

Queensland



*Government Owned Corporations Act 1993*

**GOVERNMENT OWNED  
CORPORATIONS (QGC  
RESTRUCTURE—STAGE 1)  
REGULATION 1997**

**Reprinted as in force on 26 August 1997  
(includes amendments up to SL No. 167 of 1997)**

**Reprint No. 1A**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 26 August 1997. 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.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of previous reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



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CORPORATIONS (QGC  
RESTRUCTURE—STAGE 1)  
REGULATION 1997**

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# **GOVERNMENT OWNED CORPORATIONS (QGC RESTRUCTURE—STAGE 1) REGULATION 1997**

[as amended by all amendments that commenced on or before 26 August 1997]

## **PART 1—PRELIMINARY**

### **Short title**

1. This regulation may be cited as the *Government Owned Corporations (QGC Restructure—Stage 1) Regulation 1997*.

## **PART 2—CANDIDATE GOC ASSOCIATES**

### **Purpose of pt 2**

2. This part—
- (a) establishes 4 GOC Act entities; and
  - (b) nominates each GOC Act entity to be an associate of a candidate GOC; and
  - (c) provides for each candidate GOC associate to be a body corporate and for related matters; and
  - (d) provides for the functions and powers of each candidate GOC associate; and
  - (e) provides for each candidate GOC associate to have an interim board of directors and a chief executive officer; and
  - (f) provides for the role of each interim board of directors; and

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- (g) prescribes changes in the way section 100<sup>1</sup> of the Act applies to each candidate GOC associate; and
- (h) provides for certain matters about the functioning of each candidate GOC associate as a body corporate.

### **Definitions**

3. In this part—

“**AEC**” means AUSTA Engineering Corporation.

“**associate**” means QGC1, QGC2, QGC3 or AEC.

“**candidate**” means GBU1, GBU2, GBU3 or EBU.

“**corporatisation day**”, for an associate, means the day the associate becomes a GOC.

“**corresponding candidate**”, for an associate, means—

- (a) for QGC1—GBU1; and
- (b) for QGC2—GBU2; and
- (c) for QGC3—GBU3; and
- (d) for AEC—EBU.

“**EBU**” means the candidate GOC comprising the part of QGC known as Engineering Business Unit.

“**GBU1**” means the candidate GOC comprising the part of QGC known as Generation Business Unit 1.

“**GBU2**” means the candidate GOC comprising the part of QGC known as Generation Business Unit 2.

“**GBU3**” means the candidate GOC comprising the part of QGC known as Generation Business Unit 3.

“**QGC**” means Queensland Generation Corporation.

“**QGC1**” means Queensland Generation Corporation 1.

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<sup>1</sup> Section 100 (Delegation by chief executive officer)

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“**QGC2**” means Queensland Generation Corporation 2.

“**QGC3**” means Queensland Generation Corporation 3.

### **Establishment of GOC Act entities**

**4.** The following entities are established—

- (a) Queensland Generation Corporation 1;
- (b) Queensland Generation Corporation 2;
- (c) Queensland Generation Corporation 3;
- (d) AUSTA Engineering Corporation.

### **Nomination of associates to become candidate GOC associates**

**5.(1)** QGC1 is nominated to be an associate of GBU1.

**(2)** QGC2 is nominated to be an associate of GBU2.

**(3)** QGC3 is nominated to be an associate of GBU3.

**(4)** AEC is nominated to be an associate of EBU.

### **Status of associates**

**6.** On the commencement of this section, each associate—

- (a) is a body corporate; and
- (b) has the name under which it is established; and
- (c) has a seal; and
- (d) may sue and be sued in its corporate name.

### **Associates’ functions**

**7.(1)** On the commencement of this section, the functions of each associate are—

- (a) to make arrangements necessary to ensure it will be ready to start operating as a GOC on the corporatisation day as the successor,

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or substantially as the successor, of its corresponding candidate;  
and

- (b) to do other things as directed in writing by its responsible Ministers.

(2) In making arrangements under subsection (1)(a), each associate is limited to—

- (a) making arrangements about—
  - (i) its banking; and
  - (ii) its corporate intent, plan and image; and
  - (iii) its internal organisational structure; and
  - (iv) other matters of internal administration; and
- (b) entering into contracts (applying on or after its corporatisation day) about its corporate administration and operation.

### **Associates' powers**

8. On the commencement of this section, each associate may do all things necessary or convenient to be done for the performance of its functions, including, for example—

- (a) borrowing; and
- (b) hiring consultants to advise it.

### **Limitation about contracts**

9.(1) In this section—

“**major contract**”, for an associate, means a contract under which the associate can reasonably be expected to have to provide or to have the right to receive, to the total value of more than \$1 000 000, 1 of the following, or a combination of 2 or more of the following—

- (a) cash;
- (b) goods;
- (c) services.

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(2) An associate must not, without the written agreement of its responsible Ministers, enter into a major contract.

### **Board and chief executive officer**

10. Each associate is to have an interim board of directors and chief executive officer.

### **Role of board**

11. It is the role of an associate's interim board of directors to ensure the associate performs its functions in an appropriate, efficient and effective way.

### **Application of s 100 of Act**

12. For its application to an associate, section 100 of the Act is changed to read as follows<sup>2</sup>—

#### **Delegation by chief executive officer**

**100.(1)** The chief executive officer of *an associate* may delegate the chief executive officer's powers (including a power delegated to the chief executive officer) to an *appropriately qualified officer or employee whose services are made available to the associate under assistance given or an arrangement made under section 57C*.<sup>3</sup>

(2) Subsection (1) has effect subject to any directions of the *associate's interim board of directors*.

(3) *In this section—*

**“appropriately qualified”** *includes having the qualifications, experience or standing appropriate to exercise the power.*

*Example of standing—*

*A person's classification level in the entity in which the person is employed.*

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<sup>2</sup> Changes are shown in italics.

<sup>3</sup> Section 57C (Assistance to candidate GOC associates and associate subsidiaries)

### **Delegation by board**

**13.(1)** Each associate's interim board of directors may, by resolution, delegate its powers to—

- (a) a director; or
- (b) a committee of the board; or
- (c) the associate's chief executive officer; or
- (d) an appropriately qualified officer or employee whose services are made available to the associate under assistance given or an arrangement made under section 57C of the Act.

**(2)** In this section—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

A person's classification level in the entity in which the person is employed.

### **Associates' seals**

**14.(1)** Each associate's seal must be kept in the custody directed by the associate's interim board of directors and may be used only as authorised by the board.

**(2)** The affixing of the seal to a document must be attested by—

- (a) at least 2 directors; or
- (b) at least 1 director and the associate's chief executive officer; or
- (c) a director or the chief executive officer and 1 or more persons as authorised by the board.

### **Authentication of documents**

**15.** A document made by an associate (other than a document that is required by law to be sealed) is sufficiently authenticated if it is signed by—

- (a) the chairperson of the associate's interim board of directors; or
- (b) the associate's chief executive officer; or

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- (c) a person authorised to sign the document by—
  - (i) resolution of the board; or
  - (ii) direction of the chief executive officer.

## 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 26 August 1997. Future amendments of the Government Owned Corporations (QGC Restructure—Stage 1) Regulation 1997 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

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	4 April 1997

## 5 List of legislation

**Government Owned Corporations (QGC Restructure—Stage 1) Regulation 1997  
SL No. 67 (prev Government Owned Corporations (QGC1–3 and AEC)  
Regulation 1997)**

made by the Governor in Council on 27 March 1997  
notfd gaz 27 March 1997 pp 1333–6  
commenced on date of notification  
exp 27 March 2007 (see SIA s 54)

as amended by—

**Government Owned Corporations (QGC Restructure—Stage 2) Regulation 1997  
SL No. 167 ss 1–2, 27 sch 2**

notfd gaz 26 June 1997 pp 899–900  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1997 (see s 2(2))

## 6 List of annotations

**Short title**

**s 1** sub 1997 SL No. 167 s 27 sch 2

**PART 3—AMENDMENT OF REGULATION**

**pt 3 (ss 16–17)** om R1 (see RA s 40)