



Australian Capital Territory

# **ACTEW/AGL Partnership Facilitation Act 2000**

**A2000-13**

**Republication No 9**

**Effective: 22 November 2018**

Republication date: 22 November 2018

Last amendment made by [A2018-42](#)

## About this republication

### The republished law

This is a republication of the *ACTEW/AGL Partnership Facilitation Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 November 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 22 November 2018.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# ACTEW/AGL Partnership Facilitation Act 2000

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
3	Dictionary	2
4	Notes	2
4A	Offences against Act—application of Criminal Code etc	2
5	Object of this Act	3
6	Extraterritorial operation	3
7	Relationship with the Territory-owned Corporations Act	3
<b>Part 2</b>	<b>Rights concerning certain network facilities</b>	
8	Definitions—pt 2	4
9	Purpose—pt 2	5
10	Facilities on non-ACTEW or non-AGL land	5

---

R9	ACTEW/AGL Partnership Facilitation Act 2000	contents 1
22/11/18	Effective: 22/11/18	

	Page
<b>Part 3</b>	<b>Vesting of assets and liabilities</b>
<b>Division 3.1</b>	<b>At commencement of joint venture</b>
11	Vesting of assets and liabilities 7
<b>Division 3.2</b>	<b>At end of joint venture</b>
12	Application of div 3.2 8
13	Vesting of assets and liabilities 8
<b>Division 3.3</b>	<b>Provisions applicable to all vestings under pt 3</b>
14	Description of assets etc 9
15	Effect of declarations under pt 3 9
16	Evidence of vesting 10
17	Completion of necessary transactions 10
18	Registration of changes of ownership of assets 10
19	Pt 3 does not place person in breach of contract etc 11
20	Application of Lands Acquisition Act 12
21	Proceedings and evidence 12
<b>Part 4</b>	<b>Secondment of ACTEW employees</b>
22	Meaning of <i>joint venture entity</i> for pt 4 14
23	Secondment 14
24	Employer–employee relationship 14
25	Day-to-day supervision of seconded staff 15
26	Employment conditions only affected as expressly provided 16
<b>Part 5</b>	<b>Public accountability</b>
27	ACTEW to maintain at least 50% interest in partnerships 17
28	ACTEW control over its joint venture entities 17
29	ACTEW interest in agent companies 17
30	Agent companies not to dispose of undertakings without consent 18
31	Public interest safeguards in partnership agreements 18
<b>Part 6</b>	<b>Miscellaneous</b>
<b>Division 6.1</b>	<b>Audit of accounts of partnerships</b>
32	Audits 20
33	Auditor to be qualified 20

---

		Contents
		Page
<b>Division 6.2</b>	<b>General</b>	
34	Agents	20
35	Compensation	21
36	Regulation of prices, access and other matters	21
 <b>Dictionary</b>		 23
 <b>Endnotes</b>		
1	About the endnotes	26
2	Abbreviation key	26
3	Legislation history	27
4	Amendment history	29
5	Earlier republications	31





Australian Capital Territory

# **ACTEW/AGL Partnership Facilitation Act 2000**

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An Act to facilitate the formation by ACTEW and AGL of a joint venture by way of partnerships between their subsidiaries

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *ACTEW/AGL Partnership Facilitation Act 2000*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.



**5 Object of this Act**

The object of this Act is to facilitate the implementation of any future agreement between ACTEW and AGL to form a joint venture by way of partnerships between subsidiaries of each of them for the provision of electricity and gas, and for the undertaking of certain water and sewerage operations and maintenance activities.

**6 Extraterritorial operation**

The Legislative Assembly intends that the operation of this Act, should, as far as possible, extend to the following:

- (a) things situated in or outside the ACT;
- (b) acts, transactions and matters done, entered into or occurring in or outside the ACT;
- (c) things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of a State, another Territory, the Commonwealth or a foreign country.

**7 Relationship with the Territory-owned Corporations Act**

The provisions of this Act are additional to, and do not limit, the *Territory-owned Corporations Act 1990*.

## Part 2 Rights concerning certain network facilities

### 8 Definitions—pt 2

In this part:

***maintenance***, for a network facility, includes, for example, the following work:

- (a) the alteration, removal, repair or replacement of any part of the facility;
- (b) the provisioning of the facility with material or information (whether in electronic form or otherwise);
- (c) inspecting or otherwise ensuring the proper functioning of the facility from time to time.

***network facility*** means any part of the infrastructure of an electricity, gas, water or sewerage network—

- (a) attached to non-ACTEW or non-AGL land; and
- (b) used, or formerly used, by ACTEW, AGL or a subsidiary of either or them in the course of operating a network.

***non-ACTEW land*** means any land in the ACT not owned by ACTEW or a subsidiary of ACTEW, other than national land.

***non-AGL land*** means any land in the ACT not owned by AGL or a subsidiary of AGL, other than national land.

***utility service*** means the operation of, or connection to, an electricity or a gas, water or sewerage network.

**9 Purpose—pt 2**

The purpose of this part is to remove uncertainty about the ownership of certain network facilities that are—

- (a) used, or for use, by ACTEW, AGL or a subsidiary of either of them in providing a utility service; and
- (b) treated by the Territory and the corporation that uses them or for the use of which the facilities are available as being owned by the corporation.

**10 Facilities on non-ACTEW or non-AGL land**

- (1) The Minister may declare that this section applies to network facilities.
- (2) Without limiting the *Legislation Act 2001*, section 48, network facilities may be stated in a declaration particularly or by reference to a stated class, for example, all network facilities or all network facilities apart from stated exceptions.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act*, s 126 and s 132).

- (3) A declaration is a notifiable instrument.  
*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) A declaration is not valid if it would have the effect of vesting a facility in a corporation other than the corporation that had used it or for the use of which it was available.
- (5) When a declaration takes effect in relation to a network facility, the facility, by force of this section—
  - (a) is severed from the land and remains severed; and
  - (b) vests in the corporation in which the declaration states that the facility vests, without any conveyance, transfer or assignment.

- (6) A facility severed under subsection (5) ceases for all purposes to be a fixture.
- (7) A corporation in which a facility has vested has, by force of this section, the following rights in relation to a network facility to which this section applies:
  - (a) to have the facility (including any lines, pipes, equipment and any other thing ancillary to any other part of the facility) remain on, under or over the land for the provision of utility services;
  - (b) for that purpose, to use, or continue to use, the facility;
  - (c) to enter and occupy land on, above or under which the facility is located, and to undertake work on that land, to maintain the facility.
- (8) To ensure the proper provision of utility services, the Minister may determine conditions for the exercise of a right under subsection (7) (c) and, if any conditions are determined, the right may only be exercised in accordance with the conditions.
- (9) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

## **Part 3**                      **Vesting of assets and liabilities**

### **Division 3.1**              **At commencement of joint venture**

#### **11**              **Vesting of assets and liabilities**

- (1) The Minister may declare that assets, rights or liabilities that—
  - (a) are vested in ACTEW or AGL or a company that, under the [Corporations Act](#), is a subsidiary of ACTEW or AGL; and
  - (b) are stated or described in the declaration;vest in 1 or more joint venture entities or in a partnership stated or described in the declaration.
- (2) If a declaration under subsection (1) vests assets, rights or liabilities in a partnership, the assets, rights or liabilities are taken, for all purposes, to vest jointly and severally for the purposes of the partnership in each joint venture entity that is a partner.
- (3) The Minister may not make a declaration under subsection (1) unless—
  - (a) ACTEW and AGL have agreed to the terms of the declaration; and
  - (b) for assets, rights and liabilities that are a main undertaking of ACTEW or a subsidiary for the [Territory-owned Corporations Act 1990](#), section 16—the Legislative Assembly has, by resolution, approved the vesting.
- (4) A declaration under subsection (1) is a notifiable instrument.

*Note*      A notifiable instrument must be notified under the [Legislation Act 2001](#).

## **Division 3.2 At end of joint venture**

### **12 Application of div 3.2**

This division applies if ACTEW and AGL certify to the Minister in writing that they have resolved to dissolve a partnership on a day mentioned in the certificate.

### **13 Vesting of assets and liabilities**

- (1) If this division applies, the Minister may, subject to subsection (2) declare that assets, rights or liabilities that—
  - (a) are vested in a joint venture entity or an agent company; and
  - (b) are stated or described in the declaration;vest—
  - (c) for assets, rights or liabilities that relate to the reticulation and distribution of electricity—in ACTEW or a subsidiary of ACTEW stated in the declaration; or
  - (d) in any other case—in a person stated in the declaration.
- (2) The Minister may not make a declaration under subsection (1) unless ACTEW and AGL have agreed to the terms of the declaration.
- (3) A declaration under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

## **Division 3.3**                      **Provisions applicable to all vestings under pt 3**

### **14**                      **Description of assets etc**

- (1) For sections 11 and 13, assets, rights or liabilities are sufficiently stated or described in a declaration—
  - (a) if they are within a class that is stated or described in the notice;  
or
  - (b) if the notice refers to them by way of exclusion from a class that is stated or described in the notice.
- (2) This section is additional to, and does not limit, the *Legislation Act 2001*, section 48.

### **15**                      **Effect of declarations under pt 3**

- (1) An asset, right or liability stated or described in a declaration under section 11 or 13 vests, by force of this section, in the transferee on the vesting day without any conveyance, transfer or assignment.
- (2) On the vesting day the transferee becomes, in relation to an asset, right or liability that vests in the transferee under this section, the successor in law of the transferor.
- (3) If an asset, right or liability that vests in a transferee under this section is mentioned in an instrument, contract, or other document in effect on the vesting day, any reference in the instrument, contract, or document to the transferor is to be read as a reference to the transferee.

## **16 Evidence of vesting**

- (1) The Minister, or a person appointed by the Minister, may certify in writing that an asset, right or liability mentioned in the certificate has vested under section 11 or section 13 in a person mentioned in the certificate.

*Note* For the making of appointments (including acting appointments), see [Legislation Act](#), pt 19.3.

- (2) A declaration under section 11 or 13 or a certificate under subsection (1) is evidence of the matters it states.
- (3) A document that purports—
- (a) to be such a declaration and to have been signed by the Minister; or
  - (b) to be such a certificate and to have been signed by a person mentioned in subsection (1);

is to be taken, unless the contrary is proved, to be such a declaration or such a certificate.

## **17 Completion of necessary transactions**

If, because of the operation of a law of the Territory or any other place, a declaration under section 11 or 13 is not fully effective in vesting, or providing evidence of the vesting, of an asset, right or liability, the Minister, the transferor and the transferee may take all practicable steps as soon as practical after the vesting day to secure the full effectiveness at law of the declaration.

## **18 Registration of changes of ownership of assets**

- (1) If a registrable asset vests in a transferee under section 11 or 13, the transferee may give to the relevant registering authority a certificate under section 16 for that asset.



- (2) On receipt of a certificate under section 16 that relates to a registrable asset, a registering authority must make any entry in the relevant registers kept by it, and do anything necessary to reflect the operation of section 11 or 13.
- (3) The operation of this section is additional to, and does not limit, any procedures for ensuring the full legal effectiveness of a vesting under this part that may be available to a transferee or a registering authority under any other law.
- (4) In this section:

*registering authority* means a person who, under a Territory law, is required to enter in a register particulars relating to the ownership of, or entitlement to, a registrable asset.

*registrable asset* means an asset, including an interest in land, particulars of the ownership of which, or entitlement to which, are required under a Territory law to be entered in a register.

## **19 Pt 3 does not place person in breach of contract etc**

The operation of this part is not to be regarded as—

- (a) placing a person in contravention of a Territory law; or
- (b) placing a person in breach of any agreement, understanding or undertaking, or any judgment, order or process of a court; or
- (c) otherwise making a person guilty of a civil wrong; or
- (d) placing a person in breach of any agreement, understanding or undertaking that prohibits, restricts or regulates—
  - (i) the assignment, vesting or transfer of an asset or a liability; or
  - (ii) the disclosure of any information; or
  - (iii) releasing a surety from any obligations in relation to a liability that is vested under this part.

## **20 Application of Lands Acquisition Act**

The *Lands Acquisition Act 1994* does not apply in relation to anything done under this Act.

## **21 Proceedings and evidence**

(1) In this section:

*proceeding* means a civil or administrative proceeding relating to an asset, right or liability vested in a transferee under this part and includes a right of appeal or review (including a right of review under the *Ombudsman Act 1989*).

(2) For a proceeding started before the vesting day to which a transferor is a party, the relevant transferee is substituted as a party to the proceeding.

(3) A proceeding that—

(a) was not started before the vesting day; and

(b) apart from this section could, after that day, be brought by or against a transferor;

may be brought by or against the relevant transferee.

(4) The *Limitation Act 1985*, part 3 applies to the institution of proceedings by or against a transferee as if the cause of action had accrued by or against the transferee.

(5) The court, tribunal, commission or other body in which, or before which, proceedings may be or have been instituted or continued under this section may give directions in relation to the institution or continuance of those proceedings.

(6) Any evidence that, apart from this section, would have been admissible for or against a transferor is admissible for or against the relevant transferee.

- (7) A transferor and a transferee must endeavour to assist each other in the provision of evidence relevant to a proceeding for a cause of action arising before the vesting day.

## **Part 4                      Secondment of ACTEW employees**

### **22                      Meaning of *joint venture entity* for pt 4**

In this part:

*joint venture entity* includes an agent company and a partnership.

### **23                      Secondment**

- (1) ACTEW may, on any terms agreed between it and another joint venture entity, second to the entity, for the purposes of the joint venture, the services of any of its employees.
- (2) ACTEW may, subject to any agreement with the relevant joint venture entity, terminate at any time the secondment of an employee or a class of employees.
- (3) A provision in an agreement is void so far as—
  - (a) it is inconsistent with subsection (2) or a right or remedy arising from the subsection; or
  - (b) it would make it unduly impractical or disadvantageous for ACTEW to exercise its power under subsection (2).
- (4) Subsection (2) applies even if the proper law of the agreement is that of another jurisdiction.
- (5) Nothing in subsection (2) affects the operation of an agreement so far as it can operate consistently with that subsection.

### **24                      Employer–employee relationship**

- (1) ACTEW may direct an employee to perform duties on secondment, for the joint venture, to a joint venture entity.

- (2) The right to give a direction under subsection (1) is taken to be, for any law or agreement that governs the employment of people employed by ACTEW, a condition of the employment.
- (3) A secondment under this part—
  - (a) does not affect the employment relationship between ACTEW and a seconded employee; and
  - (b) does not create an employment relationship between a joint venture entity and an employee seconded to it.

## 25 Day-to-day supervision of seconded staff

- (1) ACTEW may delegate to a joint venture entity to which the services of an employee have been seconded all its functions as employer of the employee other than the function of—
  - (a) taking disciplinary action; or
  - (b) terminating the employment.

*Note* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

- (2) ACTEW may appoint a joint venture entity to which the services of an employee have been seconded as its agent—
  - (a) in relation to the exercise by ACTEW of any of its functions as employer, other than a function mentioned in subsection (1), but including, for example, the payment of wages in acquittal of the indebtedness of ACTEW for them, providing counselling and conducting performance appraisals; or

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (b) to act on behalf of ACTEW in the negotiation of, and agreement to, new terms or conditions of employment.

**26            Employment conditions only affected as expressly provided**

This part, other than as provided by sections 24 and 25, does not affect—

- (a) any term or condition of the employment of any employee of ACTEW whose services have been seconded; or
- (b) any rights and entitlements that have accrued before the secondment; or
- (c) the accrual of any rights or entitlements that are due to accrue after the secondment.

## Part 5 Public accountability

### 27 ACTEW to maintain at least 50% interest in partnerships

- (1) ACTEW must not, without the prior approval of the Legislative Assembly, dispose of so much of its beneficial interest in a partnership as would result in the beneficial interest of ACTEW being reduced to less than 50% of the total equity of the partnership.
- (2) The approval of the Legislative Assembly is to be expressed by resolution.
- (3) The grant of a mortgage or the giving of security is not a disposal for subsection (1) if done with the consent required under the *Territory-owned Corporations Act 1990*, section 16 (1) and in accordance with any conditions to which the consent may be subject.

### 28 ACTEW control over its joint venture entities

- (1) A company is not eligible to become a joint venture entity to represent the interests of ACTEW in a partnership unless the full beneficial interest in all its shares vests in ACTEW.
- (2) ACTEW may reduce its beneficial interest in a company that is a joint venture entity mentioned in subsection (1) only in accordance with a resolution of the Legislative Assembly.
- (3) The grant of a mortgage or the giving of security over shares in a joint venture entity is not a reduction of beneficial interest for subsection (2) if done with the consent required under the *Territory-owned Corporations Act 1990*, section 16 (1) and in accordance with any conditions to which the consent may be subject.

### 29 ACTEW interest in agent companies

- (1) A company is not eligible to become an agent company unless at least 50% of the beneficial interest in its shares vests in ACTEW.

- (2) ACTEW may reduce its beneficial interest in the shares of an agent company to less than 50% only in accordance with a resolution of the Legislative Assembly.
- (3) The grant of a mortgage or the giving of security over shares in an agent company is not a reduction of beneficial interest for subsection (2) if done with the consent required under the *Territory-owned Corporations Act 1990*, section 16 (1) and in accordance with any conditions to which the consent may be subject.

**30 Agent companies not to dispose of undertakings without consent**

- (1) An agent company may not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.
- (2) The *Territory-owned Corporations Act 1990*, section 16 (1) (d) and 16 (2) apply to an agent company as if it were a subsidiary of ACTEW.

*Note* The provisions of the *Territory-owned Corporations Act 1990* mentioned in subsection (2) apply to ACTEW and its subsidiaries.

**31 Public interest safeguards in partnership agreements**

- (1) An agreement that is or purports to be a partnership agreement is not binding on ACTEW or any person representing ACTEW unless it contains provisions that require—
  - (a) the prior approval of ACTEW to the disposal by AGL directly or indirectly of all or any part of its beneficial interest in the assets of the partnership; and
  - (b) that ACTEW or the joint venture entity that represents ACTEW in the partnership be entitled to appoint 50% of any directors of the partnership who may be appointed under a partnership agreement.



- (2) Subsection (1) (a) does not apply to a disposal to a corporation that is, for AGL, a related body corporate within the meaning of the [Corporations Act](#).

## **Part 6** Miscellaneous

### **Division 6.1** Audit of accounts of partnerships

#### **32** Audits

- (1) The members of a partnership must ensure that—
  - (a) the accounts and records of the partnership for each financial year are audited jointly by the auditor-general and an auditor appointed by AGL; and
  - (b) copies of the audited accounts and records and of the report of the auditors are given to ACTEW and AGL within 3 months after the end of the financial year.
- (2) If the members of a partnership contravene subsection (1), each member of the partnership commits an offence.

Maximum penalty: 500 penalty units.

#### **33** Auditor to be qualified

The auditor appointed by AGL for section 32 must be a person who is qualified to audit accounts under the [Corporations Act](#).

### **Division 6.2** General

#### **34** Agents

- (1) Subject to subsection (4), a joint venture entity may appoint a company that is under the control of 2 or more joint venture entities to fulfil any obligation, or exercise any other function, under a Territory law.
- (2) The entity that makes an appointment under subsection (1) is not required to be 1 of the entities that control the agent company.

- (3) Anything done by an agent on behalf of a joint venture entity is, for any Territory law, as valid and effective as if it had been done by the entity itself.
- (4) This section does not apply to enable a delegation to an agent company in relation to any matter that may be delegated under section 25, but does not affect the operation of that section in relation to the secondment of any ACTEW employee whose services may have been seconded to the agent company.
- (5) This section does not affect the power to appoint agents that a joint venture entity has apart from this section.

### **35 Compensation**

- (1) If—
  - (a) apart from this section, the operation of any provision of this Act would result in the acquisition of property from a person otherwise than on just terms; and
  - (b) the acquisition would be unlawful because of the Self-Government Act, section 23 (1);the Territory is liable to pay reasonable compensation to the person in relation to the acquisition.
- (2) If the Territory and the person do not agree on the amount of compensation, the person may, in a court of competent jurisdiction, recover from the Territory reasonable compensation as the court determines.

### **36 Regulation of prices, access and other matters**

- (1) In this section:

*commencement* means 6 April 2000.

*ICRC Act* means the *Independent Competition and Regulatory Commission Act 1997*.

- (2) A price direction under the ICRC Act, section 20 in effect on the commencement applies to the joint venture entities as if a reference to ACTEW or AGL in the price direction were a reference to ACTEW, AGL and the joint venture entity that provides the service to which the price direction relates.
- (3) An access agreement registered under the ICRC Act, part 5 in effect on the commencement applies to the joint venture entities as if a reference to ACTEW or AGL in the agreement were a reference to ACTEW, AGL and the joint venture entity that owns, controls or operates the infrastructure facility to which the access agreement relates.
- (4) A determination under the ICRC Act, section 35 in effect on the commencement applies to the joint venture entities as if a reference to ACTEW or AGL in the determination were a reference to ACTEW, AGL and the joint venture entity that provides the service the access for which is the subject of the determination.

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## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- asset
- corporation
- Corporations Act
- entity
- exercise
- function
- law, of the Territory
- notifiable instrument (see s 10)
- property
- State
- the Territory.

**ACTEW** means ACTEW Corporation Limited.

*Note* The name of ACTEW Corporation Limited was changed to Icon Water Limited on 28 October 2014.

**agent company** means a company that is appointed to act as agent under section 34.

**AGL** means The Australian Gas Light Company.

**asset** includes—

- (a) property of any kind; and
- (b) a right, privilege or immunity, including a contingent or prospective one; and
- (c) a right, privilege or immunity, whether absolute or conditional, under a Territory law, whether or not given under a licence, registration, approval or other authorisation; and

- (d) an asset arising under a law of a place other than the Territory or a contract governed by such a law.

**joint venture** means the arrangement described in section 5.

**joint venture entity**—

- (a) for this Act generally—means any of the following:
- (i) ACTEW;
  - (ii) AGL;
  - (iii) a company that is—
    - (A) a participant in a partnership; and
    - (B) under the [Corporations Act](#), a related body corporate to ACTEW or AGL; and
- (b) for part 4 (Secondment of ACTEW employees)—see section 22.

**liability** includes—

- (a) a duty or obligation; and
- (b) a contingent or prospective liability; and
- (c) a liability arising under contracts wherever formed.

**maintenance**, for a network facility, for part 2 (Rights concerning certain network facilities)—see section 8.

**network facility**, for part 2 (Rights concerning certain network facilities)—see section 8.

**non-ACTEW land**, for part 2 (Rights concerning certain network facilities)—see section 8.

**non-AGL land**, for part 2 (Rights concerning certain network facilities)—see section 8.

**partnership** means 1 of the partnerships mentioned in section 5.

**subsidiary**—see the [Corporations Act](#), section 9.

***transferee*** means a person in whom an asset, right or liability vests under a declaration under section 11 or 13.

***transferor***, in relation to an asset, right or liability that vests in a transferee under section 11 or 13, means the person in whom the asset, right or liability had vested immediately before the vesting day.

***utility service***, for part 2 (Rights concerning certain network facilities)—see section 8.

***vesting day***, for an asset, right or liability that is vested under part 3, means the day on which the asset, right or liability vests in the transferee under section 11 or 13.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

#### **ACTEW/AGL Partnership Facilitation Act 2000 A2000-13**

notified 6 April 2000 ([Gaz 2000 No 14](#))  
s 1, s 2 commenced 6 April 2000 (IA s 10B)  
remainder commenced 6 April 2000 (s 2 (1) and [Gaz 2000 No 14](#))

as amended by

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 1](#)**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 1 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **[Statute Law Amendment Act 2002 A2002-30 pt 3.1](#)**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.1 commenced 17 September 2002 (s 2 (1))

#### **[Statute Law Amendment Act 2003 \(No 2\) A2003-56 sch 3 pt 3.1](#)**

notified LR 5 December 2003  
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))  
sch 3 pt 3.1 commenced 19 December 2003 (s 2)

#### **[Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.1](#)**

notified LR 27 October 2005  
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))  
sch 1 pt 1.1 commenced 24 November 2005 (s 2)

#### **[Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.1](#)**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.1 commenced 12 April 2007 (s 2 (1))

#### **[Statute Law Amendment Act 2007 \(No 2\) A2007-16 sch 3 pt 3.1](#)**

notified LR 20 June 2007  
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))  
sch 3 pt 3.1 commenced 11 July 2007 (s 2 (1))

## Endnotes

3 Legislation history

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**Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.1**

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.1 commenced 10 June 2015 (s 2)

**Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.1**

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.1 commenced 22 November 2018 (s 2 (1))

## 4 Amendment history

### Commencement

s 2 om [A2001-44](#) amdt 1.1

### Offences against Act—application of Criminal Code etc

s 4A ins [A2005-54](#) amdt 1.1

### Relationship with the Territory-owned Corporations Act

s 7 am [A2003-56](#) amdt 3.1

### Facilities on non-ACTEW or non-AGL land

s 10 am [A2001-44](#) amdts 1.2-1.7; ss renum R2 LA (see [A2001-44](#) amdt 1.8)

### Vesting of assets and liabilities

s 11 am [A2001-44](#) amdts 1.9-1.11

### Vesting of assets and liabilities

s 13 am [A2001-44](#) amdts 1.12-1.14; [A2003-56](#) amdt 3.2

### Description of assets etc

s 14 am [A2001-44](#) amdt 1.15, amdt 1.16; [A2003-56](#) amdt 3.3

### Effect of declarations under pt 3

s 15 hdg sub [A2001-44](#) amdt 1.17

s 15 am [A2001-44](#) amdt 1.18

### Evidence of vesting

s 16 am [A2001-44](#) amdt 1.18; [A2003-56](#) amdt 3.4

### Completion of necessary transactions

s 17 am [A2001-44](#) amdt 1.18, amdt 1.19

### Registration of changes of ownership of assets

s 18 am [A2003-56](#) amdt 3.5

### Day-to-day supervision of seconded staff

s 25 am [A2002-30](#) amdt 3.1

### Audits

s 32 am [A2002-30](#) amdt 3.2; [A2005-54](#) amdt 1.2

### Agents

s 34 am [A2002-30](#) amdt 3.3

### Regulation of prices, access and other matters

s 36 sub [A2003-56](#) amdt 3.6

## Endnotes

4 Amendment history

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### Dictionary

dict

am [A2003-56](#) amdt 3.7; [A2018-42](#) amdt 3.1  
def **ACTEW** am [A2015-15](#) amdt 3.1  
def **joint venture entity** sub [A2007-3](#) amdt 3.1; [A2007-16](#)  
amdt 3.1  
def **maintenance** ins [A2007-3](#) amdt 3.2  
def **network facility** ins [A2007-3](#) amdt 3.2  
def **non-ACTEW land** ins [A2007-3](#) amdt 3.2  
def **non-AGL land** ins [A2007-3](#) amdt 3.2  
def **subsidiary** am [A2018-42](#) amdt 3.2  
def **transferee** am [A2001-44](#) amdt 1.20  
def **utility service** ins [A2007-3](#) amdt 3.2

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 31 May 2000	31 May 2000– 11 Sept 2001	not amended	new Act
R1 (RI) 27 May 2008	31 May 2000– 11 Sept 2001	not amended	reissue of printed version
R2 4 Apr 2002	12 Sept 2001– 16 Sept 2002	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R3 20 Sept 2002	17 Sept 2002– 18 Dec 2003	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R4 19 Dec 2003	19 Dec 2003– 23 Nov 2005	<a href="#">A2003-56</a>	amendments by <a href="#">A2003-56</a>
R5 24 Nov 2005	24 Nov 2005– 11 Apr 2007	<a href="#">A2005-54</a>	amendments by <a href="#">A2005-54</a>
R6 12 Apr 2007	12 Apr 2007– 10 July 2007	<a href="#">A2007-3</a>	amendments by <a href="#">A2007-3</a>
R7 11 July 2007	11 July 2007– 9 June 2015	<a href="#">A2007-16</a>	amendments by <a href="#">A2007-16</a>
R8 10 June 2015	10 June 2015– 21 Nov 2018	<a href="#">A2015-15</a>	amendments by <a href="#">A2015-15</a>

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