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# Bill 165

## **An Act to require the establishment of the Ontario Climate Crisis Strategy for the Public Sector**

**Mr. P. Tabuns**

**Private Member's Bill**

1st Reading      December 11, 2019

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill enacts the *Ontario Climate Crisis Strategy for the Public Sector Act, 2019*, which requires the Lieutenant Governor in Council to establish the Ontario Climate Crisis Strategy for the Public Sector. The Minister responsible for the administration of the Act is also required to prepare reports with respect to energy consumption by the public sector and other related matters.

## An Act to require the establishment of the Ontario Climate Crisis Strategy for the Public Sector

### Preamble

The public sector in Ontario can play a leadership role with regard to action on the climate crisis. Developing a climate crisis strategy for the public sector will encourage action on the climate crisis in society at large. By putting its own house in order, the Government of Ontario will establish a commitment to encouraging the use of innovative technologies and techniques throughout Ontario. Implementation of the strategy will demonstrate the advantages of early action and result in the development of solutions that can be broadly shared. It is important to establish objectives that reflect the urgency of taking action on the climate crisis.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Definition

1 In this Act,

“public sector” means the public sector within the meaning of the *Public Sector Salary Disclosure Act, 1996*; (“secteur public”)

“regulations” means the regulations made under this Act; (“règlements”)

“Strategy” means the Ontario Climate Crisis Strategy for the Public Sector established under subsection 2 (1). (“stratégie”)

### Strategy

2 (1) The Lieutenant Governor in Council shall, on or before the first anniversary of the day this Act receives Royal Assent, establish the Ontario Climate Crisis Strategy for the Public Sector.

### Effective date

(2) The Strategy takes effect on the date specified in the Strategy, which shall be no later than one year after the day this Act receives Royal Assent.

### Contents

(3) The Strategy shall set out a plan for achieving the following goals:

1. Capping, within 12 months after the Strategy takes effect, emissions of greenhouse gases from activities engaged in by the public sector, including activities engaged in that relate to the following:
  - i. Facilities leased, owned, operated or primarily funded by the public sector, including housing facilities.
  - ii. Vehicles owned by the public sector.
  - iii. The integrated power system within the meaning of the *Electricity Act, 1998*.
2. Reducing the emissions mentioned in paragraph 1 by a minimum of 5 per cent annually until they reach net zero.
3. Reducing the energy consumed at every new facility mentioned in subparagraph 1 i that is constructed such that,
  - i. for every facility for which construction commences on or after the second anniversary of the day this Act receives Royal Assent, energy consumption is, as determined in accordance with the regulations, at least 50 per cent less than the energy consumption of an average comparable new private sector facility in operation in the year the construction of the public sector facility commences, and
  - ii. for every facility for which construction commences on or after the fifth anniversary of the day this Act received Royal Assent, net energy consumption is zero.
4. Achieving such other goals as may be prescribed by the regulations.

### Same

(4) The Strategy shall provide for the following initiatives:

1. The establishment of programs through which the Government of Ontario encourages retrofitting facilities mentioned in subparagraph 1 i of subsection (3) and making vehicles owned by the public sector more environmentally friendly.
2. The development of purchasing guidelines for use by the public sector that,
  - i. promote the provision of services by the public sector, including purchases made by the public sector, in a manner that eliminates or substantially reduces greenhouse gas emissions,
  - ii. establish, as an evaluation criteria for a proposal, the amount of greenhouse gas emissions that will result from a given proposal, as determined in accordance with the regulations, and
  - iii. provide that a proposal that will result in the emission of a given percentage of greenhouse gases more than other proposals be disqualified.
3. Such other initiatives as may be prescribed by the regulations.

### **Percentage**

(5) The percentage mentioned in subparagraph 2 iii of subsection (4) shall not exceed 10 per cent.

### **Legislation Act, 2006**

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the Strategy.

### **Reporting**

**3** (1) The Minister responsible for the administration of this Act shall prepare and make available to the public reports respecting,

- (a) the consumption of energy by the public sector;
- (b) reductions in the consumption of energy by the public sector;
- (c) the energy consumption at new or retrofitted facilities mentioned in subparagraph 1 i of subsection 2 (3); and
- (d) such other matters as may be prescribed by the regulations.

### **Same**

(2) A report prepared under this section shall be prepared and made available to the public in accordance with the regulations.

### **Audit**

(3) Each report prepared under this section shall be audited in accordance with the regulations.

### **Regulations**

**4** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the method for making a determination under subparagraph 3 i of subsection 2 (3);
- (b) prescribing goals for the purposes of paragraph 4 of subsection 2 (3);
- (c) prescribing the manner of determining the amount of greenhouse gases that will result from a proposal referred to subparagraph 2 ii of subsection 2 (4);
- (d) prescribing initiatives for the purposes of paragraph 3 of subsection 2 (4);
- (e) governing amendments and updates to the Strategy;
- (f) prescribing the manner in which notice of the Strategy and any amendments and updates to the Strategy must be made available to the public;
- (g) governing audits of reports prepared under section 3;
- (h) respecting any matter that it considers necessary or advisable to carry out the purpose of this Act.

### **Commencement**

**5 This Act comes into force on the day it receives Royal Assent.**

### **Short title**

**6 The short title of this Act is the *Ontario Climate Crisis Strategy for the Public Sector Act, 2019*.**