



Australian Capital Territory

Energy and Water Act 1988

A1988-30

Republication No 5

Effective: 23 March 2000 – 1 June 2001

Republication date: 13 February 2006

Last amendment made by A2000-8

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Energy and Water Act 1988* effective from 23 March 2000 to 1 June 2001.

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):

- 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 (Republication) Act 1996*, part 3, division 2 authorised 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 (Republication) Act 1996*, s 14 and s 16). 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.



Australian Capital Territory

ENERGY AND WATER ACT 1988

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 23 March 2000

CONTENTS

PART I—PRELIMINARY

- 1 Short title
- 2 Commencement
- 3 Interpretation

PART VII—DETERMINATIONS OF COMPANY

- 48 Charges for supply of electricity, water and sewerage services
- 49 Disallowance of determinations
- 50 Payment of charges etc
- 51 Terms and conditions—variation

PART VIII—POWERS OF ENTRY AND DECLARATIONS
OF EMERGENCIES

Division 1—Interpretation

- 52 Interpretation

Division 2—Powers of entry and inspection

- 53 Authorised persons
- 54 Identity cards
- 55 Entry to premises
- 56 Powers of authorised persons
- 58 Interruption to services

Energy and Water Act 1988

CONTENTS—continued

59	Obstruction of authorised officers
	<i>Division 3—Emergency provisions</i>
60	Interpretation
62	Declaration of emergencies
63	Powers of Company during emergency
64	Expiration of directions
65	Offences
66	Authorised persons—emergency powers
67	Consent to entry
68	Search warrants
69	Emergency plans
70	Contents of emergency plan
71	Commencement of emergency plans and notices
72	Emergency plan—tabling requirements
73	Emergency plan—disallowance or commencement
74	Amendment or revocation of emergency plan
	PART VIIIA—CHEMICAL TREATMENT OF WATER SUPPLY
74A	Interpretation
74B	Prohibition on adding certain chemicals
74D	Exempt treatments
	PART IX—MISCELLANEOUS
75	Offences by body corporate
76	Interference with apparatus etc
77	Recovery of charges
78	Refund and remission of charges
78A	Refund and remission of charges—notification
78B	Refund and remission of charges—review
79	Evidentiary certificates
80	Power of Minister to determine fees
81	Fees payable to Company
82	Regulations
	PART X—TRANSITIONAL
88	References in instruments ¹⁹



Australian Capital Territory

ENERGY AND WATER ACT 1988

An Act relating to the supply of energy and water and the provision of drainage and sewerage services

PART I—PRELIMINARY

1 Short title

This Act may be cited as the *Energy and Water Act 1988*.¹

2 Commencement

This Act shall come into operation on 1 July 1988.

3 Interpretation

(1) In this Act, unless the contrary intention appears—

“authorised person” means a person appointed under section 53;

“Authority” means the former Australian Capital Territory Electricity and Water Authority established by this Act;

“basic water allowance” means the basic water allowance determined under subsection 48 (1A);

“Commonwealth land” means land the property of the Commonwealth not comprised in a lease granted to a person;

“Company” means ACTEW Corporation Limited;

Energy and Water Act 1988

“electrical installation” means the wires, cables, fittings, appliances, meters, insulators, switchboards, outlet sockets and apparatus in, on, under or over any premises for the transmission to, and use on, the premises of electricity supplied by the Company, but does not include—

- (a) appliances, fittings or apparatus capable of being connected to an outlet socket—
 - (i) at which fixed wiring terminates; and
 - (ii) that are or is installed for the purposes of connecting appliances, fittings or apparatus operated by electricity;
or
- (b) cables and other things required for connecting the appliances, fittings or apparatus to an electrical outlet socket;

“premises” includes land;

“sewerage services” means the sewerage system provided by, or under the authority or control of, the Company.

PART VII—DETERMINATIONS OF COMPANY

48 Charges for supply of electricity, water and sewerage services

(1) The Company may, by notice in writing published in the *Gazette*, determine the charges for or in connection with the supply of electricity or water or the provision of sewerage services.

(1AA) A charge under subsection (1) shall be determined in accordance with—

- (a) any relevant price direction that will be in effect at the time that the determination takes effect; or
- (b) until such a direction is in effect in respect of the charge—any relevant direction given by the Energy and Water Charges Commission under regulation 18 of the *Energy and Water (Regulation of Charges) Regulations* before the repeal of those regulations.

(1AB) If a determination under subsection (1) is inconsistent with a price direction made after the determination, the determination is to be taken to be varied to the extent necessary to remove the inconsistency.

(1A) The Minister may, by notice in writing published in the *Gazette*, determine a quantity of water to be the basic water allowance.

(2) A determination under subsection (1) shall, unless disallowed under section 49, take effect on the date specified in the determination being a date not earlier than 14 days after the date on which the determination was published in the *Gazette*.

(2A) A determination under subsection (1A) shall take effect on the date specified in the determination.

(3) The Company may determine different charges for or in connection with the supply of electricity or water or the provision of sewerage services for different uses, in different localities or in different circumstances.

(4) In this section—

price direction means a direction under Part 4 of the *Independent Competition and Regulatory Commission Act 1997*.

49 Disallowance of determinations

(1) The Minister may, within 14 days after a determination under subsection 48 (1) was published in the *Gazette*, by notice in writing published in the *Gazette*, disallow the determination.

(2) A determination under subsection 48 (1A) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

50 Payment of charges etc

(1) A person—

- (a) to whom electricity is supplied by the company as a franchise customer; or
- (b) by whom—
 - (i) water rates are payable under section 12 of the *Water Rates Act 1959*; or
 - (ii) sewerage rates are payable under section 14 of the *Sewerage Rates Act 1968*;

is liable to make payments to the Company in accordance with a determination in force under section 48.

(2) The Company may make such arrangements as are fair and equitable for adjustments to amounts payable under this section whether by permitting payment on a pro rata basis or otherwise to accord with fluctuations in the rate of charges for electricity or water or the provision of sewerage services during a year.

(3) The Company may with the approval of the Minister make an agreement with the person for or in connection with the supply of water or the provision of sewerage services to that person under which rates of charges in accordance with the agreement are payable instead of the charges applicable under subsection (1).

(4) In determining charges, the Company shall take into consideration the financial position of the Company and the future requirements of the undertaking of the Company, with a view to making those charges as low as practicable having regard to the revenue required for the maintenance of the affairs of the Company on a sound commercial basis.

(5) Where the liability of a person to pay a charge is not discharged within 28 days after the day on which that charge became due and payable, that person is, unless the Company exempts that person from the operation of this subsection in relation to that charge, liable to pay to the Company, by way of penalty, in addition to the amount of that charge, an amount calculated upon the amount of that charge remaining unpaid, at the prescribed rate of interest, for each month or part of a month for which that amount is unpaid to be computed

from the day on which that charge became due and payable and to be compounded.

(6) In this section—

“franchise customer” has the same meaning as in the *Electricity Supply Act 1997*.

51 Terms and conditions—variation

(1) The Company may, from time to time, by notice in writing, vary the terms and conditions for or in connection with the supply of water or the provision of sewerage services.

(2) Where the Company makes a variation under subsection (1), it shall cause to be published in a daily newspaper circulating in the Territory a notice setting out particulars of the variation specifying the date, not being earlier than the date of publication of the notice, on and from which the variation has effect.

(3) Where the Company has made an agreement under subsection 50 (3), the terms or conditions of that agreement shall not be varied unless the agreement provides that the terms or conditions of the agreement may be varied in accordance with this section.

PART VIII—POWERS OF ENTRY AND DECLARATIONS OF EMERGENCIES

Division 1—Interpretation

52 Interpretation

(1) For the purposes of this Part, a thing is connected with a particular offence if—

- (a) the offence has been committed with respect to it;
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, or is or was intended to be used, for the purpose of committing the offence.

(2) Unless the contrary intention appears, a reference in this Part to an offence shall be read as a reference to any act done, or about to be done, which is, or would be if it were done, or which it is believed on reasonable grounds is, or would be, if it were done, an offence against this Act or the regulations.

Division 2—Powers of entry and inspection

53 Authorised persons

(1) The Company may, by instrument, appoint such persons as the Company considers necessary to be authorised persons for the purposes of this Act.

(2) In addition to the duties required to be performed by an authorised person under this Act, an authorised person shall perform such other duties as the Company from time to time directs.

54 Identity cards

(1) The Company shall cause to be issued to each authorised person an identity card that specifies the name and appointment of the authorised person and on which appears a recent photograph of the person.

(2) A person appointed under subsection 53 (1) shall, on ceasing to be an authorised person, return his or her identity card to the Company.

(3) A person who, without reasonable excuse, fails to comply with subsection (2) is guilty of an offence punishable, on conviction, by a fine not exceeding 1 penalty unit.

55 Entry to premises

(1) For the purposes of this Act or the regulations, an authorised person may, without the authority of a warrant, at any reasonable time, enter premises to which electricity or water is being or has been supplied, or sewerage services are or have been provided, by the Company, or over which electricity or water of the Company is being or has been conducted or carried, or on which sewerage services are or have been provided, and, subject to subsection (2), may exercise the powers referred to in section 56.

(2) An authorised person who enters premises under subsection (1) is not authorised to remain on the premises if, on request by the occupier, he or she does not show his or her identity card to the occupier.

(3) For the purposes of this Act or the regulations, an authorised person may, without the authority of a warrant, enter premises at any reasonable time without the consent of the occupier for the purpose of reading any meter which indicates the quantity or amount of electricity or water supplied by the Company which has been used or is being used on the premises.

56 Powers of authorised persons

For the purposes of section 55, an authorised person may inspect, test, obtain information from, repair, replace or remove any apparatus, equipment or other thing, the property of the Company.

58 Interruption to services

An authorised person may interrupt the supply of electricity or water or the provision of sewerage services to any premises if he or she has reasonable grounds for believing that it is necessary to do so in order to protect any person or property from injury or damage or to prevent a risk to public health.

59 Obstruction of authorised officers

A person shall not, without reasonable excuse, obstruct or hinder an authorised person in the exercise of his or her powers under this Act or the regulations.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

Division 3—Emergency provisions

60 Interpretation

In this Division—

Energy and Water Act 1988

“declaration” means a declaration under section 62;

“direction” means a direction under section 63.

62 Declaration of emergencies

- (1) Where the Minister has reasonable grounds for believing—
- (a) that the supply of electricity or water available in the Territory is, or is likely to be, inadequate for the needs of the Territory as to require the restriction of the use of electricity or water in the Territory; or
 - (b) that the supply of water or the maintenance of the provision of sewerage services in the Territory is, or is about to be, so affected that there is, or is likely to be, a danger to public health;

the Minister may, by notice published in the *Gazette*, declare that an emergency exists in relation to the supply of electricity or water, or the provision of sewerage services, as the case requires.

(2) Unless it is sooner revoked, a declaration remains in force for such period, not exceeding 28 days, as is specified in the notice, commencing on the date on which the notice is published in the *Gazette*.

(3) A declaration may be made immediately upon the expiration of a previous declaration.

63 Powers of Company during emergency

(1) While a declaration is in force, the Company may, by direction published in the *Gazette* or in a daily newspaper circulating in the Territory, or both, prohibit, ration, control or otherwise regulate the use or the use for a particular purpose of electricity or water, or the provision of sewerage services, in accordance with the emergency plan.

(2) A direction shall come into operation on such date as is specified in the direction, being a date not earlier than the date on which the direction is published.

64 Expiration of directions

(1) Subject to subsection (2) and unless it is sooner revoked, a direction ceases to have effect when the declaration to which it relates ceases to be in force.

(2) Where—

- (a) a declaration ceases to be in force; and

- (b) a further declaration is made immediately upon the expiration of the firstmentioned declaration in relation to the same matters;

a direction made while the firstmentioned declaration was in force remains in force as if it had been made after the secondmentioned declaration was made.

65 Offences

A person shall not, without reasonable excuse, contravene a direction.

Penalty:

- (a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) in the case of a body corporate—250 penalty units.

66 Authorised persons—emergency powers

(1) Where an authorised person has reasonable grounds for believing that an offence has been or is being committed on any premises to which electricity or water is supplied, or sewerage services are provided, by the Company, the authorised person may, at any time, without warrant, enter the premises if the entry is made with the consent of the occupier of those premises, for the purposes of—

- (a) inspecting the premises;
- (b) searching for and seizing any thing that the authorised person believes on reasonable grounds is connected with an offence; or
- (c) exercising any of the powers referred to in section 56.

(2) Where an authorised person enters premises pursuant to subsection (1), the authorised person is not authorised to exercise his or her powers under the subsection if, on request by or on behalf of the person apparently in charge of the premises, the authorised person does not produce his or her identity card.

67 Consent to entry

(1) Before obtaining the consent of a person for the purposes of section 66, an authorised person shall inform that person that he or she may refuse to give consent.

(2) Where the authorised person obtains the consent of a person for the purposes of section 66, the authorised person shall ask that person to sign a written acknowledgment—

- (a) of the fact that the person has been informed that he or she may refuse to give consent;

- (b) of the fact that the person has voluntarily given consent; and
 - (c) of the day on which, and the time at which, that consent was given.
- (3) An entry by the authorised person under section 66 by virtue of the consent of a person is not lawful unless that person voluntarily consented to the entry.
- (4) Where it is material, in any proceedings, for a court to be satisfied of the voluntary consent of a person for the purposes of section 66 and an acknowledgment, in accordance with subsection (2), signed by the person is not produced in evidence, the court shall assume, unless the contrary is proved, that the person did not voluntarily give such a consent.

68 Search warrants

- (1) Where an information on oath is laid before a Magistrate alleging that there are reasonable grounds for believing that an offence has been or is being committed on any premises and the information sets out those grounds, the Magistrate may issue a search warrant authorising an authorised person named in the warrant, with such assistance and by such force as is necessary and reasonable to enter the premises for the purpose of—
- (a) inspecting the premises;
 - (b) searching for and seizing any thing that the authorised person believes on reasonable grounds is connected with an offence; or
 - (c) exercising any of the powers referred to in section 56.
- (2) A Magistrate shall not issue a warrant under subsection (1) unless—
- (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
 - (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (3) There shall be stated in a warrant issued under this section—
- (a) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the offence in relation to which the entry is authorised;
 - (b) whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and

- (c) a date, not being later than 1 month after the date of issue of the warrant, upon which the warrant ceases to have effect.

69 Emergency plans

The Company shall, as soon as practicable after the date of commencement of this Act, prepare an emergency plan.

70 Contents of emergency plan

(1) An emergency plan prepared under section 69 shall set out a description of the manner in which it is proposed to prohibit, ration, control or otherwise regulate the supply of electricity or water, or the provision of sewerage services, during the period for which a declaration remains in force.

(2) The Company shall submit an emergency plan prepared under section 69 to the Minister.

(3) The Minister may, in relation to a plan submitted under subsection (2),—

- (a) accept the plan without alteration or with such alterations as the Minister thinks fit; or
- (b) reject the plan.

(4) Where an emergency plan has been accepted by the Minister under this section, the Minister shall, by notice published in the *Gazette*, adopt the emergency plan.

(5) A notice under subsection (4) shall specify an address or addresses at which copies of the plan may be inspected or may, on payment of the determined fee, be purchased.

71 Commencement of emergency plans and notices

(1) A notice under subsection 70 (4), 72 (3) or 74 (1) does not take effect unless and until the notice comes into operation in accordance with subsection 73 (4).

(2) An emergency plan adopted under section 70 comes into force for the purposes of this Act on the day on which the notice adopting the plan comes into operation in accordance with subsection 73 (4).

72 Emergency plan—tabling requirements

(1) The Minister shall, as soon as practicable after the publication of a notice under subsection 70 (4), cause a copy of the notice and the emergency plan to which the notice relates to be laid before the Legislative Assembly.

(2) If the Legislative Assembly, within 15 sitting days after a copy of the emergency plan has been laid before it, passes a resolution recommending amendments of the emergency plan, the Minister may, after giving due consideration to the recommendations contained in that resolution, amend the emergency plan.

(3) Where, pursuant to subsection (2), the Minister amends an emergency plan, the Minister shall, by notice published in the *Gazette*, adopt the plan as so amended.

(4) The Minister shall, as soon as practicable after publication of a notice under subsection (3), cause a copy of the notice and the emergency plan to which the notice relates to be laid before the Legislative Assembly.

73 Emergency plan—disallowance or commencement

(1) If the Legislative Assembly, within 15 sitting days after a copy of a notice referred to in subsection 70 (4), 72 (3), or 74 (1) has been laid before it, passes a resolution disallowing the adoption, revocation or amendment, as the case may be, to which the notice relates—

- (a) in the case of a notice referred to in subsection 70 (4)—the adoption shall cease to have any force or effect; and
- (b) in the case of a notice referred to in subsection 72 (3) or 74 (1)—the adoption, revocation or amendment shall have no force or effect.

(2) If, before the expiration of 15 sitting days after a copy of a notice referred to in subsection 70 (4), 72 (3), or 74 (1) has been laid before the Legislative Assembly—

- (a) the Legislative Assembly is dissolved; and
- (b) a resolution for the disallowance of the adoption, revocation or amendment to which the notice relates has not been passed by the Legislative Assembly;

the notice shall, for the purposes of this section, be deemed to have been laid before the Legislative Assembly on the first sitting day after its dissolution.

(3) If the Legislative Assembly passes a resolution in accordance with subsection (1) in respect of a notice adopting an emergency plan, the Minister

shall direct the Company to prepare a fresh emergency plan and, for the purposes of the preparation of that plan, section 70 applies in the same manner as that provision applies in relation to the preparation of an emergency plan under section 69.

- (4) If the Legislative Assembly does not pass a resolution—
- (a) in accordance with subsection 72 (2) in relation to an emergency plan that has been laid before it pursuant to subsection 72 (1); or
 - (b) in accordance with subsection (1) in relation to a notice referred to in 70 (4), 72 (3) or 74 (1);

the notice adopting the emergency plan or the notice under the subsection referred to in paragraph (b) comes into operation on the day immediately following the last day upon which such a resolution could have been passed by the Legislative Assembly.

74 Amendment or revocation of emergency plan

- (1) The Minister may, by a notice published in the *Gazette*—
- (a) amend an emergency plan in force under this Division; or
 - (b) revoke an emergency plan in force under this Division by a new emergency plan.
- (2) Section 70 applies in relation to an amendment of an emergency plan, other than an amendment made pursuant to subsection 72 (2), in the same manner as it applies in relation to an emergency plan.
- (3) Where an emergency plan is revoked by a new emergency plan, the revocation does not take effect until the new emergency plan comes into force.

PART VIIIA—CHEMICAL TREATMENT OF WATER SUPPLY

74A Interpretation

In this Part—

“fluoride” means—

- (a) sodium fluoride; or
- (b) any other salt or compound of fluorine.

74B Prohibition on adding certain chemicals

A person shall not add a chemical to the water supply system of the Territory.

Penalty:

- (a) in the case of a body corporate—500 penalty units;
- (b) in the case of a natural person—100 penalty units.

74D Exempt treatments

(1) Section 74B does not apply in relation to the addition by the Company to the water supply system of the Territory of—

- (a) a chemical for the purpose of clarifying, purifying or otherwise treating the water in that system at a concentration that would not be injurious to public health; or
- (b) fluoride at a concentration not exceeding 1.0 milligram per litre.

(2) For the purposes of paragraph (1) (b), a concentration that—

- (a) would result in an average concentration of 1.0 milligram per litre during a period of 24 hours; and
- (b) does not exceed 1.2 milligrams per litre;

shall be taken to be a concentration of 1.0 milligram per litre.

PART IX—MISCELLANEOUS

75 Offences by body corporate

(1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(2) Any conduct engaged in on behalf of a body corporate—

- (a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;

shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.

(3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in relation to conduct deemed by subsection (4) to have been engaged in by the person, it is sufficient to show that a servant or agent of the person, being a servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(4) Conduct engaged in on behalf of a person other than a body corporate—

- (a) by a servant or agent of the person within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a servant or agent of the firstmentioned person where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the servant or agent;

shall be deemed, for the purposes of this Act, to have been engaged in by the firstmentioned person.

(5) A reference in subsection (1) to the state of mind of a person shall be read as including a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for his or her intention, opinion, belief or purpose.

76 Interference with apparatus etc

A person shall not, without reasonable excuse, interfere with any apparatus, equipment or installation the property of the Company.

Penalty:

- (a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) in the case of a body corporate—250 penalty units.

77 Recovery of charges

Charges under this Act are a debt due and payable to the Company and may be recovered by action in a court of competent jurisdiction.

78 Refund and remission of charges

The Company may, upon the application of a person who is liable to pay to the Company a charge under this Act, or upon its own motion, refund or remit such a charge or a portion of such a charge if the Company considers it just and equitable to do so.

78A Refund and remission of charges—notification

(1) Where the Company makes a decision, upon an application under section 78, to refuse to refund or remit a charge or a portion of a charge, or to refund or remit an amount which is less than the amount of refund or remission applied for, the Company shall cause notice in writing of the decision to be given to the applicant.

(2) A notice under subsection (1) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

78B Refund and remission of charges—review

Application may be made to the Administrative Appeals Tribunal for a review of a decision referred to in subsection 78A (1).

79 Evidentiary certificates

In proceedings under this Act, a certificate purporting to be signed by an officer of the Company stating that a quantity of electricity or water was supplied by the Company to a specified person or premises during a specified period or that sewerage services were provided to a specified person or premises during a specified period is evidence of the matters stated in the certificate.

80 Power of Minister to determine fees

The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

81 Fees payable to Company

Fees determined under section 80 shall be paid to the Company.

82 Regulations

- (1) The Executive may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations—
 - (a) may make provision for or in relation to—
 - (i) carrying out plumbing and drainage work and building work affecting drains or sewers or the supply of water;
 - (ii) the types of materials and methods of construction to be used for plumbing, drainage and sewerage work;
 - (iii) water closets, urinals, sinks, troughs, lavatories or baths;
 - (iv) protecting the quality of water and the infrastructure associated with the supply of water;
 - (v) supplying, appropriating and using water and avoiding the wastage of water;
 - (vi) meters for measuring the amount of water supplied or sewerage collected and requiring the use of meters;
 - (vii) discharging matter into drains or sewers;
 - (viii) protecting the infrastructure associated with the collection, disposal and treatment of sewage;
 - (ix) connecting equipment to infrastructure related to the supply of water or to drains and sewers; and
 - (x) removing or repairing defective plumbing work, drains or sewers; and

Energy and Water Act 1988

- (b) may prescribe, for offences against the regulations, penalties not exceeding a fine of—
 - (i) if the offender is a body corporate—50 penalty units; or
 - (ii) if the offender is a natural person—10 penalty units.
- (3)** The *Canberra Sewerage and Water Supply Regulations* and the *Electricity and Water Regulations*, as in force immediately before the commencement of this section, continue in force as if made under this section.

PART X—TRANSITIONAL

88 References in instruments

(1) A reference to the Commonwealth Authority in any instrument made, granted or issued before the commencement date and in force immediately before that date has effect, on and after that date, as if that reference were (except in relation to matters that occurred before that date) a reference to the Authority.

(2) A reference to the Authority in an instrument made, granted or issued before 1 July 1995 and in force immediately before that date has effect, on and after that date, as if that reference were (except in relation to matters that occurred before that date) a reference to the Company.

(3) In this section—

“commencement date” means 1 July 1988;

“Commonwealth Authority” means the Australian Capital Territory Electricity Authority constituted under the *Australian Capital Territory Electricity Supply Act 1962* of the Commonwealth.

Energy and Water Act 1988

NOTES

1. The *Energy and Water Act 1988* as shown in this reprint comprises Act No. 30, 1988 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

2. About the republished Act

The *Energy and Water Act 1988* was formerly the *Electricity and Water Act 1988*. It was renamed by the *Electricity and Water (Corporatisation) (Consequential Amendments) Act 1995* A1995-7 sch.

3. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table 1
Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Electricity and Water Ordinance 1988</i>	30, 1988	30 June 1988	1 July 1988	
<i>Electricity and Water (Amendment) Ordinance 1988</i>	57, 1988	7 Sept 1988	7 Sept 1988	—
<i>Interim Territory Planning Ordinance 1988</i>	88, 1988	21 Dec 1988	Ss. 1 and 2: 21 Dec 1988 Remainder: 31 Jan 1989 (see <i>Gazette</i> 1989, No. S38)	S. 19 (2)
<i>Electricity and Water (Amendment) Ordinance 1989</i>	28, 1989	3 May 1989	3 May 1989	—
<i>Government Solicitor Ordinance 1989</i>	36, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

Energy and Water Act 1988

NOTES—continued

Table 2
Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Electricity and Water (Amendment) Act (No. 2) 1989</i>	13, 1989	9 Oct 1989	9 Oct 1989	—
<i>Statutory Authorities (Audit Arrangements) Act 1990</i>	25, 1990	22 June 1990	Ss. 1 and 2: 22 June 1990 Remainder: 22 June 1990 (see <i>Gazette</i> 1990, No. S35)	Ss. 19 and 20
<i>Electricity and Water (Amendment) Act 1990</i>	58, 1990	21 Dec 1990	21 Dec 1990	—
<i>Interim Planning (Consequential Amendments) Act 1990</i>	60, 1990	24 Dec 1990	S. 3: 12 Mar 1991 (see C'wealth <i>Gazette</i> 1991, No. S62) Remainder: 24 Dec 1990	—
<i>Electricity and Water (Amendment) Act 1991</i>	31, 1991	26 Aug 1991	26 Aug 1991	S. 6
<i>Electricity and Water (Amendment) Act (No. 2) 1991</i>	48, 1991	20 Sept 1991	20 Sept 1991	—
<i>Land (Planning and Environment) (Consequential Provisions) Act 1991</i>	118, 1991	15 Jan 1992	Ss. 1 and 2: 15 Jan 1992 Ss. 3-8, 17-27 and 32-44: 2 Apr 1992 (see <i>Gazette</i> 1992, No. 13, p. 478) Remainder: 15 July 1992	Ss. 25-27
<i>Electricity and Water (Amendment) Act 1992</i>	18, 1992	2 June 1992	2 June 1992	—
<i>Electricity and Water (Amendment) Act (No. 2) 1992</i>	21, 1992	2 June 1992	Ss. 1-3: 2 June 1992 Remainder: 4 June 1992 (see <i>Gazette</i> 1992, No. S67, p. 2)	—
<i>Acts Revision (Position of Crown) Act 1993</i>	44, 1993	27 Aug 1993	27 Aug 1993 (see s. 2)	—
<i>Registrar-General (Consequential Provisions) Act 1993</i>	64, 1993	6 Sept 1993	Ss. 1 and 2: 6 Sept 1993 Remainder: 1 Oct 1993 (see s. 2 (2) and <i>Gazette</i> 1993, No. S207)	Part III (ss. 6-13)

Energy and Water Act 1988

NOTES—continued

Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19
<i>Administrative Appeals (Consequential Amendments) Act 1994</i>	60, 1994	11 Oct 1994	Ss. 1 and 2: 11 Oct 1994 Remainder: 14 Nov 1994 (see s. 2 (2) and <i>Gazette</i> 1994, No. S250)	—
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—
<i>Electricity and Water (Corporatisation) (Consequential Amendments) Act 1995</i>	7, 1995	28 June 1995	1 July 1995 (see s. 2)	S. 4
(Reprinted as at 1 July 1995)				
<i>Independent Pricing and Regulatory Commission (Consequential Provisions) Act 1997</i>	78, 1997	25 Nov 1997	Ss. 1-3: 25 Nov 1997 Remainder: 25 Nov 1997 (see s. 2 (2))	Part IV (ss. 7-9)
<i>Electricity Supply (Consequential and Transitional Provisions) Act 1997</i>	82, 1997	25 Nov 1997	Ss. 1-3: 25 Nov 1997 Remainder: 19 Dec 1997 (see s. 2 (2) and <i>Gazette</i> 1997, No. S419)	Part II (ss. 4-7)
<i>Independent Competition and Regulatory Commission Amendment Act 2000</i>	2000 No 8	23 Mar 2000	23 Mar 2000	—

Energy and Water Act 1988

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Title	rs. Act No. 7, 1995
S. 1	am. Act No. 7, 1995
S. 3	am. No. 36, 1989; Act No. 48, 1991; No. 38, 1994; No. 7, 1995
S. 3A	ad. Act No. 21, 1992 rep. No. 44, 1993
Part II (ss. 4-6, 8-10, 12, 13)	rep. Act No. 7, 1995
Ss. 4, 5	rep. Act No. 7, 1995
S. 6	am. No. 57, 1988; No. 38, 1989; Act No. 38, 1994 rep. No. 7, 1995
S. 7	am. No. 88, 1988 rs. Act No. 60, 1990 rep. No. 118, 1991
S. 8	am. Nos. 28 and 38, 1989 rep. Act No. 7, 1995
Ss. 9, 10	am. No. 28, 1989 rep. Act No. 7, 1995
S. 11	rep. No. 28, 1989
Ss. 12, 13	rep. Act No. 7, 1995
Part III (ss. 14-23)	rep. Act No. 7, 1995
S. 14	am. Act No. 58, 1990 rep. No. 7, 1995
Ss. 15-20	rep. Act No. 7, 1995
S. 21	am. No. 57, 1988 rep. Act No. 7, 1995
S. 22	rep. Act No. 7, 1995
S. 23	am. Act No. 58, 1990 rep. No. 7, 1995
Part IV (ss. 24-32)	rep. Act No. 7, 1995
Ss. 24-28	rep. Act No. 7, 1995
S. 29	am. No. 57, 1988 rep. Act No. 7, 1995
S. 30	rep. Act No. 7, 1995
S. 31	am. No. 38, 1989 rs. Act No. 38, 1994 rep. No. 7, 1995
S. 32	am Act No. 38, 1994 rep. No. 7, 1995
Heading to Part IVA	rs. Act No. 18, 1992
Part IVA (ss. 32A-32C)	ad. No. 38, 1989
Part IVA (ss. 32A, 32B)	rep. Act No. 38, 1994
S. 32A	ad. No. 38, 1989 am. Act No. 18, 1992 rep. No. 38, 1994

Energy and Water Act 1988

Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 32B	ad. No. 38, 1989 rs. Act No. 18, 1992 rep. No. 38, 1994
S. 32C	ad. No. 38, 1989 rep. Act No. 18, 1992
Part V (ss. 33-38).....	rep. Act No. 7, 1995
Ss. 33, 34.....	rep. Act No. 7, 1995
S. 35	am. No. 38, 1989 rep. Act No. 7, 1995
S. 36	rep. Act No. 7, 1995
Ss. 37, 38.....	am. No. 38, 1989 rep. Act No. 7, 1995
Part VI (ss. 39-47, 47A)	rep. Act No. 7, 1995
Ss. 39-41	am. No. 38, 1989 rep. Act No. 7, 1995
S. 42	rs. No. 38, 1989 rep. Act No. 7, 1995
Ss. 43-46	rep. Act No. 7, 1995
S. 47	rep. No. 38, 1989 ad. Act No. 25, 1990 rep. No. 7, 1995
S. 47A	ad. Act No. 25, 1990 rep. No. 7, 1995
Heading to Part VII	am. Act No. 7, 1995
S. 48	am. Act No. 48, 1991; No. 7, 1995; No. 78, 1997; 2000 No 8 s 24 sch 2
S. 49	am. Act No. 48, 1991
S. 49A.....	ad. Act No. 7, 1995 rep. No. 78, 1997
S. 50	am. No. 57, 1988; Act No. 7, 1995; No. 82, 1997
S. 51	am. Act No. 7, 1995; No. 82, 1997
S. 52	am. No. 57, 1988
S. 53	am. Act No. 7, 1995
S. 54	am. Act No. 81, 1994; No. 7, 1995
Ss. 55, 56.....	am. Act No. 7, 1995
S. 57	rep. No. 57, 1988
S. 59	am. Act No. 81, 1994
S. 61	rs. No. 38, 1989 rep. Act No. 21, 1992
S. 63	am. Act No. 7, 1995
S. 65	am. Act No. 81, 1994
S. 66	am. Act No. 7, 1995
Ss. 69, 70.....	am. Act No. 7, 1995
S. 72	am. No. 38, 1989
S. 73	am. No. 38, 1989; Act No. 7, 1995
Part VIIIA (ss. 74A-74F).....	ad. Act No. 13, 1989

Energy and Water Act 1988

Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 74A	ad. Act No. 13, 1989 am. No. 31, 1991
S. 74B	ad. Act No. 13, 1989 am. No. 81, 1994
S. 74C	ad. Act No. 13, 1989 rep. No. 7, 1995
S. 74D	ad. Act No. 13, 1989 rs. No. 31, 1991 am. Act No. 21, 1992; No. 7, 1995
Ss. 74E, 74F	ad. Act No. 13, 1989 rep. No. 31, 1991
S. 76	am. No. 57, 1988; Act No. 81, 1994; No. 7, 1995
S. 77	am. Act No. 7, 1995
S. 78	am. No. 28, 1989; Act No. 7, 1995
S. 78A	ad. No. 28, 1989 am. No. 38, 1989; Act No. 60, 1994; No. 7, 1995
S. 78B	ad. No. 28, 1989 am. No. 38, 1989; Act No. 60, 1994
S. 79	am. Act No. 7, 1995
S. 79A	ad. No. 28, 1989 am. No. 38, 1989 rep. Act No. 7, 1995
S. 81	am. Act No. 7, 1995
S. 82	am. No. 38, 1989; Act No. 81, 1994 rs. No. 7, 1995
Ss. 83-86	rep. Act No. 7, 1995
S. 87	am. No. 38, 1989 rep. Act No. 7, 1995
S. 88	am. No. 38, 1989; Act No. 7, 1995
Ss. 89, 90	rep. Act No. 7, 1995
S. 91	am. No. 36, 1989; Act No. 64, 1993; No. 38, 1994 rep. No. 7, 1995