

# Sustainability Victoria Bill

## Introduction Print

### EXPLANATORY MEMORANDUM

#### General

Sustainability Victoria will facilitate and promote environmental sustainability in the use of resources throughout Victoria. It will bring together the knowledge and expertise of the Sustainable Energy Authority Victoria and EcoRecycle Victoria. The focus of the new organisation will be broadened to include the facilitation and promotion of the environmentally sustainable use of water. It will assist all Victorians to integrate environmental sustainability into their everyday lives.

#### Clause Notes

#### PART 1—PRELIMINARY

- Clause 1 sets out the main purpose of the Bill which is to establish Sustainability Victoria and to provide for it to be the successor of the Sustainable Energy Authority Victoria and EcoRecycle Victoria. The Act also amends the **Environment Protection Act 1970** to repeal the provisions relating to EcoRecycle Victoria and transfers the functions and powers of EcoRecycle Victoria to Sustainability Victoria. The Bill repeals the **Sustainable Energy Authority Victoria Act 1990** and makes consequential amendments to certain other Acts.
- Clause 2 provides for commencement of the Bill. Sections 1 and 2 come into operation on the day after the day on which the Act receives the Royal Assent. The remaining provisions of the Act come into operation on a day or days to be proclaimed with a forced commencement date of 1 July 2006.
- Clause 3 contains relevant definitions. The defined terms include "Chief Executive Officer", "Department", "member", "renewable energy", "resource efficiency", "Secretary", "Sustainability Victoria" and "waste".

Clause 4 sets out guiding principles that are to be considered in the administration of the Act.

## **PART 2—SUSTAINABILITY VICTORIA**

Clause 5 establishes a body corporate called Sustainability Victoria.

Clause 6 sets out the objective of Sustainability Victoria which is to facilitate and to promote environmental sustainability in the use of resources.

Clause 7 sets out the functions of Sustainability Victoria. The functions are broader than the functions of the Sustainable Energy Authority Victoria and EcoRecycle Victoria because Sustainability Victoria will take on an expanded role. Sustainability Victoria will assist all Victorians to integrate environmental sustainability into their everyday lives.

Clause 8 sets out the powers of Sustainability Victoria which include doing all things that are necessary or convenient to enable it to carry out its functions. It also provides that Sustainability Victoria may apply for, obtain and hold, intellectual property rights.

Clause 9 provides for the membership of Sustainability Victoria. Sustainability Victoria to consist of not less than 7 members and not more than 9 members. The Minister must appoint one of the members to be the Chairperson of Sustainability Victoria and one of the members to be the Deputy Chairperson of Sustainability Victoria.

Clause 10 sets out the conditions for the appointment of members. These include the term of an appointment, availability of re-appointments, terms and conditions of an appointment, resignation procedures and dismissal rules.

Clause 11 sets out the presiding, voting, quorum and other requirements for a meeting of Sustainability Victoria.

Clause 12 sets out the requirements for members of Sustainability Victoria to disclose their pecuniary interests in any matter being considered. The provision also sets out what is not to be regarded as a pecuniary interest.

Clause 13 provides that an act or decision of Sustainability Victoria is not invalid merely because of a vacancy in the membership of Sustainability Victoria or a defect or irregularity in, or in connection with, the appointment of a member of Sustainability Victoria.

- Clause 14 sets out the powers of delegation of Sustainability Victoria.
- Clause 15 provides that Sustainability Victoria must, with the approval of the Minister, appoint a person as Chief Executive Officer for a period not exceeding 5 years. The Chief Executive Officer is responsible to Sustainability Victoria for the carrying out of Sustainability Victoria's functions and must comply with the directions of Sustainability Victoria.
- Clause 16 sets out the powers of delegation of the Chief Executive Officer.
- Clause 17 provides that any employees that are necessary to assist Sustainability Victoria to perform its functions are to be employed under Part 3 of the **Public Administration Act 2004**.
- Clause 18 provides that the Minister may give written directions to Sustainability Victoria and Sustainability Victoria must comply with those directions.
- Clause 19 sets out the requirements for the preparation, approval and publication of the Sustainability Victoria annual business plan. It provides that Sustainability Victoria must not depart significantly from its budget without first obtaining the approval of the Minister. Sustainability Victoria must have regard to its current business plan in carrying out its functions. Sustainability Victoria must ensure that a copy of its current business plan is available for inspection by members of the public at its principal place of business and on the Internet.

### **PART 3—SAVINGS AND TRANSITIONAL PROVISIONS**

- Clause 20 sets out definitions of "relevant day" and "transferred employee" for the purposes of Part 3. A "transferred employee" is a person who, immediately before the relevant day, was an employee of EcoRecycle Victoria.
- Clause 21 provides that Sustainability Victoria is the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle Victoria. It also provides that references to those bodies in any Act (other than this Act), regulation, subordinate instrument or other document is to be construed as a reference to Sustainability Victoria, unless the contrary intention appears.

- Clause 22 provides for the protection of the entitlements of EcoRecycle employees during the transition to the new organisational structure. It provides that those employees are to be regarded as having been employed under Part 3 of the **Public Administration Act 2004**, with effect from the date of commencement of clause 20 of the Bill. This clause deals with employment terms and conditions, service continuity, accrued entitlements, payments to employees, superannuation entitlements, resignation and dismissal issues.
- Clause 23 amends the **Environment Protection Act 1970** by defining the term "Sustainability Victoria", repealing Division 2 of Part IX of that Act and by substituting references to "EcoRecycle Victoria" with "Sustainability Victoria".
- Clause 24 inserts new section 49S into the **Environment Protection Act 1970** to provide that Sustainability Victoria must provide to each regional waste management group a copy of any waste management strategy and any solid industrial waste management plan that it publishes.
- Clause 25 inserts new section 70E into the **Environment Protection Act 1970**. This new section provides that for the purposes of the management of the sustainability fund account created in the Environment Protection Fund that specified sections apply to and in respect of Sustainability Victoria and any reference in those sections to the Environment Protection Authority is to be read as if the reference was to Sustainability Victoria.
- Clause 26 amends the **Electricity Industry Act 2000** by substituting references to "Sustainable Energy Authority Victoria" with "Sustainability Victoria".
- Clause 27 repeals the **Sustainable Energy Authority Victoria Act 1990**. It also provides that all persons, things and circumstances appointed or created by or under that Act shall continue to have the same status, operation and effect. It provides that any reference in any Act (other than this Act), regulation, subordinate instrument or other document to the **Sustainable Energy Authority Victoria Act 1990** is to be construed as a reference to the **Sustainability Victoria Act 2005** (unless indicated otherwise).