

1991  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Electricity and Water (Amendment) Bill  
(No. 3) 1991**

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**A BILL  
FOR**

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

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5       1. This Act may be cited as the *Electricity and Water (Amendment) Act (No. 3) 1991*.

**Principal Act**

2. In this Act, "Principal Act" means the *Electricity and Water Act 1988*.<sup>1</sup>

**Heading to Part IVA**

- 10       3. The heading to Part IVA of the Principal Act is omitted and the

81109/91 1991/89 (T109/91)

following heading substituted:

**“PART IVA—PERSONNEL MANAGEMENT”.**

**Interpretation**

4. Section 32A of the Principal Act is amended—

- 5 (a) by omitting from subsection (1) the definitions of “program” and “unjustified discrimination”;
- (b) by omitting “appropriate” from the definition of “appropriate staff organisation” in subsection (1) and substituting “relevant”;
- 10 (c) by omitting paragraph (c) from the definition of “employment matters” in subsection (1) and substituting the following paragraph:

“(c) the selection of employees by the Authority for transfer and advancement.”;

- 15 (d) by inserting in subparagraph (b) (ii) of the definition of “equal employment opportunity program” in subsection (1) “and advancement” after “transfer”;
- (e) by inserting in subsection (1) the following definitions:

20 “‘advancement’ means movement within the Authority resulting in an employee undertaking work, and being remunerated, at a higher level than previously;

‘designated group’ means any of the following classes of persons:

- 25 (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is a language other than English, and the children of such persons;
- (c) persons who are physically or mentally disabled;
- 30 (d) any other class of persons declared by the regulations to be a designated group for the purposes of this definition;

‘unjustified discrimination’ includes—

- 35 (a) discrimination that is unlawful under the *Human Rights and Equal Opportunity Act 1991*; and

(b) unjustified discrimination on the ground of age or social origin;

but does not include—

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(c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Human Rights and Equal Opportunity Act 1991* and is prescribed; or

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(d) discrimination that is not unlawful under the *Human Rights and Equal Opportunity Act 1991* and is in accordance with the equal employment opportunity program for the Authority or with a prescribed program.”; and

(f) by omitting subsection (2).

#### Substitution

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5. Sections 32B and 32C of the Principal Act are repealed and the following section is substituted:

#### Employment practices

“32B. (1) The powers of the Authority in relation to employment matters shall be exercised—

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- (a) without patronage, favouritism or unjustified discrimination; and
- (b) with regard to the equal employment opportunity program for the Authority.

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“(2) Without limiting the generality of paragraph (1) (a), and subject to paragraph (1) (b), the powers of the Authority in relation to employment matters shall be exercised in accordance with procedures that ensure that where a person is to be selected for engagement for a period exceeding 3 months, or for promotion or advancement, by the Authority—

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- (a) all persons who are eligible have, so far as practicable, a reasonable opportunity to apply for selection; and
- (b) the selection is made on the basis of an assessment of the relative suitability of the applicants for the appointment having regard to—
  - (i) the nature of the duties to be performed; and
  - (ii) the abilities, qualifications, experience, personal qualities and potential for development of each applicant that are relevant to the performance of those duties.

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“(3) A reference in this section to the exercise of a power shall be read

as including a reference to the making of a report or recommendation in relation to the exercise of that power.

5 “(4) The equal employment opportunity program for the Authority, being the program in force immediately before the commencement of this section, continues in force subject to this section.

“(5) From time to time, the Authority shall, after consulting with each relevant staff organisation and such other persons as the Authority considers appropriate, review the equal employment opportunity program for the Authority.

10 “(6) As soon as practicable after the development or review of the equal employment opportunity program, the Authority shall provide the Head of Administration with written particulars of the program.

15 “(7) The Head of Administration may, by notice in writing given to the Authority, issue guidelines to the Authority on the provisions to be made by the equal employment opportunity program, and on the development, implementation or review of the program.

“(8) The Authority shall take any action necessary to give effect to the equal employment opportunity program and to comply with any guidelines issued under subsection (7).”

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#### NOTE

1. Ordinance No. 30, 1988 as amended to date. For previous amendments see Note 1 to Act No. 31, 1991 and see also Acts Nos. 31 and 48, 1991.