

NORTHERN TERRITORY OF AUSTRALIA

POWER RETAIL CORPORATION ACT 2014

As in force at 1 July 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2021

POWER RETAIL CORPORTION ACT 2014

An Act to establish the Power Retail Corporation and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Power Retail Corporation Act 2014*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Definitions

In this Act:

CEO means the person appointed under section 16 of the *Government Owned Corporations Act 2001* to be the chief executive officer of RetailCorp.

RetailCorp means the Power Retail Corporation established by section 5.

4 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

Part 2 Power Retail Corporation

5 Retail Corp established

The Power Retail Corporation is established.

6 Government owned corporation

RetailCorp is declared to be a Government owned corporation for the purposes of the *Government Owned Corporations Act 2001*.

7 Status as Agency

(1) RetailCorp:

(a) is an Agency for the purposes of the *Public Sector Employment and Management Act 1993*; and

(b) is not an Agency for the purposes of any other Act.

(2) An Administrative Arrangements Order cannot be made that nominates RetailCorp as an Agency.

8 Matters relating to *Public Sector Employment and Management Act 1993*

(1) The CEO is the Chief Executive Officer of RetailCorp for the purposes of the *Public Sector Employment and Management Act 1993*.

(2) The *Public Sector Employment and Management Act 1993* applies in relation to RetailCorp as if it had been amended as set out in the Schedule.

Part 3 Functions of RetailCorp**9 Functions**

RetailCorp's functions are as follows:

(a) to supply electricity to consumers;

(b) to purchase or otherwise acquire electricity for the purposes of paragraph (a);

(c) to supply services designed to improve the efficiency of electricity supply and the management of demand for electricity;

(d) to generate electricity, subject to section 10;

(e) to provide services that are necessary or expedient for the security or reliability of a power system;

- (f) to undertake, maintain and operate any works, system, facilities, apparatus or equipment required in relation to a function mentioned in paragraphs (a) to (e);
- (g) to use the fixed assets that it has for the purpose of performing a function mentioned in paragraphs (a) to (e) for other purposes, so long as the proper performance of that function is not affected;
- (h) to develop, manufacture and market any product, technology or software or other intellectual property that relates to a function mentioned in paragraphs (a) to (g);
- (i) to use its expertise and resources to provide consultative, advisory or other services for profit;
- (j) to do anything that RetailCorp determines to be conducive or incidental to the performance of a function mentioned in paragraphs (a) to (i);
- (k) to perform any other functions conferred on RetailCorp under this or any other Act.

Note for section 9

Under section 50 of the Government Owned Corporations Act 2001, RetailCorp has, for or in connection with the performance of its functions, all the powers of a natural person including the power to do all other things necessary or convenient to be done for, or in connection with, the performance of its functions.

10 Restriction on generation of electricity

- (1) Despite section 9(d), RetailCorp must not generate electricity unless:
 - (a) the generation restriction period has expired; or
 - (b) the generation is authorised by the Minister under subsection (3).
- (2) The **generation restriction period** is:
 - (a) the period of 5 years from the commencement of this section; and
 - (b) if a declaration is made under section 12, the period of the extension stated in the declaration.
- (3) The Minister may, by *Gazette* notice, authorise RetailCorp to generate electricity for a specified purpose during the generation restriction period.

11 Review of restriction on generation

- (1) The Minister must review the operation of section 10(1) before the expiry of 4 years from the commencement of this section.
- (2) The purpose of the review is to determine the effect that the operation of section 10(1) has had, and is likely to have, on the encouragement of competition in the generation, retail and wholesale electricity markets in the Territory.

12 Extension of generation restriction period

- (1) The Minister may, by *Gazette* notice, declare that the generation restriction period is extended by a period not exceeding 5 years stated in the declaration.
- (2) The Minister cannot do so:
 - (a) before the review required by section 11 is completed; or
 - (b) after the expiry of the period of 5 years mentioned in section 10(2)(a).
- (3) The Minister must table a copy of the declaration in the Legislative Assembly within 3 sitting days after the *Gazette* notice is published.
- (4) If the declaration is not tabled in accordance with subsection (3), it is of no effect.
- (5) Section 63(9) and (10) of the *Interpretation Act 1978* apply in relation to the declaration as if it were subordinate legislation.

Part 4 Miscellaneous matters**13 Exemption from local government rates etc.**

- (1) RetailCorp land is exempt from local government rates.
- (2) Subsection (1) does not apply in relation to charges for works carried out or goods or services provided by a local government council in relation to RetailCorp land.
- (3) If RetailCorp land is leased to another person:
 - (a) subsection (1) does not apply in relation to local government rates in relation to the land for the period for which it is leased; and

(b) any local government rates in relation to the land for that period:

(i) are not payable by RetailCorp; and

(ii) are payable instead by the lessee.

(4) In this section:

local government rates means any rates, charges or taxes under the *Local Government Act 2019*.

RetailCorp land means land owned by or under the care, control and management of RetailCorp.

14 Protection of employees from personal liability

An employee or agent of RetailCorp is not personally liable for any act or default of that person or RetailCorp done or omitted to be done in good faith in the course of the operations of RetailCorp or for the purposes of this Act.

15 Authentication of documents

A document requiring authentication by RetailCorp is sufficiently authenticated without the seal of RetailCorp if signed by a person authorised to do so by RetailCorp's board

16 Money due to Corporation

Any money due to RetailCorp under this Act may be recovered by RetailCorp as a debt.

17 Regulations

The Administrator may make regulations under this Act.

Schedule Modifications of Public Sector Employment and Management Act 1993 in relation to RetailCorp

section 8(2)

1 Sections 22 and 23 modified

Sections 22 and 23

repeal

2 Section 24 modified

(1) Section 24(1)

omit, insert

- (1) The functions of the Chief Executive Officer of the Power Retail Corporation under this Act are to employ and manage employees in accordance with this Act for the purpose of enabling the Corporation to perform its functions.

Note for subsection (1)

In the exercise of his or her functions, the Chief Executive Officer is subject to the direction of the Board of the Power Retail Corporation (see section 16(5) of the Government Owned Corporations Act 2001).

(2) Section 24(2)(a)

omit

(3) Section 24(2)(b)

omit, insert

- (b) upholds the human resource management principle and performance and conduct principle; and

(4) Section 24(3)(b) and (h)

omit

(5) Section 24(4)

omit

or any other Act.

insert

Act in relation to employees.

3 Sections 27 and 28 modified

Sections 27 and 28

repeal

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Power Retail Corporation Act 2014 (Act No. 15, 2014)

Assent date	15 May 2014
Commenced	29 May 2014 (<i>Gaz S29</i> , 29 May 2014, p 2)

Local Government Act 2019 (Act No. 39, 2019)

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (<i>Gaz S27</i> , 30 June 2021)

Amending Legislation

Statute Law Revision Act 2020 (Act No. 26, 2020)

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Local Government Amendment Act 2021 (Act No. 15, 2021)

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: ss 3, 6, 7, 8, 9 12 and 13 and sch.

4 LIST OF AMENDMENTS

s 13 amd No. 39, 2019, s 370