

# **Renewable Energy Authority Victoria Bill**

No.

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By Authority Jean Gordon Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

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Read 1° 1 May 1990

*(Brought in by Mr Roper and Ms Kirner)*

## A BILL

to create the Renewable Energy Authority Victoria and to repeal the  
*Victorian Solar Energy Council Act 1980* and for other purposes.

### **Renewable Energy Authority Victoria Act 1990**

The Parliament of Victoria enacts as follows:

#### PART 1—PRELIMINARY

##### **Purpose**

- 5 1. The purpose of this Act is to create the Renewable Energy Authority Victoria to replace the Victorian Solar Energy Council.

##### **Commencement**

2. This Act comes into operation on a day to be proclaimed.

##### **Definitions**

- 10 3. In this Act—  
“**Authority**” means the Renewable Energy Authority Victoria established by section 4.  
“**Renewable energy**” includes energy which comes from sources such as the sun, wind, waves, tides, the hydrological cycle, biomass, and geothermal sources.

**PART 2—RENEWABLE ENERGY AUTHORITY VICTORIA**

**Renewable Energy Authority Victoria**

4. (1) There is established a body corporate called the Renewable Energy Authority Victoria.

(2) The Authority— 5

(a) has perpetual succession; and

(b) is capable of acquiring, holding and disposing of property; and

(c) may sue and be sued in its corporate name; and

(d) is to have a common seal; and 10

(e) may do and suffer all acts and things that a body corporate may by law do and suffer and that are consistent with the powers given to it by this Act.

(3) The common seal of the Authority can only be used in a way approved by the Authority. 15

(4) All courts and people acting judicially must take judicial notice of the seal of the Authority.

**Objectives of the Authority**

5. The objectives of the Authority are to encourage and promote research into, and the development and use of, renewable energy resources and energy conservation measures to the benefit of the Victorian community. 20

**Functions of the Authority**

6. The functions of the Authority are—

(a) to ensure that the objectives of the Authority are met to the maximum extent that is practicable; and 25

(b) to provide information and advice on the uses of renewable energy and the benefits of energy conservation to all sectors of the Victorian economy; and

(c) to encourage and promote the development of an economically viable renewable energy and energy conservation industry in Victoria; and 30

(d) to monitor and evaluate research, development and demonstration projects on renewable energy and energy conservation; and 35

(e) to provide encouragement and support for renewable energy and energy conservation research, development and demonstration projects; and

(f) to undertake renewable energy and energy conservation education programs; and 40

(g) to provide advice to the public sector departments and authorities responsible for the development and utilisation of energy; and

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(h) to advise the Minister on policies concerning renewable energy and energy conservation.

**Powers of Authority**

7. The Authority may do all things that are necessary or convenient to enable it to perform its functions.

**Restrictions on the powers of the Authority**

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8. (1) The Authority must not—

(a) lend or grant money to any person or body; or

(b) enter into an agreement—

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(i) which involves, or is likely to involve, the spending of more than \$100,000 (or any other limit specified by regulation); or

(ii) which will last for more than 3 years—

without the consent in writing of the Minister.

(2) The Authority—

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(a) must not borrow money without the approval of the Treasurer; and

(b) must comply with any conditions imposed by the Treasurer on a borrowing.

**Treasurer may give guarantee**

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9. (1) The Treasurer may guarantee the repayment of any loan (and any associated costs, charges and interest) taken out by the Authority.

(2) The Treasurer may impose conditions on any guarantee given under this section.

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(3) Any sum required by the Treasurer to fulfil any guarantee given under this section is to be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) and any sum received by the Treasurer in respect of any sum so paid by the Treasurer is to be paid into the Consolidated Fund.

**Members of the Authority**

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10. (1) The Authority is to have 7 members.

(2) The Governor in Council must appoint—

(a) a Chairperson of the Authority; and

(b) a general manager of the Authority, who is to be a member of the Authority while he or she holds that position; and

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(c) 5 other people to be members of the Authority.

- (3) The Governor in Council may only appoint a person to be a member if the Governor in Council is of the opinion that the person has skills, experience or knowledge which will help the Authority to perform its functions.
- (4) The Governor in Council— 5
  - (a) may appoint a person to be a member for any period of up to 5 years; and
  - (b) may re-appoint a member; and
  - (c) may at any time remove a member; and
  - (d) must fill any vacancy that occurs in the membership of the Authority. 10
- (5) A member—
  - (a) is not, in respect of his or her office as a member, subject to the *Public Service Act 1974*; and
  - (b) is to hold office on the terms and conditions determined by the Governor in Council; and 15
  - (c) may resign from office by delivering a signed letter of resignation to the Governor in Council.
- (6) If the Chairperson is likely to be absent for more than 1 month, the Governor in Council may appoint a member to act as Chairperson during the absence. 20
- (7) An act or decision of the Authority is not invalid by reason only of vacancies in the membership of the Authority or of defects in the appointment of members of the Authority.

**Meetings of the Authority** 25

- 11. (1) A matter cannot be decided at a meeting of the Authority unless at least 4 members are present.
- (2) The person presiding at a meeting has both a deliberative vote and a casting vote.
- (3) The Authority may regulate its own procedure. 30

**Pecuniary interests of members**

- 12. (1) A member who has a pecuniary interest in a matter being considered, or about to be considered, by the Authority must declare that interest to a meeting of the Authority as soon as practicable after he or she becomes aware of the relevant facts. 35
- (2) The person presiding at a meeting at which a declaration is made must ensure that a record of the declaration is made in the minutes of the meeting.
- (3) After a declaration is made by a member—
  - (a) the member must not be present during any deliberation with respect to that matter; and 40

(b) the member is not entitled to vote on the matter.

**Staff**

13. Subject to the *Public Service Act 1974*, there are to be appointed officers and employees to assist the Authority to perform its functions.

5 **Administration**

14. The general manager of the Authority is responsible for the day to day administration of the affairs of the Authority, but is subject to the policies and directions of the Authority.

**Minister may give directions**

0 15. (1) The Minister may at any time give directions to the Authority concerning the policies it is to give effect to.

(2) The Authority must give effect to any direction given to it by the Minister as soon as possible and must report to the Minister on the action taken by it to give effect to the direction.

5 (3) The Authority must publish any direction given to it by the Minister in its annual report.

**Authority must give the Minister information**

16. (1) The Authority must give the Minister any information that the Minister asks for as soon as possible.

10 (2) The Authority must give the Minister each year a copy of its strategic plan and its draft budget.

**PART 3—FINANCES AND REPORTS**

**General Fund**

17. (1) The Authority must keep a fund called the General Fund.

15 (2) The Authority must ensure that all money received by it, or on its behalf, is paid into the General Fund.

(3) The Authority may pay money out of the General Fund—

(a) to pay any expenses incurred by it in exercising its powers;

(b) to make loans or grants under this Act;

20 (c) to repay any money borrowed by it under this Act together with any charges or interest on that money;

(d) for any other purpose authorized by this Act.

25 (4) The Authority must ensure that all money in the General Fund that is not required for the immediate needs of the Authority is kept in an account or accounts at a financial institution approved by the Treasurer for the purpose.

**Accounts and records**

18. (1) The Authority must ensure that there are kept proper accounts and records of the transactions and affairs of the Authority and such other records as will sufficiently explain its financial operations and position. 5

(2) The Authority must do all things necessary to do each of the following:

- (a) Ensure that all money payable to it is properly collected; 5
- (b) Ensure that all money expended by it is properly expended and properly authorized; 10
- (c) Ensure that adequate control is maintained over assets owned by it, or in its custody;
- (d) Ensure that all liabilities incurred by it are properly authorized;
- (e) Ensure that efficiency and economy of operations are achieved and that waste and extravagance are avoided; 15
- (f) Develop and maintain an adequate budgeting and accounting system;
- (g) Develop and maintain an adequate internal audit system.

**Annual Report** 20

19. (1) The Authority must, in respect of each financial year, prepare an annual report containing—

- (a) a report of its operations during the financial year; and
- (b) financial statements for the financial year—

and submit the report to the Minister not later than 3 months after the end of the financial year. 25

(2) The report of operations must—

- (a) be prepared in a form and contain information determined by the Authority to be appropriate; and
- (b) contain any further information required by the Minister. 30

(3) The financial statement must—

- (a) contain information determined by the Treasurer to be appropriate; and
- (b) be prepared in a manner and form approved by the Treasurer; and 35
- (c) present fairly the results of the financial transactions of the Authority during the financial year to which they relate and the financial position of the Authority as at the end of that year; and

- (d) be signed by the principal accounting officer (by whatever name called) of the Authority and by the Chairperson and another member who must state— 40



- 5 (i) whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Authority during the financial year to which they relate and whether they sufficiently explain the financial position of the Authority as at the end of the financial year; and
- 10 (ii) whether, at the date of signing the financial statements, they were aware of any circumstances that render any details included in the statements misleading or inaccurate and, if so, details of the circumstances; and
- (e) be audited as required by section 20.

(4) The Minister must cause each annual report to be laid before each House of Parliament before the expiration of the seventh sitting day of that House after the report is received by the Minister.

15 (5) If the Authority fails to submit an annual report to the Minister within 3 months after the end of the financial year the Minister must advise each House of Parliament of that failure and the reasons for it, or must cause each House to be so advised.

20 (6) This section does not apply to the Authority if, because of an Order under the *Annual Reporting Act* 1983, the Authority is required to submit an annual report under that Act.

### **Audit**

20. (1) The financial statements referred to in section 19 must be audited by the Auditor-General.

25 (2) The Auditor-General has, in respect of the audit of the financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.

(3) Without limiting sub-section (2), the Auditor-General and each officer of the Auditor-General—

- 30 (a) have a right of access at all times to the books of the Authority; and
- (b) may require from an officer or employee of the Authority any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.
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(4) The Authority must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section.

**PART 4—REGULATIONS AND REVIEW****Regulations**

21. The Governor in Council may make regulations for or with respect to—

- (a) specifying the limit above which agreements of the Authority require the approval of the Minister; 5
- (b) prescribing any matters or things which are necessary to be prescribed to give effect to this Act.

**Review by the Public Bodies Review Committee**

22. The Authority is nominated for review by the Public Bodies Review Committee on 1 July 2000. 10

**PART 5—TRANSITIONAL PROVISIONS****Repeal of former Act**

23. The *Victorian Solar Energy Council Act* 1980 is repealed.

**Successor of Council**

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24. (1) The Authority is the successor in law of the Victorian Solar Energy Council.

(2) Any reference to the Council in any subordinate instrument, certificate of title, agreement or other document as far as it relates to any period after the commencement of this Act is to be construed as a reference to the Authority, unless the contrary intention appears. 20

(3) The members of the Council cease to hold office.

**Transfer of staff**

25. The officers and employees of the Council—

- (a) become officers and employees of the Authority; and 25
- (b) are to be appointed to the classification which corresponds with the classification they held immediately before the commencement of this Act; and
- (c) retain all the rights, benefits and entitlements they accrued while working for the Council. 30