



Queensland

Electricity and Other Legislation Amendment Bill 2016



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2016

A Bill

for

An Act to amend the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, the *Electricity Act 1994*, the *Government Owned Corporations Act 1993* and the *Judicial Review Act 1991* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Electricity and Other Legislation
Amendment Act 2016*. 4
5

Clause 2 Commencement 6

Part 2 commences on a date to be fixed by proclamation. 7

**Part 2 Amendment of Aboriginal and
Torres Strait Islander
Communities (Justice, Land
and Other Matters) Act 1984** 8
9
10
11

Clause 3 Act amended 12

This part amends the *Aboriginal and Torres Strait Islander
Communities (Justice, Land and Other Matters) Act 1984*. 13
14

Clause 4 Amendment of s 4 (Definitions) 15

(1) Section 4, definition *IIB*— 16

omit. 17

(2) Section 4— 18

insert— 19

board means the board of management of Community
Enterprise Queensland. 20
21

chief executive officer means the individual appointed by the board as chief executive officer under section 60R. 1
2

Community Enterprise Queensland means the entity continued in existence under section 60A(1) as Community Enterprise Queensland. 3
4
5

IIB means the Island Industries Board under this Act as in force immediately before the commencement of the *Electricity and Other Legislation Amendment Act 2016*, part 2. 6
7
8
9

Clause 5 Amendment of s 57 (Deposit of savings with banker) 10
Section 57(1A), ‘IIB’— 11
omit, insert— 12
Community Enterprise Queensland 13

Clause 6 Replacement of pt 7A hdg (Island Industries Board) 14
Part 7A, heading— 15
omit, insert— 16
Part 7A Community Enterprise Queensland 17
18
Division 1 Establishment, functions and powers of Community Enterprise Queensland 19
20
21

Clause 7 Replacement of ss 60A–60D 22
Sections 60A to 60D— 23
omit, insert— 24
60A Community Enterprise Queensland 25
(1) IIB is continued in existence as Community 26

Enterprise Queensland.	1
(2) Community Enterprise Queensland—	2
(a) is a body corporate; and	3
(b) may sue and be sued in its corporate name.	4
60B Functions	5
Community Enterprise Queensland has the following functions—	6 7
(a) to act as a commercial enterprise for the general convenience or benefit of the residents of the communities in which Community Enterprise Queensland performs its functions;	8 9 10 11 12
(b) to provide the communities mentioned in paragraph (a) with access to a range of food, drinks and household items essential for a healthy life at a fair price;	13 14 15 16
(c) to apply its operating surplus or assets to promote, support and improve its services and the general welfare, including the knowledge and skills, of the Aboriginal and Torres Strait Islander residents of the communities mentioned in paragraph (a).	17 18 19 20 21 22
<i>Examples of supporting residents—</i>	23
• encouraging the development of trade, commerce and businesses in the communities	24 25
• supporting trade, commerce and businesses carried out by residents of the communities	26 27
• providing support for educational or health initiatives, local organisations and community programs or activities	28 29 30
60C Powers	31
Community Enterprise Queensland has all the	32

-
- powers of an individual and may, for example— 1
- (a) enter into contracts; and 2
 - (b) acquire, hold, deal with and dispose of 3
property; and 4
 - (c) employ staff; and 5
 - (d) appoint agents and attorneys; and 6
 - (e) engage consultants; and 7
 - (f) charge for, and place conditions on, the 8
supply of goods, services or information it 9
supplies; and 10
 - (g) establish funds to ensure the efficient 11
conduct of its enterprises and other 12
activities; and 13
 - (h) carry on any business consistent with the 14
performance of its functions; and 15
 - (i) do anything else necessary or convenient to 16
be done in the performance of its functions. 17

Division 2 The board 18

60D Establishment 19

Community Enterprise Queensland has a board of 20
management. 21

60DA Role of board 22

- (1) The board is responsible for the way Community 23
Enterprise Queensland performs its functions and 24
exercises its powers. 25
- (2) The board's role includes— 26
 - (a) deciding Community Enterprise 27
Queensland's strategies for performing its 28

[s 7]

- | | |
|---|----|
| functions and deciding the operational, | 1 |
| administrative and financial policies under | 2 |
| which Community Enterprise Queensland is | 3 |
| to operate; and | 4 |
| (b) ensuring Community Enterprise Queensland | 5 |
| performs its functions and exercises its | 6 |
| powers effectively and efficiently; and | 7 |
| (c) ensuring Community Enterprise Queensland | 8 |
| acts under, and achieves the objectives in, | 9 |
| the policies mentioned in paragraph (a); and | 10 |
| (d) accounting to the Minister about the | 11 |
| performance of Community Enterprise | 12 |
| Queensland's functions and the exercise of | 13 |
| its powers; and | 14 |
| (e) reviewing annually the performance of the | 15 |
| chief executive officer. | 16 |

60DB Appointment of members 17

- | | |
|---|----|
| (1) The board consists of at least 5, but not more than | 18 |
| 10, members appointed by the Governor in | 19 |
| Council. | 20 |
| (2) At least 1 member of the board must be a | 21 |
| consumer representative. | 22 |
| (3) A person is qualified to be nominated by the | 23 |
| Minister for appointment as a member of the | 24 |
| board only if the person— | 25 |
| (a) has— | 26 |
| (i) commercial or management skills and | 27 |
| experience; or | 28 |
| (ii) other skills and experience relevant to | 29 |
| the performance of Community | 30 |
| Enterprise Queensland's functions; and | 31 |
| (b) is not disqualified under this division from | 32 |
| being a member. | 33 |

	(4) In this section—	1
	<i>consumer representative</i> means a person who the Minister considers represents the consumers of services provided by Community Enterprise Queensland.	2 3 4 5
Clause 8	Amendment of s 60E (Chairperson of IIB)	6
	Section 60E, ‘IIB’—	7
	<i>omit, insert</i> —	8
	the board	9
Clause 9	Amendment of s 60F (Deputy chairperson of IIB)	10
	(1) Section 60F, heading, ‘IIB’—	11
	<i>omit, insert</i> —	12
	the board	13
	(2) Section 60F(1)—	14
	<i>omit, insert</i> —	15
	(1) The board must appoint a member of the board to be its deputy chairperson.	16 17
	(3) Section 60F(2)(b) and (c), ‘an IIB’—	18
	<i>omit, insert</i> —	19
	a board	20
Clause 10	Amendment of s 60G (Term of appointment)	21
	Section 60G, ‘IIB’—	22
	<i>omit, insert</i> —	23
	the board	24

Clause 11	Amendment of s 60H (Disqualification from membership)	1
	Section 60H, ‘IIB’—	2
	<i>omit, insert—</i>	3
	the board	4
Clause 12	Amendment of s 60I (Vacation of office)	5
	(1) Section 60I(1), ‘IIB’—	6
	<i>omit, insert—</i>	7
	the board	8
	(2) Section 60I(1)(c) and (d), ‘IIB’s’—	9
	<i>omit, insert—</i>	10
	the board’s	11
Clause 13	Amendment of s 60K (Conduct of business)	12
	Section 60K, ‘IIB’—	13
	<i>omit, insert—</i>	14
	the board	15
Clause 14	Amendment of s 60L (Times and places of meetings)	16
	(1) Section 60L(1), ‘IIB’s’—	17
	<i>omit, insert—</i>	18
	The board’s	19
	(2) Section 60L(2), ‘IIB’—	20
	<i>omit, insert—</i>	21
	the board	22
Clause 15	Amendment of s 60M (Quorum)	23
	Section 60M, ‘IIB’—	24

	<i>omit, insert—</i>	1
	the board	2
Clause 16	Amendment of s 60N (Presiding at meetings)	3
(1)	Section 60N(1), ‘IIB’—	4
	<i>omit, insert—</i>	5
	the board	6
(2)	Section 60N(2) and (3), ‘an IIB’—	7
	<i>omit, insert—</i>	8
	a board	9
Clause 17	Amendment of s 60O (Conduct of meetings)	10
(1)	Section 60O(1) and (5), ‘an IIB’—	11
	<i>omit, insert—</i>	12
	a board	13
(2)	Section 60O(4), ‘IIB’—	14
	<i>omit, insert—</i>	15
	The board	16
(3)	Section 60O(6)—	17
	<i>omit, insert—</i>	18
	(6) A resolution is validly made by the board even if it is not passed at a board meeting if—	19 20
	(a) a majority of the board members gives written agreement to the resolution; and	21 22
	(b) notice of the resolution is given under procedures approved by the board.	23 24
Clause 18	Amendment of s 60P (Minutes)	25
(1)	Section 60P(1), ‘IIB must’—	26

omit, insert— 1

The board must 2

(2) Section 60P(1)(b) and (2), ‘an IIB’— 3

omit, insert— 4

a board 5

(3) Section 60P(3), ‘IIB’— 6

omit, insert— 7

the board 8

Clause 19 Amendment of s 60Q (Disclosure of interests) 9

(1) Section 60Q(1), (2) and (6)(a), ‘an IIB’— 10

omit, insert— 11

a board 12

(2) Section 60Q(1)(a), (3), (4) and (5)(a), ‘IIB’— 13

omit, insert— 14

the board 15

(3) Section 60Q(7), ‘IIB’s’— 16

omit, insert— 17

the board’s 18

Clause 20 Insertion of new pt 7A, div 3 hdg 19

Part 7A, after section 60Q— 20

insert— 21

Division 3 Chief executive officer 22

Clause 21 Replacement of ss 60R and 60S 23

Sections 60R and 60S 24

omit, insert—

60R Chief executive officer

- 1
2
3
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5
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11
- (1) Community Enterprise Queensland must have a chief executive officer.
 - (2) Subject to any direction given by the Minister, the board is to appoint the chief executive officer.
 - (3) The chief executive officer—
 - (a) is an employee of Community Enterprise Queensland; and
 - (b) is appointed under this Act and not under the *Public Service Act 2008*.

60RA Role of chief executive officer

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13
14
15
16
17
18
19
- (1) The chief executive officer is responsible for managing the day-to-day operations of Community Enterprise Queensland.
 - (2) In carrying out the chief executive officer's responsibilities, the chief executive officer must act in accordance with the strategies and policies decided by the board under section 60DA(2)(a).

60RB Disqualification as chief executive officer

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22
23
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27
28
29
- A person is disqualified from becoming, or continuing as, the chief executive officer if the person—
- (a) has a conviction, other than a spent conviction, for an indictable offence; or
 - (b) is an insolvent under administration under the Corporations Act, section 9; or
 - (c) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

- (d) has been, or is, convicted of an offence 1
against this Act. 2

**60RC Chief executive officer not to engage in other 3
paid employment 4**

The chief executive officer must not, without the 5
board's prior written approval— 6

- (a) engage in paid employment outside the 7
responsibilities of the office of the chief 8
executive officer; or 9
- (b) actively take part in the activities of a 10
business, or in the management of a 11
corporation carrying on business. 12

60S Conflicts of interest 13

- (1) If the chief executive officer has an interest that 14
conflicts, or may conflict, with the discharge of 15
the officer's responsibilities, the officer— 16
- (a) must disclose the nature of the interest and 17
conflict to the board as soon as practicable 18
after the relevant facts come to the officer's 19
knowledge; and 20
- (b) must not take action or further action 21
concerning a matter that is, or may be, 22
affected by the conflict unless authorised by 23
the board. 24
- (2) The board may direct the chief executive officer 25
to resolve a conflict or possible conflict between 26
an interest of the officer and the officer's duties. 27

Clause 22 Insertion of new pt 7A, div 4 hdg 28

Part 7A, before section 60T— 29

insert— 30

	Division 4	Miscellaneous	1
Clause 23	Amendment of s 60T (IIB is statutory body)		2
	(1) Section 60T, ‘IIB’—		3
	<i>omit, insert—</i>		4
	Community Enterprise Queensland		5
	(2) Section 60T(2), ‘IIB’s’—		6
	<i>omit, insert—</i>		7
	Community Enterprise Queensland’s		8
Clause 24	Amendment of s 60U (Audit of IIB’s accounts)		9
	(1) Section 60U, heading, ‘IIB’s’—		10
	<i>omit, insert—</i>		11
	Community Enterprise Queensland’s		12
	(2) Section 60U(1) and (4)(b), ‘IIB’s’—		13
	<i>omit, insert—</i>		14
	Community Enterprise Queensland’s		15
	(3) Section 60U(2) and (3), ‘IIB’—		16
	<i>omit, insert—</i>		17
	Community Enterprise Queensland		18
	(4) Section 60U(5), (6) and (7), ‘IIB’s’—		19
	<i>omit, insert—</i>		20
	the board’s		21
Clause 25	Amendment of s 60V (Annual report by IIB)		22
	(1) Section 60V, ‘IIB’—		23
	<i>omit, insert—</i>		24

	Community Enterprise Queensland	1
(2)	Section 60V, ‘31 January’—	2
	<i>omit, insert—</i>	3
	30 June	4
Clause 26	Insertion of new ss 60VA and 60VB	5
	Part 7A, division 4, as inserted by this part—	6
	<i>insert—</i>	7
	60VA Board to report on functions, finances and operations	8
		9
	(1) The Minister may, by written notice, ask the board to give a report to the Minister about the performance of Community Enterprise Queensland’s functions or a matter relating to its finances or operations.	10 11 12 13 14
	(2) The board must—	15
	(a) comply with a request made by the Minister under subsection (1); and	16 17
	(b) give the report in the way, and at the time, required by the Minister.	18 19
	60VB Minister’s power to give directions to board	20
	(1) The Minister may give the board a written direction about—	21 22
	(a) the performance of Community Enterprise Queensland’s functions or the exercise of its powers; or	23 24 25
	(b) another matter relating to the performance of the board’s role.	26 27
	(2) The Minister may give the board a written direction under subsection (1) only if the Minister is satisfied it is necessary to give the direction in	28 29 30

	the public interest.	1
	(3) The board must comply with the direction.	2
	(4) Before giving a direction under subsection (1), the Minister must consult with the board.	3 4
	(5) If the board is given a direction under subsection (1), the board must publish the direction—	5 6
	(a) in a publicly accessible way as soon as practicable after receiving the direction; and	7 8
	(b) in Community Enterprise Queensland’s next annual report under section 60V.	9 10
Clause 27	Amendment of s 60W (Administrator may replace IIB members)	11 12
	(1) Section 60W, heading, ‘IIB’—	13
	<i>omit, insert—</i>	14
	board	15
	(2) Section 60W(1), (4) and (5), ‘IIB’—	16
	<i>omit, insert—</i>	17
	the board	18
	(3) Section 60W(2)(b), ‘IIB’—	19
	<i>omit, insert—</i>	20
	Community Enterprise Queensland	21
	(4) Section 60W(3), ‘IIB’s’—	22
	<i>omit, insert—</i>	23
	Community Enterprise Queensland’s	24
Clause 28	Omission of s 60X (Applying profits of IIB)	25
	Section 60X—	26
	<i>omit.</i>	27

Clause 29	Replacement of s 60Y (Applying assets of IIB)	1
	Section 60Y—	2
	<i>omit, insert—</i>	3
	60Y Applying operating surplus and assets of Community Enterprise Queensland	4 5
	(1) This section applies in relation to Community Enterprise Queensland’s function of applying its operating surplus and assets.	6 7 8
	(2) In applying the operating surplus and assets, Community Enterprise Queensland must have regard to the following priorities—	9 10 11
	(a) ensuring adequate provision is made for future capital expenditure, and ongoing maintenance and capital replacement expenses; and	12 13 14 15
	(b) adhering to any pricing policy for food, drinks and household items; and	16 17
	(c) providing support for initiatives relating to community wellbeing, health and safety; and	18 19 20
	(d) providing support for other programs as directed by the Minister.	21 22
	(3) Subsections (4) to (7) state additional requirements that apply for the application of an asset that is an operating business.	23 24 25
	(4) Community Enterprise Queensland may, on the written request of the relevant local government representative, enter into arrangements with 1 or more residents, or an incorporated entity controlled by residents, to transfer to the residents or entity an operating business of Community Enterprise Queensland located at the place where the residents reside or the entity is located.	26 27 28 29 30 31 32 33
	(5) In deciding whether to enter into the	34

arrangements, Community Enterprise	1
Queensland must have regard to—	2
(a) the resources, business capability and	3
experience of the residents or incorporated	4
entity; and	5
(b) the impact the arrangements for transfer is	6
likely to have on the services Community	7
Enterprise Queensland provides generally to	8
residents of the communities in which	9
Community Enterprise Queensland	10
performs its functions.	11
(6) Community Enterprise Queensland must not	12
enter into arrangements under subsection (4)	13
unless the Minister and the Treasurer have, by	14
written notice, approved—	15
(a) generally, the transfer of the business to the	16
residents or entity; and	17
(b) the particular terms of the arrangements.	18
(7) For subsection (6), if the Minister is the Treasurer,	19
the approvals need only be given by the Treasurer.	20
(8) In this section—	21
<i>arrangements</i> includes contracts and	22
transactions.	23
<i>pricing policy</i> , for food, drinks and household	24
items, means a policy, decided by the board under	25
section 60DA(2), about the pricing of food, drinks	26
and household items provided by Community	27
Enterprise Queensland	28
<i>relevant local government representative</i> means	29
a councillor for the division of the local	30
government area in which the operating business	31
is located.	32
<i>Treasurer</i> means the Minister administering the	33
<i>Financial Accountability Act 2009</i> .	34

Clause 30	Insertion of new s 60Z	1
	Part 7A, division 4, as inserted by this part—	2
	<i>insert—</i>	3
	60Z Conflicts of interest of employees	4
	(1) If an employee has an interest that conflicts or may conflict with the discharge of the employee’s duties, the employee—	5 6 7
	(a) must disclose the nature of the interest and conflict to the chief executive officer as soon as practicable after the relevant facts come to the employee’s knowledge; and	8 9 10 11
	(b) must not take action or further action relating to a matter that is, or may be, affected by the conflict unless authorised by the chief executive officer.	12 13 14 15
	(2) The chief executive officer may direct the employee to resolve a conflict or possible conflict between an interest of the employee and the employee’s duties.	16 17 18 19
	(3) In this section— employee means an employee of Community Enterprise Queensland other than the chief executive officer.	20 21 22 23
Clause 31	Amendment of s 71 (Regulation-making power)	24
	(1) Section 71(2)(o), ‘IIB’— <i>omit, insert—</i> the board	25 26 27
	(2) Section 71(2)(p), ‘IIB’— <i>omit, insert—</i> Community Enterprise Queensland	28 29 30
	(3) Section 71(2)(q), (r) and (s), ‘IIB’s’—	31

omit, insert— 1

Community Enterprise Queensland’s 2

Clause 32 Insertion of new pt 12 3

After section 92— 4

insert— 5

Part 12 Transitional provisions 6

for Electricity and 7

Other Legislation 8

Amendment Act 2016 9

93 Definition for part 10

In this part— 11

remaining term, of a person’s appointment as a 12

member or the chairperson of IIB, means the 13

period remaining of the term of the person’s 14

appointment as a member or the chairperson 15

immediately before the commencement. 16

94 References to IIB 17

From the commencement, a reference in an Act or 18

document to IIB is taken to be a reference to 19

Community Enterprise Queensland. 20

95 Members of IIB continue as board members 21

(1) This section applies to a person who, immediately 22

before the commencement, holds an appointment 23

as a member of IIB. 24

(2) On the commencement, the person— 25

(a) goes out of office as a member of IIB; and 26

(b)	is taken to be appointed as a member of the board.	1 2
(3)	The term of the person's appointment as a member of the board is the remaining term of the person's appointment as a member of IIB.	3 4 5
(4)	The person is appointed on the same conditions as the conditions of the person's appointment as a member of IIB in effect immediately before the commencement.	6 7 8 9
(5)	This section applies despite section 60DB.	10
(6)	No compensation is payable to a member because of this section.	11 12
96	Chairperson of IIB continues as chairperson of board	13 14
(1)	The person who, immediately before the commencement, was the chairperson of IIB is taken to be appointed as the chairperson of the board under section 60E.	15 16 17 18
(2)	The term of the person's appointment as chairperson of the board is the remaining term of the person's appointment as chairperson of IIB.	19 20 21
97	Deputy chairperson of IIB continues as deputy chairperson of board	22 23
	The person who, immediately before the commencement, was the deputy chairperson of IIB is taken to be the deputy chairperson of the board under section 60F.	24 25 26 27
98	Chief executive officer of IIB continues as chief executive officer	28 29
	The person who, immediately before the commencement, was the chief executive officer	30 31

of IIB is taken to be the chief executive officer 1
under section 60R. 2

99 Annual report 3

(1) Community Enterprise Queensland’s full report 4
under section 60V for the period ending 30 June 5
2017 must include a report of its operations for the 6
period starting on 1 February 2016. 7

(2) This section applies despite section 60V. 8

Part 3 Amendment of Electricity Act 9
1994 10

Clause 33 Act amended 11
This part amends the *Electricity Act 1994*. 12

Clause 34 Amendment of s 259A (Regulation may declare a State 13
electricity entity) 14

(1) Section 259A(1), from ‘the business’, first mention— 15
omit, insert— 16

the entity is a related group entity. 17

(2) Section 259A(2), before ‘a subsidiary’— 18
insert— 19

a GOC or 20

Clause 35 Replacement of ch 14, pt 2 hdg (Transitional provisions 21
for Electricity Amendment Act 1997, Electricity 22
Amendment Act (No. 2) 1997 and Electricity Amendment 23
Act (No. 3) 1997) 24

Chapter 14, part 2, heading— 25

omit, insert— 26

[s 36]

	Part 2	Transitional provision for Electricity Amendment Act (No. 2) 1997	1 2 3 4
Clause 36	Amendment, relocation and renumbering of s 299 (Directions to State electricity entities)		5 6
	(1) Section 299, heading, after ‘entities’—		7
	<i>insert—</i>		8
	and related group entities		9
	(2) Section 299(1), after ‘entity’—		10
	<i>insert—</i>		11
	or related group entity		12
	(3) Section 299(4), after ‘entity’—		13
	<i>insert—</i>		14
	or related group entity		15
	(4) Section 299, as amended under this section—		16
	<i>relocate</i> to chapter 12, part 1 and <i>renumber</i> as section 257.		17
Clause 37	Amendment of sch 5 (Dictionary)		18
	Schedule 5—		19
	<i>insert—</i>		20
	<i>related group entity</i> means an entity that is—		21
	(a) a related body corporate, of a State electricity entity, within the meaning of the Corporations Act, section 50; or		22 23 24
	(b) a subsidiary of a GOC that is a related body corporate mentioned in paragraph (a).		25 26

Part 4	Amendment of Government Owned Corporations Act 1993	1 2
Clause 38	Act amended	3
	This part amends the <i>Government Owned Corporations Act 1993</i> .	4 5
Clause 39	Insertion of new s 157A	6
	Chapter 4—	7
	<i>insert—</i>	8
	157A Application of particular provisions	9
	(1) This section applies if the declaration of Energex and Ergon Energy Corporation as GOCs under section 5 is repealed.	10 11 12
	(2) The purpose of this section is to provide for the application of particular provisions in relation to Energex, Ergon Energy Corporation and related group entities after the repeal of the declaration.	13 14 15 16
	(3) Sections 156 and 157 apply as if a reference in the sections to a GOC includes Energex and Ergon Energy Corporation.	17 18 19
	(4) Each provision of an Act or regulation mentioned in schedule 5 applies as if a reference in the provision to a GOC or government owned corporation includes Energex and Ergon Energy Corporation.	20 21 22 23 24
	(5) The <i>Duties Act 2001</i> , section 390 applies as if the reference in the section to a government entity does not include Energex and Ergon Energy Corporation.	25 26 27 28
	(6) A regulation may prescribe that a stated related group entity is, or is not, included in a reference to a GOC, government owned corporation or	29 30 31

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	government entity in a stated provision of a law.	1
(7)	If a regulation prescribes matters under subsection (6), the stated provision of the law applies as if a reference in the provision to a GOC, government owned corporation or government entity includes, or does not include, the stated related group entity.	2 3 4 5 6 7
(8)	In this section—	8
	<i>Energex</i> means Energex Limited ACN 078 849 055.	9 10
	<i>Ergon Energy Corporation</i> means Ergon Energy Corporation Limited ACN 087 646 062.	11 12
	<i>related group entity</i> means an entity that is—	13
(a)	a related body corporate, of a State electricity entity, within the meaning of the Corporations Act, section 50; or	14 15 16
(b)	a subsidiary of a related body corporate mentioned in paragraph (a).	17 18
	<i>State electricity entity</i> see the <i>Electricity Act 1994</i> , schedule 5.	19 20
Clause 40	Amendment of s 161 (Transfer of assets, liabilities etc. to GOC or GOC subsidiary)	21 22
(1)	Section 161, heading, after ‘to’—	23
	<i>insert</i> —	24
	or from	25
(2)	Section 161(1)(b), ‘else; and’—	26
	<i>omit, insert</i> —	27
	else, including the transfer of an asset or liability—	28 29
(i)	from a GOC to another GOC, a GOC subsidiary or the State; or	30 31

-
- (ii) from a GOC subsidiary to a GOC, another GOC subsidiary or the State; or 1
2
- (iii) from the State to a GOC or GOC subsidiary; 3
and 4
- (3) Section 161(1)— 5
insert— 6
- (da) for an instrument that applies, or is taken to 7
apply, to a GOC subsidiary—whether a 8
reference in the instrument to a shareholding 9
Minister is taken to be a reference to a 10
shareholding Minister of the parent 11
company of the GOC subsidiary; 12
- (4) Section 161(1)(da) to (f)— 13
renumber as section 161(1)(e) to (g). 14
- (5) Section 161(2), before paragraph (a)— 15
insert— 16
- (aa) a regulation under subsection (1) may make 17
provision about accounting treatment in 18
relation to a matter mentioned in the 19
subsection; and 20
- (ab) a regulation under subsection (1)(b) may 21
make provision about anything necessary or 22
incidental to the transfer of the assets or 23
liabilities, including by providing that the 24
transferee becomes a party to any 25
instrument in substitution for the transferor; 26
and 27
- (6) Section 161(2)(aa) to (b)— 28
renumber as section 161(2)(a) to (d). 29
- (7) Section 161— 30
insert— 31
- (3) In this section— 32

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parent company, of a GOC subsidiary, means the
GOC for which the GOC subsidiary is a
subsidiary under this Act.

Clause 41	Insertion of new s 162A	4
	Chapter 4—	5
	<i>insert</i> —	6
	162A Effect of GOC repeal regulation on legal relationships	7
	(1) This section applies if a regulation repeals the declaration of an entity as a GOC.	9
	(2) The repeal of the declaration—	10
	(a) does not make the entity liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and	11
	(b) does not make the entity breach any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and	12
	(c) is not taken to fulfil a condition that—	13
	(i) allows a person to terminate an instrument or obligation or modify the operation or effect of an instrument or obligation; or	14
	(ii) allows a person to enforce an obligation contained in an instrument or requires a person to perform an obligation contained in an instrument; or	15
	(iii) requires any money to be paid before its stated maturity; and	16

	(d) does not release a surety or other obligee, wholly or partly, from an obligation.	1 2
	(3) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something because of the repeal, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.	3 4 5 6 7 8
	(4) If, apart from this subsection, giving notice to a person would be necessary to do something because of the repeal, the notice is taken to have been given.	9 10 11 12
	(5) This section applies despite anything in an instrument.	13 14
Clause 42	Insertion of new sch 5	15
	After schedule 4—	16
	<i>insert—</i>	17
	Schedule 5 Application of provisions in relation to Energex or Ergon Energy Corporation	18 19 20 21
	section 157A(4)	22

Act or regulation	Section
<i>Anti-Discrimination Act 1991</i>	section 106B(3), definition <i>government entity</i>
<i>Building Act 1975</i>	section 116(4), definition <i>government building</i>

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Act or regulation	Section
Criminal Code	section 469A(5), definition <i>government entity</i>
<i>Duties Act 2001</i>	schedule 6, definition <i>new right</i>
<i>Economic Development Act 2012</i>	sections 42B(c)(i), 52(1) and (2), and 58(2)(b)(i) schedule 1, definition <i>government entity</i>
<i>Environmental Protection Regulation 2008</i>	section 106(4), definition <i>State or local government entity</i>
<i>Food Act 2006</i>	section 3(2)
<i>Land Regulation 2009</i>	section 30(3), definition <i>government leasing entity</i> section 37C(c)
<i>Land Valuation Act 2010</i>	sections 53(3)(b) and 62(1)(b) schedule, definition <i>owner</i> schedule, definition <i>subdivide</i>
<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i>	schedule, definition <i>government authority</i>
<i>Public Sector Ethics Act 1994</i>	schedule, definition <i>public sector entity</i>

Act or regulation	Section
<i>Public Interest Disclosure Act 2010</i>	sections 6(2)(b) and 19 section 26, definition <i>public sector entity</i> section 43(3), definition <i>public sector entity</i> section 46(4), definition <i>public officer</i> section 57, definition <i>public sector entity</i> section 66(3), definition <i>proper authority</i> section 71(4), definition <i>public sector entity</i>
<i>Queensland Building and Construction Commission Regulation 2003</i>	schedule 1AA, section 8(2), definition <i>agency of the State</i>
<i>Queensland Competition Authority Act 1997</i>	schedule 2, definition <i>government agency</i>
<i>Queensland Reconstruction Authority Act 2011</i>	sections 65(b)(i) and 102(1) and (2) section 127(5), definition <i>relevant entity</i> schedule, definition <i>government entity</i>
<i>Sustainable Planning Act 2009</i>	schedule 3, definition <i>public sector entity</i>

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Part 5	Amendment of Judicial Review Act 1991	1 2
Clause 43	Act amended	3
	This part amends the <i>Judicial Review Act 1991</i> .	4
Clause 44	Amendment of s 18A (Application of Act to GOCs and rail government entities)	5 6
	(1) Section 18A, heading, ‘and rail government entities’—	7
	<i>omit, insert—</i>	8
	, rail government entities and State electricity entities	9 10
	(2) Section 18A—	11
	<i>insert—</i>	12
	(c) a decision of a State electricity entity within the meaning of the <i>Electricity Act 1994</i> to the extent provided under section 256 of that Act.	13 14 15 16
Clause 45	Amendment of sch 6 (Application of Act to GOCs)	17
	Schedule 6, item 3—	18
	<i>omit.</i>	19

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