

Serial 213

Power and Water Authority Amendment Act (No. 2) 1999

Mr Reed

**A BILL  
for  
AN ACT**

to amend the *Power and Water Authority Act*



NORTHERN TERRITORY OF AUSTRALIA  
POWER AND WATER AUTHORITY AMENDMENT ACT (NO. 2) 1999

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No. of 1999

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# NORTHERN TERRITORY OF AUSTRALIA

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No. of 1999

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## AN ACT

to amend the *Power and Water Authority Act*

[Assented to 1999]  
[Second reading 1999]

**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 (No. 2) 1999*.

**2. Commencement**

This Act comes into operation on the date 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. Delegation**

Section 13 of the Principal Act is amended by omitting subsection (6).

**5. Repeal and substitution**

Section 14 of the Principal Act is repealed and the following substituted:

**"14. Functions of Authority – electricity**

"(1) The functions of the Authority in relation to electricity are –

- (a) to generate, acquire, exchange, transport, distribute, market and otherwise supply electricity;
- (b) to undertake, maintain and operate any works, system, facilities, apparatus or equipment required for any purpose referred to in paragraph (a);
- (c) to use its expertise and resources to provide consultative, advisory or other services for profit;
- (d) to develop and turn to account any technology, software or other intellectual property that relates to a function referred to in paragraph (a) or (b); and
- (e) to manufacture and market any product that relates to a function referred to in paragraph (a), (b) or (d).

"(2) In addition to subsection (1), it is also a function of the Authority –

- (a) to use or exploit its fixed assets for profit so long as the proper performance of its functions under subsection (1)(a) and (b) is not affected;
- (b) to do anything that the Authority determines to be conducive or incidental to the performance of a function referred to in subsection (1); and
- (c) to do anything that it is authorised to do by any other written law.

**"14A. Functions of Authority – water and sewerage**

"(1) The functions of the Authority in relation to water and sewerage are –

- (a) to acquire, store, treat, distribute, market and otherwise supply water for any purpose;
- (b) to collect, store, treat, market and dispose of wastewater;
- (c) to undertake, maintain and operate any works, system, facilities, apparatus or equipment required for any purpose referred to in paragraph (a) or (b);
- (d) to use its expertise and resources to provide consultative, advisory or other services for profit;

(e) to develop and turn to account any technology, software or other intellectual property that relates to a function referred to in paragraph (a), (b) or (c); and

(f) to manufacture and market any product or by-product that relates to a function referred to in paragraph (a), (b), (c) or (e).

"(2) In addition to subsection (1), it is also a function of the Authority –

(a) to use or exploit its fixed assets for profit so long as the proper performance of its functions under subsection (1) (a), (b) and (c) is not affected;

(b) to do anything that the Authority determines to be conducive or incidental to the performance of a function referred to in subsection (1); and

(c) to do anything that it is authorised to do by any other written law.

"(3) If the performance of any of the Authority's functions referred to in subsection (1)(a), (b) or (c) requires that the Authority hold a licence under the *Water Act*, the Authority may only perform the function in accordance with the terms and conditions of the licence.

"(4) In subsection (1), 'wastewater' means liquid waste, whether domestic or otherwise, and includes faecal matter and urine.

#### **"14B. Functions of Authority – gas**

"The functions of the Authority in relation to gas are to buy, sell, process, store or transport –

(a) gas or products derived from gas; or

(b) products associated with gas or the products derived from it.

#### **"14C. Functions of Authority – general**

"(1) The Authority has any other functions that are conferred on it by or under this Act or any other enactment.

"(2) Subject to subsection (3), the Authority has the functions of –

(a) providing communications facilities and services; and

(b) providing other facilities and services.

"(3) The Authority may only provide a particular kind of facility or service under subsection (2) –

- (a) if the provision of the facility or service is consistent with the requirement that the Authority act in a commercial manner; and
  - (b) with the approval of the Minister.
- "(4) The Authority may perform any of its functions in the Territory or elsewhere.
- "(5) This section and sections 14, 14A and 14B do not impose on the Authority any duty to perform any function that is enforceable by proceedings in a court.
- "(6) Subsection (3) does not apply to any direction given under this Act by the Minister."

## **6. Powers of Authority**

Section 15 of the Principal Act is amended –

- (a) by omitting subsection (2) and substituting the following:

"(2) Without limiting subsection (1) or the other powers conferred on the Authority by this Act or any other Act, the Authority may for the purpose of performing any function –

- (a) acquire, hold, manage, improve, develop and dispose of any real or personal property;
- (b) construct, improve and maintain plant, equipment and buildings for the purposes of carrying out any function of the Authority;
- (c) enter into any contract or arrangement;
- (d) apply for the grant or transfer of any mining or petroleum authority, licence, permit or tenement, or any other licence or authority, to the Authority;
- (e) acquire, establish and operate –
  - (i) any undertaking (including any necessary tenements and licences) for the production, recovery, conversion, processing or transport of any fuel or source of energy; and
  - (ii) any associated undertaking;
- (f) produce and deal in –
  - (i) any by-product resulting from; or
  - (ii) any equipment, facilities or system associated with,

the performance of any function of the Authority;

- (g) collect fees and charges for supplying electricity, water or gas or for providing sewerage, communications or other services;
  - (h) receive money by way of grant or subsidies from any authority;
  - (j) appoint agents or engage persons under contracts for services to provide professional, technical or other assistance to the Authority;
  - (k) participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement;
  - (m) carry out any investigation, survey, exploration or boring;
  - (n) collaborate in, carry out, or procure the carrying out of, research and publish information that results from the research;
  - (p) for the purposes of section 14(1)(d) – apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights; and
  - (q) promote and market the Authority and its activities.";
- (b) by omitting from subsection (3) "subsection (2)(c)" and substituting "subsection (2)"; and
- (c) by omitting subsections (4) and (5) and substituting the following:

"(4) If the generality of any power conferred on the Authority by this Act is restricted by any provision of the *Electricity Reform Act*, *Water Act* or *Water Supply and Sewerage Act* that restriction applies despite this Act.

"(5) In subsection (2) –

'business arrangement' means a company, a partnership, a trust, a joint venture or an arrangement for sharing profits;

'participate' includes form, promote, establish, enter, manage, dissolve, wind up, and do anything incidental to participating in a business arrangement."

## **7. Repeal**

Section 25 of the Principal Act is repealed.

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