

[Act 2000 No 102]



New South Wales

Australian Inland Energy Water Infrastructure Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Water Supply Authorities Act 1987* so as:
 - (i) to dissolve the Broken Hill Water Board, and
 - (ii) to transfer the Broken Hill Water Board's water supply functions to Australian Inland Energy (to be renamed Australian Inland Energy Water Infrastructure), and
 - (iii) to exclude Australian Inland Energy Water Infrastructure (because of its status as a statutory State owned corporation) from a number of the provisions of that Act, and
 - (b) to amend the *Energy Services Corporations Act 1995* so as:
 - (i) to rename Australian Inland Energy as Australian Inland Energy Water Infrastructure (so reflecting its new water supply functions), and
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- (ii) to allow certain public interest directions to be given to Australian Inland Energy Water Infrastructure in relation to the exercise of its water supply functions without the need for prior consultation with its board, and
- (c) to make consequential amendments to a number of other Acts.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Water Supply Authorities Act 1987* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Energy Services Corporations Act 1995* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to other Acts and instruments set out in Schedule 3.

Schedule 1 Amendment of Water Supply Authorities Act 1987

Schedule 1 to the *Water Supply Authorities Act 1987*, which lists the corporations that are water supply authorities, is in two Parts. Part 1 lists corporations (including the Broken Hill Water Board) that are constituted by the Act. Part 2 lists corporations that are constituted under other Acts. Schedule 3 to that Act contains provisions specific to the Broken Hill Water Board.

Schedule 1 [1] amends section 8 (2) (which gives effect to Schedule 3) so as to replace a reference to the Broken Hill Water Board with a reference to Australian Inland Energy Water Infrastructure.

Schedule 1 [2] amends section 10 so as to provide that (unlike other water supply authorities) Australian Inland Energy Water Infrastructure is not subject to the direction and control of the Minister administering the Act. The nature of control that is exercisable over Australian Inland Energy Water Infrastructure, as a statutory State owned corporation, is dealt with in the *State Owned Corporations Act 1989*.

Schedule 1 [3] amends section 60 so as to provide that (unlike other water supply authorities) Australian Inland Energy Water Infrastructure is not required to furnish information to the Minister administering the Act. The furnishing of information by Australian Inland Energy Water Infrastructure, as a statutory State owned corporation, is dealt with in the *State Owned Corporations Act 1989*.

Schedule 1 [4] amends section 61 so as to provide that (unlike other water supply authorities) Australian Inland Energy Water Infrastructure is not subject to an efficiency review under that Act. The oversight of the performance of Australian Inland Energy Water Infrastructure, as a statutory State owned corporation, is dealt with in the *State Owned Corporations Act 1989*.

Schedule 1 [5] amends section 62 so as to provide that (unlike other water supply authorities) Australian Inland Energy Water Infrastructure is not subject to the appointment of an administrator under the Act. The oversight of the performance of Australian Inland Energy Water Infrastructure, as a statutory State owned corporation, is dealt with in the *State Owned Corporations Act 1989*.

Schedule 1 [6] is a formal provision giving effect to the savings and transitional provisions set out in proposed Schedule 7.

Schedule 1 [7] omits a reference to Broken Hill Water Board from Part 1 of Schedule 1.

Schedule 1 [8] inserts a new Part 3 into Schedule 1. The new Part is to contain the name of Australian Inland Energy Water Infrastructure, so establishing it as a water supply authority.

Schedule 1 [9]–[12] make consequential amendments to Schedule 3, repealing provisions that are inapplicable to Australian Inland Energy Water Infrastructure, and modifying the remaining provisions so that they refer to Australian Inland Energy Water Infrastructure rather than the Broken Hill Water Board.

Schedule 1 [13] inserts a new Schedule of savings and transitional provisions. The Schedule dissolves the Broken Hill Water Board, transfers its staff and assets to Australian Inland Energy Water Infrastructure and makes other consequential provisions.

Schedule 2 Amendment of Energy Services Corporations Act 1995

Schedule 2 [1] amends Schedule 1 so as to rename Australian Inland Energy as Australian Inland Energy Water Infrastructure.

Schedule 2 [2] amends Schedule 2 so as to insert a new clause 3A. The new clause modifies the operation of section 20P of the *State Owned Corporations Act 1989* so as to allow a public interest direction to be given to Australian Inland Energy Water Infrastructure under that section without the need for prior consultation required by that section, but only in relation to Australian Inland Energy Water Infrastructure's exercise of its water supply functions under the *Water Supply Authorities Act 1987*.

Schedule 3 Amendment of other Acts and instruments

This Schedule makes consequential amendments to the following Acts and instruments:

Attachment of Wages Limitation Act 1957 No 28

Electricity Supply Act 1995 No 94

First State Superannuation Act 1992 No 100

Government and Related Employees Appeal Tribunal Act 1980 No 39

Heritage Act 1977 No 136

National Parks and Wildlife Act 1974 No 80

Pipelines Act 1967 No 90

Public Authorities (Financial Arrangements) Regulation 2000

Public Authorities Superannuation Act 1985 No 41

Public Finance and Audit Act 1983 No 152

Public Sector Management Act 1988 No 33

State Authorities Non-contributory Superannuation Act 1987 No 212

State Authorities Superannuation Act 1987 No 211

State Owned Corporations Act 1989 No 134

Australian Inland Energy Water Infrastructure Bill 2000 [Act 2000 No 102]

Explanatory note

Strata Schemes (Freehold Development) Act 1973 No 68

Strata Schemes (Leasehold Development) Act 1986 No 219

Superannuation Act 1916 No 28

Valuation of Land Act 1916 No 2