



Queensland

Government Owned Corporations Act 1993

Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004

**Reprinted as in force on 1 July 2004
(regulation not amended up to this date)**

Reprint No. 1*

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. At the same time, footnotes that merely cite a cross-reference to this legislation, or other legislation, were omitted (see the *Acts Interpretation Act 1954*, section 14(7)).

Information about this reprint

This regulation is reprinted as at 1 July 2004.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have 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.

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 (Central Queensland Ports Authority) Regulation 2004

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Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004

[reprinted as in force on 1 July 2004]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004*.

2 Commencement

Parts 3 to 12 commence on 1 July 2004.

3 Main purposes of regulation

The main purposes of this regulation are—

- (a) to divest all assets from, and release all liabilities of, RPA, including the liabilities owed to its officers and employees; and
- (b) to provide for a transition from RPA to GPA, including transferring to GPA all RPA's officers and employees and the liabilities owed to the officers and employees; and
- (c) to transfer RPA's assets and liabilities to GPA; and
- (d) to change the name of GPA; and
- (e) to dissolve RPA.

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4 Dictionary

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

Part 2 RPA divested of all assets and released from all liabilities

5 RPA assets and liabilities

- (1) This section takes effect immediately after 30 June 2004.
- (2) RPA is divested of all its assets and released from all its liabilities.

Part 3 Transition to GPA

6 GPA is successor

- (1) GPA is the successor in law of RPA.
- (2) The other provisions of this part do not limit subsection (1).

7 Instruments about RPA

- (1) This section applies to an instrument in existence immediately before 1 July 2004.
- (2) An instrument applying to RPA is to apply to GPA in place of RPA.
- (3) Without limiting subsection (2)—
 - (a) an instrument to which, immediately before 1 July 2004, RPA was a party is taken to be an instrument to which GPA is a party in the same way RPA was a party; and

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- (b) an instrument given to, by or in favour of RPA is taken to be an instrument given to, by or in favour of GPA in the way it was given to, by or in favour of RPA; and
 - (c) if the context permits, an instrument in which a reference is made to RPA (including, for example, an instrument to which RPA was a party) is taken to be an instrument in which the reference is made to GPA in the way the reference was made to RPA; and
 - (d) an instrument under which an amount is or may become payable to or by RPA is taken to be an instrument under which the amount is or may become payable to or by GPA in the way the amount was or might have become payable to or by RPA; and
 - (e) an instrument under which other property is to be, or may become liable to be, transferred, conveyed or assigned to or by RPA is to be, or may become liable to be, transferred, conveyed or assigned to or by GPA in the way the property was to be, or might have become liable to be, transferred, conveyed or assigned to or by RPA.

8 Officers and employees of RPA

- (1) A person who, immediately before 1 July 2004, was an officer or employee of RPA becomes an officer or employee of GPA on the commencement of this section.
- (2) Until the rights of the officer or employee are lawfully changed, the officer or employee continues to be entitled to all existing and accruing rights of employment to which the officer or employee was entitled immediately before becoming an officer or employee of GPA under this section.
- (3) To remove any doubt, it is declared that the officer's or employee's employment by GPA is subject to the rights mentioned in subsection (2).
- (4) If, immediately before 1 July 2004, an officer or employee of RPA was suspended, the suspension continues and must be dealt with by GPA.

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9 Pending proceedings

A proceeding by or against RPA that is not finished before 1 July 2004 may be continued and finished by or against GPA.

Part 4 RPA assets and liabilities transferred to GPA

10 Transfer of RPA assets and liabilities to GPA

- (1) This section takes effect immediately after RPA is divested of all its assets, and released from all its liabilities, under section 5.
- (2) The assets mentioned in section 5(2) become the assets of GPA.
- (3) The liabilities mentioned in section 5(2) are assumed by GPA.

11 Consideration for transfer of assets

- (1) The assumption of liabilities by GPA under section 10(3) is part of the consideration for the transfer of assets to GPA under section 10(2).
- (2) The remainder of the consideration is the creation of a debt owed by GPA to its shareholding Ministers.
- (3) The amount of the debt is the market value, as at the end of 30 June 2004, of the assets transferred to GPA, less the amount, as at the end of 30 June 2004, of the liabilities assumed by GPA.

Example of calculation of debt owed to shareholding Minister—

If the market value of the assets vested in GPA is \$10 000 000, and the liabilities assumed by it amount to \$4 000 000, the shareholding Ministers are owed a debt of \$6 000 000.

- (4) For subsection (3)—

- (a) the market value, as at the end of 30 June 2004, of an asset transferred to GPA is, unless another valuation is decided under subsection (6), taken to be the market value specified for the asset in the asset schedule of RPA as at the end of 30 June 2004; and
 - (b) the amount, as at the end of 30 June 2004, of the liabilities assumed by GPA is, unless another amount is decided under subsection (6), taken to be the amount of the liabilities listed in the balance sheet of RPA as at the end of 30 June 2004.
- (5) As soon as practicable after the commencement of this section, GPA must complete the asset schedule mentioned in subsection (4)(a) and the balance sheet mentioned in subsection (4)(b).
- (6) The shareholding Ministers of GPA may change the asset schedule mentioned in subsection (4)(a), or the balance sheet mentioned in subsection (4)(b), at any time before 1 July 2005 to correct the market value of an asset, or the amount of a liability, as at the end of 30 June 2004.
- (7) A change mentioned in subsection (6) must be taken into account for calculating the debt amount under subsection (3).

Part 5 Change of name

12 Change of name of GPA

- (1) GPA's name is changed to Central Queensland Ports Authority.
- (2) The change of name under subsection (1) does not affect the legal personality of the entity whose name is changed.
- (3) A reference in an Act or document to GPA may, if the context permits, be taken as a reference to Central Queensland Ports Authority.

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Part 6 RPA is dissolved

13 Dissolution of RPA

- (1) RPA is dissolved and its directors go out of office.
- (2) The final accounts of RPA must be prepared by Central Queensland Ports Authority.
- (3) In this section—
dissolved includes abolished.

Part 7 Miscellaneous

14 Regulation does not affect existing legal relationships

- (1) This regulation has effect despite anything in any instrument.
- (2) Nothing done under this regulation in relation to RPA—
 - (a) places Central Queensland Ports Authority or the State in breach of a contract, trust or confidence or otherwise makes Central Queensland Ports Authority or the State guilty of a civil wrong; or
 - (b) makes Central Queensland Ports Authority or the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, transfer or assumption of any right or liability or the disclosure of any information; or
 - (c) is taken to fulfil a condition—
 - (i) allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or modify the operation or effect of an instrument or obligation; or
 - (ii) requiring money to be paid, or anything else to be done, before its stated maturity; or

- (d) releases a surety or other obligee, wholly or partly, from an obligation.
- (3) If, apart from this subsection, obtaining the advice or consent of, or giving notice to, a person would be necessary under an instrument to give effect to a transaction contemplated by this regulation, the advice or consent is taken to have been obtained or the notice is taken to have been given.

Schedule Dictionary

section 4

GPA means Gladstone Port Authority.

RPA means Rockhampton Port Authority.

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 (Central Queensland Ports Authority) 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	1 July 2004	

5 List of legislation

Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004 SL No. 85

made by the Governor in Council on 24 June 2004

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

pts 3–12 commenced 1 July 2004 (see s 2)

remaining provisions commenced in 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.

6 List of annotations

PART 8—AMENDMENT OF GOVERNMENT OWNED CORPORATIONS (PORTS) REGULATION 1994

pt 8 (ss 15–16) om R1 (see RA ss 7(1)(k) and 40)

PART 9—AMENDMENT OF GOVERNMENT OWNED CORPORATIONS REGULATION 1995

pt 9 (ss 17–18) om R1 (see RA ss 7(1)(k) and 40)

PART 10—AMENDMENT OF STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION (STATE DEVELOPMENT AREAS) REGULATION 1998

pt 10 (ss 19–20) om R1 (see RA ss 7(1)(k) and 40)

PART 11—AMENDMENT OF TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994

pt 11 (ss 21–25) om R1 (see RA ss 7(1)(k) and 40)

PART 12—AMENDMENT OF TRANSPORT INFRASTRUCTURE (PUBLIC MARINE FACILITIES) REGULATION 2000

pt 12 (ss 26–27) om R1 (see RA ss 7(1)(k) and 40)