



Queensland

Government Owned Corporations Act 1993

Government Owned Corporations (Ports) Regulation 1994

**Reprinted as in force on 1 July 2004
(includes commenced amendments up to 2004 SL No. 85)**

Reprint No. 3D

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

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2004 SL No. 166 s 44

Information about this reprint

This regulation is reprinted as at 1 July 2004. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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 (Ports) Regulation 1994

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Government Owned Corporations (Ports) Regulation 1994

[as amended by all amendments that commenced on or before 1 July 2004]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Government Owned Corporations (Ports) Regulation 1994*.

3 Purpose of this regulation

The purpose of this regulation is—

- (a) to establish associates of the following candidate GOCs—
 - Gladstone Port Authority
 - Port of Brisbane Authority
 - Ports Corporation of Queensland; and
- (b) to divest the assets from, and release the liabilities of, the candidate GOCs; and
- (c) to make all appropriate name changes to the candidate GOCs and their associates; and
- (d) to provide for a transition from the candidate GOCs to their associates, including transferring the officers and employees of the candidate GOCs to their associates; and
- (e) transferring the assets and liabilities of the candidate GOCs to their associates; and
- (f) to make provision for the associates to assume certain additional liabilities; and

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- (g) to make the associates GOCs; and
- (h) to dissolve the candidate GOCs.

4 Definitions

In this regulation—

*associates*¹ means—

- (a) until the changes of name that happen under part 4 (Changes of name of 2 candidate GOCs and 2 associates)—
 - (i) New GPA; and
 - (ii) Port of Brisbane Corporation; and
 - (iii) New PCQ; and
- (b) after the changes of name that happen under part 4—
 - (i) Gladstone Port Authority; and
 - (ii) Port of Brisbane Corporation; and
 - (iii) Ports Corporation of Queensland.

*candidate GOCs*² means—

- (a) until the changes of name that happen under part 4—
 - (i) Gladstone Port Authority; and
 - (ii) Port of Brisbane Authority; and
 - (iii) Ports Corporation of Queensland; and
- (b) after the changes of name that happen under part 4—
 - (i) Old GPA; and
 - (ii) Port of Brisbane Authority; and
 - (iii) Old PCQ.

1 The name of the candidate GOC associate Port of Brisbane Corporation is not changed under part 4.

2 The name of the candidate GOC Port of Brisbane Authority is not changed under part 4.

5 Provisions having continuing effect after associates become GOCs

In a provision of parts 5 to 7 having continuing effect after the associates become GOCs, a reference to an associate (including a reference to a candidate GOC's associate) is taken to include a reference to the GOC the associate becomes.

Part 2 Entities are established and nominated as candidate GOC associates

6 Establishment of 3 GOC Act entities

The following entities are established—

- (a) New GPA;
- (b) Port of Brisbane Corporation;
- (c) New PCQ.

7 Nomination of GOC Act entities to become candidate GOC associates

- (1) New GPA is nominated to be the associate of Gladstone Port Authority.
- (2) Port of Brisbane Corporation is nominated to be the associate of Port of Brisbane Authority.
- (3) New PCQ is nominated to be the associate of Ports Corporation of Queensland.

8 Status of associates

Each associate—

- (a) is a body corporate; and
- (b) has the name under which it is established; and

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- (c) has a seal; and
- (d) may sue and be sued in its corporate name; and
- (e) on 30 June 1994, has no powers or functions.

9 Share capital

- (1) New GPA is taken to have a share capital of \$1 000 000 000 made up of 1 000 000 000 ordinary shares of \$1 each.
- (2) Port of Brisbane Corporation is taken to have a share capital of \$1 000 000 000 made up of 1 000 000 000 ordinary shares of \$1 each.
- (3) New PCQ is taken to have a share capital of \$3 000 000 000 made up of 3 000 000 000 ordinary shares of \$1 each.

Part 3 Candidate GOCs are divested of assets and released from liabilities

10 Assets and liabilities of candidate GOCs

- (1) This section takes effect immediately after 30 June 1994.
- (2) The candidate GOCs are divested of all their assets and released from all their liabilities.

Part 4 Changes of name of 2 candidate GOCs and 2 associates

11 Changes of name of 2 candidate GOCs

- (1) Gladstone Port Authority's name is changed to Old GPA.

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- (2) Ports Corporation of Queensland's name is changed to Old PCQ.

12 Changes of name of 2 associates

- (1) New GPA's name is changed to Gladstone Port Authority.
(2) New PCQ's name is changed to Ports Corporation of Queensland.

13 Identification of entities after name changes

After the changes of name that happen under this part—

- (a) Gladstone Port Authority is Old GPA's associate, and Old GPA is Gladstone Port Authority's candidate GOC; and
(b) Port of Brisbane Corporation is Port of Brisbane Authority's associate, and Port of Brisbane Authority is Port of Brisbane Corporation's candidate GOC;³ and
(c) Ports Corporation of Queensland is Old PCQ's associate, and Old PCQ is Ports Corporation of Queensland's candidate GOC.

³ The name of the candidate GOC 'Port of Brisbane Authority' is not changed under part 4, and the name of the candidate GOC associate 'Port of Brisbane Corporation' is not changed under part 4.

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16 Equivalent positions

A person who under this division becomes an officer or employee of a candidate GOC's associate becomes the holder of a position equivalent to the position the person held in the candidate GOC.

Example—

A person who immediately before 1 July 1994 was the chief executive officer (however called) of a candidate GOC becomes the holder of the office of chief executive officer of the candidate GOC's associate.

Division 3 General

17 Associate is successor of its candidate GOC

- (1) Each associate is the successor in law of its candidate GOC.
- (2) The other provisions of this division do not limit subsection (1).

18 Instruments

- (1) This section applies to an instrument (other than a statutory instrument) in existence immediately before 1 July 1994.
- (2) An instrument applying to a candidate GOC is to apply to the candidate GOC's associate in place of the candidate GOC.
- (3) Without limiting subsection (2), an instrument—
 - (a) to which, immediately before 1 July 1994, a candidate GOC was a party, is taken to be an instrument to which its associate is a party; and
 - (b) given to, by or in favour of a candidate GOC is taken to be an instrument given to, by or in favour of its associate; and
 - (c) in which a reference is made to a candidate GOC (including, for example, an instrument to which the candidate GOC was a party) is taken to be an instrument in which the reference is made to its associate; and

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- (d) under which money is or may become payable, or other property is to be, or may become liable to be, transferred, conveyed or assigned to or by a candidate GOC is taken to be an instrument under which the money is or may become payable, or the other property is to be, or may become liable to be, transferred, conveyed or assigned to or by its associate.

19 Pending legal proceedings by or against candidate GOC

A legal proceeding by or against a candidate GOC that is not finished before 1 July 1994 may be continued and finished by or against the candidate GOC's associate.

**Part 6 Assets and liabilities
transferred to associates**

20 Transfer of assets to associates

The assets mentioned in section 10 (Assets and liabilities of candidate GOCs)—

- (a) if, immediately before section 10 takes effect, they were the assets of the candidate GOC then known as Gladstone Port Authority—become the assets of the associate whose name is changed under this regulation to Gladstone Port Authority; and
- (b) if, immediately before section 10 takes effect, they were the assets of the candidate GOC then known as Port of Brisbane Authority—become the assets of the associate known as Port of Brisbane Corporation; and
- (c) if, immediately before section 10 takes effect, they were the assets of the candidate GOC then known as Ports Corporation of Queensland—become the assets of the associate whose name is changed under this regulation to Ports Corporation of Queensland.

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21 Consideration for transfer of assets to associates

- (1) The liabilities mentioned in section 10 (Assets and liabilities of candidate GOCs)—
 - (a) if, immediately before section 10 takes effect, they were the liabilities of the candidate GOC then known as Gladstone Port Authority—are assumed by the associate whose name is changed under this regulation to Gladstone Port Authority; and
 - (b) if, immediately before section 10 takes effect, they were the liabilities of the candidate GOC then known as Port of Brisbane Authority—are assumed by the associate known as Port of Brisbane Corporation; and
 - (c) if, immediately before section 10 takes effect, they were the liabilities of the candidate GOC then known as Ports Corporation of Queensland—are assumed by the associate whose name is changed under this regulation to Ports Corporation of Queensland.
- (2) The assumption by an associate of the liabilities of its candidate GOC is part of the consideration for the transfer of the assets of the candidate GOC to the associate.
- (3) The remainder of the consideration is the creation of a debt owed by the associate to the shareholding Ministers of the GOC that the associate becomes under this regulation.
- (4) The amount of the debt is the market value, at 1 July 1994, of the assets transferred to the associate, less the amount, at 1 July 1994, of the liabilities assumed by the associate.

Example of calculation of debt owed to shareholding Ministers—

If the market value of the assets vested in an associate is \$1 000 000, and the liabilities assumed by it amount to \$400 000, the shareholding Ministers are owed a debt of \$600 000.

- (5) For subsection (4)—
 - (a) the market value, at 1 July 1994, of an asset transferred to an associate is, unless another valuation is decided under subsection (7), taken to be the market value specified for the asset in the asset schedule of the associate for 1 July 1994; and

Part 8 Candidate GOCs are dissolved

23 Dissolution of candidate GOCs

- (1) The candidate GOCs are dissolved and their members go out of office.
- (2) The final accounts of each candidate GOC must be prepared by its associate.

Part 9 After associates are declared to be GOCs

24 Central Queensland Ports Authority shares

- (1) Under section 9(1),⁵ Gladstone Port Authority⁶ is taken to have a share capital of \$1 000 000 000, made up of 1 000 000 000 ordinary shares of \$1 each.
- (2) Under section 58⁷ of the Act, 2 of the shares have been issued.⁸
- (3) Gladstone Port Authority must issue a further 344 594 578 of the shares as soon as it is practicable to issue the shares.
- (4) Shares issued under subsection (3) are taken to have been issued on 30 June 1995.
- (5) Of the shares issued under subsection (3), 90 000 000 are cancelled on the commencement of this subsection.

5 Section 9 (Share capital). The subsection refers to New GPA. New GPA's name was changed to Gladstone Port Authority under section 12(1).

6 Under the *Government Owned Corporations (Central Queensland Ports Authority) Regulation 2004*, Gladstone Port Authority's name was changed to Central Queensland Ports Authority.

7 Section 58 (Share capital and issue of shares) of the Act

8 Under the Act, each of Gladstone Port Authority's 2 shareholding Ministers holds an equal number of the issued shares (see sections 71 to 74 of the Act).

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- (5A) Of the shares issued under subsection (3), a further 276 111 are cancelled on the commencement of this subsection.
- (6) Gladstone Port Authority must issue a further 6 133 500 of the shares as soon as it is practicable to issue the shares.
- (7) Shares issued under subsection (6) are taken to have been issued on the commencement of subsection (6).

25 Port of Brisbane Corporation shares

- (1) Under section 9(2),⁹ Port of Brisbane Corporation is taken to have a share capital of \$1 000 000 000, made up of 1 000 000 000 ordinary shares of \$1 each.
- (2) Under section 58¹⁰ of the Act, 2 of the shares have been issued.¹¹
- (3) Port of Brisbane Corporation must issue a further 339 126 654 of the shares as soon as it is practicable to issue the shares.
- (4) Shares issued under subsection (3) are taken to have been issued on 30 June 1995.
- (5) Of the shares issued under subsection (3), 352 730 are cancelled.
- (6) The cancellation of shares under subsection (5) is taken to have happened on 30 June 1997.
- (7) Of the shares issued under subsection (3), a further 1 238 810 are cancelled.
- (8) The following applies to the cancellation of the shares under subsection (7)—
 - (a) the cancellation of 730 748 shares is taken to have happened on 5 June 1997;
 - (b) the cancellation of 115 600 shares is taken to have happened on 14 May 1998;

9 Section 9 (Share capital)

10 Section 58 (Share capital and issue of shares) of the Act

11 Under the Act, each of Port of Brisbane Corporation's 2 shareholding Ministers holds an equal number of the issued shares (see sections 71 to 74 of the Act).

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- (c) the cancellation of 324 144 shares is taken to have happened on 10 December 1998;
- (d) the cancellation of 68 318 shares is taken to have happened on 4 June 1999.
- (9) Of the shares issued under subsection (3), a further 1 298 588 are cancelled.
- (10) The following applies to the cancellation of the shares under subsection (9)—
 - (a) the cancellation of 759 712 shares is taken to have happened on 27 August 1999;
 - (b) the cancellation of 538 876 shares is taken to have happened on 12 November 1999.
- (11) Of the shares issued under subsection (3), a further 2 721 300 are cancelled.
- (12) The following applies to the cancellation of the shares under subsection (11)—
 - (a) the cancellation of 2 414 500 shares is taken to have happened on 16 June 2000;
 - (b) the cancellation of 121 800 shares is taken to have happened on 23 June 2000;
 - (c) the cancellation of 112 400 shares is taken to have happened on 28 July 2000;
 - (d) the cancellation of 72 600 shares is taken to have happened on 3 November 2000.

26 Ports Corporation of Queensland shares

- (1) Under section 9(3),¹² Ports Corporation of Queensland is taken to have a share capital of \$3 000 000 000, made up of 3 000 000 000 ordinary shares of \$1 each.

¹² Section 9 (Share capital). The subsection refers to New PCQ. New PCQ's name was changed to Ports Corporation of Queensland under section 12(2).

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- (2) Under section 58¹³ of the Act, 2 of the shares have been issued.¹⁴
- (3) Ports Corporation of Queensland must issue a further number of the shares as soon as it is practicable to issue them.
- (4) The shares issued under subsection (3) must be equal in value to the amount of the debt owed by Ports Corporation of Queensland to the shareholding Ministers under section 21.¹⁵
- (5) Shares issued under subsection (3) are taken to have been issued on 30 June 1995.
- (6) Of the shares issued under subsection (3), 26 518 180 are cancelled on the commencement of this subsection.
- (7) Of the shares issued under subsection (3), a further 215 350 608 are cancelled on the commencement of this subsection.
- (8) Of the shares issued under subsection (3), a further 15 000 000 are cancelled on the commencement of this subsection.
- (9) Of the shares issued under subsection (3), a further 15 000 000 are cancelled on the commencement of this subsection.

13 Section 58 (Share capital and issue of shares) of the Act

14 Under the Act, each of Port Corporation of Queensland's 2 shareholding Ministers holds an equal number of the issued shares (see sections 71 to 74 of the Act).

15 Section 21 (Consideration for transfer of assets to associates)

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 1 July 2004. Future amendments of the Government Owned Corporations (Ports) Regulation 1994 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
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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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	Reprint date
1	none	2 July 1994	14 September 1994
2	to 1995 SL No. 231	18 August 1995	30 August 1995
2A	to 1997 SL No. 245	8 August 1997	5 November 1997
2B	to 1999 SL No. 215	17 September 1999	27 September 1999
2C	to 2000 SL No. 225	1 September 2000	8 September 2000
2D	to 2001 SL No. 127	3 August 2001	14 August 2001
2E	to 2001 SL No. 243	7 December 2001	14 December 2001
2F	to 2002 SL No. 40	15 March 2002	22 March 2002
3	to 2002 SL No. 111	24 May 2002	7 June 2002
			(Column discontinued)
			Notes
3A	to 2003 SL No. 48	28 March 2003	
3B	to 2003 SL No. 128	27 June 2003	
3C	to 2004 SL No. 51	14 May 2004	
3D	to 2004 SL No. 85	1 July 2004	

5 List of legislation

Government Owned Corporations (Ports) Regulation 1994 SL No. 219

made by the Governor in Council on 30 June 1994

notfd gaz 30 June 1994 pp 1079–80

ss 1–2 commenced on date of notification

pts 1–3 (except ss 1–2) commenced 30 June 1994 (see s 2(1))

pts 4–7 commenced 1 July 1994 (see s 2(2))

remaining provisions commenced 2 July 1994 (see s 2(3))

exp 1 September 2004 (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 Legislation Amendment Regulation 1995 SL No. 231 pts 1–2

notfd gaz 18 August 1995 pp 2084–6

s 4 commenced 30 June 1995 (see s 2)

remaining provisions commenced on date of notification

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Government Owned Corporations (Ports) Amendment Regulation (No. 1) 1997

SL No. 245

notfd gaz 8 August 1997 pp 1742–3
commenced on date of notification

Government Owned Corporations Legislation Amendment Regulation (No. 2) 1999

SL No. 215 pts 1–2

notfd gaz 17 September 1999 pp 250–1
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 1) 2000

SL No. 225

notfd gaz 1 September 2000 pp 58–60
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 1) 2001

SL No. 127

notfd gaz 3 August 2001 pp 1297–9
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 2) 2001

SL No. 243

notfd gaz 7 December 2001 pp 1270-1
commenced on date of notification

Government Owned Corporations Legislation Amendment Regulation (No. 1) 2002

SL No. 40 pts 1–2

notfd gaz 15 March 2002 pp 1033–4
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 1) 2002

SL No. 111

notfd gaz 24 May 2002 pp 308–10
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 1) 2003

SL No. 48

notfd gaz 28 March 2003 pp 1125–9
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 2) 2003

SL No. 128

notfd gaz 27 June 2003 pp 749–56
commenced on date of notification

Government Owned Corporations (Ports) Amendment Regulation (No. 1) 2004

SL No. 51

notfd gaz 14 May 2004 pp 112–14
commenced on date of notification

Government Owned Corporations (Central Queensland Ports Authority) Regulation

2004 SL No. 85 ss 1–2, pt 8

notfd gaz 25 June 2004 pp 573–81

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ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

6 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Consideration for transfer of assets to associates

s 21 amd 1995 SL No. 231 s 4

PART 9—AFTER ASSOCIATES ARE DECLARED TO BE GOCs

pt hdg ins 1995 SL No. 231 s 5

Central Queensland Ports Authority shares

prov hdg amd 1997 SL No. 345 s 3; 2004 SL No. 85 s 16(1)

s 24 ins 1995 SL No. 231 s 5

amd 2002 SL No. 40 s 3; 2002 SL No. 111 s 3; 2003 SL No. 128 s 3; 2004 SL No. 85 s 16(2)

Port of Brisbane Corporation shares

prov hdg amd 1997 SL No. 245 s 4(1)

s 25 ins 1995 SL No. 231 s 5

amd 1997 SL No. 245 s 4(2); 1999 SL No. 215 s 3; 2000 SL No. 225 s 3; 2001 SL No. 127 s 3

Ports Corporation of Queensland shares

prov hdg amd 1997 SL No. 245 s 5

s 26 ins 1995 SL No. 231 s 5

amd 2001 SL No. 243 s 3; 2002 SL No. 40 s 4; 2003 SL No. 48 s 3; 2004 SL No. 51 s 3