

# AUSTRALIAN CAPITAL TERRITORY

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## Electricity and Water (Amendment) Ordinance 1989

No. 28 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 27 April 1989.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

CLYDE HOLDING  
Minister of State for the Arts  
and Territories

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An Ordinance to amend the *Electricity and Water Ordinance 1988*

(Ord. 15/89)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**Short title**

1. This Ordinance may be cited as the *Electricity and Water (Amendment) Ordinance 1989*.<sup>1</sup>

**Principal Ordinance**

2. In this Ordinance, “Principal Ordinance” means the *Electricity and Water Ordinance 1988*.<sup>2</sup>

**Limitations on formation of, and investment in, companies**

3. Section 8 of the Principal Ordinance is amended by omitting subsection (3).

**Limitations on formation of partnerships**

4. Section 9 of the Principal Ordinance is amended by omitting subsection (3).

**Limitations in participation in joint ventures**

5. Section 10 of the Principal Ordinance is amended by omitting subsection (3).

**Repeal**

6. Section 11 of the Principal Ordinance is repealed.

**Refund and remission of charges**

7. Section 78 of the Principal Ordinance is amended by omitting “refund or remit any charges or a portion of any charge under this Ordinance” and substituting “, upon the application of a person who is liable to pay to the Authority a charge under this Ordinance, or upon its own motion, refund or remit such a charge or a portion of such a charge”.

**Insertion**

8. After section 78 of the Principal Ordinance the following sections are inserted:

**Refund and remission of charges—notification**

“78A. (1) Where the Authority 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 Authority shall, within 28 days after the date of the decision, cause notice in writing of the decision to be given to the applicant.

“(2) A notice shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 28 of that Act.

“(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

**Refund and remission of charges—review**

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

**Insertion**

9. After section 79 of the Principal Ordinance the following section is inserted:

**Annual report**

“79A. (1) The Authority shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report concerning the operation of the Ordinance and the financial and business affairs of the Authority during the period of 12 months ending at the expiration of that day.

“(2) The Minister shall cause a copy of the report to be laid before each House of Parliament within 15 sitting days of the relevant House after the day on which the report was furnished to the Minister.”.

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**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 3 May 1989.
- 2. No. 30, 1988 as amended by No. 57, 1988.