

Serial 65  
Power Retail Corporation Bill 2014  
Mr Tollner

A Bill for an Act to establish the Power Retail Corporation  
and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

POWER RETAIL CORPORATION ACT 2014

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Act No. [ ] of 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2014

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

[Assented to [ ] 2014]  
[Second reading [ ] 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 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* 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*.

**7 Status as Agency**

(1) RetailCorp:

- (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 RetailCorp as an Agency.

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

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

*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 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).*

**(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*