

NORTHERN TERRITORY OF AUSTRALIA
POWER AND WATER AUTHORITY AMENDMENT ACT 2001

No. 70 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 70 of 2001

AN ACT

to amend the *Power and Water Authority Act*

[Assented to 21 December 2001]

[Second reading 24 October 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Power and Water Authority Amendment Act 2001*.

2. Commencement

The provisions of this Act come into operation on the date or dates fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Power and Water Authority Act* is in this Act referred to as the Principal Act.

4. Repeal and substitution

Section 1 of the Principal Act is repealed and the following substituted:

"1. Short title

"This Act may be cited as the *Power and Water Corporation Act*."

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5. Definitions

Section 3 of the Principal Act is amended —

- (a) by omitting the definitions of "appointed member" and "Authority";
- (b) by omitting the definition of "Chief Executive Officer" and substituting the following:

" 'Chief Executive Officer' means the person appointed under the *Government Owned Corporations Act* to be the chief executive officer of the Corporation;"; and

- (c) by omitting the definition of "member" and substituting the following:

" 'Corporation' means the Power and Water Corporation referred to in section 4;".

6. Power and Water Corporation

Section 4 of the Principal Act is amended —

- (a) by omitting from subsection (1) "Authority" and substituting "Corporation"; and
- (b) by omitting subsections (2) and (3).

7. Repeal and substitution

Sections 5 to 13 (inclusive) of the Principal Act are repealed and the following substituted:

"5. Corporation is Government owned corporation

"The Corporation is declared to be a Government owned corporation for the purposes of the *Government Owned Corporations Act*.

"6. Application of *Public Sector Employment and Management Act*

"(1) Subject to this section, the Corporation is an Agency for the purposes of the *Public Sector Employment and Management Act* although it is not nominated in an Administrative Arrangements Order as an Agency for the purposes of that Act.

"(2) The Chief Executive Officer is the Chief Executive Officer of the Corporation for the purposes of the *Public Sector Employment and Management Act*.

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"(3) The Chief Executive Officer is to be employed on the terms and conditions specified in his or her Executive Contract of Employment, within the meaning of the *Public Sector Employment and Management Act*.

"(4) The person appointed under the *Government Owned Corporations Act* to be the acting chief executive officer of the Corporation is, while acting in that office, to be taken to be appointed as the Chief Executive Officer for the purposes of the *Public Sector Employment and Management Act*.

"(5) The Chief Executive Officer is to have regard to the recommendations, if any, of the board of the Corporation in exercising his or her powers and performing his or her functions under the *Public Sector Employment and Management Act* (including a power or function delegated to the Chief Executive Officer under that Act).

"(6) Sections 19 and 20, 21, 22, 23, 24(b) and (h) and 28 of the *Public Sector Employment and Management Act* do not apply to the Chief Executive Officer or a person acting as the Chief Executive Officer.

"(7) The Chief Executive Officer is responsible to the Minister for the performance of the Chief Executive Officer's functions under the *Public Sector Employment and Management Act* in relation to the Corporation."

8. Repeal

Sections 16, 17, 19 and 21 of the Principal Act are repealed.

9. Authentication of documents

Section 22 of the Principal Act is amended –

- (a) by omitting "Authority" (twice occurring) and substituting "Corporation"; and
- (b) by omitting "the Chief Executive Officer" and substituting "a person authorised to do so by the board of the Corporation constituted under the *Government Owned Corporations Act*".

10. Repeal

Sections 23 and 29 of the Principal Act are repealed.

11. Repeal and substitution

Section 33 of the Principal Act is repealed and the following substituted:

"34. References to Authority

"(1) A reference to the Power and Water Authority –

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- (a) in any security, licence, bank account or instrument (including a contract, arrangement, Act, regulation, by-law or rule or court document relating to an action, prosecution or proceeding) or any other document, that subsists immediately before the commencement of the *Power and Water Amendment Act 2001*; or
- (b) in any notice or other communication served, given, or sent before, on, or after the commencement of that Act in relation to the security, licence, bank account, or instrument,

is, unless the context otherwise requires, to be read as a reference to the Corporation.

"(2) On the commencement of the *Power and Water Amendment Act 2001*, a reference to the Power and Water Authority in any register or certificate relating to interests in land is to be taken to be a reference to the Power and Water Corporation."

12. Transitional – Chief Executive Officer

(1) The person who was, immediately before the commencement of this section, the Chief Executive Officer of the Authority within the meaning of the Principal Act as then in force is, on the commencement, to be taken to be appointed as the chief executive officer of the Corporation under the *Government Owned Corporations Act*.

(2) An appointment referred to in subsection (1) is subject to and may be terminated or renewed in accordance with –

- (a) the *Government Owned Corporations Act*; and
- (b) the Chief Executive Officer's Executive Contract of Employment within the meaning of the *Public Sector Employment and Management Act*.

13. Transitional – members of Authority

(1) If, immediately before the commencement of this section, a person (other than the Chief Executive Officer) was a member of the Authority under the Principal Act as then in force, the person is to be taken to be a director of the Corporation appointed under the *Government Owned Corporations Act* on the commencement and that Act applies in relation to the person accordingly.

(2) Subject to subsection (3), an appointment referred to in subsection (1) remains in force for the remainder of the term for which the member was appointed under the Principal Act.

(3) An appointment referred to in subsection (1) may be terminated or renewed in accordance with the *Government Owned Corporations Act*.

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14. Further amendments

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 14

Provision	Amendment	
	omit	substitute
Long title	Authority	Corporation
Heading to Part II	AUTHORITY	CORPORATION
Section 14(1)	Authority	Corporation
Section 14(2)	Authority (first occurring)	Corporation
Section 14(2)(a)	the whole paragraph	
Section 14(2)(b)	Authority	Corporation
Section 14A(1)	Authority	Corporation
Section 14A(2)	Authority (first occurring)	Corporation
Section 14A(2)(a)	the whole paragraph	
Section 14A(2)(b)	Authority	Corporation
Section 14A(3)	Authority's	Corporation's
Sections 14A(3), 14B and 14C(1) to (5) (inclusive)	Authority (wherever occurring)	Corporation
Section 14C(6)	the whole subsection	
Section 15(1)	Authority	Corporation
Section 15(2)	Authority by this Act or any other Act, the Authority	Corporation by this Act or any other Act, the Corporation

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Section 15(2)(a), (b) and (c)	the whole paragraph	
Section 15(2)(f), (j) and (q), (3) and (4)	Authority (wherever occurring)	Corporation
Section 20	Authority (wherever occurring)	Corporation
Section 24	Authority (twice occurring)	Corporation

ALTERATIONS TO SECTION HEADINGS

On the day (or respective days) on which the *Power and Water Authority Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to sections 14, 14A, 14B, 14C, 15 and 24 are altered by omitting "Authority" and substituting "Corporation".
