

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**ELECTRICITY AND WATER (CORPORATISATION) (CONSEQUENTIAL
AMENDMENTS) BILL 1995**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

Circulated by authority of the Minister for Urban Services

Tony De Domenico MLA

**ELECTRICITY AND WATER (CORPORATISATION) (CONSEQUENTIAL
AMENDMENTS) BILL 1995**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

1.

Clause 3

Page 2, line 2 -

This is purely a technical amendment consequential upon the insertion of a new clause 3A into the Bill which provides for another Schedule. This therefore necessitates the existing Schedule to be numbered as "Schedule 1".

2.

Clause 3A

Page 2, line 3 -

This proposed clause provides that the regulations appearing in Schedule 2 are amended as set out therein.

3.

Schedule

Page 2, line 28 -

This amendment is consequential upon the inclusion of Schedule 2 necessitating the numbering of the existing Schedule as "SCHEDULE 1".

4.

Amendments of the Public Sector Management Act 1994

Page 5, line 33 -

This proposed amendment expands the definition of "officer" in the Act consequential upon the insertion of new section 115A into the Act.

5.

Amendment of the Public Sector Management Act 1994

Page 7, line 9 -

This proposed amendment inserts new section 115A into the Act. The effect of this amendment is to preserve existing mobility arrangements between the former Authority and the Australian Public Service for the benefit of transferred employees for a three year period after corporatisation. This is achieved by treating the transferred employees as Australian Capital Territory Government Service officers for mobility purposes.

6.

Page 7 line 9 -

This amendment amends section 15 of the *Public Sector (Consequential and Transitional Provisions) Act 1994*. Section 15 preserves mobility rights of officers under Part IV of the *Public Service Act 1922* of the Commonwealth, where the officer's last office in the Australian Public Service related wholly or substantially to matters now the responsibility of the ACT Government Service. This amendment preserves rights under section 15, notwithstanding the corporatisation of the Authority, so that transferred employees of the Authority who currently have rights of return to an area in the ACT Government Service continue to retain those rights after corporatisation.

7.

Page 9, line 22

This proposed amendment inserts new Schedule 2 into the Bill. This Schedule contains amendments to the Schedules to the Freedom of Information Regulations and the Ombudsman Regulations as follows:

Freedom of Information Regulations

The proposed amendments amend Schedule 1 and Schedule 2 of the Regulations. The effect of the amendments is to make the provisions of the *Freedom of Information Act 1989* apply to ACTEW Corporation Ltd except in relation to documents in respect of its competitive commercial activities.

Further, the amendment to Schedule 1 of the Regulations which makes ACTEW Corporation Ltd a "prescribed authority" under the *Freedom of Information Act 1989*, also has the effect of making the Corporation an "ACT agency" for the purposes of the *Privacy Act 1988* of the Commonwealth.

Ombudsman Regulations

The proposed amendment amends Schedule 1A of the Regulations and makes ACTEW Corporation Ltd a "prescribed authority" under the *Ombudsman Act 1989*. The effect of this is to make the provisions of the Act apply to ACTEW Corporation Ltd.