

A BILL

FOR

AN ACT TO PROVIDE FOR MEASURES TO ADDRESS CLIMATE CHANGE WITH A VIEW TO ASSISTING TO ACHIEVE A SUSTAINABLE FUTURE FOR THE COUNTRY; TO SET TARGETS TO ACHIEVE A REDUCTION IN GREENHOUSE GAS EMISSIONS WITHIN NIGERIA TO PROMOTE THE USE OF RENEWABLE SOURCES OF ENERGY; TO PROMOTE BUSINESS AND COMMUNITY UNDERSTANDING ABOUT ISSUES SURROUNDING CLIMATE CHANGE; TO FACILITATE THE EARLY DEVELOPMENT OF POLICIES AND PROGRAMS TO ADDRESS CLIMATE CHANGE; AND FOR OTHER PURPOSES.

Sponsored by Senator Isah Hamman Misau

[] Commencement

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows:

3 PART I-PRELIMINARY

4 1. This Act may be cited as the Climate Change and Greenhouse
5 Emissions Reduction Bill, 2015. Short Title

6 2.-(1) The objects of this Act are: Objects of Act

7 (a) to assist in the achievement of ecologically sustainable
8 development in the Country by addressing issues associated with climate
9 change and, in particular:

10 (b) by setting a target to reduce by 31 December 2020 greenhouse
11 gas emissions within Nigeria by at least 60% to an amount that is equal to or
12 less than 40% as part of a national and international response to climate
13 change; and

14 (i) by setting an interim target in connection with the Nigeria
15 target; and

16 (ii) by setting related targets (the renewable electricity targets):

17 (A) to increase the proportion of renewable electricity generated so

1 that it comprises at least 20% of electricity generated in Nigeria by 31
2 December 2020;

3 (B) to increase the proportion of renewable electricity consumed so
4 that it comprises at least 20% of electricity consumed in Nigeria by 31
5 December 2020; and

6 (b) to promote commitment to action within Nigeria to address
7 climate change through:

8 (i) the development of specific targets (as appropriate) for various
9 sectors of the economy; and

10 (ii) the development of various interim targets; and

11 (iii) the development of policies and programs for the reduction of
12 greenhouse gas emissions and for other relevant purposes; and

13 (c) to encourage energy efficiency and conservation; and

14 (d) to promote research and development with respect to the
15 development and use of technology to reduce or limit greenhouse gas
16 emissions or to support adaptation to climate change, including by developing
17 ways to remove greenhouse gases from the atmosphere; and

18 (e) to encourage the commercialisation of renewable energy and of
19 technologies that will reduce or limit greenhouse gas emissions or support
20 adaptation to climate change; and

21 (f) to provide recognition to bodies and persons who commit to
22 addressing climate change by achieving reductions in greenhouse gas
23 emissions, by increasing the use of renewable energy sources, by introducing
24 emissions offset programs or by adopting other relevant initiatives; and

25 (g) to encourage and facilitate business and community consultation
26 and early action with respect to issues surrounding climate change; and

27 (h) to support measures to facilitate adaptation to circumstances that
28 will inevitably be caused by climate change, including by supporting measures
29 that will improve the ability of the community, species and ecosystems to deal
30 with the effects of climate change; and

1 (i) to provide for reporting on progress being made within the
2 country to meet the target, and other specific or interim targets associated
3 with reductions in greenhouse gas emissions, and to meet targets associated
4 with the use of renewable electricity; and

5 (j) to promote action within Nigeria that provides consistency with
6 national and international schemes designed to address climate change,
7 including schemes that relate to emissions trading and emissions reporting;
8 and

9 (k) to enhance the ability of Nigerians to contribute to, and to
10 respond expeditiously to, national and international developments
11 associated with issues surrounding climate change.

12 (2) In seeking to further the objects of this Act, the achievement of
13 ecologically sustainable development will be guided by the following
14 principles:

15 (a) the use, development and protection of the environment should
16 be managed in a way, and at a rate, that will enable people and communities
17 to provide for their economic, social and physical well-being and for their
18 health and safety while:

19 (i) sustaining the potential of natural and physical resources to
20 meet the reasonably foreseeable needs of future generations; and

21 (ii) safeguarding the life-supporting capacity of the environment;
22 and

23 (iii) avoiding, remedying or mitigating adverse effects of activities
24 on the environment;

25 (b) proper weight should be given to both long and short term
26 economic, environmental, social and equity considerations in deciding all
27 matters relating to environmental protection, restoration and enhancement;

28 (c) if there are threats of serious or irreversible damage to the
29 environment, lack of full scientific certainty regarding climate change
30 should not be used as a reason for postponing preventative measures.

Interpretation

1 4. In this Act, unless the context otherwise requires emissions offset
 2 programs are programs designed to recognise or achieve a reduction in
 3 greenhouse gas emissions, or the removal of greenhouse gas emissions, taking
 4 into account any criteria prescribed by the regulations for the purposes of
 5 this definition; greenhouse gas emissions are emissions of:

6 (a) carbon dioxide; or

7 (b) methane; or

8 (c) nitrous oxide; or

9 (d) hydro fluorocarbons; or

10 (e) perfluorocarbons; or

11 (f) sulphur hexafluoride; or

12 (g) any other gas brought within the ambit of this definition by the
 13 regulations; renewable electricity means electricity generated from renewable
 14 energy sources;

15 Nigerian target means the target that applies under section 5(1)
 16 (subject to any Ministerial determination under that section);

17 Minister means the Minister responsible for matters relating to
 18 Environment sector agreements-see section 16.

19 *Part 2 - Targets*

Targets

20 5.-(1) The principal target under this Act is to reduce by 31 December
 21 2020 greenhouse gas emissions within Nigeria by at least 60% to an amount
 22 that is equal to or less than 40% of 1990 levels.

23 (1a) An interim target under subsection (1) is to reduce by 31
 24 December 2020 greenhouse gas emissions within Nigeria by at least 20% to an
 25 amount that is equal to or less than 80% of 1990 levels.

26 (2) Two related targets under this Act are:

27 (a) to increase the proportion of renewable electricity generated so
 28 that it comprises at least 20% of electricity generated in the State by 31
 29 December 2020;

30 (b) to increase the proportion of renewable electricity consumed so

1 that it comprises at least 20% of electricity consumed in Nigeria by 31
2 December 2020.

3 (3) The Minister may, in connection with the operation of
4 subsections (1) and (2) for the purposes of any other provision of this Act-

5 (a) determine the method for calculating greenhouse gas emissions
6 for the purposes of setting relevant 1990 levels (the baseline), and then
7 determine a figure that represents that baseline;

8 (b) determine the method for calculating any reduction in
9 greenhouse gas emissions;

10 (c) set sector-based targets and additional interim targets;

11 (d) set specific baselines for particular areas of activity (as
12 components of the overall baseline);

13 (e) make other determinations that assist in measuring greenhouse
14 gas emissions within the State.

15 (4) The Minister must, in acting under subsection (3):

16 (a) seek to acknowledge action taken since 1990 to achieve reductions in
17 greenhouse gas emissions; and

18 (b) seek to obtain the advice of relevant experts and to take into
19 account relevant methodologies and principles that apply within Nigeria;
20 and

21 (c) seek to provide consistency with best national and international
22 practices with respect to setting the baseline and determining a method for
23 calculating reductions in greenhouse gas emissions or the use of renewable
24 electricity.

25 (5) The Minister may make a determination or set a target under
26 subsection (3) that relates to a particular enterprise or industry, a particular
27 sector of the State's economy, a particular sector of the Nigerian community,
28 or the community more generally.

29 (6) The Minister may from time to time vary any determination or
30 target under this section after taking into account new or updated

1 methodologies or advice with respect to the calculation, assessment,
2 measurement or reporting of greenhouse gas emissions, or any other factor
3 considered relevant by the Minister.

4 (6a) The Minister must, as soon as practicable after:

5 (a) making a determination or setting a target under subsection (3); or
6 (b) taking action under subsection (6), prepare a report on the matter
7 and cause a copy of the report to be laid before both Houses of the National
8 Assembly.

9 (7) The Minister must publish any determination or target that applies
10 under this section.

11 PART 3-ADMINISTRATION

Functions of
Minister

12 6.- (1) The functions of the Minister under this Act are:

13 (a) to keep issues relevant to climate change under review; and

14 (b) to promote early action to meet the Nigeria target, or any sector-
15 based or interim target under this Act; and

16 (c) to develop, adopt or promote policies or programs that are relevant
17 to addressing climate change and the effects of climate change in accordance
18 with the objects of this Act (and taking into account any specific requirements
19 under this Act); and

20 (d) to promote consultation with business and within the community
21 about issues associated with climate change; and

22 (e) to consider and promote business initiatives and technological
23 advances that may assist in dealing with climate change or in reducing
24 greenhouse gas emissions; and

25 (f) to promote the involvement of the Federal Government in relevant
26 State, national or international forums about climate change; and

27 (g) to promote the commercialisation of renewable electricity
28 technology and to support initiatives to develop a scheme to promote the
29 generation and use of renewable electricity within the State, including by
30 providing incentives to encourage Nigerians to feed electricity generated from

1 renewable sources into electricity grids; and

2 (h) to promote the commercialisation and use of technologies that
3 will reduce or limit greenhouse gas emissions within the State; and

4 (i) to promote research and development to promote the objects of
5 this Act; and

6 (j) to support initiatives to develop a national emissions trading
7 scheme aimed at achieving greenhouse gas abatement; and

8 (k) to support initiatives to develop systems and frameworks to
9 provide for the removal of greenhouse gases from the atmosphere; and

10 (l) to consider, as the Minister thinks fit, whether it is necessary or
11 desirable to amend any legislation (including this Act), or to modify any
12 policies or administrative practices within government in order to achieve
13 the objects of this Act, and to make recommendations in relation to these
14 matters; and

15 (m) to undertake monitoring and other programs to assess the
16 extent of climate change that may affect Nigeria, and to collect, collate or
17 assess information relevant to issues associated with climate change; and

18 (n) to provide reports and to publish other information associated
19 with climate change or initiatives or activities to address climate change,
20 and to support public education in relation to climate change; and

21 (o) to establish appropriate reporting frameworks across
22 government with respect to issues relating to climate change or greenhouse
23 gas emissions, with particular reference to the requirements of section 7 and
24 in order to provide reports on progress being made towards targets that relate
25 to government agencies and instrumentalities; and

26 (p) such other functions assigned to the Minister by or under this or
27 any other Act.

28 (2) Without limiting any other provision of this Act, the Minister
29 should:

30 (a) seek to promote action to develop a coherent policy framework within

1 the State to address issues associated with climate change; and

2 (b) seek to achieve consistency between policies or programs
3 developed or implemented under this Act and initiatives, standards, schemes or
4 commitments at the national and international levels to address issues
5 associated with climate change.

6 (3) In performing functions under the Act, the Minister should seek:

7 (a) to work collaboratively within international networks for States
8 governments; and

9 (b) to work collaboratively with:

10 (i) the Governments of other Australian jurisdictions;

11 (ii) the local government sector; and

12 (iii) the Climate Change Council; and

13 (iv) other relevant international, business, environment and
14 community groups and organisations.

15 7.-(1) The Minister must, on a two-yearly basis, prepare a report on
16 the operation of this Act.

17 (2) The report must include:

18 (a) an assessment of the effectiveness of the initiatives that are being
19 adopted in order to achieve the Nigerian target; and

20 (b) a report on any determination or target made or set under section 5
21 during the reporting period; and

22 (c) an assessment of the progress being made to achieve the
23 renewable electricity target; and

24 (d) an assessment of the progress being made to achieve any sector-
25 based or interim target under this Act, including a target set for the State
26 Government, or any government agency or instrumentality; and

27 (e) a report on any sector agreement between the Minister and any
28 other person or entity entered into under this Act during the reporting period;
29 and

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(f) a summary of:

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(i) the levels of greenhouse gas emissions, and of the use of renewable energy, within the State (as determined or estimated at the time of reporting); and

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8. -(1) The Minister may delegate to a body or person a function or power of the Minister under this or any other Act.

Power of
delegation

- 1 (2) A delegation under this section:
2 (a) must be by instrument in writing; and
3 (b) may be absolute or conditional; and
4 (c) does not derogate from the power of the Minister to act in any
5 matter; and 20
6 (d) is revocable at will.

- 7 (3) A function or power delegated under this section may, if the
8 instrument of delegation so provides, be further delegated.

9 *Climate Change Council*

Climate Change
Council

- 10 9.-(1) The Climate Change Council is established.

- 11 (2) The Council will consist of at least 7 and not more than 10
12 members appointed by the

13 Minister with a view to obtaining a reasonable range of persons from
14 across the following sectors and a balance of expertise that is relevant to
15 addressing or adapting to climate change:

- 16 (a) the State Government;
17 (b) the local government;
18 (c) the business community;
19 (ca) the environment;
20 (d) the science and technology;.

- 21 (3) The Minister should seek to appoint persons who can
22 demonstrate:

- 23 (a) a commitment to action to address climate change; and
24 (b) an understanding of the issues and impacts associated with climate
25 change.

- 26 (4) The Minister should make wide consultation with relevant bodies
27 before making appointment

Conditions of
Membership

- 28 10.-(1) A member of the Council will be appointed on conditions
29 determined by the Minister for a term, not exceeding 4 years, specified in the
30 instrument of appointment and, at the expiration of a term of office, is eligible

1 for reappointment for another term of 4 years.

2 (2) The Minister may remove a member of the Council from office:

3 (a) for breach of, or non-compliance with, a condition of
4 appointment; or

5 (b) for failing to carry out duties of office satisfactorily; or

6 (c) for neglect of duty; or

7 (d) for misconduct.

8 (3) The office of a member of the Council becomes vacant if the
9 member:

10 (a) dies; or

11 (b) completes a term of office and is not reappointed; or

12 (c) resigns by written notice to the Minister; or

13 (d) is removed from office under subsection (2).

14 (4) A member of the Council is entitled to fees, allowances and
15 expenses determined by the Minister (subject to the qualification that a
16 person appointed for the purposes of subsection (2)(a) will not be entitled to
17 receive a sitting fee).

18 11. -(1) The primary function of the Council is to provide
19 independent advice to the Minister about matters associated with reducing
20 greenhouse gas emissions and adapting to climate change, including by
21 achieving energy efficiencies, increasing the use of renewable energy,
22 developing methods to remove greenhouse gases from the atmosphere, and
23 establishing and achieving relevant targets.

Functions of
Council

24 (2) The Council has other functions conferred by the Minister.

25 (3) In the performance of its functions, the Council should seek:

26 (a) to provide advice to the Minister on:

27 (i) the impact of climate change on business and the wider
28 community, and the development or implementation of policies or programs
29 relevant to addressing climate change, including by the initiation of specific
30 projects and plans; and

1 (ii) the impact of the operation and implementation of this Act on
2 business and the wider community and, as appropriate, any amendments to
3 relevant legislation (including this Act) that, in the opinion of the Council,
4 should be considered or promoted by the Minister; and

5 (iii) costs associated with reducing or limiting climate change or
6 greenhouse gas emissions, or with mitigating the effects of climate change or
7 greenhouse gas emissions; and

8 (iv) costs associated with failing to take action to address climate
9 change; and

10 (v) commercial or other opportunities associated with climate change
11 or reducing or limiting greenhouse gas emissions, with mitigating the effects of
12 climate change or greenhouse gas emissions or with increasing the use of
13 renewable energy sources; and

14 (vi) the effectiveness of any determination or target under section 5,
15 and the need to revise any such determination or target; and

16 (vii) any other matter on which the Minister requests the advice of the
17 Council; and

18 (b) to take a leadership role in consulting with business, the
19 environment and conservation movement and the wider community about
20 issues associated with climate change and to assist in disseminating
21 information to business and other groups in order to encourage the
22 implementation of practices that will assist in addressing climate change or
23 adapting to the effects of climate change.

24 (4) The following requirements apply in connection with the
25 operation of paragraph (a) of subsection (3):

26 (a) any advice to the Minister under that paragraph must be provided
27 or confirmed by the Council by instrument in writing;

28 (b) the Minister must, within 6 sitting days after the end of each
29 quarter, cause a copy of any instrument received under paragraph (a) of this
30 subsection during the quarter to be laid before both Houses of the National

1 Assembly;

2 (c) the Minister must ensure that any instrument tabled under
3 paragraph (b) is accompanied by a statement from the Minister in which the
4 Minister sets out the extent to which the Minister has acted on the relevant
5 advice, or intends to act on the relevant advice and, to the extent that it is not
6 accepted, the reasons why not.

7 12. -(1) A member appointed by the Minister as the presiding Proced
8 member of the Council will preside at a meeting of the Councilor, in the meetin
9 absence of that member, a member chosen by those present will preside.

10 (2) A majority of the members of the Council constitute a quorum
11 of the Council.

12 (3) Subject to any direction of the Minister, the Council may
13 determine its own procedures.

14 13.- (1) The Council must, on or before 31 October in each year, Annual
15 provide to the Minister a report on its activities for the financial year ending
16 on the preceding 30 June.

17 (2) The Minister must cause a copy of the report to be laid before
18 both Houses of the National Assembly within 6 sitting days after the report is
19 provided to the Minister.

20 PART 4-POLICIES, PROGRAMS AND OTHER INITIATIVES

21 14. -(1) The Minister should seek to develop: Policies

22 (a) policies that will assist in:

23 (i) reducing or limiting climate change or greenhouse gas
24 emissions, or mitigating the effects of climate change or greenhouse gas
25 emissions; and

26 (ii) promoting or implementing measures to facilitate adaptation to
27 circumstances that will inevitably be caused by climate change; and

28 (b) without limiting paragraph (a); policies that seek to adopt,
29 promote or encourage opportunities or innovations that will further develop
30 or support action within industry or other sectors of the State's economy, and

1 member the burden will lie on the member to prove that he or she was not, at
2 the material time, aware of his or her interest.

3 (7) This section does not apply in relation to an interest that arises by
4 virtue only of the fact that a member of the Council has an interest in a
5 particular sector of the State's economy or community more generally.

Administrative
unit report

6 19. -(1) The annual report of the Minister must include a report on
7 work undertaken within the Ministry in relation to the development of climate
8 change policy and related initiatives.

9 (2) The Permanent Secretary must consult with the Climate Change
10 Council in connection with the preparation of the report required under
11 subsection (1).

Review of Act

12 20. -(1) The Minister must cause a review of this Act and its operation
13 to be conducted on a four-yearly basis.

14 (2) The review must include a specific report on:

15 (a) the extent to which the objects of this Act are being achieved; and
16 (b) the extent to which additional legislative measures (if any) are
17 considered necessary to achieve the targets set by this Act within the periods
18 contemplated by this Act, including by the introduction of performance
19 standards and other mandatory requirements; and

20 (c) other matters determined by the Minister to be relevant to a review
21 of this Act.

22 (3) The Minister must take reasonable steps to ensure that, in the
23 conduct of the review, there is consultation with:

24 (a) the Climate Change Council; and
25 (b) other relevant business, environment and community groups and
26 organisations.

27 (4) The outcome of the review must be embodied in a written report.

28 (5) The Minister must cause a copy of the report to be laid before both
29 Houses of the National Assembly within 6 sitting days after the report is
30 presented to the Minister.

1 (6) Subsection (1) operates subject to the qualification that the first
2 review must be completed by the end of 2011.

3 21. -(1) The President may make such regulations as are necessary Regulations
4 or expedient for the purposes of, this Act.

5 (2) Without limiting the generality of subsection (1), the
6 regulations may:

7 (a) require the provision of reports, returns, documents and other
8 forms of information to the Minister or any other prescribed person or body;

9 (b) require the keeping of records, statistics and any other
10 information by any person or body;

11 (c) authorise the Minister (or any person authorised by the
12 Minister) to inspect any information required to be kept under the
13 regulations and require any person to permit or facilitate any such
14 inspection;

15 (d) require the giving of notice before any prescribed class of
16 activity is commenced, and the notification of the occurrence of any
17 prescribed class of event;

18 (e) provide for a scheme under which the Minister may set targets,
19 including interim targets, for the State Government, and specific targets for
20 specific government agencies or instrumentalities, to reduce greenhouse gas
21 emissions from their activities within the State that are at least equivalent to
22 the target;

23 (f) provide for the service of any notice or document;

24 (g) regulate the release or publication of information of a specified
25 kind obtained in the administration of this Act;

26 (h) prescribe fines, not exceeding N100,000 for contravention of a
27 regulation.

28 (3) Regulations under this Act:

29 (a) may be of general application or limited application;

30 (b) may make different provision according to the matters or

- 1 circumstances to which they are expressed to apply;
- 2 (c) may provide that a matter of thing in respect of which regulations
- 3 may be made is to be determined according to the discretion of the Minister or
- 4 any other person or body prescribed by the regulations.
- 5 (d) This Act may be cited as the Climate Change and Greenhouse
- 6 Emissions Reduction Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to provide measures to address climate change with a view to assisting to achieve a sustainable future for the Country; to set targets to achieve a reduction in greenhouse gas emissions within Nigeria; to promote the use of renewable sources of energy; to promote business and community understanding about issues surrounding climate change; to facilitate the early development of policies and programs to address climate change amongst others.