



New South Wales

Sustainable Energy Development Repeal Bill 2004

Explanatory note

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

This Bill is cognate with the *Appropriation Bill 2004*.

Overview of Bill

The Sustainable Energy Development Authority (*SEDA*) is constituted by the *Sustainable Energy Development Act 1995*. The objects of this Bill are as follows:

- (a) to repeal that Act,
- (b) to amend the *Energy Administration Act 1987* to expressly abolish SEDA and to provide for the transfer of its assets, rights and liabilities to the Crown and for its staff to be transferred to the Department of Energy, Utilities and Sustainability,
- (c) to remove references to SEDA in a number of other Acts and to make certain other consequential amendments.

Outline of provisions

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 1 July 2004.

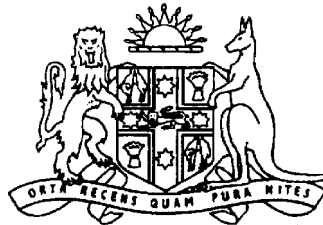
Clause 3 repeals the *Sustainable Energy Development Act 1995*.

Clause 4 is a formal provision that gives effect to the amendments to the *Energy Administration Act 1987* set out in Schedule 1.

Clause 5 is a formal provision that gives effect to the amendments to the other Acts specified in Schedule 2.

Schedule 1 contains the amendments to the *Energy Administration Act 1987* described in paragraph (b) of the overview above.

Schedule 2 contains the amendments described in paragraph (c) of the overview above.



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No. , 2004

A Bill for

An Act to repeal the *Sustainable Energy Development Act 1995*; to amend the *Energy Administration Act 1987* to provide for the abolition of the Sustainable Energy Development Authority and the transfer of its staff and its assets, rights and liabilities; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Sustainable Energy Development Repeal Act 2004</i> .	3
2 Commencement	4
This Act commences, or is taken to have commenced, on 1 July 2004.	5 6
3 Repeal of Sustainable Energy Development Act 1995 No 96	7
The <i>Sustainable Energy Development Act 1995</i> is repealed.	8
4 Amendment of Energy Administration Act 1987 No 103	9
The <i>Energy Administration Act 1987</i> is amended as set out in Schedule 1.	10 11
5 Consequential amendment of other Acts	12
Each Act specified in Schedule 2 is amended as set out in that Schedule.	13 14

Schedule 1 Amendment of Energy Administration Act 1987

(Section 4)

[1] Section 3 Definitions

Omit the definitions of *Department* and *Director* from section 3 (1).

Insert instead:

Department means the Department of Energy, Utilities and Sustainability.

Director-General means the Director-General of the Department.

[2] Sections 8 (1)–(3), 10, 25 (1) (b), 42, 43 and 45 (2) and (3)

Omit “Director” and “Director’s” wherever occurring.

Insert instead “Director-General” and “Director-General’s” respectively.

[3] Section 54

Insert after section 53:

54 Savings, transitional and other provisions

Schedule 2 has effect.

[4] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

(Section 54)

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Sustainable Energy Development Repeal Act 2004

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 1
2
3
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 4
5
6
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 7
8
9
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 10
11
12

Part 2 Provisions consequent on enactment of Sustainable Energy Development Repeal Act 2004 13 14 15

2 Definitions 16

In this Part: 17

repealing Act means the *Sustainable Energy Development Repeal Act 2004*. 18
19

SEDA means the Sustainable Energy Development Authority constituted by the *Sustainable Energy Development Act 1995*, as in force before its repeal by the repealing Act. 20
21
22

3 Abolition of SEDA 23

(1) On the commencement of the repealing Act: 24

(a) SEDA is abolished, and 25

(b) any assets, rights and liabilities of SEDA become the assets, rights and liabilities of the Crown. 26
27

(2) In this clause: 28

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents. 29
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32

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent). 33
34

<i>rights</i> means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).	1 2
4 Executive Director of SEDA	3
(1) On the commencement of the repealing Act, the person who, immediately before that commencement, held office as the Executive Director of SEDA ceases to hold that office.	4 5 6
(2) A person who, under this clause, ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.	7 8 9
5 Staff of SEDA	10
(1) On the commencement of the repealing Act, the staff of SEDA are transferred to the Department.	11 12
(2) The transfer of such staff is taken to have been done under section 87 of the <i>Public Sector Employment and Management Act 2002</i> .	13 14 15
6 Annual report of SEDA for year ending 30 June 2004	16
The annual report of SEDA for the year ending 30 June 2004 may be included in the annual report of the Department for that year.	17 18 19
7 References to SEDA	20
A reference in any other Act or in an instrument made under an Act or in any document to SEDA or to the Executive Director of SEDA is to be read as a reference to the Director-General.	21 22 23 24

Schedule 2 Amendment of other Acts	1
(Section 5)	2
2.1 Electricity (Consumer Safety) Act 2004 No 4	3
[1] Schedule 3 Amendment of Energy Administration Act 1987 No 103	4
Omit Schedule 3 [7].	5
[2] Schedule 3 [10] and [11]	6
Omit Schedule 3 [10]. Insert instead:	7
[10] Schedule 2 Savings, transitional and other provisions	8
Insert at the end of clause 1 (1):	9
<i>Electricity (Consumer Safety) Act 2004</i> , but only in relation to the amendments made to this Act	10 11
[11] Schedule 2, Part 3	12
Insert after Part 2:	13
Part 3 Provisions consequent on enactment of Electricity (Consumer Safety) Act 2004	14 15 16
8 Definitions	17
In this Part:	18
<i>repeal date</i> means the date on which the repealed Act is repealed by the <i>Electricity (Consumer Safety) Act 2004</i> .	19 20
<i>repealed Act</i> means the <i>Electricity Safety Act 1945</i> as in force immediately before its repeal by the <i>Electricity (Consumer Safety) Act 2004</i> .	21 22 23
9 Continuation of certain Regulations made under repealed Act	24 25
(1) The <i>Electricity Safety (Equipment Efficiency) Regulation 1999</i> , as in force immediately before the repeal date, continues in force and is taken to be a regulation made under this Act.	26 27 28 29

(2) The Regulation continued in force by subclause (1) may be amended and repealed in the same way as any other regulation made under this Act.	1 2 3
2.2 First State Superannuation Act 1992 No 100	4
Schedule 1 Employers	5
Omit “Sustainable Energy Development Authority”.	6
2.3 Public Authorities (Financial Arrangements) Act 1987 No 33	7
Section 28 Part not to apply in certain cases	8
Omit section 28 (1) (c).	9
2.4 Public Finance and Audit Act 1983 No 152	10
Schedule 2 Statutory bodies	11
Omit “Sustainable Energy Development Authority”.	12
2.5 Public Sector Employment and Management Act 2002 No 43	13
[1] Section 133 Declared authorities to which Part applies	14
Omit “Sustainable Energy Development Authority” from the Table to the section.	15 16
[2] Schedule 2 Executive positions (other than non-statutory SES positions)	17 18
Omit “Executive Director of the Sustainable Energy Development Authority” from Part 3 of the Schedule.	19 20
2.6 State Authorities Non-contributory Superannuation Act 1987 No 212	21 22
Schedule 1 Employers	23
Omit “Sustainable Energy Development Authority” from Part 1.	24
2.7 State Authorities Superannuation Act 1987 No 211	25
Schedule 1 Employers	26
Omit “Sustainable Energy Development Authority” from Part 1.	27

2.8 Superannuation Act 1916 No 28	1
Schedule 3 List of employers	2
Omit “Sustainable Energy Development Authority” from Part 1.	3