threshold level;

(i) requiring reports under section 7 or 8 [*carbon neutral action reports*] to be verified in accordance with the regulations;

(j) prescribing circumstances in which public sector organizations are exempt from the reporting obligation under section 8 [*carbon neutral action reports*] in relation to a calendar year;

(k) respecting the authority under section 10 [*public sector organization authority in relation to emission offsets*];

(l) establishing additional reporting requirements in relation to greenhouse gas emissions and related matters;

(m) respecting the preparation of reports required under this Act including, without limiting this, respecting the timing, form and content of those reports, and respecting records that must be maintained in relation to these reports and access that must be provided to those records;

(n) defining words and expressions used but not defined in this Act;

(o) respecting any other matter for which regulations are

contemplated by this Act.

(3) A regulation under this Act may do one or more of the following:

- (a) delegate a matter to a person;
- (b) confer a discretion on a person;
- (c) make different regulations in relation to
 - (i) different matters or circumstances or different classes of matters or circumstances, and
 - (ii) different public sector organizations or classes of public sector organizations.

(4) A regulation under this Act may adopt by reference, in whole, in part or with any changes considered appropriate, a regulation, code, standard or rule

- (a) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or
- (b) set by a provincial, national or international body or any other code, standard or rule making body,

as the regulation, code, standard or rule stands at a specific date, as it stands at the time of adoption or as amended from time to time.

Consequential Amendment

Hydro and Power Authority Act

13 Section 32 (7) of the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212, is amended by adding the following paragraph:

- (c.1) the *Greenhouse Gas Reduction Targets Act*; .

Commencement

14 This Act comes into force by regulation of the Lieutenant Governor in Council.