

Greenhouse Gas Emission Reduction (Power Stations) Bill 2008

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon. Paul Llewellyn MLC)

**Greenhouse Gas Emission Reduction (Power
Stations) Bill 2008**

A Bill for

**An Act to establish a greenhouse gas emissions standard for new
power stations in Western Australia.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. **Short title**

This is the *Greenhouse Gas Emission Reduction (Power Stations) Bill 2008*.

5 2. **Commencement**

This Act comes into operation on Royal Assent.

3. **Terms used in this Act**

In this Act —

10 “**electricity sent out**” means electricity generated and sent to customers;

“**Environmental Protection Authority**” means the Environmental Protection Authority continued in existence under the *Environmental Protection Act 1986*;

15 “**greenhouse gas emission standard**” has the meaning given in section 6;

“**nameplate capacity**” means the capacity of a power station’s main generating unit or units, as stated by its manufacturer;

20 “**new power station**” means a power station not in existence, or in respect of which construction had not commenced on the day this Act comes into operation;

“**peak load power station**” means a power station that generates electricity at times of high electricity demand and operates for less than 20 per cent of each year;

25 “**power station**” means a facility for the generation of electricity.

4. **Objects of Act**

The object of this Act is to limit the greenhouse gas intensity of new power stations constructed in Western Australia.

5. Crown Bound

This Act binds the Crown in right of the State and, subject to the limits of the legislative power of the State, the Crown in all its other capacities.

Part 2 — Greenhouse gas emissions intensity standard

6. Greenhouse gas emissions intensity standard

5 For the purposes of this Act, “greenhouse gas emissions intensity standard” means 500 kilograms of carbon dioxide equivalent per megawatt hour of electricity sent out or such other amount as is prescribed by regulation.

7. Minister to publish determination

- 10 (1) The Minister shall, as soon as is practicable after the commencement of this Act, determine the classes or types of power station that do and do not meet the greenhouse gas emissions intensity standard and publish that determination in the *Gazette*.
- 15 (2) The Minister may at any time amend a determination made under subsection (1) and shall publish the amended determination in the *Gazette*.
- (3) Determinations and amendments of determinations shall be made on the advice of the Environmental Protection Authority.
- 20 (4) In making a determination under this section concerning power stations generating electricity from biomass the Minister shall consider net emissions from the process of growing, processing, and generating the electricity from the fuel source.

8. Requirement to comply with greenhouse gas emissions intensity standard

- 25 (1) A person shall not construct or operate a new power station in the State unless it is of a class or type that has been determined under section 7 to meet the greenhouse gas emissions intensity standard.
- Penalty: \$500 000.
- 30 (2) No approval or authorisation shall be given to facilitate the construction or operation of a new power station unless it is of a

class or type that has been determined under section 7 to meet the greenhouse gas emissions intensity standard.

- (3) Subsections (1) and (2) do not apply to —
- (a) a power station with a nameplate capacity of 50 megawatts or less; or
 - (b) a peak load power station.

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Part 3 — General

9. Regulations

- 5 (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may prescribe minimum emissions intensity standards for power stations referred to in section 8(3).

10 **10. Review of Act**

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act within 5 years from its commencement.
- (2) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, is to cause it to be laid before each House of Parliament.
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