



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 194

**An Act to ensure compliance
with Québec's climate change-related
obligations**

Introduction

**Introduced by
Mr. Sylvain Gaudreault
Member for Jonquière**

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EXPLANATORY NOTES

The purpose of this bill is to make the Government accountable for compliance with the greenhouse gas emission reduction targets set for all of Québec by ensuring that its actions are guided by achieving these targets and fighting climate change.

The bill establishes the minimum thresholds the Government must use to set the greenhouse gas emission reduction targets for all of Québec.

The bill also provides that any proposed bill, regulation or other act of a regulatory nature, government draft guideline, draft policy or draft action plan must be compatible with achieving these greenhouse gas emission reduction targets. In addition, the bill prescribes that any such proposal or draft document, in particular when submitted to a Cabinet committee, must be accompanied by an analysis assessing the extent to which, or conditions under which, the proposal or draft document contributes to reducing greenhouse gas emissions.

Under the bill, the Minister of Sustainable Development, Environment and Parks must prepare an annual carbon budget setting out the maximum admissible volume of greenhouse gas emissions for Québec as a whole for the coming year. The carbon budget must also include the greenhouse gas emissions inventory for the previous year and a monitoring report on implementation of the Government's climate change action plan.

The bill provides that the Commissioner for Sustainable Development and the Fight Against Climate Change, currently known as the Sustainable Development Commissioner, must prepare a report on the carbon budget presenting the Commissioner's carbon budget-related findings and recommendations.

Furthermore, the bill amends the Environment Quality Act so that, for any project requiring the Minister of Sustainable Development, Environment and Parks' authorization under the Act, the Minister must take into account the project's greenhouse gas emissions and the reduction measures the project may require. The Minister must

also systematically take into account the anticipated climate change-related risks and impacts on the project and the environment in which it will be carried out, the adaptation measures the project may require and Québec's greenhouse gas emissions reduction-related commitments.

Lastly, the bill provides that the Premier is responsible for administering this Act.

LEGISLATION AMENDED BY THIS BILL:

- Sustainable Development Act (chapter D-8.1.1);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Environment Quality Act (chapter Q-2);
- Auditor General Act (chapter V-5.01).

Bill 194

AN ACT TO ENSURE COMPLIANCE WITH QUÉBEC'S CLIMATE CHANGE-RELATED OBLIGATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Act is to make the Government accountable for compliance with the greenhouse gas emission reduction targets set for all of Québec by ensuring that its actions are guided by achieving these targets and fighting climate change.

“Greenhouse gases” means the gases mentioned in the second paragraph of section 46.1 of the Environment Quality Act (chapter Q-2) and any other gas determined by government regulation or, for the purposes of section 46.2 of that Act, by ministerial regulation.

CHAPTER II

GREENHOUSE GAS EMISSION REDUCTION TARGETS

2. To fight global warming and climate change, greenhouse gas emission reduction targets for all of Québec are set using 1990 emissions as the baseline. These targets are set, by Order in Council, for each period the Government determines, following special consultations held by the competent parliamentary committee of the National Assembly.

The targets set may not be lower than

- (1) 20% of these emissions as of 2020;
- (2) 37.5% of these emissions as of 2030; and
- (3) 80% to 95% of these emissions as of 2050.

In setting targets, the Government must take into account such factors as

- (1) the characteristics of greenhouse gases;
- (2) advances in climate change-related scientific and technological knowledge;
- (3) the economic, social and environmental consequences of climate change, and the impact of the emission reductions or limitations needed to achieve the targets; and
- (4) emission reduction goals under any program, policy or strategy aimed at fighting global warming and climate change or under any Canadian intergovernmental agreement or international agreement in this area.

An Order in Council under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the Order.

- 3.** To achieve the targets set under section 2, the Government may determine specific reduction or limitation targets for the sectors of activity it determines.
- 4.** The Premier must publish a report on achievement of the greenhouse gas emission reduction targets set under section 2 no later than two years after the end of the year for which a target was set.
- 5.** Any proposal of a legislative or regulatory nature or government draft guideline, draft policy or draft action plan must be compatible with achieving the greenhouse gas emission reduction targets.

Any proposal or draft document under the first paragraph, in particular when submitted to a Cabinet committee, must be accompanied by an analysis assessing the extent to which, or the conditions under which, the proposal or draft document contributes to reducing greenhouse gas emissions.

Despite section 33 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the analysis conducted under the second paragraph must be accessible as soon as the proposal or draft document becomes public.

- 6.** A Government regulation must prescribe
 - (1) the criteria for determining whether a proposal or draft document under the first paragraph of section 5 is compatible with achieving the greenhouse gas emission reduction targets;
 - (2) the content of the analysis referred to in the second paragraph of section 5; and

(3) the method used to estimate a proposal's or draft document's greenhouse gas emissions.

CHAPTER III

FIVE-YEAR ACTION PLAN AND CARBON BUDGET

7. The Minister of Sustainable Development, Environment and Parks must prepare a five-year climate change action plan, including measures aimed at reducing greenhouse gas emissions, and submit it to the Government. The Minister is responsible for the action plan's implementation and coordination.

8. The Minister must prepare an annual carbon budget setting out the maximum admissible volume of greenhouse gas emissions for all of Québec for the coming year. This volume may not exceed the volume set for the current year.

The carbon budget must include

- (1) the greenhouse gas emissions inventory for the previous year; and
- (2) a monitoring report on implementation of the five-year action plan in effect, including
 - (a) an assessment of the effectiveness of the measures implemented; and
 - (b) proposals for action to be taken to improve the measures' effectiveness.

The carbon budget must be accompanied by the report provided for in section 45.1 of the Auditor General Act (chapter V-5.01).

The Minister must table the carbon budget in the National Assembly no later than 31 December each year or, if the Assembly is not sitting, on the date of resumption.

9. The Minister must forward the draft carbon budget to the Commissioner for Sustainable Development and the Fight Against Climate Change no later than one month before the deadline for tabling the carbon budget in the National Assembly in order to give the Commissioner time to prepare the report provided for in section 45.1 of the Auditor General Act.

CHAPTER IV

AMENDING PROVISIONS

SUSTAINABLE DEVELOPMENT ACT

10. Section 1 of the Sustainable Development Act (chapter D-8.1.1) is amended by replacing “Sustainable Development Commissioner” in the second paragraph by “Commissioner for Sustainable Development and the Fight Against Climate Change”.

11. Section 17 of the Act is amended by replacing “Sustainable Development Commissioner” by “Commissioner for Sustainable Development and the Fight Against Climate Change”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L’ENVIRONNEMENT ET DES PARCS

12. Section 15.4.7 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001) is amended by replacing “section 46.3 of the Environment Quality Act” in the second paragraph by “section 5 of the Act to ensure compliance with Québec’s climate change-related obligations (*insert the year and chapter number of this Act*)”.

ENVIRONMENT QUALITY ACT

13. Section 24 of the Environment Quality Act (chapter Q-2) is amended

(1) by striking out “in the cases provided for by government regulation,” in subparagraph 5 of the first paragraph;

(2) by replacing “may also take” in the second paragraph by “must also take”.

14. Sections 46.3, 46.4, 46.17 and 46.18 of the Act are repealed.

AUDITOR GENERAL ACT

15. Section 17 of the Auditor General Act (chapter V-5.01) is amended, in the first paragraph,

(1) by replacing “Sustainable Development Commissioner” by “Commissioner for Sustainable Development and the Fight Against Climate Change”;

(2) by replacing “sustainable development auditing” by “audits on sustainable development and the fight against climate change”.

16. Section 43.1 of the Act is amended, in the first paragraph,

(1) by replacing “Sustainable Development Commissioner” in the introductory clause by “Commissioner for Sustainable Development and the Fight Against Climate Change”;

(2) by inserting “and the fight against climate change” after “of sustainable development” in subparagraph 2.

17. The Act is amended by inserting the following subdivision after section 45:

“§4. — *Carbon budget report*

“**45.1.** The Commissioner for Sustainable Development and the Fight Against Climate Change must prepare a report in which he presents his findings and recommendations with regard to the carbon budget prepared by the Minister of Sustainable Development, Environment and Parks under section 8 of the Act to ensure compliance with Québec’s climate change-related obligations (*insert the year and chapter number of this Act*).

The Commissioner may consult experts on the fight against climate change to assist him in carrying out his mandate.

“**45.2.** The report prepared by the Commissioner for Sustainable Development and the Fight Against Climate Change must be sent to the President of the National Assembly, who tables it in the manner established for the Auditor General’s annual report under section 44. The report must be examined by the competent committee of the National Assembly within three months of its tabling.

The report is submitted to the Minister of Sustainable Development, Environment and Parks no later than the Monday preceding the report’s publication date as provided under the fourth paragraph of section 8 of the Act to ensure compliance with Québec’s climate change-related obligations (*insert the year and chapter number of this Act*).”

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

18. The first five-year action plan must be published no later than (*insert the date that is three months after the date of assent to this Act*).

19. The Premier is responsible for the administration of this Act.

20. This Act comes into force on (*insert the date of assent to this Act*).

