



Queensland

Government Owned Corporations Act 1993

Government Owned Corporations (Bundaberg Port) Regulation 2009

Reprinted as in force on 30 October 2009

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Reprint No. 0A

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This regulation is reprinted as at 30 October 2009.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- omit provisions that are no longer required (s 40)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment'). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Government Owned Corporations (Bundaberg Port) Regulation 2009

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Government Owned Corporations (Bundaberg Port) Regulation 2009

[reprinted as in force on 30 October 2009]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Government Owned Corporations (Bundaberg Port) Regulation 2009*.

2 Commencement

Parts 3 and 4 commence on 1 November 2009.

3 Purposes of regulation

The purposes of this regulation are—

- (a) to transfer the assets and liabilities of BPC to GPC; and
- (b) to transfer the assets and liabilities of PBC in relation to BBU to GPC; and
- (c) to provide for instruments applying to BPC to apply to GPC in place of BPC; and
- (d) to provide for instruments applying to PBC(BBU), including instruments under the *Transport Infrastructure Act 1994*, chapter 8, applying to PBC only in relation to the Port of Bundaberg, to apply to GPC in place of PBC; and
- (e) to provide for employees of PBC, employed only in BBU, to transfer to GPC; and

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- (f) to amend the *Government Owned Corporations Regulation 2004*.

4 Definitions

The dictionary in the schedule defines particular words used in this regulation.

Part 2 Assets and liabilities

5 Divesting of assets and releasing of liabilities

- (1) This section takes effect immediately before the transfer day.
- (2) BPC is divested of all its assets and released from all its liabilities.
- (3) PBC is divested of all its BBU assets and released from all its BBU liabilities.

Part 3 Transition to successor corporation

Editor's note—

This part had not commenced on or before the reprint date.

6 Successor in law

- (1) *GPC is the successor in law of BPC and PBC(BBU).*
- (2) *Subsection (1) applies subject to the operation of this regulation.*

7 Instruments about BPC and PBC

- (1) *This section applies to an instrument in existence immediately before the transfer day.*
- (2) *An instrument applying to BPC applies to GPC in place of BPC.*
- (3) *An instrument applying to PBC(BBU) applies to GPC in place of PBC(BBU).*
- (4) *Without limiting subsection (2) or (3)—*
 - (a) *an instrument to which, immediately before the transfer day, a transferor was a party is taken to be an instrument to which GPC is a party in the same way the transferor was a party; and*
 - (b) *an instrument given to, by or in favour of a transferor is taken to have been given to, by or in favour of GPC in the same way it was given to, by or in favour of the transferor; and*
 - (c) *an instrument that refers to a transferor is taken to refer to GPC in the same way it referred to the transferor; and*
 - (d) *an instrument under which money is, or may become, payable to or by a transferor is taken to be an instrument under which the money is, or may become, payable to or by GPC in the same way the money was, or might have become, payable to or by the transferor; and*
 - (e) *an instrument under which property, other than money, is, or may become, liable to be transferred, conveyed or assigned to or by a transferor is taken to be an instrument under which the property is or may become liable to be transferred, conveyed or assigned to or by GPC in the same way the property was, or might have become, liable to be transferred, conveyed or assigned to or by the transferor.*
- (5) *In this section—*

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instrument includes an instrument under the Transport Infrastructure Act 1994, chapter 8, applying to PBC only in relation to the Port of Bundaberg.

transferor means BPC, or PBC(BBU).

8 Employees of PBC

A person who, immediately before the transfer day, was an employee of PBC, employed only in BBU, becomes an employee of GPC.

9 Pending legal proceedings

A proceeding by or against BPC or PBC(BBU), started but not finished before the transfer day, must be continued and finished by or against GPC.

Part 4 Transfer of assets and liabilities

Editor's note—

This part had not commenced on or before the reprint date.

10 Transfer of assets and liabilities to GPC

- (1) *This section takes effect immediately after—*
 - (a) *BPC is divested of all its assets and released from all its liabilities under section 5(2); and*
 - (b) *PBC is divested of all its BBU assets and released from all its BBU liabilities under section 5(3).*
- (2) *The assets mentioned in section 5(2) and (3) become the assets of GPC.*

- (3) *The liabilities mentioned in section 5(2) and (3) are assumed by GPC.*

Note—

The management of the Port of Bundaberg has been transferred from PBC to GPC under the Transport Infrastructure (Ports) Regulation 2005, section 3A(1).

11 Accounting requirements for transfer of assets

- (1) *An asset of BPC mentioned in section 10(1)(a) is transferred at the value shown for the asset in the asset schedule of BPC for the day immediately before the transfer day (the **BPC asset schedule**).*
- (2) *A liability of BPC mentioned in section 10(1)(a) is assumed at the value shown for the liability in the balance sheet of BPC for the day immediately before the transfer day (the **BPC balance sheet**).*
- (3) *An asset of PBC mentioned in section 10(1)(b) is transferred at the value shown for the asset in the asset schedule of PBC for the day immediately before the transfer day (the **PBC(BBU) asset schedule**).*
- (4) *A liability of PBC mentioned in section 10(1)(b) is assumed at the value shown for the liability in the balance sheet of PBC for the day immediately before the transfer day (the **PBC(BBU) balance sheet**).*
- (5) *At any time within 12 months after the transfer day—*
- (a) *the shareholding Ministers of the GOC that is a shareholder of BPC may change the BPC asset schedule or BPC balance sheet to correct an error or omission relating to the value of an asset or liability as at the day immediately before the transfer day; and*
- (b) *the shareholding Ministers of PBC may change the PBC(BBU) asset schedule or PBC(BBU) balance sheet to correct an error or omission relating to the value of a BBU asset or a BBU liability as at the day immediately before the transfer day.*

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12 Asset schedules and balance sheets

- (1) *As soon as practicable after the commencement of this section—*
 - (a) *BPC must prepare the BPC asset schedule and BPC balance sheet; and*
 - (b) *PBC must prepare the PBC(BBU) asset schedule and PBC(BBU) balance sheet.*
- (2) *GPC must—*
 - (a) *give BPC access to information and documents reasonably required by BPC for preparing the BPC asset schedule and BPC balance sheet; and*
 - (b) *give PBC access to information and documents reasonably required by PBC for preparing the PBC(BBU) asset schedule and PBC(BBU) balance sheet; and*
 - (c) *cooperate with BPC and PBC in their preparation of the asset schedules and balance sheets.*

Schedule Dictionary

section 4

BBU means the part of PBC known as the Bundaberg Business Unit.

BBU asset means an asset that—

- (a) is shown in the PBC(BBU) asset schedule as an asset of the BBU; or
- (b) is not shown in the PBC(BBU) asset schedule but is an asset of PBC held for, and used by, BBU immediately before the transfer day.

BBU liability means a liability that—

- (a) is shown in the PBC(BBU) balance sheet as a liability of the BBU; or
- (b) is not shown in the PBC(BBU) balance sheet but is a liability to which PBC is subject, immediately before the transfer day, for the purposes of BBU.

BPC means the Bundaberg Port Corporation Pty Ltd ACN 127 336 341.

BPC asset schedule see section 11(1).

BPC balance sheet see section 11(2).

GPC means the Gladstone Ports Corporation Limited ACN 131 965 896.

PBC means the Port of Brisbane Corporation Limited ACN 124 048 522.

PBC(BBU) means PBC only in relation to BBU, including the responsibilities of BBU immediately before the transfer day.

PBC(BBU) asset schedule see section 11(3).

PBC(BBU) balance sheet see section 11(4).

transfer day means 1 November 2009.

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). However, no amendments have commenced operation on or before that day. Future amendments of the Government Owned Corporations (Bundaberg Port) Regulation 2009 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
0A	none	30 October 2009	certain provs commenced

5 List of legislation

Government Owned Corporations (Bundaberg Port) Regulation 2009 SL No. 236

made by the Governor in Council on 29 October 2009

notfd gaz 30 October 2009 pp 657–8

ss 1–2 commenced on date of notification

pts 3–4 commence 1 November 2009 (see s 2)

remaining provisions commenced on date of notification

exp 1 September 2020 (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.

6 List of annotations

PART 5—AMENDMENT OF GOVERNMENT OWNED CORPORATIONS REGULATION 2004

pt 5 (ss 13–14) om R0A (see RA ss 7(1)(k) and 40)