

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

ELECTRICITY AND WATER (AMENDMENT) ORDINANCE 1988

ORDINANCE NO.57 OF 1988

The Electricity and Water Ordinance 1988 (the Principal Ordinance) established the ACT Electricity and Water Authority to reticulate electricity and water and provide sewerage services.

The Electricity and Water (Amendment) Ordinance 1988 removes certain entry and search powers and limits the powers of authorised persons under Part VIII to offences against the Principal Ordinance and the Regulations so as to comply with Commonwealth criminal law policy and to minimise the potential for excessive use of these powers. The Ordinance also makes certain minor corrections.

The details of the Ordinance are as follows.

Section 1 cites the short title of the Ordinance as the Electricity and Water (Amendment) Ordinance 1988.

Section 2 defines the Principal Ordinance as the Electricity and Water Ordinance 1988.

Section 3 amends paragraph 6(1)(f) of the Principal Ordinance by removing the power to reticulate water as this is provided for in paragraph 6(1)(d).

Section 4 corrects an error in paragraph 21(2)(a) of the Principal Ordinance by substituting "of" for "or", fourth occurring.

Section 5 corrects an error in paragraph 29(2)(a) of the Principal Ordinance by substituting "his" for "is".

Section 6 corrects an error in subsection 50(5) of the Principal Ordinance by substituting "within" for "with".

Section 7 amends subsection 52(2) of the Principal Ordinance by removing paragraphs (a) and (b) and limiting offences, for the purposes of Part VIII, to offences against the Principal Ordinance or the regulations.

Section 8 repeals section 57 of the Principal Ordinance which provides certain powers of entry and search in circumstances of seriousness and urgency.

Section 9 amends section 76 of the Principal Ordinance by removing from paragraph (a) of the penalty the reference to imprisonment for 6 months.

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