

ACTEW CORPORATION

DEVELOPMENT OF THE DEPARTMENT'S RECORDS DISPOSAL SCHEDULE

Stage 1 PRELIMINARY INVESTIGATION

30 October 2004

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1 INTRODUCTION

1.1 BACKGROUND

ACTEW Corporation Limited is required to comply with the *Territory Records Act 2002* administered by the ACT Territory Records Office. The Act establishes a mandate for the management and care of Territory records both paper and electronic. The legislation cites Principal Officers (Chief Executive Officers, General Managers etc) as being responsible for ensuring that their organisation:

- Makes and keeps full and accurate records of business activities;
- Takes the necessary steps to ensure that the information in records continues to be accessible in accordance with the *Freedom Information Act 1989* and the *Territory Records Act 2002*; and
- Establishes and maintains an approved agency specific Records Management Program

Section 16 of the *Territory Records Act 2002* requires organisations to produce Records Disposal Schedules as part of their Records Management program using an adaptation of the DIRKS (Designing and Implementing Recordkeeping Systems) methodology. Organisations need to complete five steps before their Records Disposal Schedules can be approved by the ACT Territory Records Office and Advisory Council.

1.2 PURPOSE

Being the first step in the DIRKS methodology, this document provides the findings of a preliminary investigation of the organisation's operational, regulatory, business and social environment. The document is divided into three main sections which broadly cover the administrative/functional history, the legal framework that determines how the organisation operates and its business context. In particular, the document focuses on:

- Legislation administered by the department;
- Internal and external stakeholders whose interests the organisation takes into account;
- Unique functions and the way in which the organisation carries them out;
- The work of the organisation that overlaps with the functions of another organisation;
- Factors affecting the organisation's recordkeeping practices; and
- The organisation's corporate culture

1.3 APPROACH

A range of documentary sources has been consulted, researched and analysed to assist with, and to verify the findings and conclusions of the investigation process. Staff were consulted to identify specific activities of the Corporation and documentary sources such as legislation, annual reports, strategic planning documents, agency publications, policy and media statements etc were examined for their relevance and usefulness. Reference sources noted throughout the document are included.

2 ADMINISTRATIVE CONTEXT

2.1 PROJECT MANAGER

1. Name	Position	Contact Means
Michelle Norris	Company Secretary	6248 3871

2.2 ORGANISATION NAME

Name	Source No.
ACTEW Corporation Limited (ACTEW)	1

2.3 ORGANISATION TYPE

Type	Australian Business Number	Source No.
ACTEW Corporation Limited (ACTEW) is an Australian Capital Territory Government owned company.	86 069 381 960	2

2.4 CHARACTERISTICS OF THE ORGANISATION

Description	Source No.
<p>ACTEW Corporation Limited (ACTEW), a company wholly owned by the ACT Government, was established on 1 July 1995 and employs 10 staff.</p> <p>ACTEW owns the water and sewerage business and assets in the ACT and is a 50% owner of ActewAGL, a multi-utility provider of electricity and gas services, and operator of the water and sewerage business. ActewAGL has 922 employees, serves approximately 320,000 people in the ACT and was valued at \$853 million in 2003.</p> <p>The Corporation also holds a 24.9% interest in TransACT Communications Pty Limited, a broadband fibre optic cable network and telecommunications company. In 2003, ACTEW Corporation's assets totalled more than \$1.3b.</p>	1, p. 2; 3; 25, p. 2.
<p>ACTEW's mission:</p> <ul style="list-style-type: none"> To maximise return on water, energy and communication investments To manage prudently public assets to provide water and sewerage services in the ACT region To continue a national leadership role in environmental matters beyond compliance 	1, (inside cover)
<p>ACTEW supports its vision to be a benchmark in the public-private partnership (PPP) model for the provision of multi-utility services by maintaining the following values:</p> <ul style="list-style-type: none"> To maintain high standards of probity and governance To maximise the environmental benefit from asset management and service provision functions To act fairly and professionally with stakeholders To operate in a commercial manner mindful of public accountabilities 	1, (inside cover)
<p>ACTEW's Board comprises seven directors: one executive Director and six non-executive Directors.</p> <p>ACTEW has agreed business goals with the voting shareholders, the Chief Minister and the Deputy Chief Minister of the ACT. The goals are outlined in the Statement of Corporate Intent which is provided annually to the voting shareholders and tabled in the ACT Legislative Assembly.</p>	1, p. 14.

2.5 EXTERNAL SCRUTINY

Description	Source No.
The Auditor-General of the Australian Capital Territory conducted an Independent Audit Report for the financial year ended June 2003.	1, p. 36

2.6 FUNCTIONAL HISTORY

Year	Description	Source No
1904	The selection of a site for the new national capital of Australia was dependent on a natural water supply for town water functions and generation of electricity. The New South Wales Director of Lands and Surveys, Charles Robert Scrivener was responsible for recommending the site for the national capital. An adequate water supply figured prominently in Scrivener's deliberations.	5, p. 5.
1 January 1911	The Federal Capital Territory was formally established on 1 January 1911 (re-named the Australian Capital Territory in 1938). The Department of Home Affairs, Central Office was responsible for building the capital city.	5, pp. 3, 6, 296.
23 May 1912	Walter Burley Griffin won the competition to design the national capital, a city to accommodate 25,000 people. On 17 October 1913 he was appointed Federal Capital Director of Design and Construction to oversee implementation of his design.	5, p. 9.
1912 - 1916	In 1912 work began on constructing the Cotter Dam, to provide Canberra's water supply, in accordance with the design by Henry Gustav Connell, the Department of Home Affairs' supervising engineer in Canberra from 1912 to 1916. The plan was to pump water from the dam to Canberra using electricity generated at the power station in Canberra.	5, p. 10.
1913	On 12 March 1913, at a ceremony to lay the foundation stone for the Commencement Column, Lady Denman, wife of the Governor-General, named the city 'Canberra'.	5, p. 10.
July 1915	The Minister for Home Affairs, King O'Malley proposed that electricity be the chief energy source for the national capital so it remained a smokeless city apart from the smoke from the powerhouse. The power station, commissioned in 1915, was the first permanent building constructed in the national capital. Government officials commissioned a three phase power generating system, which was in use in Sydney at the time, and which became the Australian standard. The power system requirements were based on the power needs of the pumping station at the Cotter River. In accordance with departmental arrangements concerning the early development of Canberra, the Department of Home Affairs would have become responsible for the completed power station. Personnel from the Department of Works and Railways ran the power station because the Department of Home Affairs didn't have qualified people to manage it.	5, pp. 15, 18.
1915	A sewer was constructed at Weston Creek between 1915 and April 1917 when work halted due to a Royal Commission called to examine Canberra's administration.	5, p. 20.
1 July 1921	The Department of Works and Railways, Central Office assumed full control of the power station.	5, p. 296.
1927	The Weston Creek sewerage treatment plant was completed in 1927 to coincide with the opening of the provisional Parliament House.	5, p. 30.

1 January 1925	<p>On 1 January 1925 the government appointed an independent Federal Capital Commission to take responsibility for planning and developing Canberra and assuming responsibility for local government type functions.</p> <p>An electrical engineer assumed responsibility for operating the electricity supply between 1925 and 1927. Matters relating to electricity supply were regulated by the Canberra and Jervis Bay Electricity Supply Regulations proclaimed in 1924.</p> <p>The Commission replaced the Federal Capital Advisory Committee which existed between 22 January 1921 and 3 December 1924.</p> <p>On 1 May 1930 the Federal Capital Commission was abolished by the Scullin Labor government.</p>	5, p. 295-6, 22, 31, 39.
1927	The Weston Creek sewerage treatment plant was completed in 1927 to coincide with the opening of the provisional Parliament House.	5, p. 30.
1 May 1930	<p>On 1 May 1930 the new Scullin Labor government divided its functions between departments. The Federal Capital Territory Branch of the Department of Home Affairs was responsible for electricity services and the Department of Works and Railways was responsible for water and sewerage services. (This arrangement remained virtually unchanged for 50 years).</p> <p>The Works and Services Branch continued to be responsible for design, construction and maintenance of essential water services.</p>	5, pp. 39, 295 - 6.
12 April 1932	<p>The Department of the Interior [1] was created on 12 April 1932 from an amalgamation of the Department of Home Affairs [11]; the Department of Transport [1] and the Department of Works and Railways. The Department took over responsibility for electricity services.</p> <p>From 1932 to 1938 the Works and Services Branch, within the Department of Interior [1], was responsible for water and sewerage services.</p>	5, p. 295-6; 26, p. 1.
1938	In 1938 the Works and Services Branch, responsible for water and sewerage services, was transferred from the Department of Interior to the newly created Department of Works [1]. (The Department of Works [1] was abolished on 26 April 1939).	26, p. 2.
26 April 1939	<p>On 26 April 1939, the Department of the Interior [1] was replaced by the Department of the Interior [11]. The department also inherited the functions of the abolished Department of Works [1].</p> <p>Between 26 April 1939 and 1964, the branch providing electricity services within the Department of the Interior [11] was known as the Canberra Electricity Supply.</p> <p>Between 26 April 1939 and 1946 responsibility for water and sewerage services was located in the Works and Services Branch [11] in the Department of Interior [11].</p>	26, p. 2; 5, p. 41; 31.
1 January 1946	From 1 January 1946 to 19 December 1972 the Works Director, ACT agency within the Department of the Interior [11] was responsible for water and sewerage services. On 19 December 1972 the Works Director, ACT agency moved to the newly created Department of the Capital Territory.	30
1945	From 1945 to 1953 the Department of Interior [11] was responsible for the administration and billing for electricity services while the Department of Works was responsible for the engineering aspects of electricity services.	5, pp. 46-7.

1 July 1963	<p>On 1 July 1963 the <i>Australian Capital Territory Supply Act 1962</i> constituted the ACT Electricity Authority (ACTEA) as a corporate body, consisting of a chairman and two other members. The Department of the Interior retained responsibility for the ACTEA, though it functioned as a separate entity.</p> <p>ACTEA's functions were:</p> <ul style="list-style-type: none"> • To supply electricity • To promote the use of electricity within the ACT • and such functions in relation to matters affecting or connected with the supply or use of electricity in the ACT as were conferred upon the Authority by ACT law <p>This empowered the ACTEA to:</p> <ul style="list-style-type: none"> • Generate electricity • Purchase electricity from outside the ACT • Transmit and reticulate electricity in the ACT • Supply, maintain or repair electrical equipment required or used by the Commonwealth, or its authorities • Determine charges for the supply of electricity, or connection to that supply <p>ACTEA was superseded on 1 July 1988 by the ACT Electricity and Water Authority.</p>	5, p. 79; 27.
19 December 1972	<p>On 19 December 1972 the Prime Minister, Gough Whitlam established a new Department of the Capital Territory responsible for the administration of the Australian Capital Territory.</p> <p>From 19 December 1972 until 11 March 1983 the ACT Electricity Authority (ACTEA) was located within the Central Office of this department.</p> <p>From 19 December 1972 until 18 June 1974 the Works Director, ACT within the Department of the Capital Territory was responsible for water and sewerage services.</p> <p>The Department of the Capital Territory was abolished on 11 March 1983.</p>	5, pp. 116, 296; 28.
30 November 1973	<p>On 30 November 1973 the name of the Department of Works [111] was changed to the Department of Housing and Construction [1]. Water and sewerage services were the responsibility of the Director-General of Works agency within the Department.</p>	
18 June 1974	<p>On 18 June 1974 the Public Service Board redesignated all existing positions of Director of Works as Director of Housing and Construction. Water and sewerage services were the responsibility of the Director of Housing and Construction within the Department of Housing and Construction until the department was abolished on 22 December 1975. At the regional level, Director of Housing and Construction, ACT, was replaced by the Director of Construction, ACT.</p>	5, p. 295; 32.
22 December 1975	<p>According to the Administrative Arrangement Orders of 22 December 1975 which abolished the Department of Housing and Construction, the Commonwealth works functions became the responsibility of the Department of Construction; the head office being split between Melbourne and Canberra.</p> <p>The name of the ACT regional branch, formerly the Director of Housing and Construction, became the Director of Construction, ACT from 22 December 1975 until 5 December 1978. This branch was responsible for water and sewerage services in the ACT.</p>	5, p. 295; 33.

5 December 1978	On 5 December 1978, in accordance with the Administrative Arrangement Orders of that date, works functions were transferred from the former Department of Construction, and the name of the ACT regional office was changed to the Director of Housing and Construction [11], ACT. The regional office was responsible for water and sewerage services until 7 May 1982 until they transferred to the Department of Transport and Construction.	5, p. 295; 34
7 May 1982	On 7 May 1982 the Department of Transport and Construction was established. The department inherited the construction activities, which included water and sewerage services, from the abolished Department of Housing and Construction [11]. On 11 March 1983 the Department of Transport and Construction was renamed The Department of Transport [1V]. Construction functions including water and sewerage services, passed to the new Department of Housing and Construction [111].	5, p. 295.
11 March 1983	On 11 March 1983 the Department of Territories and Local Government took over the functions of the Department of the Capital Territory. The Australian Capital Territory Electricity Authority was located within the new department until 13 December 1984.	5, pp. 155, 296; 28.
11 March 1983	On 11 March 1983 the Department of Housing and Construction [111] was created by a meeting of the Federal Executive Council. The department inherited construction functions, including water and sewerage services, from the Department of Transport and Construction. On 12 December 1985 operations, including water and sewerage services, were transferred to the ACT Council within the Department of Territories [11].	5, p. 295.
13 December 1984	On 13 December 1984 responsibility for the Australian Capital Territory Electricity Authority (ACTEA) moved to the newly created Department of Territories (11), Central Office, from the Department of Territories and Local Government. ACTEA moved to the Department of the Arts, Sport, the Environment, Tourism and Territories, Central Office on 24 July 1987.	5, p. 296; 23.
2 December 1985	On 2 December 1985 the Minister for Territories [11] announced the Government's intention to combine most ACT administrative functions within a single portfolio. Responsibility for water and sewerage services transferred from the Department of Housing and Construction to the new ACT Council within the new Department of Territories [11]. On 24 July 1987, the Department of Territories was abolished and most of its functions moved to the Department of the Arts, Sport, the Environment, Tourism and Territories.	5, p. 295; 23.
24 July 1987	In accordance with the Administrative Arrangement Order of the 24 July 1987, ACT Government services were brought together to form the new ACT Administration within the Department of the Arts, Sport, the Environment, Tourism and Territories, Central Office. Water and Sewerage Services and the Australian Capital Territory Electricity Authority (ACTEA) (transferred from the abolished Department of Territories [11]) were administered by ACT Administration but ACTEA remained statutorily independent.	5, pp. 156, 295-6; 22.

1 July 1988	<p>On 1 July 1988 the Australian Capital Territory Electricity and Water (ACTEW) Authority was established under the ACT Electricity and Water Ordinance 1988. The Authority combined the functions of the former ACT Electricity Authority with the Water and Sewerage Branch of the ACT Administration.</p> <p>Section 5 of the Electricity and Water Ordinance 1988 lists the Authority's functions as:</p> <ul style="list-style-type: none"> • To supply electricity and water • To promote and manage the use of electricity and water • To collect and treat sewage and otherwise to provide and manage sewerage services • To produce sewage treatment by-products; and • To do such things in relation to electricity or water and the provision of sewerage services as are conferred on the Authority by or under this Ordinance or any other law of the Territory 	4
1 July 1995	<p>On 1 July 1995 the Australian Capital Territory Electricity and Water (ACTEW) Corporation Limited was established as an ACT Government owned company with assets and investments in water, sewerage, electricity, gas and telecommunications.</p> <p>The objects of the Company were:</p> <ol style="list-style-type: none"> (a) To supply energy, including electricity and water (b) To promote and manage the use of energy and water (c) To provide sewerage services (ca) The provision of communication services and (d) To undertake other related business or activity which may be undertaken by a natural person <p>No object is to be construed to limit the extent of any other object</p>	1, p. 2; 24.
3 October 2000	<p>On 3 October 2000 ACTEW Corporation Limited and the Australian Gas Light (AGL) company entered into a joint venture, ActewAGL, based in the Australian Capital Territory to provide utility services. ACTEW Corporation, a company wholly owned by the ACT government, owns the water and sewerage assets in the ACT and 50% of the ActewAGL partnerships.</p> <p>AGL, Australia's largest energy provider, was established in 1837 and listed on the Sydney Stock Exchange when it opened in 1871. AGL, with business interests in Australia and overseas, is the owner, operator or major investor in major gas pipelines, reticulation networks and electricity distribution. AGL owns 50% of the ActewAGL partnerships.</p> <p>ActewAGL was organised as two partnerships, one distribution and one retail. The ActewAGL Distribution partners are ACTEW Distribution Limited and AGL Gas Company (ACT) Pty Ltd. ActewAGL Distribution is responsible for the network side of the energy business. It also operates and maintains the water and sewerage networks under contract to ACTEW Corporation.</p> <p>The ActewAGL Retail partners are ACTEW Retail Limited and AGL ACT Retail Investments Pty Ltd. ActewAGL Retail manages customer service, marketing and selling energy.</p>	1, p. 3; 6; 25, p. 2.
31 May 2000	<p>On 31 May 2000 TransACT Communications Pty Limited was officially launched. ACTEW Corporation owns 24.9% of TransACT.</p>	1, p. 3; 7.

3 LEGAL AND REGULATORY FRAMEWORK

3.1 ESTABLISHMENT OF THE ORGANISATION

Description	Source No.
ACTEW Corporation Limited (ACTEW) was established as a Territory owned corporation, by the <i>Territory Owned Corporation Act 1990</i> , on 1 July 1995, to address the demands for more commercial skills in a newly deregulated energy market.	1, p. 2; 3

3.2 LEGISLATION AFFECTING THE ROLE AND OPERATION OF THE ORGANISATION

Description	Source No.
Supply	1, p. 15.
<i>Canberra Water Supply (Googong Dam) Act 1974</i> An Act relating to the Construction of a Dam on the Queanbeyan River in New South Wales and the Supply of Water from that Dam for use in the Australian Capital Territory, and for purposes connected therewith.	1, p. 15; 18.
<i>Seat of Government Acceptance Act 1909</i> An Act to ratify an Agreement for the variation of the Agreement for the Surrender and Acceptance of Territory for the purposes of the Seat of Government of the Commonwealth.	1, p. 15; 17.
<i>Water Resources Act 1998</i> An Act to provide for the management of water resources in the Territory, and for related purposes.	1, p. 15; 16.
Asset Ownership	1, p. 15.
<i>ACT Self Government Act 1988</i> An Act to make certain transitional provisions, and to amend certain Acts, in consequence of the amendment of the <i>Australian Capital Territory (Self-Government) Act 1988</i> .and certain amendments made to that Act.	1, p. 15; 9.
<i>ACTEW / AGL Partnership Facilitation Act 2000</i> An Act to facilitate the formation by ACTEW and AGL, of a joint venture by way of partnerships between their subsidiaries.	1, p. 15; 10.
<i>Corporations Act 2001</i> An act to make provision in relation to corporations and financial products and services, and for other purposes.	1, p. 2; 35.
<i>Territory Owned Corporations Act 1990</i> An Act to provide for the establishment of government enterprises as Territory owned corporations.	1, p. 15; 11.
Licencing	1, p. 15.
<i>Environment Protection Act 1997</i> An act to provide for the protection of the environment, and for related purposes.	1, p. 15; 14.
<i>Public Health Act 1997</i> An Act relating to public health, and for related purposes.	1, p. 15. & 12.
<i>Utilities Act 2000</i> An Act to regulate the provision of services by certain utilities, and for other matters.	1, p. 15.
<i>Water Resources Act 1998</i> An Act to provide for the management of water resources in the Territory, and for related purposes.	1, p. 15; 16.

Operation	1, p. 15.
<i>Emergency Management Act 1999</i> An Act relating to emergencies, and for related purposes.	1, p. 15; 20.
<i>Water and Sewerage Act 2000</i> An Act to make provision in relation to the supply of plumbing or sanitary drainage services.	1, p. 15; 21.
Consumer Protection	1, p. 15.
<i>Public Health Act 1997</i> An Act relating to public health, and for related purposes.	1, p. 15; 12.
<i>Public Interest Disclosure Act 1994</i> An act to encourage the disclosure of conduct adverse to the public interest in the public sector, and for related purposes.	25; 13.
<i>Trade Practices Act 1974</i> An Act relating to certain Trade Practices.	1, p. 15; 19.
<i>Utilities Act 2000</i> An Act to regulate the provision of services by certain utilities, and for other matters.	1, p. 15. 60.
Environment Protection	1, p. 15.
<i>Environment Protection Act 1997</i> An act to provide for the protection of the environment, and for related purposes.	1, p. 15; 14.
<i>Land (Planning and Environment) Act 1991</i> An Act relating to the use of land in the Territory, and for related purposes.	1, p. 15; 15.
<i>Water Resources Act 1998</i> An Act to provide for the management of water resources in the Territory, and for related purposes.	1, p. 15; 16.

3.3 AGREEMENTS WITH OTHER JURISDICTIONS

	Source No.
On 3 October 2000 a Joint Venture was formed between ACTEW and The Australian Gas Light Company (AGL) and was known as ActewAGL. The Joint Venture was the first multi-utility operating as a public-private partnership in Australia. Two of ACTEW's subsidiary companies, ACTEW Distribution Limited and ACTEW Retail Limited are partnership companies in the Joint Venture. To facilitate the Joint Venture the following agreements were established on the same date:	1, p. 24; 55.
Umbrella Agreement between AGL and ACTEW A "living" document which is an overarching agreement covering the following governance requirements: <ul style="list-style-type: none"> • Structure of the organisation • How the organisation operates • Who the owners are • Business obligations • Parties to the agreement 	1, p. 24; 37; 55

<p>Completion Agreement</p> <p>A document requiring Australian Consumer and Competition Commission approval. The purpose of the Agreement was to:</p> <ul style="list-style-type: none"> • Ensure all companies were registered • Ensure all aspects of the partnership were compliant • Facilitate exchange of documents on the day • Document post-establishment procedures ie changing company branding • Capture the process at the time 	<p>1, p. 24; 37; 55</p>
<p>Staff Services Agreement</p> <p>On 3 October 2000 920 staff transferred from ACTEW to ActewAGL under a Staff Services Agreement. The Agreement detailed which staff transferred to ACTEW Distribution Limited and which staff transferred to ACTEW Retail Limited. The Agreement covered the following Human Resource obligations:</p> <ul style="list-style-type: none"> • Staff rights • Retention of entitlements • Secondment • Obligations • Management obligations • Indemnity and insurance • All functions for Human Resources 	<p>1, p. 71; 55.</p>
<p>Water and Sewerage Agreement</p> <p>The Water and Sewerage Managing Contractor Alliance Agreement covers the operations of ActewAGL on ACTEW Corporation's behalf. ACTEW Corporation retained 100% ownership of the water and sewerage infrastructure in the ACT while ActewAGL operated and maintained the water and sewerage networks. The Agreement outlines:</p> <ul style="list-style-type: none"> • Operations • Responsibilities • Regulations • Compliance 	<p>55.</p>
<p>Retail Agreement</p> <p>The Retail Agreement covers the Retail Partnership of the Joint Venture and is between ACTEW Retail Limited (a subsidiary company of ACTEW and one of ACTEW's partners in the ActewAGL Joint Venture) and AGL ACT Retail Investments Pty Ltd (a subsidiary company of AGL and one of AGL's partners in the ActewAGL Joint Venture). The Agreement outlines partnership business issues including:</p> <ul style="list-style-type: none"> • Capital • Business Plans • Management • Finance • Accounting • Auditing • Taxation • Insurance • Marketing 	<p>1, p. 24; 37; 55.</p>

<p>Distribution Agreement</p> <p>The Distribution Agreement covers the Distribution Partnership of the Joint Venture and is between ACTEW Distribution Limited (a subsidiary company of ACTEW and one of ACTEW's partners in the ActewAGL Joint Venture) and AGL Gas Company (ACT) Limited (a subsidiary company of AGL and one of AGL's partners in the ActewAGL Joint Venture). The Agreement outlines partnership business issues including:</p> <ul style="list-style-type: none"> • Management of the business • Name and location of the business • Business plans • Taxation • Accounts and audit arrangements • and Insurance 	1, p. 24; 37; 55.
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3.4 STANDARDS IMPOSED ON THE ORGANISATION

	Source No.
The ACTEW Code of Conduct aims to establish a culture which respects and values each individual's contribution; promotes and rewards creativity and initiative; eliminates discrimination, and encourages maximum productivity. In order to achieve these aims, employees are required to abide by the Code of Conduct.	1, p. 14.
<p>Territory Records Management Standards</p> <p>All ACT Government agencies are required to comply with five standards for records management as outlined in the ACT Territory Records Act 2002. The standards include:</p> <ol style="list-style-type: none"> 1 Records Management Programs 2 Appraisal 3 Records Description and Control 4 Access to Territory records 5 Recordkeeping and Outsourced Government Business 	36

4. BUSINESS CONTEXT

4.1 STRUCTURE AND FUNCTIONS OF THE ORGANISATION

Business Units	Business activity	Source No.
<p>Office-Holder responsible for the department</p> <p>J G Service AM, Chairman</p>		1, p. 7.
Water and Sewerage Business	<p>ACTEW Corporation, a company wholly owned by the ACT Government, has the following responsibilities:</p> <ul style="list-style-type: none"> • Manage water storage and treatment in ACT water catchment areas • Manage water restrictions in drought conditions • Manage water flow release from dams back into rivers according to Environmental Flow Guidelines • Maintain and repair water and sewerage infrastructure. (January 2003 bushfires caused significant infrastructure damage) • Invest in capital works programs to improve and protect water and sewerage assets • Undertake research into water reuse to provide advice 	1, p. 3, 16-23.

	<p>to government</p> <ul style="list-style-type: none"> • Assess significant risks in the water and sewerage business • Develop water management policy for the ACT and larger region • Gather statistics for future planning • Draft a Water Resources Strategy to ensure adequate water supplies for the future • Determine water and wastewater prices, for consumers, subject to the Independent Competition and Regulatory Commission (ICRC) 	
ACTEW Retail Limited	A subsidiary company of ACTEW Corporation which has a procedural governance function and no active operations. The Board meets once a year.	55
ACTEW Distribution Limited	A subsidiary company of ACTEW Corporation which has a procedural governance function and no active operations. The Board meets once a year.	55
ACTEW China Pty Ltd	<p>A wholly owned subsidiary company of ACTEW Corporation established on 31 October 1997 to develop commercial opportunities in the People's Republic of China.</p> <p>ACTEW China is used as a vehicle by the ACT Government to promote business and cultural exchange such as:</p> <ul style="list-style-type: none"> • Promoting sister city relations with Beijing • Hosting delegations from China to view the operations of ACTEW as a successful government-owned corporation • Assisting with the Beijing Olympic Bid <p>ACTEW China plans to provide auditing services in the future as China develops water and sewerage infrastructure.</p> <p>ACTEW China's governance records are covered by the Territory Records Office.</p> <p>ACTEW China's records relating to water and sewerage are covered by the Water Division, in the Water and Sewerage Division.</p>	55
ActewAGL	ActewAGL, a joint venture between ACTEW Corporation Limited and the Australian Gas Light Company (AGL), operates and maintains the water and sewerage networks under an alliance contract agreement with ACTEW Corporation Limited. ActewAGL is structured as two partnerships - distribution and retail.	1, p. 3, 24, 26; 25, p. 2.

<p>ActewAGL Distribution</p>	<p>ActewAGL Distribution partners are ACTEW Distribution Limited and AGL Gas Company (ACT) Pty Ltd.</p> <p>ActewAGL Distribution's responsibilities are:</p> <ul style="list-style-type: none"> • Managing the network side of the energy business • Operating and maintaining the water and sewerage networks including: <ul style="list-style-type: none"> • Water supply: • Sewerage service • Sewerage treatment • Water skills marketing • Recycled water • Maintaining a commitment to environmental management • Providing financial, human resources, information technology and legal services to ACTEW 	
<p>Ecowise Environmental Pty Ltd</p>	<p>Within the Water Division, Ecowise Environmental Pty Ltd, a company wholly owned by ActewAGL, conducted work for interstate and overseas clients.</p> <p>Ecowise provided the following services:</p> <ul style="list-style-type: none"> • Scientific Laboratory Services • Hydrology • Hydrography • Aquatic Ecology • Geographic Information Systems 	
<p>ActewAGL Retail</p>	<p>ActewAGL Retail's partners are ACTEW Retail Limited and AGL ACT Retail Investments Pty Ltd.</p> <p>ActewAGL Retail's responsibilities are:</p> <ul style="list-style-type: none"> • Managing customer service • Marketing and selling energy • Forecasting energy needs • Procuring energy supplies • Billing services <p>The Joint Venture is managed by the Joint Venture Board.</p> <p>In 2002-03 the joint venture's operations were centred in the ACT, but the natural gas business extended to Nowra, Queanbeyan and parts of Yarrowlunla Shire and it sold electricity to various customers throughout the south-eastern Australian competitive electricity market.</p>	

TransACT Communications Pty Limited	<p>TransACT Communications Pty Limited is a company building and managing a broadband communications network across Canberra.</p> <p>TransACT is responsible for providing a range of communication services to homes and business including:</p> <ul style="list-style-type: none"> • Video on demand • High speed internet connections • Free to air and pay television services • Mobile and fixed line telephone services 	1, p. 3, 25.
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4.2 MAJOR STAKEHOLDERS

Description	Nature of Interests	Source No.
ACT Legislative Assembly	<p>The ACT Legislative Assembly performs state and municipal functions for the ACT.</p> <p>ACTEW has agreed business goals with the voting shareholders, the Chief Minister and Deputy Chief Minister of the ACT. The goals are outlined in the Statement of Corporate Intent which is tabled in the ACT Legislative Assembly.</p>	1, (Inside cover); 14; 38
Committees of the ACT Legislative Assembly	The Committees report on issues affecting ACTEW Corporation's functions, clients, programs, and service delivery.	48
Chief Minister's Department	<p>The Chief Minister's Department provides a whole of Government focus on policy, sustainability and strategic advice to Government; policy and support relating to women, Aboriginal and Torres Strait Islander issues, multicultural affairs, ageing and community affairs; the promotion of the economic development, business and tourism; sport and recreational programs; information management policy; industrial relations and work safety; and public sector management.</p> <p>The Department's mission is to provide leadership at a whole of Government level for the planning, development, coordination and implementation of key Government policies and strategies.</p>	56
Chief Minister and Deputy Chief Minister	<p>In the ACT the Chief Minister, the head of the government, and the Deputy Chief Minister fulfill the roles of State Premier, Deputy State Premier, Mayor and Deputy Mayor in other Australian states.</p> <p>ACTEW Corporation operates under a seven-member board appointed by the voting shareholders who are the ACT's Chief Minister, Jon Stanhope and Deputy Chief Minister Ted Quinlan.</p>	1, p. 14; 39; 40.

ACT Auditor-General	The Auditor-General is responsible, through the public's elected representatives in the Legislative Assembly, to the ACT public for the audit of all ACT public sector agencies	45
ACT Department of Treasury	The Department of Treasury is responsible for managing the Territory's financial affairs for the benefit of the ACT community.	46
ACT Department of Justice and Community Safety	The ACT Department of Justice and Community Safety comprises several agencies and is responsible for a wide range of activities and services in the areas of justice, the law, emergencies, commercial practices and government elections.	57
ACT Health	ACT Health is responsible for providing the ACT population with health care through the implementation of ACT Health Action Plan 2002. ACT Health incorporates The Canberra Hospital; Calvary Public Hospital; Community Health; Mental Health; Population Health and the Department of Health.	62
ACT Ombudsman	People with complaints about ACT Government departments, agencies and Territory owned corporations can contact the Commonwealth Ombudsman who is also the ACT Ombudsman.	47
ACT Courts (Coroners, Magistrate, Supreme)	<p>Responsible for hearing appeals and making determinations about a range of matters. The corporation is required to provide evidence to the courts for consideration of certain matters.</p> <p>The ACT Supreme Court is a superior court of record and is the highest court of the ACT. It has both original and appellate jurisdictions and it determines appeals from the Magistrate and ACT Tribunal Appeals from the Supreme Court to the Federal Court of Australia.</p> <p>The ACT Magistrates Court adjudicates in civil debt and damages disputes in both the Small Claims Court and the Magistrates Court. It also determines breaches of the criminal law within jurisdictional limits and provides administrative support to a range of Tribunals.</p>	49
Customers	ACTEW Corporation provides water, wastewater, natural gas, telecommunications and energy services to the population of Canberra and surrounding regions approximately 370,000 people.	25, p. 2;
Department of Transport and Regional Services	The Regional Services division of the department is responsible for development; planning, program implementation and service delivery. The Territories division is responsible for self-governing territories, non-self governing territories and natural disaster management.	61

Department of Urban Services - Environment ACT	<p>The ACT Government agency works for a sustainable, high quality natural and cultural environment for all.</p> <p>Following the January 2004 bushfires, ACTEW, in conjunction with Environment ACT, convened an expert panel to provide advice on recovery actions for the Canberra water catchment area.</p>	1, p. 19; 50
The Environmental Protection Authority	<p>The Authority (EPA) is a statutory position, established by the Environment Protection Act 1997 which replaced the Pollution Control Authority.</p> <p>Issues environmental authorisations and environmental protection agreements in relation to, for example, sewage treatment and major building and construction projects.</p>	51
Independent Competition and Regulatory Commission	<p>The Independent Competition and Regulatory Commission is a statutory body set up to regulate prices, access to infrastructure services and other matters in relation to regulated industries and to investigate competitive neutrality complaints and government-regulated activities. The Commission also has responsibility for licensing utility services and ensuring compliance with licence conditions.</p>	52
Murray-Darling Basin Initiative	<p>A partnership between the governments and the community which has been established to give effect to the 1992 Murray-Darling Basin Agreement. The purpose of the Agreement (Clause 1) is 'to promote and co-ordinate effective planning and management for the equitable, efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin'. The <i>Initiative</i> is the largest integrated catchment management program in the world, covering the watersheds of the Murray and Darling rivers, an area of over one million square kilometres.</p> <p>ACTEW is assisting in setting the Cap on Diversion for the ACT as part of the Initiative.</p>	1, p. 23; 53.
The Australian Gas Light Company (AGL)	<p>AGL owns 50% of the ActewAGL partnerships and is Australia's largest energy provider. It was established in 1837 and is the owner, operator or major investor in gas transmission pipelines, reticulation networks and electricity distribution.</p>	25, p. 2.
Energy Supply Association of Australia Limited	<p>Provides the national energy supply businesses with a strong and effective voice in their relationships with government, regulatory bodies, the media, community organisations and business customer representative bodies.</p>	7; 40

Australian Energy Systems Exporters Group Limited (AUSTENERGY)	Founded in July 1989 with the assistance of the Heavy Engineering Projects Corporation of Australia and Austrade. AUSTENERGY brings together organisations which intend to promote Australian industry and are committed to profitable expansion for Australian exports to international energy and infrastructure developments.	7; 41
Environment Business Australia	Environment Business Australia is the peak body representing the environment management industry in Australia. EBA aims to establish national and international networks to link Australian capacity and solutions with environmental challenges and problems.	7; 43
The University of New England - Centre for Water Policy Research	The Centre was established in 1987 as a national focus for research into Australia's water and water-related resources. The Centre originally focused on the development and refinement of policy options and the evaluation of economic, social, environmental and financial implications of policy and project scenarios for the public and private sectors. The focus remains but is now more explicitly linked with the emerging ecological economics framework. The Centre is one of the world's leading ecological economics research organisations.	7; 44

4.3 AREAS OF THE ORGANISATION THAT ARE SUBJECT TO A HIGH LEVEL OF LITIGATION

Description	Business Activity	Source No.
Records relating to contravention of mandatory water restrictions, by individuals or businesses, which result in prosecution, need to be kept.	Mandatory Water Restrictions.	58
Records relating to litigation in relation to environmental damage caused by damage to the water and sewerage infrastructure need to be kept.	Environmental damage.	59

4.4 LEGISLATED RECORDKEEPING REQUIREMENTS

Supply

Name of Agency: ACTEW Corporation

Source Number: 18

Source name	<p>Canberra Water Supply (Googong Dam) Act 1974 Relates to the Construction of a Dam on the Queanbeyan River in New South Wales and the Supply of Water from that Dam for use in the Australian Capital Territory, and for purposes connected therewith.</p> <p>WHEREAS the Agreement dated 18 October 1909 made between Australia and the State of New South Wales and set out in the first Schedule to the Seat of Government Acceptance Act 1909-1973 provides for the surrender by that State and the acceptance by Australia of certain territory described in clause 1 of that Agreement, being the territory now known as the Australian Capital Territory.</p> <p>AND WHEREAS that Agreement also provides, amongst other things, that the right of the State of New South Wales or of the residents therein to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries which lie to the east of the Goulburn to Cooma Railway shall be subject and secondary to the use and requirements of Australia (which are thereby declared to be paramount) for all the purposes of the Australian Capital Territory and that that State shall consent to the construction by Australia in that State of such works as are necessary for those purposes:</p> <p>AND WHEREAS it is desirable, for the purpose of ensuring an adequate supply of water to the Australian Capital Territory, to construct a dam and other works for the storage and conveyance of the said waters of the Queanbeyan River: AND WHEREAS Australia has acquired, for the purposes of the construction of such a dam and other works, certain land in the State of New South Wales referred to in this Act as the "Googong Dam Area".</p>
Reference number	34 of 1974
Source hyperlink	http://www.austlii.edu.au/au/legis/cth/consol_act/cwsda1974328/
Start dates	18 October 1909
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	17 October 1973

Influence on the establishment of the agency	Section 4 Provides for the Agency to undertake and carry out the planning and provision of a dam, pipelines and other works and facilities for: (a) the collection, diversion and storage of water in the Googong Dam Area; (b) the conveyance and supply of water from that Area for use in the Territory or in a place that is the subject of an agreement under sub-section 12 (2) for the conveyance and supply of water.
Functions of the agency specified by the Act	Section 4 The Agency may undertake and carry out the planning and provision of a dam, pipelines and other works and facilities for: (a) the collection, diversion and storage of water in the Googong Dam Area; (b) the conveyance and supply of water from that Area for use in the Territory or in a place that is the subject of an agreement under sub-section 12 (2) for the conveyance and supply of water; (c) the treatment and purification of water supplied or to be supplied from that area; and (d) the prevention of the pollution of water supplied or to be supplied from that Area.
Responsibilities of other parties	Section 12 (1) Water stored in the Googong Dam Area by means of the works constructed under this Act shall be supplied primarily and principally for use in the Territory. (2) Subject to sub-section (1), Australia may enter into an agreement in writing with the State of New South Wales in relation to the supply, or the conveyance and supply, of water from the Googong Dam Area for use in a place other than the Territory.
Responsibilities for the administration of the Act	The Minister, Department of Transport and Regional Services The Minister has the right to use and dispose of all waters in the Googong Dam Area and to control, restrict or interrupt the flow of all waters in and from that Area.
Other effects on the operation of the agency	The Governor-General may make regulations regarding: (a) regulating, controlling or restricting the entry of persons upon the Googong Dam Area and their conduct; (b) the protection of structures, works and materials in that Area; (c) the protection of flora and fauna in that Area; and (d) the imposition of penalties not exceeding \$100 for offences against the regulations.
Business activity	Collection, diversion and storage of water in the Googong Dam Area; conveyance and supply of water; treatment and purification of water and the prevention of pollution of water.
Functions	Water Resources Management

Recordkeeping requirements	<p>Section 7 enables the Minister to:</p> <p>(1) in writing, appoint an authorised person for the purposes of this Act.</p> <p>(2) furnish the person with a certificate, signed by the Minister, authorising that person to carry out the functions of the Act.</p>
Creation and retention	<p>A copy of the certificate and created supporting correspondence needs to be retained as records.</p> <p>Section 11 enables the Minister to:</p> <p>((2) (a) Exercise rights, in writing, to use and dispose of all waters in the Googong Dam Area and to control, restrict or interrupt the flow of all waters in and from that area</p>
Creation and retention	<p>A record of correspondence between the Minister and the Agency needs to be made and kept.</p> <p>Section 12 (2) Subject to sub-section (1), Australia may enter into an agreement in writing with the State of New South Wales for or in relation to the supply, or the conveyance and supply, of water from the Googong Dam Area for use in a place other than the Territory.</p>
Creation and retention	<p>A copy of the agreement and records created relating to the agreement need to be kept as records.</p>

Name of Agency: **ACTEW Corporation**

Source Number: 17

Source name	Seat of Government Acceptance Act 1909 An Act relating to the Acceptance of the Territory surrendered by the State of New South Wales for the Seat of Government of the Commonwealth.
Reference number	23 of 1909
Source hyperlink	http://scaleplus.law.gov.au/html/pasteact/1/826/r/f/SeatGovAcc09.rtf
Start dates	22 January 1910
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	22 January 1910
Influence on the establishment of the agency	Not applicable (Act not enabling legislation)
Functions of the agency specified by the Act	First Schedule (2) Provides for the Territory's right to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries and the consent of the State, to the construction by the Commonwealth, of works necessary for those purposes.
Responsibilities of other parties	First Schedule AGREEMENT made the eighteenth day of October, 1909, between the Commonwealth of Australia (hereinafter called the Commonwealth) of the one part and the State of New South Wales (hereinafter called the State) of the other part. WITNESSETH that, subject as hereinafter mentioned to the approval of the Parliaments of the Commonwealth and of the State, IT IS HEREBY AGREED as follows: (2) The right of the State or of the residents therein to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries which lie to the east of the Goulburn to Cooma Railway shall be subject and secondary to the use and requirements of the Commonwealth (which are hereby declared to be paramount) for all the purposes of the Territory, and the State shall consent to the construction by the Commonwealth in the State of such works as are necessary for those purposes.
Responsibilities for the administration of the Act	Minister, Department of Transport and Regional Services
Other effects on the operation of the agency	First Schedule (3) The State shall reserve from sale, lease, and occupation (except with the concurrence of the Commonwealth) all Crown lands within the catchment areas of the Queanbeyan and Molonglo Rivers. (4) The State shall not pollute and shall protect from pollution the waters of the Queanbeyan and Molonglo Rivers throughout their whole course above the Territory.
Business activity	Water usage and control; land protection in the water catchment area; land and water pollution control.
Functions	Water Resources Management
Recordkeeping requirements	First Schedule The agreement made the eighteenth day of October, 1909, between the Commonwealth of Australia and the State of New

	<p>South Wales regarding:</p> <p>(2) The right of the State or of the residents therein to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries which lie to the east of the Goulburn to Cooma Railway shall be subject and secondary to the use and requirements of the Commonwealth (which are hereby declared to be paramount) for all the purposes of the Territory, and the State shall consent to the construction by the Commonwealth in the State of such works as are necessary for those purposes, needs to be kept as a record.</p>
Creation and retention	Records relating to the agreement need to be made and kept.

Name of Agency: **ACTEW Corporation**

Source Number: 16

Source name	<i>Water Resources Act 1998</i> Provides for the management of the water resources of the territory and for related purposes.
Reference number	63 of 1998
Source hyperlink	http://www.legislation.act.gov.au/a/1998-63/current/pdf/1998-63.pdf
Start dates	11 December 1998
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	11 December 1998
Influence on the establishment of the agency	Section 3 states the Objects of the Act: (a) to ensure that the use and management of the water resources of the Territory sustain the physical, economic and social wellbeing of the people of the ACT while protecting the ecosystems that depend on those resources; and (b) to protect waterways and aquifers from damage and, where practicable, to reverse damage that has already occurred; and (c) to ensure that the water resources are able to meet the reasonably foreseeable needs of future generations.
Functions of the agency specified by the Act	Section 5 outlines the preparation and variation of environment flow guidelines. (1) The Environment Protection Authority shall prepare draft guidelines for ascertaining the flow necessary to maintain aquatic ecosystems. (2) The authority may prepare a draft variation of the guidelines. (3) In preparing draft guidelines or a draft variation, the authority shall take into account the environmental, economic and social impact of the guidelines. Part 1 Section 6 outlines the Guidelines consultation process: (1) after preparing draft guidelines under section 5, the authority must prepare a written notice (a notifiable instrument) (c) inviting any person who wished to do so to lodge any suggestions or comments about the draft guidelines in writing with the authority within 60 days after notification of the notice under the <i>Legislation Act 2001</i> . Part 6 Section 28 outlines the authority's processes for allocation of water (5) The authority may grant a water allocation subject to conditions. Section 35 grants licences to take water (1) Subject to this section, the authority may, on application, grant to a person a licence to take water from a specified waterway or location.

Responsibilities of other parties	<p>Section 6 requires the authority, after preparing draft guidelines for the preparation and variation of environment flow guides (Section 5), to:</p> <p>(c) invite any person who wishes to do so to lodge any suggestions or comments about the draft guidelines in writing with the authority within 60 days after notification of the notice (a notifiable instrument) under the <i>Legislation Act 2001</i>.</p>
Responsibilities for the administration of the Act	<p>Except for parts 11 & 12 The Minister for Environment, Department of Urban Services</p> <p>Parts 11 & 12 Attorney General, Department of Justice and Community Safety</p> <p>Section 28 (6) notwithstanding subsection (4) and subject to section 29, the Minister may, in writing, grant a water allocation to a person specified in the instrument.</p> <p>(7) The Minister or the authority may grant an allocation under this section only if provision is made for the allocation in the management plan.</p> <p>(8) The Minister must prepare a written notice of the making of the grant.</p> <p>(9) The notice is a notifiable instrument.</p>
Other effects on the operation of the agency	<p>Section 19 outlines the water resource management plan contents:</p> <p>(a) a description of the water resources of the Territory including the flows required to meet the environmental needs of individual waterways or aquifers; and</p> <p>(b) the proposed water allocations for the next succeeding 10 years; and</p> <p>(c) water allocations to be created for urban water supply, industry and other uses; and</p> <p>(d) action to be taken by the authority to manage the water resources of the Territory.</p>
Business activity	<p>Consultation with the Environmental Protection Authority on draft planning environment flow guidelines and water resource management planning; Allocation of water subject to conditions; Licence to take water from a specified waterway or location</p>
Functions	Water Resources Management
Recordkeeping requirements	<p>Section 5 outlines the preparation and variation of environment flow guidelines.</p> <p>Part 1 Section 6 outlines the Guidelines consultation process:</p> <p>(1) after preparing draft guidelines under section 5, the authority must prepare a written notice (a notifiable instrument)</p> <p>(c) inviting any person who wished to do so to lodge any suggestions or comments about the draft guidelines in writing with the authority within 60 days after notification of the notice under the <i>Legislation Act 2001</i>.</p>
Creation and retention	<p>Records documenting the environmental flow draft guidelines consultation process should be made and kept.</p>

Creation and retention	<p>Section 28 (6) notwithstanding subsection (4) and subject to section 29, the Minister may, in writing, grant a water allocation to a person specified in the instrument.</p> <p>The water allocation grant should be kept and supporting documentation should be made and kept as records.</p> <p>(7) The Minister or the authority may grant an allocation under this section only if provision is made for the allocation in the water resource management plan.</p>
Creation and retention	<p>Records relating to the water resource management plan consultation process should be made and kept.</p> <p>(8) The Minister must prepare a written notice (a notifiable instrument) of the making of the grant.</p>
Creation and retention	<p>The written notice should be kept and supporting documentation should be made and kept as records.</p> <p>Section 35 outlines the conditions for a licence to take water</p> <p>(1) Subject to this section, the authority may, on application, grant to a person a licence to take water from a specified waterway or location.</p> <p>(4) Without limiting subsection (2), the conditions to which a licence to take water may be subject may include a condition -</p> <p>(a) to keep and maintain records; or</p> <p>(c) to provide information in relation to compliance with the licence or the conditions (if any) to which it is subject.</p>
Creation and retention	<p>The Licence to take water should be kept and supporting documentation should be made and kept as records.</p>
	<p>Republication No 5 Republication date 25 August 2004 Last amendment made by A2004-42</p>

Asset Ownership

Name of Agency: **ACTEW Corporation**

Source Number: 9

Source name	<i>ACT Self-Government (Consequential Provisions) Act 1988</i> An Act to make certain transitional provisions, and to amend certain Acts, in consequence of the enactment of the <i>Australian Capital Territory (Self-Government) Act 1988</i> and certain amendments made to that Act
Reference number	109 of 1988
Source hyperlink	http://scaleplus.law.gov.au/html/pasteact/2/3129/r/f/ACTSelfGovCP88.rtf
Start dates	Ss. 3, 4, 6, 8, 11, 31 and 32 (in part): 7 Dec 1988; Ss. 5, 7, 9, 10, 12-30 and 32 (in part): 11 May 1989
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	Ss. 3, 4, 6, 8, 11, 31 and 32 (in part): 7 Dec 1988; Ss. 5, 7, 9, 10, 12-30 and 32 (in part): 11 May 1989
Influence on the establishment of the agency	Section 5 (1) The Minister shall transfer or cause to be transferred to the Territory all assets and rights of the Commonwealth that, in his or her opinion, relate to Territory functions.
Functions of the agency specified by the Act	Section 4E enables the Minister to, on such terms and conditions as are agreed upon, supply water or electricity from the Territory to any person outside the Territory.
Responsibilities of other parties	Section 5 (1) The Minister shall transfer or cause to be transferred to the Territory all assets and rights of the Commonwealth that, in his or her opinion, relate to Territory functions.
Responsibilities for the administration of the Act	Except Section 31, The Minister, Department of Transport and Regional Services. Section 31, Chief Minister, Chief Minister's Department.
Other effects on the operation of the agency	This legislation allows for utility assets and rights to be transferred from the Commonwealth to the Territory.
Business activity	Agreements, Compliance. Legislation
Functions	Strategic Governance
Recordkeeping requirements	Section 4E enables the Minister to, on such terms and conditions as are agreed upon, supply water or electricity from the Territory to any person outside the Territory.
Creation and retention	Signed copies of the agreements and created supporting documentation need to be kept as records.

Creation and retention	<p>Section 6 Enables the transfer of rights and obligations of Commonwealth under contracts</p> <p>(1) The regulations may provide for:</p> <ul style="list-style-type: none">(a) the substitution of the Territory for the Commonwealth as a party to any contract; and(b) matters connected with any such substitution. <p>(2) Subsection (1) applies only to a contract:</p> <ul style="list-style-type: none">(a) which is subsisting immediately before Self-Government Day;(b) to which the Commonwealth is a party; and(c) which relates to a Territory function. <p>Contracts relating to a Territory function and existing immediately before Self-Government day need to be amended and kept as records. Supporting documentation needs to be kept as records.</p>
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Name of Agency: **ACTEW Corporation**

Source Number: 10

Source name	<i>ACTEW/AGL Partnership Facilitation Act 2000</i> An Act to facilitate the formation by ACTEW and AGL of a joint venture by way of partnerships between their subsidiaries.
Reference number	13 of 2000
Source hyperlink	http://www.legislation.act.gov.au/a/2000-13/current/pdf/2000-13.pdf
Start dates	6 April 2000
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	6 April 2000
Influence on the establishment of the agency	Section 7 The provisions of the Act are additional to, and do not limit, the <i>Territory Owned Corporations Act 1990</i> .
Functions of the agency specified by the Act	Section 5 To facilitate the implementation of any future agreement between ACTEW and AGL to form a joint venture by way of partnerships between subsidiaries of each of them for the provision of electricity and gas, and for the undertaking of certain water and sewerage operations and maintenance activities.
Responsibilities of other parties	<p>Section 11 (1) At the commencement of a joint venture, the Minister may, in writing, declare that assets, rights or liabilities that</p> <ul style="list-style-type: none"> (a) are vested in ACTEW or AGL or a company that is a subsidiary of ACTEW or AGL; and (b) are specified or described in the declaration; <p>vest in 1 or more joint venture entities or in a partnership specified or described in the declaration (a notifiable instrument).</p> <p>(3) The Minister may not make a declaration under subsection (1) unless:</p> <ul style="list-style-type: none"> (a) ACTEW and AGL have agreed to the terms of the declaration; and (b) in the case of assets, rights and liabilities that are a main undertaking of ACTEW or a subsidiary for the <i>Territory Owned Corporations Act 1990</i>, section 16 - the Legislative Assembly has, by resolution, approved the vesting. (b) in the case of assets, rights and liabilities that are a main undertaking of ACTEW or a subsidiary for the <i>Territory Owned Corporations Act 1990</i>, section 16 - the Legislative Assembly has, by resolution, approved the vesting. <p>Section 12 At the end of a joint venture this division applies if ACTEW and AGL certify to the Minister in writing that they have resolved to dissolve a partnership on a day mentioned in the certificate.</p>

	<p>Section 27 (1) ACTEW must not, without the prior approval of the Legislative Assembly, dispose of so much of its beneficial interest in a partnership as would result in the beneficial interest of ACTEW being reduced to less than 50% of the total equity of the partnership.</p> <p>(2) The approval of the Legislative Assembly is to be expressed by resolution.</p> <p>Section 30 (1) An agent company may not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.</p> <p>Section 31 (1) An agreement that is or purports to be a partnership agreement is not binding on ACTEW or any person representing ACTEW unless it contains provisions that require -</p> <p>(a) the prior approval of ACTEW to the disposal by AGL directly or indirectly of all or any part of its beneficial interest in the assets of the partnership; and</p> <p>(b) that ACTEW or the joint venture entity that represents ACTEW in the partnership be entitled to appoint 50% of any directors of the partnership who may be appointed under a partnership agreement.</p> <p>Section 32 (1) The members of a partnership must ensure that-</p> <p>(a) the accounts and records of the partnership for each financial year are audited jointly by the auditor-general and an auditor appointed by AGL; and</p> <p>(b) copies of the audited accounts and records and of the report of the auditors are given to ACTEW and AGL within 3 months after the end of the financial year.</p>
Responsibilities for the administration of the Act	<p>Treasurer, Department of Treasury</p> <p>Section 10 (1) The Minister may, by written declaration, remove uncertainty about ownership of network facilities on non-ACTEW or non-AGL land.</p> <p>(8) The Minister may, in writing, ensure the proper provision of utility services by determining the conditions of entering and occupying land to undertake work to maintain the facility.</p> <p>(3) A declaration is a notifiable instrument.</p> <p>Section 13 (1) If this division, vesting of assets and liabilities, applies, the Minister may, subject to subsection (2), in writing, declare that assets, rights or liabilities that</p> <p>(a) are vested in a joint venture entity or an agent company; and</p> <p>(b) are specified or described in the declaration; vest -</p> <p>(d) in any other case (other than the distribution and reticulation of electricity) - in a person specified in the declaration.</p> <p>(2) The Minister may not make a declaration under subsection (1) unless ACTEW and AGL have agreed to the terms of the declaration.</p> <p>(3) The declaration is a notifiable instrument.</p>

	<p>Section 16 (1) As evidence of vesting the Minister or a person appointed by the Minister, may certify in writing that an asset, right or liability mentioned in the certificate has vested under section 11 or section 13 in a person mentioned in the certificate.</p> <p>(2) A declaration under section 11 or 13 or a certificate under subsection (1) is evidence of the matters it states.</p> <p>(3) A document that purports -</p> <p>(a) to be such a declaration and to have been signed by the Minister; or</p> <p>(b) to be such a certificate and to have been signed by a person mentioned in subsection (1);</p> <p>is to be taken, unless the contrary is proved, to be such a declaration or such a certificate (as the case requires).</p>
Other effects on the operation of the agency	<p>Section 23 (1) ACTEW may, on such terms as are agreed between it and another joint venture entity, second to the entity, for the purposes of the joint venture, the services of any of its employees.</p> <p>(2) ACTEW may, subject to any agreement with the relevant joint venture entity, terminate at any time the secondment of an employee or a class of employees.</p> <p>Section 25 (1) ACTEW may delegate to a joint venture entity to which the services of an employee have been seconded all its powers as employer of the employee other than the power -</p> <p>(a) to take disciplinary action; or</p> <p>(b) to terminated the employment</p> <p>(2) ACTEW may appoint a joint venture entity to which the services of an employee have been seconded as its agent -</p> <p>(a) in relation to the exercise by ACTEW of any of its functions as employer, other than a function mentioned in subsection (1), but including, for example, the payment of wages in acquittal of the indebtedness of ACTEW for them, providing counselling and conducting performance appraisals etc.</p> <p>(b) to act on behalf of ACTEW in the negotiation of, and agreement to, new terms or conditions of employment.</p>
Business activity	Agreements; Joint ventures; Acquisition
Functions	Strategic Governance, Wastewater Management, Water Resources Management
Recordkeeping requirements	<p>Section 10 (1) The Minister may, by written declaration (a notifiable instrument), remove uncertainty about ownership of network facilities on non-ACTEW or non-AGL land.</p>
Creation and retention	<p>The declaration and supporting documentation needs to be kept as records.</p> <p>(8) The Minister may, in writing, ensure the proper provision of utility services by determining the conditions of entering and occupying land to undertake work to maintain the facility. (The determination is a notifiable instrument).</p>

Creation and retention	<p>The determination and supporting documentation needs to be kept as records.</p> <p>Section 11 (1) At the commencement of a joint venture, the Minister may, in writing, declare that assets, rights or liabilities that</p> <ul style="list-style-type: none"> (a) are vested in ACTEW or AGL or a company that, is a subsidiary of ACTEW or AGL; and (b) are specified or described in the declaration; vest in 1 or more joint venture entities or in a partnership specified or described in the declaration (a notifiable instrument). <p>(3) The Minister may not make a declaration under subsection (1) unless:</p> <ul style="list-style-type: none"> (a) ACTEW and AGL have agreed to the terms of the declaration; and (b) in the case of assets, rights and liabilities that are a main undertaking of ACTEW or a subsidiary for the <i>Territory Owned Corporations Act 1990</i>, section 16 - the Legislative Assembly has, by resolution, approved the vesting.
Creation and retention	<p>A copy of the declaration and supporting documentation needs to be kept as records.</p> <p>Section 12 applies, at the end of a joint venture, if ACTEW and AGL certify to the Minister in writing that they have resolved to dissolve a partnership on a day mentioned in the certificate.</p>
Creation and retention	<p>A copy of the certificate and supporting documentation needs to be kept as records.</p> <p>Section 13 (1) If this division, vesting of assets and liabilities, applies, the Minister may, subject to subsection (2), in writing, declare that assets, rights or liabilities that</p> <ul style="list-style-type: none"> (a) are vested in a joint venture entity or an agent company; and (b) are specified or described in the declaration; vest - (d) in any other case (other than the distribution and reticulation of electricity) - in a person specified in the declaration. <p>(2) The Minister may not make a declaration under subsection (1) unless ACTEW and AGL have agreed to the terms of the declaration.</p> <p>(3) The declaration under subsection (1) is a notifiable instrument.</p>

Creation and retention	<p>A copy of the declaration and supporting documentation needs to be kept as records.</p> <p>Section 16 (1) As evidence of vesting the Minister or a person appointed by the Minister, may certify in writing that an asset, right or liability mentioned in the certificate has vested under section 11 or section 13 in a person mentioned in the certificate.</p> <p>(2) A declaration under section 11 or 13 or a certificate under subsection (1) is evidence of the matters it states.</p> <p>(3) A document that purports -</p> <p>(a) to be such a declaration and to have been signed by the Minister; or</p> <p>(b) to be such a certificate and to have been signed by a person mentioned in subsection (1);</p> <p>is to be taken, unless the contrary is proved, to be such a declaration or such a certificate (as the case requires).</p>
Creation and retention	<p>A copy of the certificate and supporting documentation needs to be kept as records</p> <p>Section 17 For completion of necessary transactions, if, because of the operation of a law of the Territory or any other place, a declaration under section 11 or 13 is not fully effective in vesting, or providing evidence of the vesting of an asset, right or liability, the Minister, the transferor and the transferee may take all practicable steps as soon as practical after the vesting day for the purpose of securing the full effectiveness at law of the declaration.</p>
Creation and retention	<p>A copy of the declaration and supporting documentation needs to be kept as records.</p> <p>Section 18 For registration of changes of ownership of assets</p> <p>(1) If a registrable asset vests in a transferee under section 11 or 13, the transferee may give to the relevant registering authority a certificate under section 16 for that asset.</p> <p>(2) On receipt of a certificate under section 16 that relates to a registrable asset, a registering authority must make such entries in the relevant registers kept by it, and do such other things, as are necessary to reflect the operation of section 11 or 13 (as the case requires).</p>
Creation and retention	<p>A copy of the certificate and supporting documentation needs to be kept as records.</p> <p>Section 23 (1) ACTEW may, on such terms as are agreed between it and another joint venture entity, second to the entity, for the purposes of the joint venture, the services of any of its employees.</p>

Creation and retention	<p>(2) ACTEW may, subject to any agreement with the relevant joint venture entity, terminate at any time the secondment of an employee or a class of employees.</p> <p>A copy of the agreement and supporting documentation needs to be kept as records</p> <p>Section 25 (1) ACTEW may delegate to a joint venture entity to which the services of an employee have been seconded all its powers as employer of the employee other than the power -</p> <ul style="list-style-type: none"> (a) to take disciplinary action; or (b) to terminated the employment <p>(2) ACTEW may appoint a joint venture entity to which the services of an employee have been seconded as its agent -</p> <ul style="list-style-type: none"> (a) in relation to the exercise by ACTEW of any of its functions as employer, other than a function mentioned in subsection (1), but including, for example, the payment of wages in acquittal of the indebtedness of ACTEW for them, providing counselling and conducting performance appraisals etc. (b) to act on behalf of ACTEW in the negotiation of, and agreement to, new terms or conditions of employment.
Creation and retention	<p>A copy of the delegation and supporting documentation needs to be kept as records</p> <p>Section 27 (1) ACTEW must not, without the prior approval of the Legislative Assembly, dispose of so much of its beneficial interest in a partnership as would result in the beneficial interest of ACTEW being reduced to less than 50% of the total equity of the partnership.</p> <p>(2) The approval of the Legislative Assembly is to be expressed by resolution.</p>
Creation and retention	<p>A copy of the Legislative Assembly's approval and supporting documentation needs to be kept as records.</p> <p>Section 30 (1) An agent company may not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.</p>
Creation and retention	<p>A copy of the approval and supporting documentation needs to be kept as records.</p>

<p>Creation and retention</p>	<p>Section 31 (1) An agreement that is or purports to be a partnership agreement is not binding on ACTEW or any person representing ACTEW unless it contains provisions that require -</p> <p>(a) the prior approval of ACTEW to the disposal by AGL directly or indirectly of all or any part of its beneficial interest in the assets of the partnership; and</p> <p>(b) that ACTEW or the joint venture entity that represents ACTEW in the partnership be entitled to appoint 50% of any directors of the partnership who may be appointed under a partnership agreement.</p> <p>A copy of the approval and supporting documentation needs to be kept as records</p> <p>Section 32 (1) The members of a partnership must ensure that-</p> <p>(a) the accounts and records of the partnership for each financial year are audited jointly by the auditor-general and an auditor appointed by AGL; and</p> <p>(b) copies of the audited accounts and records and of the report of the auditors are given to ACTEW and AGL within 3 months after the end of the financial year.</p>
<p>Retention</p>	<p>Copies of the audit reports need to be retained according to the Records Disposal Schedule and supporting documentation needs to be made and kept..</p>
<p>Notes</p>	<p>Republication No 4 Republication date 19 December 2003 Last amendment made by A2003-56</p>

Name of Agency: **ACTEW Corporation**

Source Number: 11

Source name	Territory Owned Corporations Act 1990 Provides for the establishment of government enterprises as Territory owned corporations.
Reference number	53 of 1990
Source hyperlink	http://www.legislation.act.gov.au/a/1990-53/current/pdf/1990-53.pdf
Start dates	Commenced 21 December 1990 (s1, s2) remainder commenced 1 January 1991 (s2(2))
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	21 December 1990
Influence on the establishment of the agency	This legislation enabled the establishment of ACTEW Corporation as a Territory Owned Corporation.
Functions of the agency specified by the Act	Section 9 (1) Where a company becomes a Territory owned corporation or a subsidiary, the Portfolio Minister shall, within 15 sitting days of the occurrence, lay before the Legislative Assembly - (a) a statement setting out— (i) the names of the shareholders; and (ii) a description of the principal activities to be carried out by the company; and (b) a copy of the constitution of the company. (2) If there is a change in a matter specified in the statement or in the constitution, the Minister shall, within 15 sitting days of the change, lay before the Legislative Assembly a further statement setting out - (a) in the case of a change in a matter specified in subsection (1)(a) details of the change; and (b) in the case of a change in the constitution - a summary of the change.
Responsibilities of other parties	Not applicable.
Responsibilities for the administration of the Act	Treasurer, Department of Treasury Section 13 (1) The Chief Minister may, in writing, authorise a person to participate in the formation of a company that it is intended will become a Territory owned corporation or a subsidiary. (2) The Chief Minister may, in writing, authorise a person to hold, on behalf of the Territory, a voting share in a company that is, or it is intended will become, a Territory owned corporation. (3) The Treasurer may, in writing, authorise a person to hold, on behalf of the Territory, a non-voting share in a company that is, or it is intended will become, a Territory owned corporation. (6) The Chief Minister may, in writing, direct a person who

holds a voting share or a right relating to a voting share on trust for the Territory to transfer it to another person named in the instrument.

(7) The Treasurer may, in writing, direct a person who holds a non-voting share or a right relating to a non-voting share on trust for the Territory to transfer it to a person (including the corporation that has issued the share or right) named in the instrument.

Section 16 (1) A Territory owned corporation or a subsidiary shall not, without the prior written consent of the voting shareholders -

- (a) dispose of any of its main undertakings; or
- (b) participate, directly or indirectly, in the formation of a company that, upon incorporation, will be a subsidiary; or
- (c) enter into a transaction, contract or understanding whereby a company becomes or ceases to be a subsidiary; or
- (d) acquire, dispose of, mortgage, or give security over, a significant asset, or give a charge over the whole or a significant part of its undertaking or assets.

(3) Where a consent has been given in respect of a matter specified in subsection (1) (a), (b) or (c), the Portfolio Minister shall lay before the Legislative Assembly within 15 sitting days of the giving of the consent a statement setting out details of the matter consented to.

(4) A Territory owned corporation or a subsidiary shall not -

- (a) dispose of any of its main undertakings; or
- (b) enter into a transaction, contract or understanding whereby a company ceases to be a subsidiary; unless the Legislative Assembly, by resolution, has approved the disposal, or the transaction, contract or understanding, as the case requires.

Section 17 (1) Where (a) the voting shareholders of a Territory owned corporation request it or a subsidiary to perform, cease to perform or refrain from performing an activity or to perform an activity in a manner that is different from the manner in which the directors intend to perform the activity; and (b) the directors of the company advise the voting shareholders that compliance with their request would not be in the best commercial interest of the company; the voting shareholders may, by written direction, require the company to comply with the request.

(4) The Portfolio Minister shall lay before the Legislative Assembly -

- (a) a copy of a direction; and
- (b) a statement setting out the estimated net reasonable expense of complying with it; within 15 sitting days of the issue of the direction.

Section 19 (1) The directors of a Territory owned corporation shall submit to the voting shareholders a draft statement of corporate intent in relation to the corporation or, if the corporation has a subsidiary, in relation to the group, within 3 months after the corporation becomes a Territory owned corporation and at subsequent intervals not exceeding 12

	<p>months specified by the Treasurer in writing.</p> <p>(3) The Portfolio Minister shall lay a statement of corporate intent before the Legislative Assembly within 15 sitting days after receiving it.</p> <p>(4) Before laying a statement before the Legislative Assembly the Portfolio Minister may delete from the statement any part dealing with commercially sensitive information but, if he or she does so, he or she shall lay before the Legislative Assembly, at the same time as he or she lays the statement, a further statement setting out the general nature of the material deleted and the reason for the deletion.</p> <p>(5) Except for the purpose of giving effect to an Act, a person shall not, before a statement is laid before the Legislative Assembly, publish or disclose information or material that is contained in the statement or in a draft of a proposed statement.</p> <p>Section 21 (1) The directors may, with the agreement of the voting shareholders, modify a statement of corporate intent.</p> <p>(2) A modification shall not be made unless written details of the proposed modification are furnished to the voting shareholders and they agree to the proposed modification.</p> <p>(3) Section 19 (2) and (5) apply in relation to a proposed modification as if it were a draft statement.</p> <p>(4) Section 19 (3), (4) and (5) apply in relation to a modification as if it were a statement.</p> <p>(5) A modification laid before the Legislative Assembly is incorporated with the statement that it modifies.</p>
<p>Other effects on the operation of the agency</p>	<p>Section 25 (1) A Territory owned corporation or subsidiary may, within borrowing limits approved in writing by the Treasurer in respect of a financial year -</p> <p>(a) borrow money, otherwise than from the Territory; or</p> <p>(b) raise money, otherwise than by borrowing;</p> <p>that is from time to time necessary for the exercise of its powers or the performance of its functions.</p> <p>Section 29 (1) Tax is not payable by a Territory owned corporation or a subsidiary in relation to -</p> <p>(a) an exempt activity</p> <p>(2) Where an activity, instrument, document or transaction is within a paragraph of subsection (1), the Treasurer shall certify in writing that the activity, instrument, document or transaction (as the case may be) is one to which subsection (1) applies.</p> <p>In this section <i>exempt activity</i> means -</p> <p>(a) the incorporation of a relevant company; or</p> <p>(b) the acquisition of shares in a relevant company; or</p> <p>(c) the issue or transfer of shares in a relevant company; or</p> <p>(d) the transfer of assets from the Territory or an authority of the Territory to a relevant company; or</p> <p><i>relevant company</i> means—</p> <p>(a) a Territory owned corporation; or</p> <p>(b) a subsidiary; or</p> <p>(c) a company that the Portfolio Minister certifies in writing that it is intended will become a Territory owned corporation or</p>

	<p>subsidiary.</p> <p>Section 31 (1) A Territory owned corporation or subsidiary that borrows moneys, whether from the Territory or otherwise, shall pay to the Territory such amount, or an amount calculated in such a manner, as the Treasurer determines in writing.</p> <p>(2) An amount payable under this section shall be paid in such a manner, or by such instalments, as the Treasurer determines in writing.</p> <p>Schedule 3 Part 3.1 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a Territory owned corporation or a subsidiary:</p> <p>(6) The directors shall declare such dividend as is agreed to between them and the voting shareholders or, failing agreement, as the voting shareholders direct in writing.</p> <p>Part 3.2 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a Territory owned corporation:</p> <p>(2) The company may issue a non-voting share or a right relating to a non-voting share only if the Treasurer has agreed in writing to the issue.</p> <p>(7) The company must register a transfer of a voting share or a right relating to a voting share that is signed by the Chief Minister on behalf of the transferor and is accompanied by a declaration by the Chief Minister that the signature of the holder of the share or right cannot readily be obtained.</p> <p>(8) The company must register a transfer of a non-voting share or a right relating to a non-voting share that is signed by the Treasurer on behalf of the transferor and is accompanied by a declaration by the Treasurer that the signature of the holder of the share or right cannot readily be obtained.</p> <p>Part 3.3 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a subsidiary:</p> <p>(2) Shares in the company may not be issued or transferred unless the voting shareholders have consented in writing.</p>
Business activity	Compliance
Functions	Strategic governance
Recordkeeping requirements	<p>Section 9 (1) Where a company becomes a Territory owned corporation or a subsidiary, the Portfolio Minister shall, within 15 sitting days of the occurrence, lay before the Legislative Assembly -</p> <p>(a) a statement setting out—</p> <p>(i) the names of the shareholders; and</p> <p>(ii) a description of the principal activities to be carried out by the company; and</p> <p>(b) a copy of the constitution of the company.</p> <p>(2) If there is a change in a matter specified in the statement or in the constitution, the Minister shall, within 15 sitting days of the change, lay before the Legislative Assembly a further statement setting out -</p> <p>(a) in the case of a change in a matter specified in subsection (1)(a) details of the change; and</p>

Creation and retention	<p>(b) in the case of a change in the constitution - a summary of the change.</p> <p>A copy of the constitution and created supporting documentation need to be kept as records.</p> <p>Section 13 (1) The Chief Minister may, in writing, authorise a person to participate in the formation of a company that it is intended will become a Territory owned corporation or a subsidiary.</p> <p>(2) The Chief Minister may, in writing, authorise a person to hold, on behalf of the Territory, a voting share in a company that is, or it is intended will become, a Territory owned corporation.</p> <p>(3) The Treasurer may, in writing, authorise a person to hold, on behalf of the Territory, a non-voting share in a company that is, or it is intended will become, a Territory owned corporation.</p> <p>(6) The Chief Minister may, in writing, direct a person who holds a voting share or a right relating to a voting share on trust for the Territory to transfer it to another person named in the instrument.</p> <p>(7) The Treasurer may, in writing, direct a person who holds a non-voting share or a right relating to a non-voting share on trust for the Territory to transfer it to a person (including the corporation that has issued the share or right) named in the instrument.</p>
Creation and retention	<p>Records documenting shareholder responsibilities made between the Treasurer, the Chief Minister and shareholders need to made and kept.</p> <p>Section 15 A Territory owned corporation or a subsidiary shall, upon request, provide to the voting shareholders all the information that they may require.</p>
Access	<p>Records of information need to be made accessible to voting shareholders.</p> <p>Section 16 (1) A Territory owned corporation or a subsidiary shall not, without the prior written consent of the voting shareholders -</p> <ul style="list-style-type: none"> (a) dispose of any of its main undertakings; or (b) participate, directly or indirectly, in the formation of a company that, upon incorporation, will be a subsidiary; or (c) enter into a transaction, contract or understanding whereby a company becomes or ceases to be a subsidiary; or (d) acquire, dispose of, mortgage, or give security over, a significant asset, or give a charge over the whole or a significant part of its undertaking or assets. <p>(3) Where a consent has been given in respect of a matter specified in subsection (1) (a), (b) or (c), the Portfolio Minister</p>

Creation and retention	<p>shall lay before the Legislative Assembly within 15 sitting days of the giving of the consent a statement setting out details of the matter consented to.</p> <p>(4) A Territory owned corporation or a subsidiary shall not -</p> <p>(a) dispose of any of its main undertakings; or</p> <p>(b) enter into a transaction, contract or understanding whereby a company ceases to be a subsidiary; unless the Legislative Assembly, by resolution, has approved the disposal, or the transaction, contract or understanding, as the case requires.</p> <p>Records documenting shareholder consent to company transactions need to be made and kept.</p> <p>Section 17</p> <p>(1) Where (a) the voting shareholders of a Territory owned corporation request it or a subsidiary to perform, cease to perform or refrain from performing an activity or to perform an activity in a manner that is different from the manner in which the directors intend to perform the activity; and</p> <p>(b) the directors of the company advise the voting shareholders that compliance with their request would not be in the best commercial interest of the company;</p> <p>the voting shareholders may, by written direction, require the company to comply with the request.</p> <p>(4) The Portfolio Minister shall lay before the Legislative Assembly -</p> <p>(a) a copy of a direction; and</p> <p>(b) a statement setting out the estimated net reasonable expense of complying with it;</p> <p>within 15 sitting days of the issue of the direction.</p>
Creation and retention	<p>A copy of the direction and created supporting documentation need to be kept as records</p> <p>Section 19 (1) The directors of a Territory owned corporation shall submit to the voting shareholders a draft statement of corporate intent in relation to the corporation or, if the corporation has a subsidiary, in relation to the group, within 3 months after the corporation becomes a Territory owned corporation and at subsequent intervals not exceeding 12 months specified by the Treasurer in writing.</p> <p>(3) The Portfolio Minister shall lay a statement of corporate intent before the Legislative Assembly within 15 sitting days after receiving it.</p> <p>(4) Before laying a statement before the Legislative Assembly the Portfolio Minister may delete from the statement any part dealing with commercially sensitive information but, if he or she does so, he or she shall lay before the Legislative Assembly, at the same time as he or she lays the statement, a further statement setting out the general nature of the material deleted and the reason for the deletion.</p> <p>(5) Except for the purpose of giving effect to an Act, a person</p>

Creation and access	<p>shall not, before a statement is laid before the Legislative Assembly, publish or disclose information or material that is contained in the statement or in a draft of a proposed statement.</p> <p>A copy of the draft statement of corporate intent and created supporting documentation need to be kept as records.</p> <p>Section 20 (1) A statement of corporate intent shall, in relation to the Territory owned corporation or the group of companies comprising a Territory owned corporation and any subsidiaries (as the case may be), contain the following in respect of the financial year it relates to and each of the 2 next following financial years:</p> <ul style="list-style-type: none"> (a) the commercial objectives of the group; (b) a description of the main undertakings of the group; (c) a description of the nature and scope of the activities to be undertaken; (d) business and corporate strategies; (e) the targets and performance measurements by which the performance of the corporation or group may be judged in relation to its stated objectives; (f) any other information that the voting shareholders may have requested in writing the directors of the Territory owned corporation to include in the statement. <p>(2) A statement of corporate intent shall relate to—</p> <ul style="list-style-type: none"> (a) in the case of the first statement of a Territory owned corporation—the financial year that ends on 30 June next following the day when the company becomes a Territory owned corporation; and (b) in any other case—the financial year during which the statement is to be given to the voting shareholders.
Creation and retention	<p>A copy of the statement of corporate intent and created supporting documentation need to be kept as records.</p> <p>Section 21 (1) The directors may, with the agreement of the voting shareholders, modify a statement of corporate intent.</p> <p>(2) A modification shall not be made unless written details of the proposed modification are furnished to the voting shareholders and they agree to the proposed modification.</p> <p>(3) Section 19 (2) and (5) apply in relation to a proposed modification as if it were a draft statement.</p> <p>(4) Section 19 (3), (4) and (5) apply in relation to a modification as if it were a statement.</p> <p>(5) A modification laid before the Legislative Assembly is incorporated with the statement that it modifies.</p>
Creation and retention	<p>A copy of the statement of corporate intent and created docs supporting the modifications need to be kept as records.</p>

<p>Creation and retention</p>	<p>Section 22 (1) The directors of a Territory owned corporation shall furnish to the voting shareholders within the prescribed period after the end of each financial year of the corporation an annual report in accordance with this section on the operations of the corporation or, if the corporation has subsidiaries, the group in the financial year.</p> <p>(2)The report shall comprise—</p> <p>(a) a report on the operations of the corporation or group; and</p> <p>(b) such other information as has been requested by the voting shareholders in order to make an informed assessment on the operations; and</p> <p>(c) such accounts, reports and financial statements as, under a law of the Commonwealth relating to corporations, are required to be made out in respect of the corporation and, in the case of a group, each subsidiary and the group as a whole; and</p> <p>(d) a copy of the auditor-general's report on the accounts, reports and financial statements referred to in paragraph (c), stating -</p> <p>(i) whether they give a true and fair view of the profit or loss and state of affairs; and</p> <p>(ii) whether they comply with applicable accounting standards; and</p> <p>(e) an assessment of the performance of the corporation or group in relation to its objectives that includes, but is not limited to, an assessment of the performance in relation to the targets and performance measurements set out in the relevant statement of corporate intent; and</p> <p>(f) particulars of the manner in which the corporation or group has complied with any directions under section 17 (whether given during the financial year or earlier) and of the cost of compliance.</p> <p>(4) The Portfolio Minister must present a report under this section for a financial year to the Legislative Assembly within the prescribed period after the end of the financial year, but after the report is given to the voting shareholders under subsection (1) (a) at the end of the day (or latest day) that the corporation's report for the year under the <i>Annual Reports (Government Agencies) Act 2004</i> (the <i>Annual Reports Act</i> report) must be presented to the Legislative Assembly; or</p> <p>(b) if the corporation's <i>Annual Reports Act</i> report for the year must be given to the Speaker - at the end of the day (or latest day) that the report must be given to the Speaker.</p> <p>A copy of the annual report and created supporting documentation need to be kept as records.</p>
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Creation and retention	<p>Section 25 (1) A Territory owned corporation or subsidiary may, within borrowing limits approved in writing by the Treasurer in respect of a financial year -</p> <ul style="list-style-type: none"> (a) borrow money, otherwise than from the Territory; or (b) raise money, otherwise than by borrowing; <p>that is from time to time necessary for the exercise of its powers or the performance of its functions.</p> <p>A copy of the Treasurer's approval and created supporting documentation need to be kept as records.</p> <p>Section 29 (1) Tax is not payable by a Territory owned corporation or a subsidiary in relation to -</p> <ul style="list-style-type: none"> (a) an exempt activity <p>(2) Where an activity, instrument, document or transaction is within a paragraph of subsection (1), the Treasurer shall certify in writing that the activity, instrument, document or transaction (as the case may be) is one to which subsection (1) applies.</p> <p>(3) A certificate under this section is evidence of the matters stated in the certificate.</p> <p>In this section <i>exempt activity</i> means -</p> <ul style="list-style-type: none"> (a) the incorporation of a relevant company; or (b) the acquisition of shares in a relevant company; or (c) the issue or transfer of shares in a relevant company; or (d) the transfer of assets from the Territory or an authority of the Territory to a relevant company; or <p><i>relevant company</i> means—</p> <ul style="list-style-type: none"> (a) a Territory owned corporation; or (b) a subsidiary; or (c) a company that the Portfolio Minister certifies in writing that it is intended will become a Territory owned corporation or subsidiary.
Creation and retention	<p>A copy of the Treasurer's certificate and created supporting documentation need to be kept as records.</p> <p>Section 31 (1) A Territory owned corporation or subsidiary that borrows moneys, whether from the Territory or otherwise, shall pay to the Territory such amount, or an amount calculated in such a manner, as the Treasurer determines in writing.</p> <p>(2) An amount payable under this section shall be paid in such a manner, or by such instalments, as the Treasurer determines in writing.</p>
Creation and retention	<p>The Treasurer's determination and created supporting documentation need to be kept as a record.</p>

Creation and retention	<p>Schedule 3 Part 3.1 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a Territory owned corporation or a subsidiary: (6) The directors shall declare such dividend as is agreed to between them and the voting shareholders or, failing agreement, as the voting shareholders direct in writing.</p> <p>A copy of the shareholders direction and created supported documentation need to be kept as records.</p> <p>Part 3.2 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a Territory owned corporation: (2) The company may issue a non-voting share or a right relating to a non-voting share only if the Treasurer has agreed in writing to the issue. (7) The company must register a transfer of a voting share or a right relating to a voting share that is signed by the Chief Minister on behalf of the transferor and is accompanied by a declaration by the Chief Minister that the signature of the holder of the share or right cannot readily be obtained. (8) The company must register a transfer of a non-voting share or a right relating to a non-voting share that is signed by the Treasurer on behalf of the transferor and is accompanied by a declaration by the Treasurer that the signature of the holder of the share or right cannot readily be obtained.</p>
Creation and retention	<p>Copies of the agreements and declarations signed by Treasurer and the Chief Minister and created supporting documentation need to be kept as records.</p> <p>Part 3.3 Provisions to the effect of the following provisions are to be included in the constitution of a company that is a subsidiary: (2) Shares in the company may not be issued or transferred unless the voting shareholders have consented in writing.</p>
Creation and retention	Copies of the shareholders' consent and created supporting documentation need to be kept as records.
Notes	<p>Republication No 9 Republication date 13 April 2004 Last amendment made by Act 2004 No 9 Amendments incorporated to 13 April 2004</p>

Licencing

Name of Agency: **ACTEW Corporation**

Source Number: 60

Source name	<i>Utilities Act 2000</i> An Act to regulate the provision of services by certain utilities and for other matters.
Reference number	65 of 2000
Source hyperlink	http://www.legislation.act.gov.au/a/2000-65/current/r/f/2000-65.rtf
Start dates	s 1, s 2 commenced 20 December 2000; pt 11, pt 12 commenced 1 March 2001; div 16.3 commenced 20 June 2001; s 249 commenced 20 June 2001; s 250 commenced 1 June 2001; remainder commenced 1 January 2001
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	s 1, s 2 commenced 20 December 2000; pt 11, pt 12 commenced 1 March 2001; div 16.3 commenced 20 June 2001; s 249 commenced 20 June 2001; s 250 commenced 1 June 2001; remainder commenced 1 January 2001
Influence on the establishment of the agency	An act passed by the ACT Government for ACTEW Corporation and ActewAGL to regulate how all utilities must provide services to customers in the ACT.
Functions of the agency specified by the Act	<i>Controllers power to take over operations</i> Section 136 (1) A controller must, so far as practicable, ensure the provision or continued provision of the utility service to which the appointment relates. (2) For that purpose, the controller may - (a) take control of the relevant operations of the utility; and (b) take control of the activities of an associate of the utility so far as they relate to the provision of the relevant utility services; and (c) have access to a network facility or other premises of the responsible utility or an associate, so far as is reasonable and necessary; and (d) give a written direction to a person to take stated action. Section 101 (1) A utility may impose a charge (a capital contribution charge) payable by customers for the development or augmentation of its network for the following purposes: (a) making utility services available to parcels of land not already connected to a network; (b) varying the capacity of connections to its network. (2) A capital contribution charge must be in accordance with the relevant industry code.

Responsibilities of other parties	<p>Section 152 (1) ICRC may appoint a person as an ICRC inspector for this act.</p> <p>Section 154 (1) An ICRC inspector may, for the purpose of ICRC's functions under this Act -</p> <p>(b) enter premises occupied by a utility at any time the premises are being used</p> <p>Section 159 (1) An ICRC inspector who enters premises under this division may, for the purpose of ICRC's functions under this Act -</p> <p>(a) inspect, measure, photograph or film the premises or anything on the premises; or</p> <p>(b) copy a document on the premises; or</p> <p>(c) test or take samples of or from anything on the premises;</p> <p>(d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this division; or</p> <p>(e) require the occupier, or a person on the premises to give the inspector reasonable help to exercise a power under this division.</p>
Responsibilities for the administration of the Act	<p>Except Part 5, Division 10.3 and Parts 11 & 12, Treasurer, Department of Treasury</p> <p>Part 5, Division 10.3, Minister for Planning, Department of Urban Services</p> <p>Parts 11 & 12, Attorney General, Department of Justice and Community Safety</p> <p>Section 109 (1) Before a utility begins network operations in relation to public land or private land, it must give the land-holder written notice of the proposed operations.</p> <p>Section 110 (2) Before a utility begins lopping trees on private land, it must give the land-holder notice of the proposed operations.</p> <p>(3) The notice -</p> <p>(a) must be given at least 7 days before the operations begin; and</p> <p>(b) must indicate the trees or vegetation affected and the activity proposed.</p> <p><i>Notice to other utilities</i></p> <p>Section 111 (1) This section applies to network operations by a utility that consist of, or include, an activity that -</p> <p>(a) affects</p> <p>(b) or is reasonably likely to affect:</p> <p>a network facility under the care and management of a public utility.</p> <p>(2) Before the utility begins such operations, it must give the public utility written notice of the proposed operations.</p> <p>(4)The utility must -</p> <p>(a) make reasonable efforts to enter into an agreement with the public utility about the way the activities would be carried out; and</p>

	<p>(b) comply with any such agreement.</p> <p>Section 114 (1) A utility may appoint a person as an authorised person for the utility for this Act.</p> <p>(2) An authorised person must exercise his or her functions under this Act in accordance with the conditions of the appointment and any direction given to the person by the utility.</p> <p>Section 115 (1) A utility must give each of its authorised people an identity card that specifies the person's name and appointment as an authorised person for the utility, and on which appears a recent photograph of the person.</p> <p>Section 121 (1) The purpose of this section is to remove uncertainty about the ownership of network facilities that -</p> <p>(a) are used, or for use, by a utility or a subsidiary of the utility in providing a utility service; and</p> <p>(b) are treated by the Territory and the utility or subsidiary as being owned by the utility or subsidiary; and</p> <p>(c) are affixed to land owned or occupied by a person other than the utility or subsidiary.</p> <p>(2) The Minister may in, in writing, declare that this section applies to network facilities.</p> <p>(3) A declaration must include sufficient particulars to identify the facilities to which the declaration applies.</p> <p>(4) A declaration is a notifiable instrument.</p> <p>Section 122 (3) A person in whom a facility is vested has, by force of this section, the following rights in relation to the facility -</p> <p>(c) to enter and occupy land on, above or under which the facility is located, and to undertake work on that land, for the purpose of maintaining the facility.</p> <p>(4) To ensure the proper provision of utility services, the Minister may, in writing, determine conditions for the exercise of a right given by subsection (3) (c).</p> <p>(6) A determination under subsection (4) is a notifiable instrument.</p> <p>Section 125 (2) The utility may give the land-holder written notice to take whatever action is necessary to stop the interference with the network or facility, or to remove the likelihood of that interference.</p> <p>Section 154 (1) An ICRC inspector may, for the purpose of ICRC's functions under this Act -</p> <p>(b) enter any premises occupied by a utility at any time the premises are being used; or</p> <p>(c) at any reasonable time, enter premises to which a utility service is provided (other than a part used for residential purposes).</p> <p>Section 159 (1) An ICRC inspector who enters premises under this division may, for the purpose of ICRC's functions under this Act -</p> <p>(a) inspect, measure, photograph or film the premises or anything on the premises; or</p> <p>(b) copy a document on the premises; or</p>
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(c) test or take samples of or from anything on the premises;
 (d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this division; or
 (e) require the occupier, or a person on the premises to give the inspector reasonable help to exercise a power under this division.

Section 169 The Essential Services Consumer Council is established by this section.

Section 170 The council has the following functions:
 (a) to facilitate the resolution of complaints, for example, by -
 (ii) assisting the parties to a complaint to resolve the issue themselves or to reach agreement about the terms of any direction or declaration to be made by the council;

Section 185 (1) applies to the following complaints:
 (d) a complaint by a person affected by a contravention by a utility of an obligation under this Act in relation to its network operations;
 (e) a complaint by a person about an act or an omission of an authorised person for a utility in relation to network operations
 (f) a complaint by a person about a capital contribution charge imposed under section 101

Section 190 (1) The council must give the respondent utility written notice of each complaint to be considered by the council under this division.
 (2) On receiving the notice, the utility must make its records about the matter complained of available to the council.

Section 206 (1) If the council is satisfied that, in relation to a complainant -
 (c) an authorised person for a utility has acted improperly in relation to network operations.
 (2) In that case, the council may -
 (a) give such written declarations to the utility as it considers necessary requiring the utility to remedy the matter mentioned in subsection (1); or
 (b) give any other direction under this division; or
 (c) make a declaration under this division
 (3) a utility must comply with a direction given to it under this division.

Section 219 The purposes of this part are:
 (a) to oblige utilities to provide utility services in accordance with relevant Government programs, for example, for community services, the environment or other social issues; and
 (b) to achieve that result by agreement with particular utilities or, where agreement is not reached, by directions under this part; and
 (c) to provide utilities with a reasonable recompense for the provision of services in accordance with such directions.

	Section 221 (1) The Minister responsible for a Government program may give a written direction to a utility to take stated action that the Minister considers appropriate to ensure that the utility's services are provided in accordance with the program.
Other effects on the operation of the agency	Section 169 The Essential Services Consumer Council is established by this section. Section 170 The council has the following functions: (a) to facilitate the resolution of complaints, for example, by - (ii) assisting the parties to a complaint to resolve the issue themselves or to reach agreement about the terms of any direction or declaration to be made by the council;
Business activity	Acquisition, Agreements, Authorisation, Compliance, Inspections, Installation, Maintenance, Standards
Functions	Wastewater and Water Resources Management
Recordkeeping requirements	Section 21 (1) A person must not provide a utility service except in accordance with a licence. Section 25 (2) A licence is subject to the following conditions: (c) that the utility keep all records and documents necessary to enable it to meet any reporting requirement, or any requirement to produce a record or document, under this Act or another condition of its licence; (d) that the utility give ICRC, in accordance with any written requirements by ICRC, an annual report for each financial year in relation to— (i) the exercise of its functions under this Act; and (ii) its compliance with the conditions of the licence.
Creation and Retention	According to licence conditions all records relating to reporting requirements need to be kept and an annual report should be made and kept. Section 41 (1) A utility may surrender its licence by giving written notice of surrender to ICRC. (The notice is a notifiable instrument).
Creation and Retention	A copy of the notice of surrender and supporting documentation needs to be made and kept. Section 101 (1) A utility may impose a charge (a capital contribution charge) payable by customers for the development or augmentation of its network for the following purposes: (a) making utility services available to parcels of land not already connected to a network; (b) varying the capacity of connections to its network. (2) A capital contribution charge must be in accordance with the relevant industry code.
Creation and retention	A copy of the capital contribution charge and created supporting documentation need to be made and kept.

Creation and retention	<p>Section 109 (1) Before a utility begins network operations in relation to public land or private land, it must give the land-holder written notice of the proposed operations.</p> <p>Section 110 (2) Before a utility begins lopping trees on private land, it must give the land-holder notice of the proposed operations.</p> <p>(3) The notice -</p> <p>(a) must be given at least 7 days before the operations begin; and</p> <p>(b) must indicate the trees or vegetation affected and the activity proposed.</p> <p>Copies of the written notice and supporting documentation need to be made and kept.</p> <p><i>Notice to other utilities</i></p> <p>Section 111 (1) This section applies to network operations by a utility that consist of, or include, an activity that -</p> <p>(a) affects</p> <p>(b) or is reasonably likely to affect:</p> <p>a network facility under the care and management of a public utility.</p> <p>(2) Before the utility begins such operations, it must give the public utility written notice of the proposed operations.</p> <p>(4) The utility must -</p> <p>(a) make reasonable efforts to enter into an agreement with the public utility about the way the activities would be carried out; and</p> <p>(b) comply with any such agreement.</p>
Creation and retention	<p>Copies of the notice and agreement should be made and kept.</p> <p>Section 114 (1) A utility may appoint a person as an authorised person for the utility for this Act.</p> <p>(2) An authorised person must exercise his or her functions under this Act in accordance with the conditions of the appointment and any direction given to the person by the utility.</p>
Creation and retention	<p>Copies of the appointment and supporting documentation need to be made and kept.</p>
Creation and retention	<p>Section 115 (1) A utility must give each of its authorised people an identity card that specifies the person's name and appointment as an authorised person for the utility, and on which appears a recent photograph of the person.</p> <p>Records documenting the issue of an identity card need to be made and kept.</p>

Creation and retention	<p>Section 121 (1) The purpose of this section is to remove uncertainty about the ownership of network facilities that -</p> <ul style="list-style-type: none"> (a) are used, or for use, by a utility or a subsidiary of the utility in providing a utility service; and (b) are treated by the Territory and the utility or subsidiary as being owned by the utility or subsidiary; and (c) are affixed to land owned or occupied by a person other than the utility or subsidiary. <p>(2) The Minister may in, in writing, declare that this section applies to network facilities.</p> <p>(3) A declaration must include sufficient particulars to identify the facilities to which the declaration applies.</p> <p>(4) A declaration is a notifiable instrument.</p> <p>A copy of the declaration and supporting documentation needs to be made and kept.</p>
Creation and retention	<p>Section 122 (3) A person in whom a facility is vested has, by force of this section, the following rights in relation to the facility -</p> <ul style="list-style-type: none"> (c) to enter and occupy land on, above or under which the facility is located, and to undertake work on that land, for the purpose of maintaining the facility. <p>(4) To ensure the proper provision of utility services, the Minister may, in writing, determine conditions for the exercise of a right given by subsection (3) (c).</p> <p>(6) A determination under subsection (4) is a notifiable instrument.</p> <p>A copy of the determination needs to be kept and supporting documentation needs to be created and kept.</p>
Creation and retention	<p>Section 125 (2) The utility may give the land-holder written notice to take whatever action is necessary to stop the interference with the network or facility, or to remove the likelihood of that interference.</p> <p>A copy of the written notice and supporting documentation created needs to be kept as records.</p> <p>Section 154 (1) An ICRC inspector may, for the purpose of ICRC;s functions under this Act -</p> <ul style="list-style-type: none"> (b) enter any premises occupied by a utility at any time the premises are being used; or (c) at any reasonable time, enter premises to which a utility service is provided (other than a part used for residential purposes).

	<p>Section 159 (1) An ICRC inspector who enters premises under this division may, for the purpose of ICRC's functions under this Act -</p> <ul style="list-style-type: none"> (a) inspect, measure, photograph or film the premises or anything on the premises; or (b) copy a document on the premises; or (c) test or take samples of or from anything on the premises; (d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this division; or (e) require the occupier, or a person on the premises to give the inspector reasonable help to exercise a power under this division.
Access	<p>ACTEW needs to provide access to records and samples for an ICRC inspector at any time and is required to assist the inspector in his duties.</p> <p>Section 169 The Essential Services Consumer Council is established by this section.</p> <p>Section 170 The council has the following functions:</p> <ul style="list-style-type: none"> (a) to facilitate the resolution of complaints, for example, by - (ii) assisting the parties to a complaint to resolve the issue themselves or to reach agreement about the terms of any direction or declaration to be made by the council; <p>Section 190 (1) The council must give the respondent utility written notice of each complaint to be considered by the council under this division.</p> <p>(2) On receiving the notice, the utility must make its records about the matter complained of available to the council.</p>
Creation, access and retention	<p>Records documenting a complaint need to be created, made available to the Essential Services Consumer Council and retained.</p> <p>Section 206 (1) If the council is satisfied that, in relation to a complainant -</p> <ul style="list-style-type: none"> (c) an authorised person for a utility has acted improperly in relation to network operations. <p>(2) In that case, the council may -</p> <ul style="list-style-type: none"> (a) give such written declarations to the utility as it considers necessary requiring the utility to remedy the matter mentioned in subsection (1); or (b) give any other direction under this division; or (c) make a declaration under this division <p>(3) a utility must comply with a direction given to it under this division.</p>
Creation and retention	<p>A copy of the direction and created supporting documentation needs to be kept as records.</p>

	<p>Section 219 The purposes of this part are:</p> <p>(a) to oblige utilities to provide utility services in accordance with relevant Government programs, for example, for community services, the environment or other social issues; and</p> <p>(b) to achieve that result by agreement with particular utilities or, where agreement is not reached, by directions under this part; and</p> <p>(c) to provide utilities with a reasonable recompense for the provision of services in accordance with such directions.</p>
Creation and retention	<p>Records documenting Government program responsibilities need to be made and kept.</p> <p>Section 221 (1) The Minister responsible for a Government program may give a written direction to a utility to take stated action that the Minister considers appropriate to ensure that the utility's services are provided in accordance with the program.</p>
Creation and retention	<p>A copy of the direction and created supporting documentation needs to be made and kept.</p>
	<p>Republication No 12 Republication date 3 September 2004 Last amendment made by A2004-63</p>

Operation

Name of Agency: **ACTEW Corporation**

Source Number: 20

Source name	<i>Emergency Management Act 1999</i> An Act relating to emergencies, and for related purposes.
Reference number	76 of 1999
Source hyperlink	http://www.legislation.act.gov.au/a/1999-76/20040701-14783/rtf/1999-76.rtf
Start dates	s 1, s 2 and s 82 commenced 23 December 1999; pt 6 div 3 commenced 1 January 2000; s 72 commenced 23 June 2000; remainder commenced 24 December 1999
End date	29 June 2004
Legislation that supersedes repealed legislation	Emergencies Act 2004 (A2004-28)
Date legislation came into operation	s 1, s 2 and s 82 commenced 23 December 1999; pt 6 div 3 commenced 1 January 2000; s 72 commenced 23 June 2000; remainder commenced 24 December 1999
Influence on the establishment of the agency	Sections of this act affect the roles and operations of ACTEW Corporation in the management of some emergencies.
Functions of the agency specified by the Act	<p>Section 22 (1) Subject to subsection (2), the chief police officer is the Territory controller.</p> <p>(2) In relation to a declared emergency, the chief police officer may only exercise the functions and powers of the controller that the Minister assigns.</p> <p>Section 23 (1) The controller, with the approval of the Minister, may appoint a public servant or statutory office-holder to be the alternate controller.</p> <p>(2) In relation to a declared emergency, the alternate controller may exercise the functions and powers for the time being assigned to the controller.</p> <p>Section 27 (1) Notwithstanding the provisions of any other law, for the purpose of managing a declared emergency, the controller, by instrument, may authorise a member of an agency or a member of an organisation -</p> <p>(k) to control, use, close off or block any drainage facility within the emergency area; and</p> <p>(l) to control, shut off or disconnect any supply of fuel, gas, electricity or water; and</p> <p>(m) to appropriate, acquire or abstract from, any supply of fuel, gas, electricity or water and use any such supply.</p>
Responsibilities of other parties	<p>Section 35 applies to an emergency other than a declared emergency.</p> <p>Section 36 The executive director shall assist in recovery from the effects of an emergency by -</p> <p>(c) in conjunction with relevant agencies or organisations -</p> <p>(i) establishing priorities for the short-term recovery of infrastructure; and</p> <p>(ii) assisting in the re-establishment of infrastructure in accordance with those priorities.</p> <p>Section 60 For the purpose of providing ambulance services,</p>

	the chief officer may - (g) control, shut off, close off or cut off any supply of fuel, gas, electricity or water.
Responsibilities for the administration of the Act	Except Division 6.3, Minister for Police and Emergency Services, Department of Justice and Community Safety Division 6.3, Treasurer, Department of Treasury
Business activity	Risk Management
Functions	Strategic Governance; Water Resources Management and Wastewater management
Recordkeeping requirements	Section 27 (1) Notwithstanding the provisions of any other law, for the purpose of managing a declared emergency, the controller, by instrument, may authorise a member of an agency or a member of an organisation - (k) to control, use, close off or block any drainage facility within the emergency area; and (l) to control, shut off or disconnect any supply of fuel, gas, electricity or water; and (m) to appropriate, acquire or abstract from, any supply of fuel, gas, electricity or water and use any such supply.
Creation and retention	Communication between the Territory controller or the alternate controller and ACTEW Corporation needs to be documented and kept as records.
Creation and retention	Section 35 applies to an emergency other than a declared emergency. Section 36 The executive director shall assist in recovery from the effects of an emergency by - (c) in conjunction with relevant agencies or organisations - (i) establishing priorities for the short-term recovery of infrastructure; and (ii) assisting in the re-establishment of infrastructure in accordance with those priorities.
Creation and retention	Records documenting communication between the executive director and ACTEW Corporation need to be created and kept.
Creation and retention	Section 60 For the purpose of providing ambulance services, the chief officer may - (g) control, shut off, close off or cut off any supply of fuel, gas, electricity or water.
Creation and retention	Records documenting communication between the chief officer and ACTEW Corporation need to be created and kept.
	Republication No 3 Republication date 1 July 2004 As repealed by A2004-28 s 203

Name of Agency: **ACTEW Corporation**

Source Number: 54

Source name	<i>Water and Sewerage Act 2000</i> An Act to make provision in relation to the supply of plumbing or sanitary drainage services.
Reference number	68 of 2000
Source hyperlink	http://www.legislation.act.gov.au/a/2000-68/current/pdf/2000-68.pdf
Start dates	S 1 and s 2 commenced 20 December 2000; remainder commenced 1 January 2001
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	S 1 and s 2 commenced 20 December 2000; remainder commenced 1 January 2001
Influence on the establishment of the agency	Sections of this Act regulate the provision of plumbing and/or sanitary drainage work to premises by requiring plan approval from the responsible utility.
Functions of the agency specified by the Act	Regulating plumbing and sanitary drainage work by approving plans for a plumbing plan certifier in accordance with the Construction Practitioners Registration Regulations 1998.
Responsibilities of other parties	<p>Section 7 The owner of premises may apply to a certifier for approval of a plan in relation to plumbing or sanitary drainage work.</p> <p>Section 8 (1) A certifier must not approve a plan in relation to sanitary drainage work, sanitary plumbing work, or water supply plumbing work unless the following approvals have been obtained for the result of the work:</p> <ul style="list-style-type: none"> (a) approval from the responsible utility - <ul style="list-style-type: none"> (i) if non-domestic waste is to be disposed of - for the disposal of the waste to the sewerage network and the manner of disposal; and (ii) if an increase in water demand or sewer load is expected - for the increase; or (iii) if a point of connection to the sewerage network or the water network is to be changed or removed - for the change or removal; or (iv) if a new point of connection to the sewerage network or the water network is required - for the point; or (v) if surface water or stormwater is to be discharged to the sewerage network - for the discharge and manner of discharge; or (vi) if a water pumping appliance or sewage pumping appliance is to be connected to the water network or the sewerage network - or the connection and manner of connection; (c) if radioactive materials are to be disposed of into the sewerage network - approval from the responsible utility and the chief health officer for the disposal and manner of disposal.

Responsibilities for the administration of the Act	Minister for Planning, Department of Urban Services
Other effects on the operation of the agency	<p><i>Interference with drains etc connected with sewerage system</i></p> <p>Section 16 (1) A licensee commits an offence if the licensee provides a sanitary plumbing service or a sanitary drainage service without -</p> <p>(a) giving the construction occupations registrar written notice of the licensee's intention to provide the service at least 2 days before the day the licensee intends to start to provide the service; or</p> <p>(b) if the service is minor sanitary plumbing work - giving the registrar a minor works notice within 7 days after the day the licensee completes the work; or</p> <p>(c) if the service is minor drainage work - giving the registrar a minor works notice within 7 days after the day the licensee completes the work.</p> <p>(3) A notice under subsection (1) must, except in the case of a minor works notice -</p> <p>(b) in any other case—be accompanied by a plan approval under section 8 (Issue of plan approvals).</p>
Business activity	Authorisation; Compliance
Functions	Water Resources Management and Wastewater Management
Recordkeeping requirements	<p>Section 8 (1) A certifier must not approve a plan in relation to sanitary drainage work, sanitary plumbing work, or water supply plumbing work unless the following approvals have been obtained for the result of the work:</p> <p>(a) approval from the responsible utility -</p> <p>(i) if non-domestic waste is to be disposed of - for the disposal of the waste to the sewerage network and the manner of disposal; and</p> <p>(ii) if an increase in water demand or sewer load is expected - for the increase; or</p> <p>(iii) if a point of connection to the sewerage network or the water network is to be changed or removed - for the change or removal; or</p> <p>(iv) if a new point of connection to the sewerage network or the water network is required - for the point; or</p> <p>(vi) if surface water or stormwater is to be discharged to the sewerage network - for the discharge and manner of discharge; or</p> <p>(vii) if a water pumping appliance or sewage pumping appliance is to be connected to the water network or the sewerage network - or the connection and manner of connection;</p> <p>(c) if radioactive materials are to be disposed of into the sewerage network - approval from the responsible utility and the chief health officer for the disposal and manner of disposal.</p>
Creation and retention	Plan approvals need to be created and kept as records.

	<p>Section 16 (1) A licensee commits an offence if the licensee provides a sanitary plumbing service or a sanitary drainage service without -</p> <p>(a) giving the construction occupations registrar written notice of the licensee's intention to provide the service at least 2 days before the day the licensee intends to start to provide the service; or</p> <p>(b) if the service is minor sanitary plumbing work—giving the registrar a minor works notice within 7 days after the day the licensee completes the work; or</p> <p>(c) if the service is minor drainage work—giving the registrar a minor works notice within 7 days after the day the licensee completes the work.</p> <p>(3) A notice under subsection (1) must, except in the case of a minor works notice -</p> <p>(b) in any other case—be accompanied by a plan approval under section 8 (Issue of plan approvals).</p>
Creation and retention	Plan approvals need to be created and kept as records.
	<p>Republication No 9</p> <p>Republication date 10 September 2004</p> <p>Last amendment made by A2004-67</p>

Consumer Protection

Name of Agency: **ACTEW Corporation**

Source Number: 12

Source name	<i>Public Health Act 1997</i> An Act relating to public health, and for related purposes.
Reference number	69 of 1997
Source hyperlink	http://www.legislation.act.gov.au/a/1997-69/current/rtf/1997-69.rtf
Start dates	s 1, s 2 commenced 9 October 1997; remainder commenced 9 April 1998
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	s 1, s 2 commenced 9 October 1997; remainder commenced 9 April 1998
Influence on the establishment of the agency	Section 4 ACTEW Corporation's roles and operations are regulated by the following objectives of the Act: (a) the protection of the public from public health risks including those associated with facilities, equipment, products and activities not adequately controlled by another law of the Territory or a law of the Commonwealth; (b) through the monitoring of health indicators, to provide the public with information about the health of the population and to design and implement appropriate policies and programs for the maintenance and improvement of the population's health; (c) the provision of a rapid response to public health risks;
Functions of the agency specified by the Act	Section 118D (1) This section applies if a water utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of drinking water by it. (2) The water utility must - (a) tell the chief health officer as soon as possible about the risk; and (b) prepare a written notice (the <i>public risk notice</i>) alerting the public to the risk; and (c) notify the public risk notice under the <i>Legislation Act 2001</i> . (3) The public risk notice is a notifiable instrument. (4) The water utility must also - (a) publish the public risk notice in a daily newspaper published and circulating in the ACT; and (b) take all other reasonable measures to alert the public to the risk.
Responsibilities of other parties	Section 118E (1) If the chief health officer has reasonable grounds for believing that a water utility has published misleading information to the public or to a section of the public about the processing of drinking water by the utility, the chief health officer may, by written notice to the utility, direct the utility to correct the information in the manner stated in the direction. (2) The direction may include a requirement that the utility

	<p>publish the correction in a stated manner, in a stated medium (or media) and within a stated period.</p> <p>(3) The utility must comply with the direction.</p> <p>Section 118F (1) For this Act, the chief health officer may, by written notice to a water utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of drinking water by the utility.</p> <p>(2) The utility must comply with the requirement.</p> <p>Section 118K (1) If the chief health officer has reasonable grounds for believing that a sewerage utility has published misleading information to the public or to a section of the public about the processing of sewage by the utility, the chief health officer may, by written notice to the utility, direct the utility to correct the information, in the manner stated in the direction.</p> <p>(2) The direction may include a requirement that the utility publish the correction in a stated manner, in a stated medium (or media) and within a stated period.</p> <p>(3) The utility must comply with the direction.</p> <p>Section 118L (1) For this Act, the chief health officer may, by written notice to a sewerage utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of sewage by the utility.</p> <p>(2) The utility must comply with the requirement.</p>
Responsibilities for the administration of the Act	<p>Minister for Health, ACT Health</p> <p>Section 118 J (1) This section applies if a sewerage utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of sewage by it.</p> <p>(2) The sewerage utility must -</p> <p>(a) tell the chief health officer as soon as possible about the risk; and</p> <p>(b) prepare a written notice (the <i>public risk notice</i>) alerting the public to the risk; and</p> <p>(c) notify the public risk notice under the <i>Legislation Act 2001</i>.</p> <p>(3) The public risk notice is a notifiable instrument.</p> <p><i>Note</i> A notifiable instrument must be notified under the <i>Legislation Act</i>.</p> <p>(4) The sewerage utility must also -</p> <p>(a) publish the public risk notice in a daily newspaper published and circulating in the ACT; and</p> <p>(b) take all other reasonable measures to alert the public to the risk.</p>
Other effects on the operation of the agency	<p>Section 119 (1) The Minister may in writing, declare a public health emergency if satisfied that it is justified in the circumstances.</p> <p>Section 120 (1) While an emergency declaration is in force, the chief health officer may take any action, or give any direction (orally or in writing), he or she considers to be necessary or desirable to alleviate the emergency specified in</p>

	<p>the declaration.</p> <p>(2) For the purposes of subsection (1), the directions the chief health officer may give to a person include any or all of the following:</p> <p>(d) that the person immediately or within a specified time destroy, or modify in a specified manner, a thing or substance in the person's possession or control;</p> <p>(e) that the person take any other specified action, or cease undertaking any specified action, if the chief health officer considers such action or cessation to be necessary or desirable.</p> <p>(3) A person shall not, without reasonable excuse, fail to comply with a direction under this section.</p> <p>Maximum penalty: (b) for a utility - 2 000 penalty units.</p> <p>(4) The chief health officer shall make a signed written record of all action taken, and of each direction issued, for the purposes of subsection (1).</p> <p>Section 124 (1) Subject to subsection (4), the chief health officer may hold an investigation in respect of -</p> <p>(a) any matter concerning public health; or</p> <p>(b) the administration of this Act.</p> <p>Section 129 (1) For the purposes of an investigation, a person shall not, without reasonable excuse, fail to -</p> <p>(a) appear or give evidence if required; or</p> <p>(b) answer a question if required; or</p> <p>(c) produce a document if required; or</p> <p>(d) take an oath or make an affirmation if required.</p> <p>Maximum penalty: (b) for a utility - 2,000 penalty units, imprisonment for 6 months or both.</p> <p>(2) A person appearing at an investigation shall not knowingly or recklessly give evidence that is false or misleading in a material particular.</p> <p>Maximum penalty: (b) for a utility - 2,000 penalty units, imprisonment for 6 months or both.</p> <p>(3) A person shall not hinder, obstruct or delay the conduct of an investigation.</p> <p>Maximum penalty: (b) for a utility - 2,000 penalty units, imprisonment for 6 months or both.</p>
Business activity	Compliance; Monitoring; Reporting; Risk management
Functions	Wastewater & Water Resources Management
Recordkeeping requirements	<p>Section 118D (1) This section applies if a water utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of drinking water by it.</p> <p>(2) The water utility must -</p> <p>(a) tell the chief health officer as soon as possible about the risk; and</p> <p>(b) prepare a written notice (the <i>public risk notice</i>) alerting the public to the risk; and</p> <p>(c) notify the public risk notice under the <i>Legislation Act 2001</i>.</p> <p>(3) The public risk notice is a notifiable instrument.</p> <p>(4) The water utility must also—</p>

Creation and retention	<p>(a) publish the public risk notice in a daily newspaper published and circulating in the ACT; and (b) take all other reasonable measures to alert the public to the risk.</p> <p>A document advising the chief health officer needs to be created and retained.</p> <p>A public risk notice needs to be created; notified under the Legislation Act 2001; published in a local daily newspaper and retained as a record.</p> <p>Section 118E (1) If the chief health officer has reasonable grounds for believing that a water utility has published misleading information to the public or to a section of the public about the processing of drinking water by the utility, the chief health officer may, by written notice to the utility, direct the utility to correct the information in the manner stated in the direction. (2) The direction may include a requirement that the utility publish the correction in a stated manner, in a stated medium (or media) and within a stated period. (3) The utility must comply with the direction.</p>
Creation and retention	<p>A copy of the direction needs to be retained and supporting documentation needs to be created and retained.</p> <p>Section 118F (1) For this Act, the chief health officer may, by written notice to a water utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of drinking water by the utility. (2) The utility must comply with the requirement.</p>
Creation and retention	<p>A copy of the direction from the chief health officer should be kept and supporting documentation created and retained as records.</p> <p>Section 118 J (1) This section applies if a sewerage utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of sewage by it. (2) The sewerage utility must - (a) tell the chief health officer as soon as possible about the risk; and (b) prepare a written notice (the <i>public risk notice</i>) alerting the public to the risk; and (c) notify the public risk notice under the <i>Legislation Act 2001</i>. (3) The public risk notice is a notifiable instrument. <i>Note</i> A notifiable instrument must be notified under the Legislation Act. (4) The sewerage utility must also - (a) publish the public risk notice in a daily newspaper</p>

Creation and retention	<p>published and circulating in the ACT; and (b) take all other reasonable measures to alert the public to the risk.</p> <p>A document advising the chief health officer needs to be created and retained.</p> <p>A public risk notice needs to be created; notified under the Legislation Act 2001; published in a local daily newspaper and retained as a record.</p> <p>Section 118K (1) If the chief health officer has reasonable grounds for believing that a sewerage utility has published misleading information to the public or to a section of the public about the processing of sewage by the utility, the chief health officer may, by written notice to the utility, direct the utility to correct the information, in the manner stated in the direction. (2) The direction may include a requirement that the utility publish the correction in a stated manner, in a stated medium (or media) and within a stated period. (3) The utility must comply with the direction.</p>
Creation and retention	<p>A copy of the direction needs to be retained and supporting documentation needs to be created and retained.</p> <p>Section 118L (1) For this Act, the chief health officer may, by written notice to a sewerage utility, require the utility to give the chief health officer information, within the period stated in the notice, about the processing of sewage by the utility. (2) The utility must comply with the requirement.</p>
Creation and retention	<p>A copy of the direction from the chief health officer should be kept and supporting documentation created and retained as records.</p> <p>Section 119 (1) The Minister may in writing, declare a public health emergency if satisfied that it is justified in the circumstances. Section 120 (1) While an emergency declaration is in force, the chief health officer may take any action, or give any direction (orally or in writing), he or she considers to be necessary or desirable to alleviate the emergency specified in the declaration. (2) For the purposes of subsection (1), the directions the chief health officer may give to a person include any or all of the following: (d) that the person immediately or within a specified time destroy, or modify in a specified manner, a thing or substance in the person's possession or control; (e) that the person take any other specified action, or cease undertaking any specified action, if the chief health officer</p>

<p>Creation and retention</p>	<p>considers such action or cessation to be necessary or desirable.</p> <p>(3) A person shall not, without reasonable excuse, fail to comply with a direction under this section.</p> <p>Maximum penalty: (b) for a utility - 2 000 penalty units.</p> <p>(4) The chief health officer shall make a signed written record of all action taken, and of each direction issued, for the purposes of subsection (1).</p> <p>A copy of the emergency declaration and created supporting documentation needs to be kept as records.</p> <p>Section 124 (1) Subject to subsection (4), the chief health officer may hold an investigation in respect of -</p> <p>(a) any matter concerning public health; or</p> <p>(b) the administration of this Act.</p> <p>Section 129 (1) For the purposes of an investigation, a person shall not, without reasonable excuse, fail to -</p> <p>(c) produce a document if required</p> <p>Maximum penalty: (b) for a utility - 2,000 penalty units, imprisonment for 6 months or both.</p>
<p>Access</p>	<p>Access to records concerning public health investigations need to be provided.</p>
	<p>Republication No 10</p> <p>Republication date 1 July 2004</p> <p>Last amendment made by A2004-28</p>

Environment Protection

Name of Agency: **ACTEW Corporation**

Source Number: 14

Source name	<i>Environment Protection Act 1997</i> An Act to provide for the protection of the environment and for related purposes.
Reference number	92 of 1997
Source hyperlink	http://www.legislation.act.gov.au/a/1997-92/current/r/f/1997-92.rtf
Start dates	s 1, s 2 commenced 1 December 1997; remainder commenced 1 June 1998
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	s 1, s 2 commenced 1 December 1997; remainder commenced 1 June 1998
Influence on the establishment of the agency	In accordance with this Act, ACTEW's roles and operations are subject to environmental regulation in respect of its operations of the Lower Molonglo Water Quality Control Centre.
Functions of the agency specified by the Act	<p>Section 42 (1) A person shall not conduct an activity listed in schedule 1 as a class A activity unless the person holds an environmental authorisation in relation to that activity</p> <p>(2) A person shall not conduct an activity listed in schedule 1 as a class B activity unless the person -</p> <p>(a) is a party to an environmental protection agreement that is in effect in relation to that activity; or</p> <p>(b) holds an environmental authorisation in relation to that activity</p> <p>Schedule 1, Clause 2, Class A activities requiring environmental authorisation include -</p> <p>12 sewage treatment, being an activity involving the discharge of treated or untreated sewage or septic tank effluent to land or water and having a peak loading capacity designed for more than 100 people per day, other than an activity involving the recycling of wastewater if there is no discharge to receiving waters.</p> <p>Schedule 1, Clause 3, Class B activities requiring environmental authorisation include -</p> <p>6 wastewater recycling activities, being -</p> <p>(a) the treatment for the purpose of reuse of wastewater (including effluent) in a treatment plant that has a capacity of greater than 3 ML per year; or</p> <p>(b) the reuse of more than 3 ML per year.</p> <p>Section 96 (1) For the purposes of ascertaining whether this Act is being complied with, an authorised officer may enter -</p> <p>(a) premises (other than residential premises) at any reasonable time.</p>

Responsibilities of other parties	<p>Section 99 An authorised officer who enters premises under section 96 (1) may do any of the following in relation to the premises or anything on the premises:</p> <ul style="list-style-type: none"> (a) inspect or examine; (b) take measurements or conduct tests; (c) take samples for analysis; (d) examine records or documents relating to the operation of equipment and the operational processes carried out on those premises;
Responsibilities for the administration of the Act	<p>Minister for Environment, Department of Urban Services</p> <p>Section 149 (1) The holder of an environmental authorisation shall notify the authority in writing of any proposed installation, construction or modification to prescribed equipment and works in or on the premises on which the authorised activity is being, or is proposed to be, conducted.</p>
Business activity	Compliance, Monitoring Risk management
Functions	Wastewater and Water Resources Management
Recordkeeping requirements	<p>Section 42 (1) A person shall not conduct an activity listed in schedule 1 as a class A activity unless the person holds an environmental authorisation in relation to that activity</p> <p>(2) A person shall not conduct an activity listed in schedule 1 as a class B activity unless the person -</p> <ul style="list-style-type: none"> (a) is a party to an environmental protection agreement that is in effect in relation to that activity; or (b) holds an environmental authorisation in relation to that activity <p>Schedule 1, Clause 2, Class A activities requiring environmental authorisation include -</p> <p>12 sewage treatment, being an activity involving the discharge of treated or untreated sewage or septic tank effluent to land or water and having a peak loading capacity designed for more than 100 people per day, other than an activity involving the recycling of wastewater if there is no discharge to receiving waters.</p> <p>Schedule 1, Clause 3, Class B activities requiring environmental authorisation include -</p> <p>6 wastewater recycling activities, being -</p> <ul style="list-style-type: none"> (a) the treatment for the purpose of reuse of wastewater (including effluent) in a treatment plant that has a capacity of greater than 3 ML per year; or (b) the reuse of more than 3 ML per year.
Creation and retention	<p>A copy of the environmental authorisation needs to be kept and created supporting documentation needs to be kept.</p> <p>Section 96 (1) For the purposes of ascertaining whether this Act is being complied with, an authorised officer may enter -</p> <ul style="list-style-type: none"> (a) premises (other than residential premises) at any reasonable time. <p>Section 99 An authorised officer who enters premises under section 96 (1) may do any of the following in relation to the</p>

	<p>premises or anything on the premises:</p> <p>(a) inspect or examine;</p> <p>(b) take measurements or conduct tests;</p> <p>(c) take samples for analysis;</p> <p>(d) examine records or documents relating to the operation of equipment and the operational processes carried out on those premises;</p>
Access	<p>Records and documents need to be made available to the authorised officer visiting the premises.</p> <p>Section 149 (1) The holder of an environmental authorisation shall notify the authority in writing of any proposed installation, construction or modification to prescribed equipment and works in or on the premises on which the authorised activity is being, or is proposed to be, conducted.</p>
Creation and retention	<p>A copy of the notification and supporting documentation needs to be made and kept.</p>
	<p>Republication No 11</p> <p>Republication date 1 September 2004</p> <p>Last amendment made by A2004-28</p>

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