

2016

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Renew Australia Bill 2016

No. , 2016

(Mr Bandt)

**A Bill for an Act to establish Renew Australia, and
for related purposes**

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1 **A Bill for an Act to establish Renew Australia, and**
2 **for related purposes**

3 The Parliament of Australia enacts:

4 **Part 1—Preliminary**
5

6 **1 Short title**

7 This Act may be cited as the *Renew Australia Act 2016*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with

Section 3

column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

| Column 1 | Column 2 | Column 3 |
|--------------------------|--|---------------------|
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment to Renew Australia. | |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Objects

The objects of this Act are:

- (a) to help reduce Australia's greenhouse gas pollution by transforming Australia's electricity system to one based on renewable energy; and
- (b) to create a new statutory authority, Renew Australia, to oversee the transformation of Australia's electricity system; and
- (c) to achieve the new energy objectives; and
- (d) to ensure that communities in affected areas are supported during the transition to a new national energy system; and
- (e) to ensure the closure of coal-fired power stations and their replacement with renewable energy happens in a planned manner.

1 **4 Simplified outline of this Act**

2 This Act establishes Renew Australia. Renew Australia has law
3 reform functions, an advice function, and renewable energy project
4 functions, relating to achieving the new energy objectives.

5 **5 Definitions**

6 In this Act:

7 *advice function*: see section 12.

8 *Australia*, when used in a geographical sense, includes the external
9 Territories.

10 *Board* means the Board of Renew Australia.

11 *Board member* means a member of the Board (and includes the
12 Chair).

13 *borrowing* includes raising money or obtaining credit, whether by
14 dealing in securities or otherwise, but does not include obtaining
15 credit in a transaction forming part of the day-to-day operations of
16 Renew Australia.

17 *CEO* means the Chief Executive Officer of Renew Australia.

18 *Chair* means the Chair of the Board.

19 *Climate Change Convention* means the United Nations
20 Framework Convention on Climate Change done at New York on
21 9 May 1992, as amended and in force for Australia from time to
22 time.

23 Note: The text of the Convention is in Australian Treaty Series 1994 No. 2
24 ([1994] ATS 2) and could in 2016 be viewed in the Australian
25 Treaties Library on the AustLII website (www.austlii.edu.au).

26 *Finance Minister* means the Minister administering the *Public*
27 *Governance, Performance and Accountability Act 2013*.

28 *law reform functions*: see section 11.

1 *new energy objectives*: see subsection 11(2).

2 *paid work* means work for financial gain or reward (whether as an
3 employee, a self-employed person or otherwise).

4 *renewable energy project functions*: see section 13.

5 *rules* means the rules made under section 66.

6 **6 Crown to be bound**

7 (1) This Act binds the Crown in each of its capacities.

8 (2) This Act does not make the Crown liable to be prosecuted for an
9 offence.

10 **7 Extension to external Territories**

11 This Act extends to every external Territory.

12 **8 Extra-territorial application**

13 This Act extends to acts, omissions, matters and things outside
14 Australia.

Part 2—Renew Australia

Division 1—Establishment

9 Establishment

(1) Renew Australia is established by this section.

(2) Renew Australia:

(a) is a body corporate; and

(b) must have a seal; and

(c) may acquire, hold and dispose of real and personal property;
and

(d) may sue and be sued.

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Renew Australia. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

(3) Renew Australia's seal is to be kept in such custody as the Board directs and must not be used except as authorised by the Board.

(4) All courts, judges and persons acting judicially must:

(a) take judicial notice of the imprint of the seal of Renew Australia appearing on a document; and

(b) presume that the document was duly sealed.

Division 2—Functions

10 Functions—general

(1) Renew Australia has the following functions:

- (a) its law reform functions (see section 11);
- (b) its advice function (see section 12);
- (c) its renewable energy project functions (see section 13);
- (d) to support communities and workers affected by the closure of coal-fired power stations to adapt, including by helping to attract new industries to affected areas;
- (e) any other functions conferred on Renew Australia by this Act or any other law of the Commonwealth;
- (f) to do anything incidental or conducive to the performance of the above functions.

Note: Other functions may be conferred on Renew Australia by State or Territory laws (see section 16).

(2) In performing its functions, Renew Australia must act in a proper, efficient and effective manner.

11 Law reform functions

(1) Renew Australia's *law reform functions* are:

- (a) to review Commonwealth, State and Territory laws relating to electricity generation and propose changes to those laws for the purpose of achieving the new energy objectives; and
- (b) to consult with Commonwealth, State and Territory governments about the proposed changes; and
- (c) after consulting as mentioned in paragraph (b), to recommend to the Minister changes to Commonwealth laws for the purpose of achieving the new energy objectives; and
- (d) to publish the results of reviews mentioned in paragraph (a), and the changes recommended under paragraph (c), on its website.

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New energy objectives

(2) The ***new energy objectives*** are as follows:

- (a) to achieve a transition in generating electricity in Australia, so that by 2030:
 - (i) 90% of electricity generated in Australia is derived from renewable energy sources; and
 - (ii) electricity generation capacity in Australia is increased to 358 TWh, to allow for the electrification of non-electrified sectors;
- (b) to phase out the generation of electricity in Australia from fossil fuels;
- (c) to maintain supply of electricity in Australia while the transition mentioned in paragraph (a) is achieved;
- (d) to lower energy costs to households and businesses, including by enabling them to become generators of electricity from renewable energy sources;
- (e) to make Australia a destination of choice for industry seeking reliable and clean energy;
- (f) to have a national electricity grid that is suited to the transition mentioned in paragraph (a) and to which generators of electricity from renewable energy sources have a right to connect.

Timetable for closure of coal-fired power stations

- (3) In performing its law reform functions, Renew Australia must have regard to a timetable for the staged closure of coal-fired power stations, being:
- (a) the timetable set out in Schedule 1; or
 - (b) another timetable determined by Renew Australia and published on its website within 12 months after the commencement of this section.

Investment in the national electricity grid

- (4) In performing its law reform functions in relation to investment in the national electricity grid, Renew Australia must have regard to the following principles:

- 1 (a) any new investment in the national electricity grid must be
2 compatible with the new energy objectives;
3 (b) the method for approving investment in the national
4 electricity grid at the commencement of this section
5 (including the Regulated Asset Base model of guaranteeing
6 returns on investment) should be replaced with a method
7 appropriate to achieving the new energy objectives.

8 *Complementary legislation desirable*

- 9 (5) In proposing and consulting about changes under paragraph (1)(b),
10 Renew Australia must have regard to the desirability of the
11 changes being implemented through complementary
12 Commonwealth, State and Territory legislation.
- 13 (6) If after consulting as mentioned in paragraph (1)(b), Renew
14 Australia considers that it will not be possible for the changes to be
15 implemented through complementary legislation, the
16 recommendations mentioned in paragraph (1)(c) must assume that
17 the changes will be implemented entirely through Commonwealth
18 legislation.

19 *Draft legislation to accompany recommendations to Minister*

- 20 (7) The changes recommended under paragraph (1)(c) and published
21 under paragraph (1)(d) must be accompanied by draft legislation to
22 implement the changes.

23 *When recommendations must be given to Minister*

- 24 (8) Renew Australia must give the Minister recommendations for the
25 purposes of paragraph (1)(c):
26 (a) within 12 months after the commencement of this section;
27 and
28 (b) at such other times as it thinks fit.

29 **12 Advice function**

- 30 (1) Renew Australia's ***advice function*** is to provide advice to the
31 Minister and Commonwealth, State and local governments for the

Section 13

- 1 purpose of achieving the new energy objectives, including advice
2 about the following:
- 3 (a) the sources of renewable energy that should be used to
4 generate electricity at particular locations for the purpose of
5 achieving those objectives;
- 6 (b) whether a particular electricity generation project is likely to
7 achieve one or more of those objectives;
- 8 (c) models for guaranteeing returns on investment in relation to
9 electricity generation projects;
- 10 (d) how communities and workers affected by the closure of
11 coal-fired power stations can adapt, including by attracting
12 new industries to affected areas.
- 13 (2) Renew Australia must publish any advice given under
14 subsection (1) on its website.

15 **13 Renewable energy project functions**

- 16 (1) Renew Australia's *renewable energy project functions* are:
- 17 (a) to build, finance, own or operate renewable energy projects;
18 and
- 19 (b) to run reverse auctions for new private sector renewable
20 energy projects.
- 21 (2) Renew Australia may only take action mentioned in subsection (1)
22 if Renew Australia considers that it is in the public interest to do so
23 in order to achieve the new energy objectives.
- 24 (3) In determining whether it is in the public interest to take particular
25 action mentioned in paragraph (1)(a), Renew Australia must have
26 regard to:
- 27 (a) whether it is desirable for the action to be taken by a
28 government body; and
- 29 (b) any other matter Renew Australia considers relevant.
- 30 (4) For the purposes of this section a renewable energy project
31 includes a project that involves the generation, storage,
32 transmission or distribution of energy from renewable sources.

14 Functions—constitutional limits

Renew Australia may perform its functions under this Act only:

- (a) for purposes relating to a corporation to which paragraph 51(xx) of the Constitution applies; or
- (b) for purposes related to external affairs, including:
 - (i) giving effect to the Climate Change Convention, including by investing in clean energy technologies that could reasonably be expected to control, reduce or prevent anthropogenic emissions of greenhouse gases; or
 - (ii) giving effect to another international agreement to which Australia is a party; or
 - (iii) addressing matters of international concern; or
 - (iv) by way of the performance of its functions in a place outside Australia; or
- (c) for purposes relating to the collection of statistics; or
- (d) for purposes relating to trade or commerce:
 - (i) between Australia and places outside Australia; or
 - (ii) among the States; or
 - (iii) within a Territory, between a State and a Territory or between 2 Territories; or
- (e) by way of the use of a postal, telegraphic, telephonic or other like service within the meaning of paragraph 51(v) of the Constitution; or
- (f) by way of the provision of service, or financial assistance, to:
 - (i) the Commonwealth; or
 - (ii) an authority of the Commonwealth; orfor a purpose of the Commonwealth; or
- (g) for purposes relating to a Territory; or
- (h) with respect to a Commonwealth place (within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*); or
- (i) for purposes relating to the relations of the Commonwealth with the islands of the Pacific; or
- (j) for purposes relating to the implied power of the Parliament to make laws with respect to nationhood; or

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- 1 (k) for purposes relating to the executive power of the
2 Commonwealth; or
3 (l) for purposes relating to matters incidental to the execution of
4 any of the legislative powers of the Parliament or the
5 executive power of the Commonwealth.

6 **15 Functions—Minister may give directions**

- 7 (1) The Minister may give written directions to Renew Australia about
8 the performance of its functions.
9 (2) Directions given by the Minister under subsection (1) must be of a
10 general nature only.
11 (3) Renew Australia must comply with any direction given by the
12 Minister under subsection (1).
13 (4) A direction given by the Minister under subsection (1) is not a
14 legislative instrument.

15 **16 Commonwealth consent to conferral of functions etc. on Renew**
16 **Australia by State and Territory laws**

- 17 (1) A law of a State or Territory may confer powers or functions, or
18 impose duties, on Renew Australia.
19 Note: Section 18 sets out when such a law imposes a duty on Renew
20 Australia.
21 (2) Subsection (1) does not authorise the conferral of a power or
22 function, or the imposition of a duty, by a law of a State or
23 Territory to the extent to which:
24 (a) the conferral or imposition, or the authorisation, would
25 contravene any constitutional doctrines restricting the duties
26 that may be imposed on Renew Australia; or
27 (b) the authorisation would otherwise exceed the legislative
28 power of the Commonwealth.
29 (3) Renew Australia cannot exercise a power, or perform a duty or
30 function, under a law of a State or Territory without the written
31 approval of the Minister.

17 How duty is imposed on Renew Australia by State and Territory laws

Application

- (1) This section applies if a law of a State or Territory purports to impose a duty on Renew Australia.

Note: Section 18 sets out when such a law imposes a duty on Renew Australia.

State or Territory legislative power sufficient to support duty

- (2) The duty is taken not to be imposed by this Act (or any other law of the Commonwealth) to the extent to which:
- (a) imposing the duty is within the legislative powers of the State or Territory concerned; and
 - (b) imposing the duty by the law of the State or Territory is consistent with the constitutional doctrines restricting the duties that may be imposed on Renew Australia.

Note: If this subsection applies, the duty will be taken to be imposed by force of the law of the State or Territory (the Commonwealth having consented under section 16 to the imposition of the duty by that law).

Commonwealth legislative power sufficient to support duty but State or Territory legislative powers are not

- (3) If, to ensure the validity of the purported imposition of the duty, it is necessary that the duty be imposed by a law of the Commonwealth (rather than by the law of the State or Territory), the duty is taken to be imposed by this Act to the extent necessary to ensure that validity.
- (4) If, because of subsection (3), this Act is taken to impose the duty, it is the intention of the Parliament to rely on all powers available to it under the Constitution to support the imposition of the duty by this Act.
- (5) The duty is taken to be imposed by this Act in accordance with subsection (3) only to the extent to which imposing the duty:
- (a) is within the legislative powers of the Commonwealth; and

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1 (b) is consistent with the constitutional doctrines restricting the
2 duties that may be imposed on Renew Australia.

3 (6) Subsections (1) to (5) do not limit section 16.

4 **18 When State and Territory laws impose a duty on Renew**
5 **Australia**

6 For the purposes of sections 16 and 17, a law of a State or Territory
7 imposes a duty on Renew Australia if:

- 8 (a) the law confers a power or function on Renew Australia; and
9 (b) the circumstances in which the power or function is conferred
10 give rise to an obligation on Renew Australia to exercise the
11 power or to perform the function.

Division 3—Powers, privileges and immunities

19 Renew Australia's powers

- (1) Renew Australia has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Renew Australia's powers include, but are not limited to, the following powers:
 - (a) the power to enter into contracts;
 - (b) the power to erect buildings;
 - (c) the power to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of Renew Australia;
 - (d) the power to acquire, hold and dispose of real or personal property;
 - (e) the power to provide financial assistance (whether by way of loan, grant, investment, award or otherwise and whether on commercial terms or otherwise);
 - (f) the power to provide guarantees;
 - (g) the power to raise money, by borrowing or otherwise;
 - (h) the power to provide or administer services, facilities, programs or equipment;
 - (i) the power to do anything incidental to any of its powers.
- (3) The powers of Renew Australia may be exercised within or outside Australia.

20 Renew Australia does not have privileges and immunities of the Crown

Renew Australia does not have the privileges and immunities of the Crown in right of the Commonwealth.

Part 3—Board of Renew Australia

Division 1—Establishment and functions

21 Establishment

There is to be a Board of Renew Australia.

22 Functions of the Board

- (1) The functions of the Board are:
- (a) to decide strategies and policies to be followed by Renew Australia; and
 - (b) to ensure the proper, efficient and effective performance of Renew Australia's functions; and
 - (c) any other functions conferred on the Board by this Act.
- (2) The Board has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (3) Anything done in the name of, or on behalf of, Renew Australia by the Board, or with the authority of the Board, is taken to have been done by Renew Australia.
- (4) If a function or power of Renew Australia is dependent on the opinion, belief or state of mind of Renew Australia in relation to a matter, the function or power may be performed or exercised upon the opinion, belief or state of mind of a person or body acting as mentioned in subsection (3) in relation to that matter.

Division 2—Board Members**23 Membership**

The Board consists of:

- (a) the Chair; and
- (b) at least 4, and no more than 6, other members.

24 Appointment of Board members

(1) Board members are to be appointed:

- (a) by the Minister by written instrument; and
- (b) on a part-time basis.

(2) A person is not eligible for appointment as a Board member unless the Minister is satisfied that the person has:

- (a) substantial experience or expertise; and
- (b) professional credibility and significant standing;

in at least one of the following fields:

- (c) energy technologies;
- (d) engineering;
- (e) economics;
- (f) workplace planning;
- (g) industry transition planning;
- (h) government funding programs or bodies;
- (i) the environmental sector;
- (j) financial accounting;
- (k) law.

(3) The following persons are not eligible for appointment as a Board member:

- (a) an employee of the Commonwealth;
- (b) the holder of a full-time office under a law of the Commonwealth.

25 Chair

The Minister must, by writing, appoint one Board member to be the Chair.

26 Term of appointment

A Board member holds office for the period specified in the instrument of appointment. The period must not be more than 5 years.

Note: A Board member is eligible for reappointment: see section 33AA of the *Acts Interpretation Act 1901*.

27 Acting appointments

(1) The Minister may, by written instrument, appoint a Board member to act as the Chair:

(a) during a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Chair:

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

(2) The Minister may, by written instrument, appoint a person to act as a Board member (other than the Chair):

(a) during a vacancy in the office of a Board member (other than the Chair) whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when a Board member (other than the Chair):

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Note: Sections 33AB and 33A of the *Acts Interpretation Act 1901* have rules that apply to acting appointments.

1 (3) A person is not eligible for appointment to act as a Board member
2 unless the person is eligible for appointment as a Board member
3 under section 24.

4 (4) For the purposes of a reference in:

5 (a) this Act to a ***vacancy*** in the office of a Board member; or

6 (b) the *Acts Interpretation Act 1901* to a ***vacancy*** in the
7 membership of a body;

8 there are taken to be 6 Board member offices in addition to the
9 Chair.

10 **28 Remuneration**

11 (1) A Board member is to be paid the remuneration that is determined
12 by the Remuneration Tribunal. If no determination of that
13 remuneration by the Tribunal is in operation, the member is to be
14 paid the remuneration that is prescribed by the rules.

15 (2) A Board member is to be paid the allowances that are prescribed
16 by the rules.

17 (3) This section has effect subject to the *Remuneration Tribunal Act*
18 *1973*.

19 **29 Leave of absence**

20 *Chair*

21 (1) The Minister may grant leave of absence to the Chair on the terms
22 and conditions that the Minister determines.

23 *Other Board members*

24 (2) The Chair may grant leave of absence to another Board member on
25 the terms and conditions that the Chair determines.

26 (3) The Chair must notify the Minister if the Chair grants a Board
27 member leave of absence for a period that exceeds 3 months.

30 Resignation of Board members

- (1) A Board member may resign his or her appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister, if a later day is specified in the resignation, on that later day.

31 Termination of appointment of Board members

The Minister may terminate the appointment of a Board member:

- (a) for misbehaviour; or
- (b) if the member is unable to perform the duties of his or her office because of physical or mental incapacity; or
- (c) if the member:
- (i) becomes bankrupt; or
- (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (iii) compounds with his or her creditors; or
- (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
- (d) if the member is absent, except on leave of absence, from 3 consecutive meetings of the Board; or
- (e) if the Minister is satisfied that the performance of the Board member has been unsatisfactory for a significant period.

32 Other terms and conditions of Board members

A Board member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 3—Meetings of the Board

33 Convening meetings

(1) The Board must hold the meetings that are necessary for the efficient performance of its functions.

(2) Meetings are to be held at the times and places that the Board determines.

Note: See also section 33B of the *Acts Interpretation Act 1901*, which contains extra rules about meetings by telephone etc.

(3) The Chair:

(a) may convene a meeting; and

(b) must convene at least 6 meetings each calendar year; and

(c) must convene a meeting within 30 days of receiving a written request to do so from another Board member.

34 Presiding at meetings

(1) The Chair must preside at all meetings at which he or she is present.

(2) If the Chair is not present at a meeting, the other Board members present must appoint one of themselves to preside.

35 Quorum

(1) At a meeting of the Board, a quorum is constituted by:

(a) 4 Board members; or

(b) at any time when there are only 5 Board members—3 Board members.

(2) However, if:

(a) a Board member is required by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* not to be present during the deliberations, or to take part in any decision, of the Board with respect to a particular matter; and

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- 1 (b) when the member leaves the meeting concerned there is no
2 longer a quorum present;
3 the remaining members at the meeting constitute a quorum for the
4 purpose of any deliberation or decision at that meeting with respect
5 to that matter.

6 **36 Voting at meetings**

- 7 (1) A question arising at a meeting is to be determined by a majority of
8 the votes of the Board members present and voting.
9 (2) The person presiding at a meeting has a deliberative vote and, in
10 the event of an equality of votes, a casting vote.

11 **37 Conduct of meetings**

12 The Board may regulate proceedings at its meetings as it considers
13 appropriate.

14 Note: Section 33B of the *Acts Interpretation Act 1901* contains further
15 information about the ways in which Board members may participate
16 in meetings.

17 **38 Minutes**

18 The Board must keep minutes of its meetings.

19 **39 Decisions without meetings**

- 20 (1) The Board is taken to have made a decision at a meeting if:
21 (a) without meeting, a majority of the Board members entitled to
22 vote on the proposed decision indicate agreement with the
23 decision; and
24 (b) that agreement is indicated in accordance with the method
25 determined by the Board under subsection (2); and
26 (c) all the Board members were informed of the proposed
27 decision, or reasonable efforts were made to inform all the
28 members of the proposed decision.
29 (2) Subsection (1) applies only if the Board:

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- 1 (a) has determined that it may make decisions of that kind
2 without meeting; and
3 (b) has determined the method by which Board members are to
4 indicate agreement with proposed decisions.
- 5 (3) For the purposes of paragraph (1)(a), a Board member is not
6 entitled to vote on a proposed decision if the member would not
7 have been entitled to vote on that proposal if the matter had been
8 considered at a meeting of the Board.
- 9 (4) The Board must keep a record of decisions made in accordance
10 with this section.

**Part 4—Chief Executive Officer, staff and
consultants and committees**

Division 1—Chief Executive Officer of Renew Australia

40 Establishment

There is to be a Chief Executive Officer of Renew Australia.

41 Functions of the CEO

- (1) The CEO is responsible for the day-to-day administration of Renew Australia.
- (2) The CEO has power to do all things necessary or convenient to be done for or in connection with the performance of his or her duties.
- (3) The CEO is to act in accordance with policies determined, and any directions given, by the Board.
- (4) All acts and things done in the name of, or on behalf of, Renew Australia by the CEO, or with the authority of the CEO, are taken to have been done by Renew Australia.
- (5) If a function or power of Renew Australia is dependent on the opinion, belief or state of mind of Renew Australia in relation to a matter, the function or power may be performed or exercised upon the opinion, belief or state of mind of a person or body acting as mentioned in subsection (4) in relation to that matter.
- (6) If a policy or direction under subsection (3) is in writing, the policy or direction is not a legislative instrument.

42 Appointment

- (1) The CEO is to be appointed by the Board.
- (2) The CEO is to be appointed:
 - (a) by written instrument; and

- 1 (b) on a full-time basis.
- 2 (3) The CEO must not be a Board member.
- 3 (4) The Board must appoint the first CEO no later than 6 months after
- 4 the commencement of this section.

5 **43 Term of appointment**

6 The CEO holds office for the period specified in the instrument of

7 appointment. The period must not exceed 5 years.

8 Note: The CEO is eligible for reappointment: see section 33AA of the *Acts*

9 *Interpretation Act 1901*.

10 **44 Acting appointments**

11 The Board may, by written instrument, appoint a person (other than

12 a Board member) to act as the CEO:

- 13 (a) during a vacancy in the office of the CEO (whether or not an
- 14 appointment has previously been made to the office); or
- 15 (b) during any period, or during all periods, when the CEO:
- 16 (i) is absent from duty or from Australia; or
- 17 (ii) is, for any reason, unable to perform the duties of the
- 18 office.

19 Note: Sections 33AB and 33A of the *Acts Interpretation Act 1901* have rules

20 that apply to acting appointments.

21 **45 Terms and conditions**

22 The CEO holds office on the terms and conditions (including terms

23 and conditions relating to remuneration and allowances) in relation

24 to matters not covered by this Act that are determined by the

25 Board.

26 **46 Outside employment**

27 The CEO must not engage in paid work outside the duties of his or

28 her office without the Chair's approval.

47 Leave of absence

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Chair may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Chair determines.

48 Disclosure of interests

- (1) A disclosure by the CEO under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Board.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the CEO is taken not to have complied with section 29 of that Act if the CEO does not comply with subsection (1) of this section.

49 Resignation

- (1) The CEO may resign his or her appointment by giving the Chair a written resignation.
- (2) The resignation takes effect on the day it is received by the Chair or, if a later day is specified in the resignation, on that later day.

50 Termination of appointment

- (1) The Board may terminate the appointment of the CEO:
 - (a) for misbehaviour; or
 - (b) if the CEO is unable to perform the duties of his or her office because of physical or mental incapacity.
- (2) The Board may terminate the appointment of the CEO if:
 - (a) the CEO:

- 1 (i) becomes bankrupt; or
- 2 (ii) takes steps to take the benefit of any law for the relief of
- 3 bankrupt or insolvent debtors; or
- 4 (iii) compounds with one or more of his or her creditors; or
- 5 (iv) makes an assignment of his or her remuneration for the
- 6 benefit of one or more of his or her creditors; or
- 7 (b) the CEO is absent, except on leave of absence, for 14
- 8 consecutive days or for 28 days in any 12 months; or
- 9 (c) the CEO engages, except with the Board's approval, in paid
- 10 work outside the duties of his or her office (see section 46);
- 11 or
- 12 (d) the CEO fails, without reasonable excuse, to comply with
- 13 section 29 of the *Public Governance, Performance and*
- 14 *Accountability Act 2013* (which deals with the duty to
- 15 disclose interests) or rules made for the purposes of that
- 16 section.

1 **Division 2—Staff and consultants**

2 **51 Staff**

- 3 (1) Renew Australia may employ such persons as it considers
4 necessary for the performance of its functions and the exercise of
5 its powers.
- 6 (2) An employee is to be employed on the terms and conditions that
7 Renew Australia determines in writing.
- 8 (3) Renew Australia may arrange with an Agency Head (within the
9 meaning of the *Public Service Act 1999*) or with a body established
10 for a public purpose by a law of the Commonwealth for the
11 services of officers or employees of the Agency or body to be
12 made available to Renew Australia.
- 13 (4) Renew Australia may enter into an arrangement with the
14 appropriate authority of a State or Territory for the services of
15 officers or employees of the Public Service of the State or
16 Territory, or of a State or Territory statutory authority, to be made
17 available to Renew Australia.

18 **52 Consultants**

- 19 (1) Renew Australia may engage consultants to assist in the
20 performance of its functions.
- 21 (2) The consultants are to be engaged on the terms and conditions that
22 Renew Australia determines.

Division 3—Committees**53 Committees**

- (1) The Board may establish committees to advise or assist in the performance of the Board's or Renew Australia's functions.
- (2) A committee may be constituted:
 - (a) wholly by Board members; or
 - (b) wholly by persons who are not Board members; or
 - (c) partly by Board members and partly by other persons.
- (3) The Board may determine, in relation to a committee established under this section:
 - (a) the committee's terms of reference; and
 - (b) the terms and conditions of appointment of the members of the committee; and
 - (c) the procedures to be followed by the committee.

54 Remuneration and allowances

- (1) If the Board decides that a committee member who is also a Board member is to be remunerated in relation to his or her committee membership, the committee member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the committee member is to be paid the remuneration that is prescribed by the rules.
- (2) A committee member who is a Board member is to be paid the allowances that are prescribed by the rules.
- (3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.
- (4) If the Board decides that a committee member other than a Board member is to be remunerated, the committee member is to be paid the remuneration and allowances determined by Renew Australia in writing.

Part 5—Finance

55 Money payable to Renew Australia

- (1) There is payable to Renew Australia such money as is appropriated by the Parliament for the purposes of Renew Australia.
- (2) The Finance Minister may give directions about the amounts in which, and the times at which, money payable under subsection (1) is to be paid to Renew Australia.
- (3) If a direction under subsection (2) is given in writing, the direction is not a legislative instrument.

56 Application of money by Renew Australia

- (1) The money of Renew Australia is to be applied only:
 - (a) in payment or discharge of the costs, expenses and other obligations incurred or undertaken by Renew Australia in the performance of its functions and the exercise of its powers; and
 - (b) in payment of any remuneration or allowances payable under this Act.
- (2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Renew Australia.

57 Borrowing from the Commonwealth

The Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to Renew Australia on such terms and conditions as the Minister determines in writing.

58 Borrowing from persons other than the Commonwealth

(1) Renew Australia may, with the written approval of the Treasurer, borrow money from persons other than the Commonwealth on terms and conditions specified in, or consistent with, the approval.

(2) Money may be borrowed wholly or partly in foreign currency.

Note: See also section 57 of the *Public Governance, Performance and Accountability Act 2013*.

59 Guarantee of borrowing

(1) The Treasurer may, on behalf of the Commonwealth, enter into a contract guaranteeing the performance by Renew Australia of obligations incurred by it under section 58.

(2) If the Treasurer determines in writing that obligations incurred by Renew Australia under that section are guaranteed by the Commonwealth, the obligations are so guaranteed by force of this subsection.

(3) A contract under subsection (1) may include:

- (a) a provision agreeing that proceedings under the contract may be taken in courts of a foreign country; or
- (b) a provision waiving the immunity of the Commonwealth from suit in courts of a foreign country.

60 Renew Australia may give security

Renew Australia may give security over the whole or part of its assets for:

- (a) the performance by Renew Australia of any obligation incurred under section 57 or 58; or
- (b) the payment to the Commonwealth of amounts equal to amounts paid by the Commonwealth under a guarantee under section 59.

Section 61

1 **61 Renew Australia may charge fees**

2 (1) Renew Australia may charge a fee in relation to anything done in
3 performing its functions.

4 (2) A fee must not be such as to amount to taxation.

5 **62 Taxation**

6 Renew Australia is not subject to taxation under any law of the
7 Commonwealth or of a State or Territory.

8 Note: Despite this section, Renew Australia may be subject to taxation under
9 certain laws (see, for example, section 177-5 of the *A New Tax System*
10 (*Goods and Services Tax*) *Act 1999* and section 66 of the *Fringe*
11 *Benefits Tax Assessment Act 1986*).

Part 6—Miscellaneous

63 Delegation by Renew Australia

- (1) Renew Australia, in writing under its seal, delegate all or any of its powers or functions under this Act to:
 - (a) a Board member; or
 - (b) the CEO.
- (2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of Renew Australia.

64 Delegation by Board

- (1) The Board may, in writing, delegate to a Board member or the CEO any of its powers or functions under this Act.
- (2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the Board.

65 Delegation and subdelegation by CEO

- (1) The CEO may, in writing, delegate to a senior member of the staff referred to in section 51 any of the CEO's powers or functions under this Act.
- (2) If Renew Australia or the Board delegates a power or function under subsection 63(1) or 64(1) to the CEO, the CEO may, in writing, subdelegate the power or function to a senior member of the staff referred to in section 51.
- (3) In exercising any powers or performing any functions under the delegation or subdelegation, the delegate or subdelegate must comply with any directions of the CEO.

Section 66

- 1 (4) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901*
2 apply in relation to a subdelegation in a corresponding way to the
3 way in which they apply in relation to a delegation.

4 **66 Rules**

- 5 (1) The Minister may, by legislative instrument, make rules
6 prescribing matters:
7 (a) required or permitted by this Act to be prescribed by the
8 rules; or
9 (b) necessary or convenient to be prescribed for carrying out or
10 giving effect to this Act.
- 11 (2) To avoid doubt, the rules may not do the following:
12 (a) create an offence or civil penalty;
13 (b) provide powers of:
14 (i) arrest or detention; or
15 (ii) entry, search or seizure;
16 (c) impose a tax;
17 (d) set an amount to be appropriated from the Consolidated
18 Revenue Fund under an appropriation in this Act;
19 (e) directly amend the text of this Act.

Schedule 1—Timetable for phased closure of coal-fired power stations

Note: See subsection 11(3).

1 Timetable for phased closure of coal-fired power stations

The following table sets out a timetable for the phased closure of coal-fired power stations:

| Timetable for phased closure of coal-fired power stations | | | |
|---|---------------|------|----------------------|
| Item | Power Station | Year | Phase-out |
| New South Wales | | | |
| 1 | Bayswater | 2018 | First unit closed |
| | | 2020 | Second unit closed |
| | | 2023 | Third unit closed |
| | | 2025 | Full decommissioning |
| 2 | Eraring | 2017 | First unit closed |
| | | 2020 | Second unit closed |
| | | 2022 | Third unit closed |
| | | 2026 | Full decommissioning |
| 3 | Liddell | 2017 | First unit closed |
| | | 2019 | Second unit closed |
| | | 2027 | Full decommissioning |
| 4 | Mt Piper | 2022 | First unit closed |
| | | 2028 | Full decommissioning |
| 5 | Vales Point | 2021 | First unit closed |
| | | 2024 | Full decommissioning |
| 6 | Tallawarra | 2029 | First unit closed |
| 7 | Smithfield | 2029 | First unit closed |
| Victoria | | | |
| 8 | Loy Yang A | 2017 | First unit closed |
| | | 2021 | Second unit closed |

Schedule 1 Timetable for phased closure of coal-fired power stations

Clause 1

| Timetable for phased closure of coal-fired power stations | | | |
|---|------------------|------|----------------------|
| Item | Power Station | Year | Phase-out |
| | | 2027 | Third unit closed |
| | | 2029 | Full decommissioning |
| 9 | Hazelwood | 2018 | First unit closed |
| | | 2020 | Second unit closed |
| | | 2022 | Third unit closed |
| | | 2024 | Full decommissioning |
| | | | |
| 10 | Yallourn | 2019 | First unit closed |
| | | 2025 | Second unit closed |
| | | 2028 | Full decommissioning |
| 11 | Loy Yang B | 2017 | First unit closed |
| | | 2030 | Full decommissioning |
| Queensland | | | |
| 12 | Stanwell | 2019 | First unit closed |
| | | 2022 | Second unit closed |
| | | 2027 | Third unit closed |
| 13 | Gladstone | 2019 | First unit closed |
| | | 2024 | Second unit closed |
| | | 2028 | Full decommissioning |
| 14 | Millmerran | 2019 | First unit closed |
| | | 2029 | Full decommissioning |
| 15 | Tarong | 2025 | First unit closed |
| | | 2030 | Full decommissioning |
| 16 | Kogan Creek | 2026 | First unit closed |
| 17 | Callide B | 2021 | Full decommissioning |
| 18 | Callide C | 2020 | Full decommissioning |
| South Australia | | | |
| 19 | Pelican Point | 2020 | Full decommissioning |
| 20 | Torrens Island | 2024 | Full decommissioning |
| 21 | Osborne Facility | 2027 | Full decommissioning |
| 22 | Quarantine | 2030 | Full decommissioning |

| Timetable for phased closure of coal-fired power stations | | | |
|--|----------------------|-------------|------------------|
| Item | Power Station | Year | Phase-out |
| Tasmania | | | |
| 23 | Tamar Valley | 2022-2030 | Staged phase-out |

1