

[Act 1995 No 96]



New South Wales

Sustainable Energy Development Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

This Bill is cognate with the *Electricity Supply Bill 1995*.

Overview of Bill

The object of this Bill is to establish the Sustainable Energy Development Authority as a statutory body whose principal function is to facilitate the development, commercialisation, promotion and use of sustainable energy technology, in particular, by the provision of energy development assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology.

* Amended in committee—see table at end of volume.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 defines certain words and expressions (in particular, *energy development assistance* and *sustainable energy technology*) for the purposes of the proposed Act.

Clause 4 sets out the objects of the proposed Act and the means by which it proposes to achieve those objects.

Part 2 The Sustainable Energy Development Authority

Division 1 Constitution and functions

Clause 5 constitutes the Sustainable Energy Development Authority as a body corporate representing the Crown.

Clause 6 sets out the principal objective of the Authority, which is to facilitate the development, commercialisation, promotion and use of sustainable energy technology, particularly in those areas (other than fundamental research) where the development, commercialisation, promotion and use of that technology is impeded by lack of appropriate information or finance or by other barriers.

Clause 7 sets out the various functions of the Authority and provides that, in exercising its functions, the Authority should have primary regard to products, processes, practices and designs that are already commercialised or on a development and demonstration path that leads to commercialisation.

Clause 8 provides that, in exercising its functions, the Authority is subject to the control and direction of the Minister.

Clause 9 requires the Authority, in consultation with the Minister, to prepare triennial corporate plans with respect to its activities.

Clause 10 provides for public consultation during the period while the Authority is preparing a draft corporate plan.

Clause 11 regulates the manner in which the Authority may form, or participate in the formation of, private companies and the manner in which it may acquire and dispose of interests in private companies.

Clause 12 enables the Authority to exercise its functions through subsidiaries, joint ventures, partnerships and other associations.

Clause 13 enables the Authority to enter into financial guarantees, but only with the approval of the Minister given with the concurrence of the Treasurer.

Division 2 Staff

Clause 14 provides for the appointment of an Executive Director of the Authority under Part 2A of the *Public Sector Management Act 1988*.

Clause 15 provides for the appointment and conditions of employment of an Acting Executive Director to exercise the functions of the Executive Director during the illness or absence of the Executive Director.

Clause 16 provides for the affairs of the Authority to be managed by the Executive Director.

Clause 17 enables the Authority to employ staff, to make use of the staff and facilities of Government agencies and public and local authorities and to engage consultants.

Clause 18 enables the Executive Director to delegate the Executive Director's functions to other members of staff of the Authority.

Division 3 Miscellaneous

Clause 19 provides for the custody and use of the seal of the Authority.

Clause 20 provides for the service of documents on the Authority.

Part 3 The Sustainable Energy Advisory Board

Clause 21 and **Schedule 1** provide for the constitution and procedure of a Sustainable Energy Advisory Board comprising between 3 and 7 members with appropriate qualifications or experience.

Clause 22 sets out the functions of the Board, which are to advise the Minister on matters relating to the development, commercialisation, promotion and use of sustainable energy technology, the provision of energy development assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology, the draft corporate plans prepared by the Authority and such other matters as the Minister may refer to the Board for advice.

Part 4 The Sustainable Energy Fund

Clause 23 establishes a Sustainable Energy Fund.

Clause 24 provides for the payment of money into the Fund.

Clause 25 provides for the payment of money out of the Fund.

Clause 26 provides for the investment of money in the Fund.

Clause 27 prescribes the year commencing 1 July as the financial year of the Authority.

Part 5 Miscellaneous

Clause 28 provides that the proposed Act binds the Crown.

Clause 29 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 30 is a formal provision that gives effect to Schedule 2, a Schedule of amendments to other Acts.

Clause 31 requires the proposed Act to be reviewed at the end of 5 years after its date of assent.

Schedule 1 Constitution and procedure of the Board

This Schedule provides for the term of office (up to 3 years), the remuneration and other conditions of appointment of the members of the Board (Part 1) and for the procedure to be observed by the Board in the conduct of its business (Part 2).

Schedule 2 Amendment of other Acts

This Schedule amends the following Acts as a consequence of the enactment of the proposed Act:

First State Superannuation Act 1992 No 100

Public Authorities (Financial Arrangements) Act 1987 No 33

Public Finance and Audit Act 1983 No 152

Public Sector Management Act 1988 No 33

State Authorities Non-contributory Superannuation Act 1987 No 212

State Authorities Superannuation Act 1987 No 211

Superannuation Act 1916 No 28.