

Legislative
Assembly
of Ontario



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Bill 32

An Act with respect to a carbon budget for Ontario

Mr. M. Schreiner

Private Member's Bill

1st Reading October 26, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Carbon Budget Accountability Act, 2021*.

The Act requires the Premier and the Minister of the Environment, Conservation and Parks to ensure that Ontario's total net emissions of greenhouse gases do not exceed the specified carbon budget.

The Minister is required to prepare a carbon budget report each year and lay the report before the Assembly before March 31 in each year. If the Minister does not meet the report deadline, the Minister and the Premier are required to pay into the Consolidated Revenue Fund a penalty equal to 10 per cent of their annual salary.

The Auditor General shall review the most recently published carbon budget report before a general election and release a statement describing the results of the review. The Auditor General shall also release annual written reports relating to compliance with the Act.

An Act with respect to a carbon budget for Ontario

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

Definitions

1 In this Act,

“carbon budget” means the greenhouse gas emissions limits set out in section 3; (“budget carbone”)

“greenhouse gas” means,

- (a) carbon dioxide,
- (b) methane,
- (c) nitrous oxide,
- (d) hydrofluorocarbons,
- (e) perfluorocarbons,
- (f) sulphur hexafluoride, and
- (g) any other prescribed gas; (“gaz à effet de serre”)

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*. (“ministre”)

Purpose of Act

2 The purpose of this Act is to ensure that Ontario’s total net emissions are consistent with global warming of no more than 1.5 degrees Celsius above pre-industrial levels.

Carbon budget rules and requirements

Overall carbon budget

3 (1) The Premier and the Minister shall ensure that Ontario’s total net emissions of greenhouse gases on and after 2023 do not exceed 1,630 megatonnes.

Carbon budgets for certain years

- (2) In complying with the overall carbon budget established in subsection (1), the Premier and the Minister shall ensure that,
- (a) Ontario’s total net emissions of greenhouse gases from 2023 to 2029 do not exceed 926 megatonnes;
 - (b) Ontario’s total net emissions of greenhouse gases from 2030 to 2034 do not exceed 422 megatonnes;
 - (c) Ontario’s total net emissions of greenhouse gases from 2035 to 2039 do not exceed 223 megatonnes;
 - (d) Ontario’s total net emissions of greenhouse gases from 2040 to 2044 do not exceed 59 megatonnes; and
 - (e) Ontario’s total net emissions of greenhouse gases in 2045 and in each year thereafter shall not exceed 0 megatonnes.

Calculation

(3) Subject to subsection (4), Ontario’s total net emissions of greenhouse gases for a year shall be calculated in accordance with the most recent guidelines on the calculation of greenhouse gas emissions published by the Intergovernmental Panel on Climate Change.

Limit on offsets

- (4) In calculating Ontario’s total net emissions of greenhouse gases for the purposes of this section,
- (a) a maximum of 10 per cent of Ontario’s total actual emissions of greenhouse gases may be offset by carbon sequestrations; and
 - (b) carbon sequestrations may only be used to offset actual emissions if they remove greenhouse gas from the atmosphere for a period of at least 100 years.

Carbon budget report

4 (1) Each year, the Minister shall prepare a carbon budget report on,

- (a) how Ontario's greenhouse gas emissions in the previous calendar year compare with the applicable carbon budget; and
- (b) the policies the Government of Ontario will implement to ensure that Ontario's greenhouse gas emissions stay within the applicable carbon budget.

Same

(2) The Minister shall lay the report before the Assembly no later than March 31 in each year and shall publish it on a website of the Government of Ontario.

Financial penalty for missed deadline

5 (1) If the Minister does not meet the report deadline set out in subsection 4 (2), the following rules apply:

- 1. The Minister shall pay into the Consolidated Revenue Fund a penalty equal to 10 per cent of the annual salary payable to the Minister under subsection 3 (1) of the *Executive Council Act*.
- 2. The Premier shall pay into the Consolidated Revenue Fund a penalty equal to 10 per cent of the annual salary payable to the Premier under subsections 3 (1) and (2) of the *Executive Council Act*.

Timing of payment

(2) The Minister and the Premier shall make the payments required under subsection (1) within 30 days of the deadline that was not met.

Personal payment

(3) An amount payable under this section shall be paid personally and shall not be paid or reimbursed, directly or indirectly, from the Consolidated Revenue Fund.

Oversight by Auditor General**Pre-election review by Auditor General**

6 (1) Before a general election under subsection 9 (2) of the *Election Act*, the Auditor General shall review the most recently published carbon budget report to determine whether it is reasonable, and shall release a statement describing the results of the review.

Auditor General Act

(2) Sections 10, 11 and 11.1 of the *Auditor General Act* apply, with necessary modifications, with respect to the Auditor General's review.

Annual report on compliance

(3) Each year, the Auditor General shall release a written report about such matters as the Auditor General considers appropriate relating to the Premier's and the Minister's compliance with the requirements of this Act.

Regulations

7 The Lieutenant Governor in Council may make regulations prescribing anything that may be prescribed under this Act.

COMMENCEMENT AND SHORT TITLE**Commencement**

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

Short title

9 The short title of this Act is the *Carbon Budget Accountability Act, 2021*.