



Queensland

Government Owned Corporations Act 1993

Government Owned Corporations Regulation 2004

Reprinted as in force on 2 October 2007

Reprint No. 2E

This reprint is prepared by
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Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 2 October 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.



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Government Owned Corporations Regulation 2004

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Government Owned Corporations Regulation 2004

[as amended by all amendments that commenced on or before 2 October 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 5, see section 17.

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 Cairns Port Authority

6 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.

7 Continuation as statutory GOC

Cairns Port Authority continues as a statutory GOC.

8 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 2 Central Queensland Ports Authority**9 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.

10 Continuation as statutory GOC

Central Queensland Ports Authority continues as a statutory GOC.

11 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 3 Mackay Port Authority

12 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.

13 Continuation as statutory GOC

Mackay Port Authority continues as a statutory GOC.

14 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 4 Queensland Investment Corporation

15 Continuation as statutory GOC

Queensland Investment Corporation continues as a statutory GOC.

16 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 5 Queensland Power Trading Corporation**17 Definition for div 5**

In this division—

QPTC means Queensland Power Trading Corporation.

18 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.

19 Continuation as statutory GOC

QPTC continues as a statutory GOC.

20 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.

21 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 6 SunWater

22 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.

23 Continuation as statutory GOC

SunWater continues as a statutory GOC.

24 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.

25 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 7 Townsville Port Authority

26 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.

27 Continuation as statutory GOC

Townsville Port Authority continues as a statutory GOC.

28 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

Port of Brisbane Corporation Limited ACN 124 048 522

Ports Corporation of Queensland Limited ACN 126 302 994

QR Limited ACN 124 649 967

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 2 October 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 | 29 June 2007 | |
| | 2007 SL No. 168 | | |
| 2E | 2007 SL No. 237 | 2 October 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

**Government Owned Corporations (Bundaberg Port Authority Wind-up) Regulation
2007 SL No. 237 ss 1–2, pt 6 sch 1**

notfd gaz 28 September 2007 pp 595–6

ss 1–2 commenced on date of notification

remaining provisions commenced 2 October 2007 (see s 2(2))

6 List of annotations

Definition

s 2 def “QPTC” amd 2007 SL No. 237 s 13 sch 1

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

Division 1—Cairns Port Authority

div hdg prev div 1 hdg om 2007 SL No. 237 s 14

pres div 1 hdg (prev div 2 hdg) renum 2007 SL No. 237 s 13 sch 1

Cairns Port Authority continued

s 6 prev s 6 om 2007 SL No. 237 s 14

pres s 6 (prev s 9) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

s 7 (prev s 7 om 2007 SL No. 237 s 14
pres s 7 (prev s 10) renum 2007 SL No. 237 s 13 sch 1

Share capital

s 8 (prev s 8 om 2007 SL No. 237 s 14
pres s 8 (prev s 11) renum 2007 SL No. 237 s 13 sch 1

Division 2—Central Queensland Ports Authority

div hdg (prev div 3 hdg) renum 2007 SL No. 237 s 13 sch 1

Central Queensland Ports Authority continued

s 9 (prev s 12) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

s 10 (prev s 13) renum 2007 SL No. 237 s 13 sch 1

Share capital

s 11 (prev s 14) amd 2004 SL No. 202 s 3
renum 2007 SL No. 237 s 13 sch 1

Division 3—Mackay Port Authority

div hdg (prev div 4 hdg) renum 2007 SL No. 237 s 13 sch 1

Mackay Port Authority continued

s 12 (prev s 15) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

s 13 (prev s 16) renum 2007 SL No. 237 s 13 sch 1

Share capital

s 14 (prev s 17) renum 2007 SL No. 237 s 13 sch 1

Division 4—Queensland Investment Corporation

div hdg (prev div 7 hdg) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

s 15 (prev s 24) renum 2007 SL No. 237 s 13 sch 1

Share capital

s 16 (prev s 25) amd 2005 SL No. 33 s 3
renum 2007 SL No. 237 s 13 sch 1

Division 5—Queensland Power Trading Corporation

div hdg (prev div 5 hdg om 2007 SL No. 237 s 13 sch 1
pres div 5 hdg (prev div 9 hdg) renum 2007 SL No. 237 s 13 sch 1

Definition for div 5

prov hdg amd 2007 SL No. 237 s 13 sch 1
s 17 (prev s 29) renum 2007 SL No. 237 s 13 sch 1

QPTC continued

s 18 (prev s 18 om 2007 SL No. 237 s 13 sch 1
pres s 18 (prev s 30) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

- s 19** prev s 19 om 2007 SL No. 237 s 13 sch 1
pres s 19 (prev s 31) renum 2007 SL No. 237 s 13 sch 1

Share capital

- s 20** prev s 20 om 2007 SL No. 237 s 13 sch 1
pres s 20 (prev s 32) renum 2007 SL No. 237 s 13 sch 1

Functions

- s 21** prev s 21 om 2007 SL No. 237 s 13 sch 1
pres s 21 (prev s 33) amd 2004 SL No. 283 s 3; 2005 SL No. 59 s 3; 2006 SL No. 298 s 3
renum 2007 SL No. 237 s 13 sch 1

Division 6—SunWater

- div hdg** prev div 6 hdg om 2007 SL No. 237 s 13 sch 1
pres div 6 hdg (prev div 10 hdg) renum 2007 SL No. 237 s 13 sch 1

SunWater continued

- s 22** prev s 22 om 2007 SL No. 237 s 13 sch 1
pres s 22 (prev s 34) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

- s 23** prev s 23 om 2007 SL No. 237 s 13 sch 1
pres s 23 (prev s 35) renum 2007 SL No. 237 s 13 sch 1

Share capital

- s 24** (prev s 36) renum 2007 SL No. 237 s 13 sch 1

Functions

- s 25** (prev s 37) renum 2007 SL No. 237 s 13 sch 1

Division 7—Townsville Port Authority

- div hdg** (prev div 11 hdg) renum 2007 SL No. 237 s 13 sch 1

Townsville Port Authority continued

- s 26** prev s 26 om 2007 SL No. 237 s 13 sch 1
pres s 26 (prev s 38) renum 2007 SL No. 237 s 13 sch 1

Continuation as statutory GOC

- s 27** prev s 27 om 2007 SL No. 237 s 13 sch 1
pres s 27 (prev s 39) renum 2007 SL No. 237 s 13 sch 1

Share capital

- s 28** prev s 28 amd 2005 SL No. 124 s 3
om 2007 SL No. 237 s 13 sch 1
pres s 28 (prev s 40) renum 2007 SL No. 237 s 13 sch 1

Division 8—Queensland Rail

- div hdg** om 2007 SL No. 237 s 13 sch 1

Change of name to QR

- s 28A** ins 2007 SL No. 168 s 4
om 2007 SL No. 237 s 13 sch 1

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; 2007 SL No. 237 s 13 sch 1

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