

NORTHERN TERRITORY OF AUSTRALIA

POWER GENERATION CORPORATION ACT 2014

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Act No. 14 of 2014

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**Table of provisions**

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
3	Definitions.....	1
4	Act binds Crown .....	2
<b>Part 2</b>	<b>Power Generation Corporation</b>	
5	GenCorp established.....	2
6	Government owned corporation .....	2
7	Status as Agency.....	2
8	Matters relating to <i>Public Sector Employment and Management Act</i> .....	2
<b>Part 3</b>	<b>Functions of GenCorp</b>	
9	Functions.....	2
10	Restriction on retail supply of electricity.....	3
11	Review of restriction on retail sale .....	4
12	Extension of retail restriction period.....	4
<b>Part 4</b>	<b>Miscellaneous matters</b>	
13	Exemption from local government rates etc.....	4
14	Protection of employees from personal liability.....	5
15	Authentication of documents .....	5
16	Money due to Corporation .....	5
17	Regulations.....	5
<b>Schedule</b>	<b>Modifications of Public Sector Employment and Management Act in relation to GenCorp</b>	
1	Sections 22 and 23 modified	
2	Section 24 modified	
3	Sections 27 and 28 modified	



# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 14 of 2014

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

[Assented to 13 May 2014]  
[Second reading 13 February 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Power Generation 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* to be the chief executive officer of GenCorp.

**GenCorp** means the Power Generation 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 Generation Corporation**

**5 GenCorp established**

The Power Generation Corporation is established.

**6 Government owned corporation**

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

**7 Status as Agency**

(1) GenCorp:

- (a) is an Agency for the purposes of the *Public Sector Employment and Management Act*, and
- (b) is not an Agency for the purposes of any other Act.

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

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

- (1) The CEO is the Chief Executive Officer of GenCorp for the purposes of the *Public Sector Employment and Management Act*.
- (2) The *Public Sector Employment and Management Act* applies in relation to GenCorp as if it had been amended as set out in the Schedule.

**Part 3 Functions of GenCorp**

**9 Functions**

GenCorp's functions are as follows:

- (a) to generate, acquire and supply electricity;
- (b) to acquire, transport and supply energy sources from which electricity may be generated;

- (c) to acquire, develop, operate and supply technologies (including operating software) designed to improve the efficiency of electricity generation plant and equipment;
- (d) to provide services that are necessary or expedient for the security or reliability of a power system;
- (e) to undertake, maintain and operate any works, system, facilities, apparatus or equipment required in relation to a function mentioned in paragraphs (a) to (d);
- (f) to use the fixed assets that it has for the purpose of performing a function mentioned in paragraphs (a) to (d) for other purposes, so long as the proper performance of that function is not affected;
- (g) to develop, manufacture and market any product, technology or software or other intellectual property that relates to a function mentioned in paragraphs (a) to (f);
- (h) to use its expertise and resources to provide consultative, advisory or other services for profit;
- (i) to do anything that GenCorp determines to be conducive or incidental to the performance of a function mentioned in paragraphs (a) to (h);
- (j) to perform any other functions conferred on GenCorp under this or any other Act.

*Note for section 9*

*Under section 50 of the Government Owned Corporations Act, GenCorp 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 retail supply of electricity**

- (1) Despite section 9(a), GenCorp must not supply electricity to a person for the person's own use unless:
  - (a) the retail restriction period has expired; or
  - (b) the supply is authorised by the Minister under subsection (3).
- (2) The ***retail 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 GenCorp to supply electricity to a specified person, or specified class of persons, for the person's or persons' own use during the retail restriction period.

#### **11 Review of restriction on retail sale**

(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 retail restriction period**

(1) The Minister may, by *Gazette* notice, declare that the retail 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* apply in relation to the declaration as if it were subordinate legislation.

### **Part 4 Miscellaneous matters**

#### **13 Exemption from local government rates etc.**

(1) GenCorp 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 GenCorp land.

- (3) If GenCorp 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 GenCorp; and
    - (ii) are payable instead by the lessee.
- (4) In this section:

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

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

#### **14 Protection of employees from personal liability**

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

#### **15 Authentication of documents**

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

#### **16 Money due to Corporation**

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

#### **17 Regulations**

The Administrator may make regulations under this Act.

**Schedule Modifications of Public Sector Employment and Management Act in relation to GenCorp**

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 Generation 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 Generation Corporation (see section 16(5) of the Government Owned Corporations Act).*

**(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*