

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

ELECTRICITY AND WATER (CONSEQUENTIAL AMENDMENTS)
ORDINANCE 1988

ORDINANCE NO. 31 OF 1988

The Electricity and Water (Consequential Amendments) Ordinance 1988 (the Ordinance) amends certain ACT Ordinances as a consequence of the establishment of the ACT Electricity and Water Authority (the Authority) under the Electricity and Water Ordinance 1988.

On 1 July 1988, the Authority commenced the supply of electricity and water and the provision of sewerage services.

The Ordinance, which came into operation on 1 July 1988, makes amendments to the Building Ordinance 1972, the Nature Conservation Ordinance 1980 and the Plumbers, Drainers and Gasfitters Board Ordinance 1982 which are minor and of a referential nature.

The Building and Services Ordinance 1924 is amended by the Ordinance to remove from the Minister the power to determine charges under the Building and Services Ordinance in relation to the supply of electricity or water or the provision of a sewerage system. The Minister retains his powers to construct works for all services under the Building and Services Ordinance and his power to determine fees and charges for services other than the supply of electricity or water or the provision of a sewerage service.

The Ordinance amends the Electricity Ordinance 1971, the Sewerage Rates Ordinance 1968 and the Water Rates Ordinance 1959 to provide for the Authority to exercise the Minister's former powers under those Ordinances for all matters other than the determination of fees and the regulation making power. The Authority has the power under the Electricity and Water Ordinance 1988 to determine charges for or in connection with the supply of electricity or water or the provision of sewerage services.

Amendments to the Land Rent and Rates (Deferment and Remission) Ordinance 1970 provide the Authority with the power to defer payments for electricity, water or sewerage rates and the power to give rebates to pensioners or to persons in cases of hardship.

The Water (Restriction of Use) Ordinance 1959 is repealed.

Details of the Ordinance are included in the Attachment.

ISSUED BY AUTHORITY OF THE
MINISTER OF STATE FOR THE
ARTS AND TERRITORIES

Electricity and Water (Consequential Amendments) Ordinance 1988

Section 1 cites the short title of the proposed Ordinance.

Section 2 provides that the Ordinance shall come into effect on 1 July 1988.

Section 3 repeals the Water (Restriction of Use) Ordinance 1959.

Section 4 provides that the Schedule to the Ordinance amends the Ordinances specified therein and in the manner set out.

Section 5 deals with transitional matters. In particular, the following appointments made under various Ordinances are deemed to have been made by the ACT Electricity and Water Authority on the commencement date of the Electricity and Water Ordinance 1988:

- (1) the Registrar of Electrical Contractors and Electricians appointed under section 6 of the Electricity Ordinance 1971;
- (2) inspectors appointed under section 32T of the Electricity Ordinance 1971;
- (3) inspectors appointed under subsection 17(2) of the Sewerage Rates Ordinance 1968; and
- (4) meter readers appointed under section 22 of the Water Rates Ordinance 1959.

Section 6 provides that notwithstanding amendments of the Building and Services Ordinance 1924, the Canberra Sewerage and Water Supply Regulations operate as Regulations under the Electricity and Water Supply Ordinance. This is to avoid any possibility the amendments made by this Ordinance are found to impliedly repeal those Regulations.

The Schedule sets out the various consequential amendments to the following Ordinances. Many of the amendments deal with transferring responsibility, and hence nomenclature, from the Minister or the Commonwealth to the new Authority.

The Building Ordinance 1972 is amended by inserting the words "and Water" after the word "Electricity" in paragraph 53(9)(c).

The Building and Services Ordinance 1924 will be amended by:

- (i) omitting the words "the supply of water or electricity" and "the provision of a sewerage system" from the definition of "services" in section 1A;

- (ii) inserting in section 1A a definition of "Authority" as meaning the Australian Capital Territory Electricity and Water Authority;
- (iii) omitting in section 3 all the words after "Ordinance" (first occurring) and substituting "and the regulations, other than provisions relating to the supply of electricity or water or the provision of a sewerage system;
- (iv) substituting the word "Authority" for "Commonwealth" in section 3D (wherever occurring); and
- (v) amending section 3F so that the Minister may determine fees and charges for the purposes of the Ordinance in relation to the supply of services.

The Electricity Ordinance 1971 is amended by:

- (i) omitting the definitions of "the Act", "the Authority" and "the Chairman" from subsection 4(1);
- (ii) inserting definitions of the "Authority" as meaning the Australian Capital Territory Electricity and Water Authority, "Chief Executive Officer" as having the same meaning as in the Electricity and Water Ordinance and "Electricity and Water Ordinance" as meaning the Electricity and Water Ordinance 1988;
- (iii) omitting in paragraphs 27(1)(b) and 41(1)(a) all the words after "determination" and substituting "under section 6 of the Electricity and Water Ordinance";
- (iv) omitting all the words after "contravened" in paragraph 27(1)(f) and substituting "section 59 or 76 of the Electricity and Water Ordinance";
- (v) substituting references to the "Chief Executive Officer" for references to the "Chairman" in subsections 32G(3) and (4); paragraphs 32K(1)(a) and (b); subsections 32T(1) and (2); 33(1) and (3B); 34(2) and 41(1); and
- (vi) omitting in paragraph 34(1)(c) all the words "made by the Authority under section 18 of the Act" and substituting "under section 6 of the Electricity and Water Ordinance";
- (vii) inserting after section 43 section 43A so that where a fee is payable under the Ordinance, the fee shall be paid to the Authority.

The Land Rent and Rates (Deferment and Remission) Ordinance 1970 is amended by:

- (i) omitting all the words after "1926" in section 2A; and

- (ii) inserting after section 2A section 2AB which provides that in the application of the Ordinance after 30 June 1988 to rates other than land rates, a reference to the Minister (other than in section 24), the Secretary or the Commonwealth shall be read as a reference to the Authority and any pronoun referring to the Minister or Secretary shall be read accordingly.

The Nature Conservation Ordinance 1980 is amended by substituting the Australian Capital Territory Electricity and Water Authority for the reference to the "Australian Capital Territory Electricity Authority as constituted by the Australian Capital Territory Electricity Supply Act 1962".

The Plumbers, Drainers and Gasfitters Board Ordinance 1982 is amended by omitting the definition of "Proper Authority" in section 3 and substituting a new definition so that the Proper Authority has the same meaning as in the Canberra Sewerage and Water Supply Regulations.

The Sewerage Rates Ordinance 1968 is amended by:

- (i) omitting from subsection 4(1) the definitions of "appropriate officer", "delegate of the Minister", "Department" and "Secretary";
- (ii) inserting in subsection 4(1) definitions of "Authority" and the "Electricity Ordinance" as meaning the Australian Capital Territory Electricity and Water Authority and the Electricity and Water Ordinance 1988 respectively;
- (iii) substituting the word "Authority" for "Minister" in the definition of "sewerage services" in subsection 4(1) and at subsections 17(2) and (3), 25(1) and 28(3);
- (iv) inserting in subsection 4(1A) the words "for sewerage rates" after the word "charge" and substituting the words "Authority under section 48 of the Electricity and Water Ordinance" for all the words after "Minister";
- (v) omitting the words "in accordance with this Ordinance" in section 7;
- (vi) omitting "19A" and substituting "50 of the Electricity and Water Ordinance" in section 9;
- (vii) substituting the word "Authority" for the words "appropriate officer" in subsections 11(5) and 13(3);
- (viii) substituting references to the "Authority" for references to the "Commonwealth" in subsection 13(2) and 13(4) (last occurring), section 20, subsection 21(1) (last occurring), 21(2) and 27(3);
- (ix) substituting the words "48 of the Electricity and Water Ordinance" for the number "28A" in subsection 13(4);
- (x) omitting subsection 17(1);

- (xi) omitting in subsection 17(2) the words "under his hand" and substituting "it" for "he";
- (xii) omitting "delegate of the Minister" in subsection 19(1) and substituting "Authority" and omitting "by this Ordinance";
- (xiii) substituting references to the "Authority" for references to the "delegate of the Minister" in subsections 19(3), subparagraphs 24(1)(a)(iv) and (b)(v);
- (ivx) repealing section 19A;
- (xv) repealing section 23;
- (xvi) omitting all the words from and including "Secretary and substituting "Authority may, in writing," in subsection 24(1);
- (xvii) omitting in subsection 25(1) the words "within one year after the commencement of this Ordinance" and substituting the word "it" for "him";
- (xviii) omitting subsection 28A(1); and
- (xix) substituting the words "in relation to sewerage rates" for the reference to "under subsection (1)".

The Water Rates Ordinance 1959 is amended by:

- (i) omitting the definitions of "delegate of the Minister", "Department" and "Secretary" in subsection 4(1);
- (ii) inserting definitions of "the Authority" as meaning the ~~Australian Capital Territory Electricity and Water Authority~~ and the "Electricity and Water Ordinance" as meaning the Electricity and Water Ordinance 1988;
- (iii) substituting the "Authority" for the "Minister" in the definition of "meter reader" in subsection 4(1);
- (iv) omitting the words "in accordance with this Ordinance" in section 5;
- (v) inserting the words "for water rates" after the word "charge" and substituting the words "48 of the Electricity and Water Ordinance" for the words "33A for the purposes of that provision" in subsection 4(1AA);
- (vi) substituting "48 of the Electricity and Water Ordinance" for section "33A" in subparagraphs 6(1)(b)(i) and (ii); subsection 6(3) (first occurring); paragraph 7A(1)(b); subsection 7A(3); paragraph 7B(1)(b); subsection 7B(3); paragraph 7C(1)(b); subsection 7C(3) and subparagraph 14(1)(c)(ii) and substituting "that section" for "section 33A" (last occurring) in subsection 6(3);

- (vii) substituting references to the "Authority" for references to the "delegate of the Minister in subsections 7(4); 17(1); (1A); (2); (3); (4) and (5); section 18 (wherever occurring); subsection 19(1); section 20, 20A, 20B, subsection 21(1), 24(1) and (2), 25(1) and (2), and 27(1);
- (viii) substituting "it" for "he" in sections 20A, 20B and 22;
- (ix) repealing section 21A;
- (x) substituting the word "Authority" for the words "Minister may, by writing under his hand" in section 22;
- (xi) repealing section 24A;
- (xii) substituting references to "Authority" for "Commonwealth" in section 26; subsection 26A(1) (last occurring), 26A(2) and 32(2);
- (xiii) repealing section 29;
- (ivx) substituting the word "Authority" for the word "Secretary" and the word "it" for the word "him" in subsection 30(1);
- (xv) omitting "Secretary" and substituting "Authority" in paragraph 30(3)(b);
- (xvi) substituting the words "A meter reader or another person authorised by the Authority" for the words "The delegate of the Minister or a meter reader" in subsection 33(1);
- (xvii) substituting the words "a person referred to in subsection (1)" for the words "the delegate of the Minister or a meter reader" in subsection 33(2);
- (xviii) omitting the words "and charges" from subsection 33A(1);
- (xix) substituting a reference to "section 48 of the Electricity and Water Ordinance in relation to water rates" for the reference to "subsection (1)" in subsection 33A(2); and
- (xx) inserting after section 33A section 33B so that where a fee is payable under the Ordinance the fee shall be paid to the Authority.