



Queensland

*Government Owned Corporations Act 1993*

# Government Owned Corporations Regulation 2004

Reprinted as in force on 29 June 2007

Reprint No. 2D

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# Information about this reprint

This regulation is reprinted as at 29 June 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Government Owned Corporations Regulation 2004

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# Government Owned Corporations Regulation 2004

[as amended by all amendments that commenced on or before 29 June 2007]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Government Owned Corporations Regulation 2004*.

### 2 Definition

In this regulation—

*QPTC*, for part 3, division 9, see section 29.

### 3 References to entities

- (1) In this regulation, a reference to a government entity is a reference to—
  - (a) the entity when it is nominated to be a candidate GOC or declared to be a subsidiary of a candidate GOC; or
  - (b) if the entity changes during the process of corporatisation of itself or another entity—the entity as it changes from time to time.
- (2) However, subsection (1) does not apply to a reference to a government entity in section 41A or part 4A.

### 4 Responsible Ministers may decide limits of entities

To remove doubt during the process of corporatisation of government entities, the responsible Ministers may decide whether a specified part of a government entity is, or is not, taken to be included in—

- (a) an entity nominated to be a candidate GOC; or
- (b) an entity declared to be a subsidiary of a candidate GOC.

## **Part 2                      Candidate GOCs**

### **5                      Nomination as candidate GOC**

Each government entity mentioned in schedule 1 is nominated to be a candidate GOC.

## **Part 3                      Statutory GOCs that are candidate GOCs under the Act, s 24(b)**

*Note—*

Each statutory GOC mentioned in this part—

- (a) is, under the Act, section 24(b), a candidate GOC; and
- (b) on registration under the Corporations Act, becomes, under the Act, section 7(3), a company GOC.

## **Division 1                      Bundaberg Port Authority**

### **6                      Bundaberg Port Authority continued**

- (1) The entity called Bundaberg Port Authority continues in existence.
- (2) Without limiting subsection (1), Bundaberg Port Authority continues—
  - (a) to be a body corporate; and



- (b) to have a seal; and
- (c) to be able to sue and be sued in its corporate name.

## **7 Continuation as statutory GOC**

Bundaberg Port Authority continues as a statutory GOC.

## **8 Share capital**

- (1) Bundaberg Port Authority continues to have a share capital of \$100000000 made up of 100000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Bundaberg Port Authority consists of 20427856 of the shares.

## **Division 2 Cairns Port Authority**

### **9 Cairns Port Authority continued**

- (1) The entity called Cairns Port Authority continues in existence.
- (2) Without limiting subsection (1), Cairns Port Authority continues—
  - (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

### **10 Continuation as statutory GOC**

Cairns Port Authority continues as a statutory GOC.

### **11 Share capital**

- (1) Cairns Port Authority continues to have a share capital of \$1000000000 made up of 1000000000 ordinary shares of \$1 each.

- (2) On the commencement of this section, the issued share capital of Cairns Port Authority consists of 250319970 of the shares.

### **Division 3                      Central Queensland Ports Authority**

#### **12                      Central Queensland Ports Authority continued**

- (1) The entity called Central Queensland Ports Authority continues in existence.
- (2) Without limiting subsection (1), Central Queensland Ports Authority continues—
- (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

#### **13                      Continuation as statutory GOC**

Central Queensland Ports Authority continues as a statutory GOC.

#### **14                      Share capital**

- (1) Central Queensland Ports Authority continues to have a share capital of \$1000000000 made up of 1000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Central Queensland Ports Authority consists of 260451969 of the shares.
- (3) Central Queensland Ports Authority must issue a further 112000000 of the shares on or before 31 December 2004.

### **Division 4                      Mackay Port Authority**

#### **15                      Mackay Port Authority continued**

- (1) The entity called Mackay Port Authority continues in existence.

- (2) Without limiting subsection (1), Mackay Port Authority continues—
- (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

## **16 Continuation as statutory GOC**

Mackay Port Authority continues as a statutory GOC.

## **17 Share capital**

- (1) Mackay Port Authority continues to have a share capital of \$200000000 made up of 200000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Mackay Port Authority consists of 139208804 of the shares.

## **Division 5 Port of Brisbane Corporation**

### **18 Port of Brisbane Corporation continued**

- (1) The entity called Port of Brisbane Corporation continues in existence.
- (2) Without limiting subsection (1), Port of Brisbane Corporation continues—
  - (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

### **19 Continuation as statutory GOC**

Port of Brisbane Corporation continues as a statutory GOC.

**20 Share capital**

- (1) Port of Brisbane Corporation continues to have a share capital of \$1000000000 made up of 1000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Port of Brisbane Corporation consists of 333515228 of the shares.

**Division 6 Ports Corporation of Queensland****21 Ports Corporation of Queensland continued**

- (1) The entity called Ports Corporation of Queensland continues in existence.
- (2) Without limiting subsection (1), Ports Corporation of Queensland continues—
  - (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

**22 Continuation as statutory GOC**

Ports Corporation of Queensland continues as a statutory GOC.

**23 Share capital**

- (1) Ports Corporation of Queensland continues to have a share capital of \$3000000000 made up of 3000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Ports Corporation of Queensland consists of 133673368 of the shares.

## **Division 7                      Queensland Investment Corporation**

### **24            Continuation as statutory GOC**

Queensland Investment Corporation continues as a statutory GOC.

### **25            Share capital**

- (1) Queensland Investment Corporation continues to have a share capital of \$100000000 made up of 100000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Queensland Investment Corporation consists of 20000000 of the shares.
- (3) Queensland Investment Corporation must issue a further 10300000 of the shares on or before 30 June 2005.

## **Division 8                      Queensland Rail**

### **26            Queensland Rail continued**

- (1) The entity called Queensland Rail continues in existence.
- (2) Without limiting subsection (1), Queensland Rail continues—
  - (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

### **27            Continuation as statutory GOC**

Queensland Rail continues as a statutory GOC.

**28 Share capital**

- (1) Queensland Rail continues to have a share capital of \$10000000000 made up of 10000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Queensland Rail consists of 1917059786 of the shares.
- (3) Queensland Rail must issue a further 14300000 of the shares on or before 30 June 2005.

**28A Change of name to QR**

- (1) On the commencement of this section, Queensland Rail continues in existence under the name QR.
- (2) Subsection (1) does not affect the operation of section 26(2), 27 or 28(1).

**Division 9 Queensland Power Trading Corporation****29 Definition for div 9**

In this division—

*QPTC* means Queensland Power Trading Corporation.

**30 QPTC continued**

- (1) The entity called Queensland Power Trading Corporation continues in existence.
- (2) Without limiting subsection (1), QPTC continues—
  - (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

**31 Continuation as statutory GOC**

QPTC continues as a statutory GOC.

**32 Share capital**

- (1) QPTC continues to have a share capital of \$7000000000 made up of 7000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of QPTC consists of 473224390 of the shares.

**33 Functions**

- (1) QPTC's functions are—
  - (a) managing QPTC's obligations under each exempted generation agreement; and
  - (b) operating as a generator, under the Code, in relation to the exempted generation agreements; and
  - (c) managing the sale of electricity, purchased by QPTC under the exempted generation agreements, in the market; and
  - (d) managing the risks associated with QPTC's obligations under the exempted generation agreements, including, for example—
    - (i) acquiring, holding and dealing with assets for generating electricity; and
    - (ii) dealing in instruments that minimise the risks; and
  - (e) selling electricity to Boyne Smelters Limited ACN 010 061 935 for the conduct of its operations at Boyne Island; and
  - (f) meeting QPTC's obligations under transaction documents under the *Gladstone Power Station Agreement Act 1993*, and other documents associated with the acquisition, maintenance and operation of the Gladstone power station; and
  - (g) dealing with any assets or liabilities transferred to QPTC under an Act; and
  - (h) owning and operating—
    - (i) the gas processing facility near Moranbah known as the Moranbah gas processing plant; and

- (ii) the pipeline from Moranbah to Townsville mentioned in the *Petroleum and Gas (Production and Safety) Regulation 2004*, schedule 5; and
  - (iii) the power station near Barcaldine known as the Barcaldine power station; and
  - (iv) the Cheepie to Barcaldine gas transmission pipeline; and
  - (i) using a pipeline mentioned in paragraph (h) for supplying or transporting gas, including supplying or transporting gas to the following power stations—
    - (i) the power station near Barcaldine known as the Barcaldine power station;
    - (ii) the power station near Townsville known as the Townsville power station; and
  - (j) any other functions given to QPTC under this regulation or under another Act.
- (2) In this section—

**Code** see section 3 of the National Electricity (Queensland) Law.

**exempted generation agreement** has the meaning given in part E of chapter 9 of the Code.

**market** has the meaning given in chapter 10 of the Code.

**National Electricity (Queensland) Law** see the *Electricity—National Scheme (Queensland) Act 1997*, section 3 (1).

**supply** see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2.

## Division 10 SunWater

### 34 SunWater continued

- (1) The entity called SunWater continues in existence.
- (2) Without limiting subsection (1), SunWater continues—



- (a) to be a body corporate; and
- (b) to have a seal; and
- (c) to be able to sue and be sued in its corporate name.

### **35 Continuation as statutory GOC**

SunWater continues as a statutory GOC.

### **36 Share capital**

- (1) SunWater continues to have a share capital of \$1000000000 made up of 1000000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of SunWater consists of 2 of the shares.

### **37 Functions**

- (1) The main function of SunWater is to provide water services and services ancillary to those services, whether in or outside Queensland.
- (2) Without limiting subsection (1), the main function includes the following—
  - (a) the carrying on of activities relating to the following—
    - (i) bulk water storage;
    - (ii) water distribution;
    - (iii) retail water reticulation, drainage and storage;
    - (iv) water infrastructure development;
  - (b) the provision of water industry related services, including the following—
    - (i) engineering services;
    - (ii) operation, and maintenance, services;
    - (iii) business management services;
  - (c) doing anything likely to complement or enhance the function or something mentioned in paragraphs (a) and (b).

- (3) Also, SunWater has the function of performing other functions given to it under the Act or another Act.

## **Division 11                      Townsville Port Authority**

### **38            Townsville Port Authority continued**

- (1) The entity called Townsville Port Authority continues in existence.
- (2) Without limiting subsection (1), Townsville Port Authority continues—
- (a) to be a body corporate; and
  - (b) to have a seal; and
  - (c) to be able to sue and be sued in its corporate name.

### **39            Continuation as statutory GOC**

Townsville Port Authority continues as a statutory GOC.

### **40            Share capital**

- (1) Townsville Port Authority continues to have a share capital of \$500000000 made up of 500000000 ordinary shares of \$1 each.
- (2) On the commencement of this section, the issued share capital of Townsville Port Authority consists of 98935028 of the shares.

## **Part 4                              Company GOCs**

### **41            Continuation as company GOC**

Each government entity mentioned in schedule 2 continues as a company GOC.

**41A Government entity declared a subsidiary—Act, s 3**

For section 3 of the Act, definition *subsidiary*, paragraph (a), SPARQ Solutions Pty Ltd ACN 110 073 400 is declared to be a subsidiary of—

- (a) Energex Limited ACN 078 849 055; and
- (b) Ergon Energy Corporation Limited ACN 087 646 062.

**Part 4A Government entity****41B Government entity prescribed—Act, s 5**

For section 5(f) of the Act, SPARQ Solutions Pty Ltd ACN 110 073 400 is prescribed.

**Part 7 Repeal of regulations****44 Repeal**

The following regulations are repealed—

- Government Owned Corporations (AUSTA Restructure) Regulation 1999 SL No. 284
- Government Owned Corporations (AUSTA Wind-up) Regulation 2000 SL No. 99
- Government Owned Corporations (CERC and NERC Restructure) Regulation 1998 SL No. 69
- Government Owned Corporations (Ergon Corporatisation) Regulation 1999 SL No. 103
- Government Owned Corporations (Ports) Regulation 1994 SL No. 219
- Government Owned Corporations (Ports) Regulation 1995 SL No. 161

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- Government Owned Corporations (QGC Corporatisation) Regulation 1994 SL No. 448
- Government Owned Corporations (QGC Restructure—Stage 2) Regulation 1997 SL No. 167
- Government Owned Corporations (QTSC Corporatisation) Regulation 1994 SL No. 449
- Government Owned Corporations (QTSC Restructure—Stage 2) Regulation 1997 SL No. 168
- Government Owned Corporations (Queensland Investment Corporation) Regulation 1994 SL No. 341
- Government Owned Corporations (Queensland Rail) Regulation 1995 SL No. 162
- Government Owned Corporations Regulation 1995 SL No. 163
- Government Owned Corporations (State Water Projects Corporatisation) Regulation 2000 SL No. 140
- Government Owned Corporations (TAB Corporatisation) Regulation 1999 SL No. 129.

**Schedule 1      Candidate GOCs**

section 5

WorkCover Queensland

## **Schedule 2      Company GOCs**

section 41

C S Energy Limited ACN 078 848 745

Energex Limited ACN 078 849 055

Ergon Energy Corporation Limited ACN 087 646 062

Queensland Electricity Transmission Corporation Limited  
ACN 078 849 233

Stanwell Corporation Limited ACN 078 848 674

Tarong Energy Corporation Limited ACN 078 848 736

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 29 June 2007. Future amendments of the Government Owned Corporations Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	27 August 2004	
1A	2004 SL No. 202	1 October 2004	
1B	2004 SL No. 283	17 December 2004	
1C	2005 SL No. 33	18 March 2005	
1D	2005 SL No. 59	15 April 2005	
1E	2005 SL No. 124	24 June 2005	R1E withdrawn, see R2
2	—	24 June 2005	
2A	2006 SL No. 46	31 March 2006	
2B	2006 Act No. 42	13 October 2006	
2C	2006 SL No. 298	8 December 2006	
2D	2007 Act No. 22 2007 SL No. 168	29 June 2007	

## 5 List of legislation

### **Government Owned Corporations Regulation 2004 SL No. 166**

made by the Governor in Council on 26 August 2004

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Government Owned Corporations Amendment Regulation (No. 2) 2004 SL No. 202**

notfd gaz 1 October 2004 pp 393–5

commenced on date of notification

### **Government Owned Corporations Amendment Regulation (No. 3) 2004 SL No. 283**

notfd gaz 17 December 2004 pp 1277–85

commenced on date of notification

### **Government Owned Corporations Amendment Regulation (No. 1) 2005 SL No. 33**

notfd gaz 18 March 2005 pp 941–2

commenced on date of notification

### **Government Owned Corporations Amendment Regulation (No. 2) 2005 SL No. 59**

notfd gaz 15 April 2005 pp 1214–15

commenced on date of notification



**Government Owned Corporations Amendment Regulation (No. 3) 2005 SL No. 124**  
notfd gaz 24 June 2005 pp 639–45  
commenced on date of notification

**Government Owned Corporations Amendment Regulation (No. 1) 2006 SL No. 46**  
notfd gaz 31 March 2006 pp 1282–5  
commenced on date of notification

**Energy Assets (Restructuring and Disposal) Act 2006 No. 42 s 1, pt 8 div 4**  
date of assent 13 October 2006  
commenced on date of assent

**Government Owned Corporations Amendment Regulation (No. 2) 2006 SL No. 298**  
notfd gaz 8 December 2006 pp 1739–40  
commenced on date of notification

**Lotteries Amendment Act 2007 No. 22 ss 1–2, 67 sch 2**  
date of assent 28 May 2007  
ss 1–2 commenced on date of assent  
remaining provisions commenced 29 June 2007 (2007 SL No. 167)

**Government Owned Corporations Amendment Regulation (No. 1) 2007 SL No. 168**  
notfd gaz 29 June 2007 pp 1157–65  
commenced on date of notification

## **6 List of annotations**

### **References to entities**

s 3 amd 2006 SL No. 46 s 3

### **PART 3—STATUTORY GOCs THAT ARE CANDIDATE GOCs UNDER THE ACT, s 24(b)**

pt hdg sub 2007 SL No. 168 s 3

### **Share capital**

s 14 amd 2004 SL No. 202 s 3

### **Share capital**

s 25 amd 2005 SL No. 33 s 3

### **Share capital**

s 28 amd 2005 SL No. 124 s 3

### **Change of name to QR**

s 28A ins 2007 SL No. 168 s 4

### **Functions**

s 33 amd 2004 SL No. 283 s 3; 2005 SL No. 59 s 3; 2006 SL No. 298 s 3

### **Government entity declared a subsidiary—Act, s 3**

s 41A ins 2006 SL No. 46 s 4

### **PART 4A—GOVERNMENT ENTITY**

pt 4A (s 41B) ins 2006 SL No. 46 s 4

**PART 5—APPLICATION OF FINANCIAL ADMINISTRATION AND AUDIT  
ACT 1977 TO CERTAIN COMPANY GOC SUBSIDIARIES**

**pt 5 (s 42)** om 2006 Act No. 42 s 74

**PART 6—APPLICATION OF CHAPTER 3 OF ACT TO CERTAIN COMPANY  
GOC SUBSIDIARIES**

**pt 6 (s 43)** om 2006 Act No. 42 s 74

**PART 8—CONSEQUENTIAL AMENDMENTS**

**pt 8 (ss 45–46)** om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE 1—CANDIDATE GOCs**

amd 2007 SL No. 168 s 5

**SCHEDULE 2—COMPANY GOCs**

amd 2007 Act No. 22 s 67 sch 2

**SCHEDULE 3—COMPANY GOC SUBSIDIARIES FOR SECTION 128(1) OF  
THE ACT**

om 2006 Act No. 42 s 75

**SCHEDULE 4—COMPANY GOC SUBSIDIARIES FOR SECTION 177(1) OF  
THE ACT**

om 2006 Act No. 42 s 75