

2016

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Renew Australia Bill 2016

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of

Adam Bandt MP

Renew Australia Bill 2016

OUTLINE

The Bill establishes Renew Australia, an authority to plan and drive the transition to a new clean energy system.

FINANCIAL IMPACT

The bill will have no financial impact.

NOTES ON CLAUSES

Part 1 - Preliminary

Clause 1 sets the title of the Act.

Clause 2 states that the Act commences on the day when a budget appropriation is made for the operation of the Renew Australia authority.

Clause 3 lists the objects of the Bill - to help reduce Australia's greenhouse gas pollution by transforming Australia's electricity system, to create a new statutory authority to oversee the transformation, to achieve new energy objectives, to ensure a transition plan for affected communities and to ensure the closure of coal fired power stations happens in a planned manner.

Clause 4 outlines the Act.

Clause 5 lists definitions.

Clause 6 provides that the Crown is bound.

Clause 7 states that this Act extends to external Territories.

Clause 8 states that this Act extends to acts, omissions, matters and things outside Australia.

Part 2 - Renew Australia

Clause 9 establishes Renew Australia

Clause 10 lists the general functions of Renew Australia including law reform, advice, renewable energy project, support to affected communities and workers and any other functions conferred on it by this Act or other law. Renew Australia can do anything incidental or conducive to the performance of the above functions.

Clause 11 (1) lists Renew Australia's law reform functions - to review and propose changes to Commonwealth, State and Territory laws relating to electricity generation, to consult with Commonwealth, State and Territory governments about the proposed

changes, to recommend Commonwealth law changes to the Minister and to publish reviews and proposals on its website.

(2) lists the new energy objectives of Renew Australia

(3) outlines Renew Australia's responsibility to lay out a timetable for planned closure of coal-fired power stations.

(4) specifies Renew Australia's principles for investment in the national electricity grid.

(5) states that Renew Australia must consider the desirability of complementary Commonwealth, State and Territory legislation when considering law reform under paragraph (1)(b).

(6) states that if complementary legislation is not possible, recommended changes must assume that the changes will be implemented through Commonwealth legislation.

(7) states that recommended changes must be accompanied by draft legislation.

(8) states that Renew Australia must give the Minister recommendations for law reform within 12 months of the commencement of this section and at other times as it thinks fit.

Clause 12 outlines that Renew Australia will provide advice to the Minister and Commonwealth, State and Local governments in relation to the new energy objectives including sources of renewable energy, particular electricity generation projects, models for return on investment on electricity generation projects and how affected communities and workers can adapt.

Clause 13 outlines Renew Australia's renewable energy project functions to build, finance, own or operate renewable energy projects and run reverse auctions for new private sector renewable energy projects. Also states that Renew Australia may only take action that is in the public interest.

Clause 14 outlines the constitutional limits of Renew Australia's functions.

Clause 15 sets out the directions that the Minister may give to Renew Australia.

Clause 16 states that a law of a State or Territory may confer powers or functions on Renew Australia.

Clause 17 outlines how duty is imposed on Renew Australia by State and Territory laws.

Clause 18 outlines when State and Territory laws impose duty on Renew Australia.

Clause 19 sets out Renew Australia's powers.

Clause 20 provides that Renew Australia does not have the privileges and immunities of the Crown.

Part 3 - Powers, privileges and immunities

Clause 21 establishes the Renew Australia Board

Clause 22 sets out the functions of the Renew Australia Board

Division 2 (clauses 23-32) provides for the appointment, remuneration, leave of absence resignation and termination of board members and the chair of the board.

Division 3 (clauses 33-39) sets out the practice for meetings and decisions of the board.

Part 4 - Chief Executive Officer, staff and consultants and committees

Division 1 (clauses 40-50) provides for the appointment of the Chief Executive Officer of Renew Australia and sets out the conditions of employment.

Division 2 (clauses 51-52) sets out the basis under which staff and consultants can be engaged.

Division 3 provides for the establishment of committees to advise or assist the board and sets out the terms which they are engaged.

Part 5 - Finance

Clause 55 sets out that the Parliament may appropriate money for Renew Australia and that the Finance Minister may give directions about the money payable to Renew Australia.

Clause 56 outlines the application of money by Renew Australia.

Clause 57 provides that the Finance Minister may lend money to Renew Australia out of money appropriated by the Parliament for the purpose.

Clause 58 sets out that Renew Australia may with the written approval of the Treasurer borrow money from persons other than the Commonwealth.

Clause 59 determines that the Treasurer may guarantee the money borrow by Renew Australia from persons other than the Commonwealth.

Clause 60 provides that Renew Australia may give security over the whole or part of its assets for the performance by Renew Australia of any obligation under clauses 57 or 58 or the payment to the Commonwealth of amounts paid by the Commonwealth under a guarantee.

Clause 61 determines that Renew Australia may charge fees in relation to its function.

Clause 62 sets out that Renew Australia is not subject to taxation under any law of the Commonwealth, State or Territory.

Part 6 - Miscellaneous

Clause 63 provides that Renew Australia may delegate all or any of its powers or functions under this Act to a board member or the CEO and in exercising these powers the delegate must comply with any directions of Renew Australia.

Clause 64 provides that the board may delegate all or any of its powers or functions under this Act to a board member or the CEO and in exercising these powers the delegate must comply with any directions of Renew Australia.

Clause 65 provides that the CEO may delegate to a senior member of staff any of the CEO's powers or functions under this Act. In exercising these powers the delegate must comply with any directions of the CEO.

Clause 66 provides that the Minister may make rules.

Schedule 1 sets out the proposed timetable for phased closure of coal-fired power stations.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Renew Australia 2016

This bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the bill

The Bill establishes the Renew Australia, an authority to plan and drive the transition to a new clean energy system.

Human rights implications

This bill does not engage any of the applicable rights or freedoms

Conclusion

This bill is compatible with human rights because it does not raise any human rights issues.

Adam Bandt MP