



Net Zero Economy Authority (Transitional Provisions) Act 2024

No. 82, 2024

**An Act to deal with transitional matters arising
from the enactment of the *Net Zero Economy
Authority Act 2024*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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**An Act to deal with transitional matters arising
from the enactment of the *Net Zero Economy
Authority Act 2024*, and for related purposes**

[Assented to 5 September 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Net Zero Economy Authority (Transitional Provisions) Act 2024*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with 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	At the same time as the <i>Net Zero Economy Authority Act 2024</i> commences. However, the provisions do not commence at all if that Act does not commence.	11 December 2024

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Application, saving and transitional provisions

Part 1—Preliminary

1 Definitions

- (1) In this Schedule:

commencement day means the day this Act commences.

Department of the Prime Minister and Cabinet Enterprise Agreement means the *Department of the Prime Minister and Cabinet Enterprise Agreement 2024–2027* approved under the *Fair Work Act 2009* on 24 January 2024, as in force immediately before the commencement day.

non-SES employee has the same meaning as in the *Public Service Act 1999*.

- (2) Expressions used in this Schedule that are defined for the purposes of the *Net Zero Economy Authority Act 2024* have the same meaning as in that Act.

Part 2—Application and transitional provisions

2 Energy industry jobs plan

- (1) Subsections 9(1) and (2) of the *Net Zero Economy Authority Act 2024* apply in relation to a notice given before, on or after the commencement day.
- (2) In relation to a notice covered by subsection 9(1) or (2) of the *Net Zero Economy Authority Act 2024* that was given before the commencement day, paragraph 56(2)(b) of that Act applies in relation to the making of any application under section 56 of that Act.

3 Appointment of first CEO

Paragraph 42(1)(b) of the *Net Zero Economy Authority Act 2024* does not apply in relation to the first appointment made under subsection 42(1) of that Act.

Note: The effect of this item is that the Minister may appoint the first CEO without a recommendation of the Board.

4 Meetings of the Board

Paragraph 31(2)(b) of the *Net Zero Economy Authority Act 2024* does not apply in relation to the calendar year in which that Act commences.

Note: The effect of this item is that the Board is not required to convene 6 meetings in the first calendar year in which that Act commences.

5 Transfer of documents to the Authority

- (1) This item applies to any documents that were, immediately before the commencement day, in the possession of the body that was known as the Net Zero Economy Agency that was established as an Executive Agency under section 65 of the *Public Service Act 1999*.
- (2) The documents are to be transferred to the Net Zero Economy Authority on or after the commencement day.

Note: Any documents transferred are Commonwealth records for the purposes of the *Archives Act 1983*.

6 Enterprise Agreement

- (1) The Department of the Prime Minister and Cabinet Enterprise Agreement:
 - (a) continues, on and from the commencement day, to cover and apply to APS employees:
 - (i) who it covered and applied to immediately before the commencement day; and
 - (ii) who, on the commencement day, are APS employees in the Authority; and
 - (b) covers and applies to APS employees in the Authority at the classification levels covered by the Department of the Prime Minister and Cabinet Enterprise Agreement whose employment in the Authority commences on or after the commencement day.
- (2) On and after the commencement day, the Department of the Prime Minister and Cabinet Enterprise Agreement covers and applies to the CEO as the Agency Head of the APS employees in the Authority.
- (3) This item does not prevent the variation or termination of the Department of the Prime Minister and Cabinet Enterprise Agreement in accordance with law.
- (4) This item does not prevent the terms and conditions of employment of APS employees in the Authority from being varied on or after the commencement day:
 - (a) in accordance with those terms and conditions; or
 - (b) by or under a law.
- (5) This item does not affect the operation of section 58 of the *Fair Work Act 2009*.

Note: Section 58 of that Act deals with the interaction between one or more enterprise agreements.

7 References in Enterprise Agreement

- (1) On and from the commencement day, the Department of the Prime Minister and Cabinet Enterprise Agreement has effect in relation to the Authority as if:

Schedule 1 Application, saving and transitional provisions

Part 2 Application and transitional provisions

- (a) a reference to the Secretary of the Department of the Prime Minister and Cabinet were a reference to the CEO of the Net Zero Economy Authority; and
 - (b) a reference to the Department of the Prime Minister and Cabinet were a reference to the Net Zero Economy Authority.
- (2) To avoid doubt, this item does not prevent the Department of the Prime Minister and Cabinet Enterprise Agreement from being amended or repealed after the transition time.

Part 3—Transitional rules

8 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the application of the Department of the Prime Minister and Cabinet Enterprise Agreement to APS employees in the Authority; or
 - (b) the enactment of the *Net Zero Economy Authority Act 2024*.
- (3) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund;
 - (e) directly amend the text of this Act or the *Net Zero Economy Authority Act 2024*.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1).

*[Minister's second reading speech made in—
House of Representatives on 27 March 2024
Senate on 24 June 2024]*

(44/24)