

Serial 63
Power and Water Corporation Legislation Amendment Bill 2014
Mr Tollner

A Bill for an Act to amend the *Power and Water Corporation Act* and
Government Owned Corporations Act, and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

POWER AND WATER CORPORATION LEGISLATION AMENDMENT
ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the *Power and Water Corporation Act* and *Government Owned Corporations Act*, 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 and Water Corporation Legislation Amendment Act 2014*.

2 Commencement

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

Part 2 Amendment of Government Owned Corporations Act

3 Act amended

This Part amends the *Government Owned Corporations Act*.

4 Section 3 amended

- (1) Section 3, definitions *portfolio Minister* and *shareholding Minister*

omit

- (2) Section 3

insert (in alphabetical order)

apply, for Part 5A, see section 53A.

asset, for Part 5A, see section 53A.

commenced regulations, for Part 5A, Division 4, see section 53N.

constituting Act, for a Government owned corporation, means the Act by which it is established or continued.

error, for Part 5A, Division 4, see section 53P.

liability, for Part 5A, see section 53A.

non-executive director, of a Government owned corporation, means:

- (a) if the chief executive officer of a Government owned corporation is a director – a director other than the chief executive officer; or

- (b) otherwise – a director.

portfolio Minister, of a Government owned corporation, see section 10.

relevant entity, for Part 5A, see section 53A.

shareholding Minister, of a Government owned corporation, see section 7A.

transfer date, for Part 5A, Division 4, see section 53N.

transfer regulations, for Part 5A, see section 53A.

transferable instrument, for Part 5A, see section 53A.

- (3) Section 3, definition ***Government owned corporation***
omit
the Act by which it is incorporated or continued in existence
insert
its constituting Act
- (4) Section 3, definition ***officer***, paragraph (a), at the end
insert
or

5 Section 7 amended

- (1) Section 7(2)
omit, insert
- (2) All of the shares in the Government owned corporation must be held by the shareholding Minister of the Government owned corporation.
- (2) Section 7(4), after "identifies the"
insert
Government owned corporation's

6 Section 7A inserted

After section 7

insert

7A Shareholding Minister

- (1) The ***shareholding Minister*** of a Government owned corporation is:
- (a) the Treasurer; or
 - (b) if another minister is nominated under subsection (2) – the other minister.
- (2) The Chief Minister may, in writing, nominate a minister to be the shareholding Minister of a Government owned corporation.

(3) The Chief Minister:

- (a) may nominate a minister by name or by reference to a ministerial office; and
- (b) may nominate himself or herself; and
- (c) must not nominate the minister who is the Government owned corporation's portfolio Minister.

7 Section 8 amended

- (1) Section 8, heading, at the end

insert

may give directions

- (2) Section 8(1), (2), and (3)

omit

- (3) Section 8(4)

omit

may

insert

of a Government owned corporation may do one or more of the following

- (4) Section 8(4)(b)

omit

and

8 Section 10 replaced

Section 10

repeal, insert

10 Portfolio Minister

- (1) The
- portfolio Minister*
- of a Government owned corporation is:

- (a) the minister administering the Government owned corporation's constituting Act; or

-
- (b) if another minister is nominated under subsection (2) – that other minister.
- (2) The Chief Minister may, in writing, nominate a minister to be the portfolio Minister of a Government owned corporation.
- (3) The Chief Minister:
- (a) may nominate a minister by name or by reference to a ministerial office; and
- (b) may nominate himself or herself; and
- (c) cannot nominate the minister who is the Government owned corporation's shareholding Minister.

9 Section 13 amended

- (1) Section 13(1)
- omit*
- each
- insert*
- a
- (2) Section 13(2), (3) and (4)
- omit, insert*
- (2) The Government owned corporation's constitution must specify:
- (a) the number of directors, which must include at least 2 non-executive directors; and
- (b) whether or not the chief executive officer is a director.
- (3) Section 13(5)
- omit*
- a director of a
- insert*
- a non-executive director of the

(4) Section 13(7), after "of the"
insert
Government owned corporation's

(5) Section 13(7), at the end
insert

Note for subsection (7)

Subsection (7) is not intended to affect the application of section 34(1) of the Interpretation Act, which requires the Administrator to act on the advice of the Executive Council.

(6) Section 13(8) and (9)
omit
of a Government
insert
of the Government

10 Section 16 amended

(1) Section 16(1)
omit
each
insert
a

(2) Section 16(2), (3) and (4)
omit, insert

- (2) The Government owned corporation's board must appoint a person to be the chief executive officer.
- (2A) The person appointed cannot be the chairperson or deputy chairperson of the board.
- (3) The board may terminate the appointment at any time.
- (4) An appointment or termination may be made only after consultation with the Government owned corporation's shareholding Minister.

- (4A) The chief executive officer holds office:
- (a) for the period, of less than 4 years, specified in the appointment; and
 - (b) on the terms and conditions (including as to remuneration and allowances) agreed by the board and the shareholding Minister.
- (3) Section 16(6), after "functions"
- insert*
- under this or any other Act
- (4) Section 16(7)
- omit, insert*
- (7) A person ceases to be the chief executive of a Government owned corporation:
- (a) if the person dies; or
 - (b) if the person completes a term of office and is not reappointed; or
 - (c) if the person resigns by letter to the board; or
 - (d) if the person's appointment is terminated by the board; or
 - (e) if the person becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (f) if the person is:
 - (i) convicted in the Territory of an offence that is punishable by imprisonment for 12 months or more; or
 - (ii) convicted elsewhere than in the Territory of an offence that, if committed in the Territory, would be an offence punishable by imprisonment for 12 months or more; or
 - (iii) disqualified under Part 2D.6 of the Corporations Act 2001 from managing a corporation; or
 - (g) in the circumstances set out in the Government owned corporation's constitution.

11 Section 17 amended

(1) Section 17(1)

omit

all words from "shareholding" to "corporation"

insert

board of a Government owned corporation may appoint a person to act as chief executive officer

(2) Section 17(2) and (3)

omit, insert

(1A) The person appointed cannot be the chairperson or deputy chairperson of the board.

(2) The board may terminate the appointment at any time.

(3) An appointment or termination may be made only after consultation with the Government owned corporation's shareholding Minister.

12 Section 19A inserted

After section 19

insert

19A Interim arrangements for new Government owned corporations

(1) This section applies if:

(a) a new Government owned corporation is established; and

(b) the Government owned corporation's first chief executive officer has not yet been appointed.

(2) Despite sections 16(2A), 17(1A), 18(2) and 19(1), a person may be:

(a) both chairperson of the board and acting chief executive officer under section 17(1)(a); or

(b) both deputy chairperson of the board and acting chief executive officer under section 17(1)(a).

13 Section 22 repealed

Section 22

repeal

14 Section 28 amended

(1) Section 28(1)

omit

all words from "The community" to "are activities"

insert

A ***community service obligation*** is an activity

(2) Section 28(1)(a)

omit

have

insert

has

(3) Section 28(2)

omit

The portfolio Minister, the shareholding Minister and a Government owned corporation

insert

A Government owned corporation and its shareholding Minister

(4) Section 28(3)(a)

omit

portfolio Minister and the

(5) Section 28(4)

omit

portfolio Minister, with the agreement of the shareholding Minister, may direct a

insert

shareholding Minister may direct the

- (6) Section 28(5)

omit

portfolio Minister, with the agreement of the shareholding Minister,

insert

shareholding Minister

- (7) After section 28(5)

insert

- (5A) The shareholding Minister must consult with the Government owned corporation's portfolio Minister before exercising a function under subsection (2), (4) or (5).

- (8) Section 28(6)

omit

of the corporation

- (9) Section 28(7)

omit

portfolio

insert

shareholding

- (10) Section 28(8)

omit

portfolio Minister and the shareholding Minister have

insert

Government owned corporation's shareholding Minister has

15 Section 29 amended

- (1) Section 29, heading

omit

Portfolio

insert

Shareholding

- (2) Section 29(1)

omit

portfolio Minister may, in writing, notify the board of a

insert

shareholding Minister of a Government owned corporation may, in writing, notify the board of the

- (3) Section 29(2)(a), (c) and (d) and (4)

omit (all references)

portfolio

insert

shareholding

- (4) Section 29(2)(a), at the end

insert

and

- (5) Section 29(2)(b)

omit, insert

(b) if the shareholding Minister has consulted the Government owned corporation's portfolio Minister; and

- (6) Section 29(3)

omit

of a

insert

of the

16 Section 30 amended

- (1) Section 30, heading

omit

Portfolio

insert

Shareholding

- (2) Section 30(1)

omit

portfolio Minister may give the board of a

insert

shareholding Minister of a Government owned corporation may give the board of the

- (3) Section 30(2)(a), (c) and (d) and (4)

omit (all references)

portfolio

insert

shareholding

- (4) Section 30(2)(a), at the end

insert

and

- (5) Section 30(2)(b)

omit, insert

(b) if the shareholding Minister has consulted the Government owned corporation's portfolio Minister; and

17 Section 36 amended

- (1) Section 36(2)
omit
of a Government owned corporation
- (2) Section 36(3), (4) and (5)
omit, insert
- (3) The procurement policy must be approved by the Government owned corporation's shareholding Minister.
- (4) The shareholding Minister must consult with the Government owned corporation's portfolio Minister before approving, or refusing to approve, a procurement policy.
- (5) The Government owned corporation must comply with the procurement policy approved by the shareholding Minister.
- (3) Section 36(6)
omit
Until a
insert
Until the

18 Section 47 amended

- (1) Section 47(1) and (2)
omit, insert
- (1) A Government owned corporation must give relevant corporate information to its shareholding Minister or portfolio Minister when requested by the Minister to do so.
- (2) Section 47(3)
omit
or (2)

(3) After section 47(4)

insert

(5) In this section:

relevant corporate information, in relation to a Minister, means information about the affairs of the corporation or any of its subsidiaries that the Minister reasonably needs for the performance of the Minister's functions under this Act.

19 Section 51A inserted

After section 51

insert

51A Business or trading names

A Government owned corporation may use and operate under any of the following names:

- (a) the name given to the corporation by its constituting Act;
- (b) one or more business or trading names approved by the Government owned corporation's shareholding Minister by notice in writing.

20 Part 5A inserted

After section 53

insert

Part 5A Restructure of Government owned corporations

Division 1 Preliminary matters

53A Definitions

In this Part:

apply, for a transferable instrument in relation to a person, see section 53B(6).

asset includes:

- (a) a legal or equitable interest of any kind (whether present or future and whether vested or contingent) in property of any kind (whether real or personal and whether tangible or intangible); and
- (b) a chose in action or other right.

commenced regulations, for Division 4, see section 53N.

error, for Division 4, see section 53P.

liability means a liability, duty or obligation of any kind (whether present or future and whether vested or contingent).

relevant entity means any of the following:

- (a) a Government owned corporation;
- (b) a subsidiary;
- (c) a statutory corporation;
- (d) a corporation (as defined in the Corporations Act 2001), or other body corporate, that is owned by the Territory;
- (e) the Territory.

transfer date, for Division 4, see section 53N.

transfer regulations means regulations made under section 53B.

transferable instrument means an instrument (other than an Act or subordinate legislation but including any other statutory instrument) that creates, modifies or extinguishes a right or liability of any kind.

Division 2 Transfer regulations

53B Transfer regulations

- (1) Regulations may be made under this section for the purpose of effecting the transfer of all or part of the business of a Government owned corporation to a relevant entity.
- (2) The regulations may do one or more of the following:
 - (a) transfer all or part of an asset or liability of a Government owned corporation or a subsidiary to a relevant entity;

- (b) in relation to a transferred asset – require the transferee to provide consideration for the transfer to the Government owned corporation or subsidiary from which it was transferred or to the Territory;
- (c) in relation to a transferred asset or liability, do one or both of the following:
 - (i) ascribe a value to the asset or liability or provide a method for how the value is to be determined;
 - (ii) provide for the manner in which the asset or liability is to be dealt with in a relevant entity's accounts;
- (d) in relation to a transferable instrument that would, but for the regulations, apply to a Government owned corporation or a subsidiary (*Corporation A*), provide that the instrument becomes an instrument that:
 - (i) applies to:
 - (A) a relevant entity instead of Corporation A; or
 - (B) a relevant entity as well as Corporation A; or
 - (C) Corporation A as if the regulations had not been made; and
 - (ii) applies to Corporation A or the relevant entity to the extent specified in the regulations; and
 - (iii) has effect as modified as set out in the regulations;
- (e) in relation to proceedings to which, but for the regulations, a Government owned corporation or a subsidiary (*Corporation A*) would be a party:
 - (i) provide that a relevant entity become a party to the proceedings in place of Corporation A; or
 - (ii) provide that relevant entity become a party to the proceedings, as well as Corporation A, to the extent specified in the regulations; or
 - (iii) provide that Corporation A continues as a party to the proceedings as if the regulations had not been made;

- (f) in relation to a right that would, but for the regulations, be available to or against a Government owned corporation or a subsidiary (*Corporation A*) – provide that the right becomes a right that:
 - (i) is available to or against a relevant entity instead of Corporation A; or
 - (ii) is available to or against a relevant entity, as well as Corporation A, to the extent specified in the regulations; or
 - (iii) continues to be available to or against Corporation A as if the regulations had not been made;
 - (g) provide that a relevant entity is the successor in law of a Government owned corporation or a subsidiary to the extent specified in the regulations;
 - (h) make provision in relation to the officers, employees and other staff of a relevant entity that is affected by the regulations;
 - (i) make provision for any other matter in respect of which it is necessary or convenient for provision to be made for giving effect to the purpose mentioned in subsection (1).
- (3) The regulations may identify things individually or as classes of things.
- (4) The regulations may identify something as a thing to which a paragraph of subsection (2) applies by:
- (a) identifying the thing in the regulations; or
 - (b) providing a method for how the things to which the paragraph is to apply are to be identified, including by providing for a Minister to prepare a register of those things.
- (5) For subsection (2)(b), regulations may:
- (a) specify the amount of the consideration or provide a method for how the amount of the consideration is to be determined; and
 - (b) provide for the terms on which the consideration is to be provided, including by creating a debt owed by the transferee.

- (6) For subsection (2)(d), a transferable instrument *applies to* a person if:
- (a) the person is a party to the instrument; or
 - (b) the instrument was made or given by, to or in favour of the person; or
 - (c) the instrument confers a right or liability on the person; or
 - (d) the instrument refers to the person; or
 - (e) the instrument has any other connection with or application in relation to the person.

53C Internal instruments may be included as transferable instruments

- (1) This section applies if:
- (a) part of the business of a Government owned corporation is to be transferred under this Part; and
 - (b) an instrument (an *internal instrument*) provides for arrangements between that part of the business and another part of the business of the Government owned corporation.
- (2) Transfer regulations may make provision for an internal instrument (including by its inclusion in a register mentioned in section 53B(4)(b)) as if it were a transferable instrument.
- (3) If the regulations do make such provision, for the purposes of this Part, the instrument is to be taken to be a contract creating rights and liabilities between the 2 parts of the business as if they were separate legal entities.

53D Transfer regulations effective despite other Acts

Anything purported to be effected by transfer regulations has effect despite anything in any Act in force at the time the regulations commence.

53E Effect of transfer regulations – contravention of laws, civil wrongs, etc.

Anything that occurs by operation of transfer regulations:

- (a) does not constitute a contravention of any law of the Territory; and

- (b) does not constitute a breach of confidence, a breach of a professional code, or other civil wrong.

53F Effect of transfer regulations – transferable instruments

- (1) Anything that occurs by operation of transfer regulations:
 - (a) does not constitute a breach of a transferable instrument; and
 - (b) does not fulfil a condition in a transferable instrument that would do any of the following:
 - (i) allow a person to terminate or modify the operation or effect of the instrument;
 - (ii) allow a person to enforce an obligation or exercise a right under the instrument;
 - (iii) release a person from an obligation under the instrument;
 - (iv) require a person to perform an obligation under the instrument;
 - (v) require money to which the instrument relates to be paid before its stated maturity; and
 - (c) does not cause a transferable instrument to become void or otherwise unenforceable.
- (2) If, but for this section, a precondition would have to be satisfied before something that is done by transfer regulations could occur, the precondition is taken to have been satisfied unconditionally before the regulations have effect.

Examples for subsection (2)

- 1 *If notice would otherwise be required to be given before something could be done, the notice is taken to have been given.*
- 2 *If the approval of a person would otherwise be required before something could be done, the approval is taken to have been given unconditionally.*

- (3) This section applies despite anything in an instrument.

53G Effect of transfer regulations – joint ownership and joint liability

- (1) This section applies if an asset or liability that is transferred by transfer regulations is:
 - (a) an interest in property in which another person also has an interest; or
 - (b) a liability that is owed jointly with another person.
- (2) The transfer of the asset or liability by the transfer regulations does not sever any joint tenancy or joint liability or in any other way affect the interest or liability of the other person.

Division 3 General provisions relating to transfers**53H Completion of necessary transactions**

- (1) This section applies if there is any impediment to a provision of transfer regulations having effect (for example, because a matter is governed by a law of another jurisdiction).
- (2) The relevant entities affected by the transfer regulations and their shareholding and portfolio Ministers must take all practicable steps to ensure that the effect sought to be achieved by the provision is achieved.

53J Arrangements for custody and use of records

The relevant entities affected by transfer regulations must make appropriate arrangements for the custody of, and access to, documents and information that relate to anything that is affected by the transfer regulations.

53K Notification and registration of transfer

- (1) If transfer regulations transfer an asset, right or liability:
 - (a) the relevant entity to which it is transferred must give the relevant registrar all documents and information the registrar needs in order to register the effect of the transfer regulations; and
 - (b) if the registrar is authorised by a law of the Territory – the registrar must register the effect of the transfer regulations.

- (2) If transfer regulations affect proceedings as mentioned in section 53B(2)(e)(i) or (ii):
- (a) a relevant entity that becomes or ceases to be a party to the proceedings must give to the relevant court officer all documents and information the officer needs in order to register the effect of the transfer regulations; and
 - (b) if the court is a Territory court – the court officer must register the effect of the transfer regulations.
- (3) The documents and information must be given in a form that is acceptable to the registrar or court officer (which need not be the form in which such documents and information would ordinarily be required to be given).
- (4) In this section:

court includes a tribunal or other decision making body or person.

court officer for a court, means the registrar, clerk or other officer responsible for recording matters relating to proceedings before the court.

register the effect of the transfer regulations means to:

- (a) record the documents and information necessary to show the effect of the transfer regulations; and
- (b) take any other action that is appropriate in consequence of the transfer regulations having had effect.

Example for definition register the effect of the transfer regulations, paragraph (b)

If land is transferred it may be appropriate for the Registrar-General to issue a new certificate as to title.

registrar means a person who is authorised by a law of the Territory or another jurisdiction to register documents and information relating to, or otherwise record, transactions affecting assets, rights or liabilities.

Examples for definition registrar

- 1 *The Registrar-General or an equivalent officer in a State.*
- 2 *The Minister administering the Mineral Titles Act.*
- 3 *The Registrar of Personal Property Securities under the Personal Property Securities Act 2009 (Cth).*

53L Territory taxes

- (1) No Territory tax is payable in relation to a tax-free action.
- (2) At the request of a person who would, but for subsection (1), be liable to pay Territory tax in relation to a tax-free action, the Treasurer may certify in writing that a specified thing is a tax-free action.
- (3) For all purposes and in all proceedings, a certificate under subsection (2) is conclusive evidence of the matters certified in it, except so far as the contrary is shown.
- (4) In this section:

tax-free action means anything:

- (a) that occurs by operation of transfer regulations; or
- (b) that is done for the purpose of giving effect to the transfer of business being effected by the regulations.

Territory tax means any tax (including stamp duty under the *Stamp Duty Act*), duty, fee, levy or charge payable under a law of the Territory.

Division 4 Correction orders**53M Application of Division**

This Division applies if transfer regulations for the purpose of effecting the transfer of all or part of the business of a Government owned corporation to a relevant entity have commenced.

53N Definitions

In this Division:

commenced regulations means the transfer regulations mentioned in section 53M.

error, see section 53P.

transfer date means the date on which the transfer of business effected by the commenced regulations occurred.

53P Meaning of *error*

- (1) The commenced regulations contain an *error* if they:
 - (a) did not provide for something that ought to have been provided for; or
 - (b) provided for something in a way other than the way in which it ought to have been provided for; or
 - (c) provide for something that ought not to have been provided for.
- (2) In this section, a reference to something that *ought to* have been done, is a reference to something that was necessary or convenient to be done in order to properly effect the transfer of business mentioned in section 53M.

53Q Minister may make correction order

- (1) This section applies if the Minister is satisfied that:
 - (a) the commenced regulations contain an error; and
 - (b) the error cannot adequately be rectified by the making of further transfer regulations.
- (2) The Minister may, by *Gazette* notice, make a correction order to rectify the error.
- (3) The Minister cannot make a correction order more than 6 months after the transfer date.

53R Correction order

- (1) A correction order may:
 - (a) do anything that could have been done by the commenced regulations under section 53B(2)(a) to (f); and
 - (b) provide for a matter of a transitional nature that is necessary or convenient because of the making of the order.
- (2) A correction order may have retrospective operation to a day not earlier than the transfer day.
- (3) However, to the extent to which the order has retrospective operation, it does not operate to the disadvantage of a person (other than a relevant entity) by:
 - (a) decreasing the person's rights; or

- (b) imposing liabilities on the person.

53S Application of Part to correction order

This Part, other than section 53B and this Division, apply in relation to a correction order as if it were transfer regulations.

Division 5 Miscellaneous matters

53T Ministerial directions

- (1) The shareholding Minister for a Government owned corporation may, in writing, direct the Government owned corporation to do anything that the Minister considers necessary or convenient to be done for the purpose of:
 - (a) facilitating the making of transfer regulations; or
 - (b) preparing for the transfer of business that is to be effected by the transfer regulations; or
 - (c) giving effect to the transfer of business.
- (2) The direction may require the Government owned corporation to do something that it could not otherwise lawfully do.
- (3) The Government owned corporation must comply with the notice.
- (4) The shareholding Minister must table a copy of the notice in the Legislative Assembly within 6 sitting days after the notice is given to the board.
- (5) The Minister cannot give a direction under this section more than 6 months after the transfer of business occurred.
- (6) This section does not affect the ability of a Minister to give directions under any other provision of this Act.
- (7) A reference in this section to doing something includes a reference to refraining from doing something.

53U Protection from liability

- (1) A protected person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith for the purpose of:
 - (a) facilitating the making of transfer regulations; or
 - (b) preparing for the transfer of business that is to be effected by the transfer regulations; or

(c) giving effect to the transfer of business.

(2) In this section:

officer, for a relevant entity, means:

- (a) a director of the entity; or
- (b) the chief executive officer of the entity; or
- (c) any other person who is concerned, or takes part, in the management of the entity.

protected person means a relevant entity, other than the Territory, or an officer of a relevant entity.

21 Section 53V inserted

Before section 54, in Part 6

insert

53V Inconsistency with constituting Act

- (1) If there is an inconsistency between this Act and the constituting Act for a Government owned corporation, this Act prevails to the extent of the inconsistency.
- (2) If there is an inconsistency between a ministerial direction given to a Government owned corporation under this Act and a ministerial direction given to the Government owned corporation under its constituting Act, the direction given under this Act prevails to the extent of the inconsistency.

22 Part 7 inserted

After section 56

insert

Part 7 Transitional matters for Power and Water Corporation Legislation Amendment Act 2014

57 Continuation of CEOs appointed by Administrator

- (1) An existing CEO continues to hold office as if he or she had been appointed by the board of the Government owned corporation.

- (2) Subject to section 17, the CEO holds office:
- (a) for the remainder of his or her term of appointment; and
 - (b) on the same terms and conditions as applied immediately before commencement.
- (3) In this section:

commencement means commencement of section 11 of the *Power and Water Corporation Amendment Act 2014*.

existing CEO means a person who was the chief executive officer of a Government owned corporation immediately before commencement.

23 Government Owned Corporations Act further amended

Schedule 1 has effect.

Part 3 Amendment of Power and Water Corporation Act

24 Act amended

This Part amends the *Power and Water Corporation Act*.

25 Section 3 amended

- (1) Section 3, definitions ***Chief Executive Officer*** and ***Northern Territory Electricity Commission*** or ***Commission***

omit

- (2) Section 3

insert (in alphabetical order)

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

26 Section 6 replaced

Section 6

repeal, insert

6 Status as Agency

(1) The Corporation:

(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 the Corporation as an Agency.

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

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

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

27 Section 14 amended

(1) Section 14(1), before paragraph (a)

insert

(aa) to manage, plan, develop, expand, enhance, improve and reinforce electricity networks and power systems;

(ab) to provide and improve electricity network services;

(ac) to provide services designed to improve the efficiency of electricity supply and the management of demand on electricity networks;

(2) Section 14(1)(b)

omit

paragraph (a)

insert

paragraphs (aa) to (a)

- (3) Section 14(1)(d)

omit

paragraph (a) or (b)

insert

paragraphs (aa) to (c)

- (4) Section 14(1)(e)

omit

paragraph (a), (b) or (d)

insert

paragraphs (aa) to (d)

- (5) Section 14(2)(c)

omit

authorised to do by

insert

required or authorised to do under the *Electricity Reform Act*,
Electricity Networks (Third Party Access) Act or

28 Section 14C amended

Section 14C(4)

omit, insert

- (4) The Corporation may provide billing, procurement, financial and commercial services to one or more of the following:
- (a) the Power Generation Corporation established by section 5 of the *Power Generation Corporation Act*,
 - (b) the Power Retail Corporation established by section 5 of the *Power Retail Corporation Act*,

-
- (c) a subsidiary of the Corporation, Power Generation Corporation or Power Retail Corporation.

29 Section 15 repealed

Section 15

repeal

30 Section 31 amended

After section 31(3)

insert

- (4) In this section:

Northern Territory Electricity Commission or *Commission* means the body corporate established under section 4 of the *Electricity Commission Act 1978*.

31 Schedule inserted

After section 34

insert

Schedule Modifications of Public Sector Employment and Management Act in relation to the Corporation

section 7(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 and Water 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 and Water 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

Part 4 Consequential amendments

32 Other laws amended

Schedule 2 amends the laws mentioned in it.

Part 5 Expiry of Act

33 Expiry of Act

This Act expires on the day after it commences.

Schedule 1 Government Owned Corporations Act further amended

section 23

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 5(1)(a), at the end		and
section 6(2)	<i>2001</i>	
section 9(1), after "Minister"		of a Government owned corporation
section 9(2)(b), after "to the"		Government owned corporation's
section 11(1), after "by the"		Government owned corporation's shareholding
section 11(2)	the	its
section 11(3)	the Minister	the shareholding Minister
section 11(7)	Minister	Minister of a Government owned corporation
	a constitution of a Government owned corporation	the Government owned corporation's constitution
section 11(9)	Minister	Minister of a Government owned corporation
	each	the

After section 11(9)		(10) In this section: <i>shareholding Minister</i> , for a unit of administration that is to become a Government owned corporation, means the minister who will be the shareholding Minister when the unit becomes a Government owned corporation.
section 12(4), after "be a"		non-executive
section 14(1) after "Minister"		of a Government owned corporation
section 14(2), after "of a"		non-executive
section 15(2), after "to the"		Government owned corporation's
section 15(3), after "notify the"		Government owned corporation's
section 18(2)	may appoint a	of a Government owned corporation may appoint a non-executive
	board of a	board of the
section 19(1)	may appoint a	of a Government owned corporation may appoint a non-executive
section 19(4)(b), after "to the"		Government owned corporation's
section 20	<i>2001</i>	

section 24(1)	Minister	Minister of a Government owned corporation
	director (other than the chief executive officer) or an acting director of a	non-executive director or an acting director of the
section 25(1)	a director	a non-executive director
section 25(1)(c), after "to the"		Government owned corporation's
section 25(1)(a) to (f), at the end		or
section 27(1), after "functions to"		one or more of the following
section 27(1)(c)	; or	of the Government owned corporation;
section 27(2), after "advise the"		Government owned corporation's
section 31(1)	shares of a	shares of the
section 31(2)	The	The Government owned corporation's
	of a	of the
section 32(1)	Minister	Minister of a Government owned corporation
	of a	of the
section 32(2)	of a	of the
section 32(2)(a), at the end		and
section 32(2)(b)	of the corporation	
section 32(3)	of a	of the
section 35(1), after "of the"		Government owned corporation's

section 35(2)	Minister	Minister of a Government owned corporation
	by a	by the
section 37(1), (2), (3)(a) and (b) and (4)(c), before "shareholding"		Government owned corporation's
section 37(4)(d)	shareholding Minister and the board of the Government owned corporation	Government owned corporation's shareholding Minister and its board
section 37(6)	of the corporation	
section 38(1) and (2)(a) and (b), before "shareholding"		Government owned corporation's
section 38(3)	of the corporation	
section 39(1), after "to the"		Government owned corporation's
section 39(2)(a), at the end		and
section 39(4)	a statement	the statement
section 39(7)(a)	for a	for the
section 40(f), after "by the"		Government owned corporation's
section 40(i)	shareholding Minister and the board of the corporation	Government owned corporation's shareholding Minister and board
section 41(1)	shareholding Minister, give to the shareholding Minister and the	Government owned corporation's shareholding Minister, give to its shareholding Minister and
section 42(2), after "by the"		Government owned corporation's

section 44(2)(a), at the end		and
section 44(2)(c), after "by the"		Government owned corporation's
section 44(4)	A Government shareholding <i>(first reference)</i>	The Government Government owned corporation's shareholding
section 45(2)	Board	board
section 46(1), after "Minister"		of a Government owned corporation
section 46(5)	Minister	Minister of a Government owned corporation
	to a	to the
section 50(2)	power:	following powers:
section 50(2)(f)	and	
section 51(2)(a), at the end		or
section 51(2)(b)	and	or
section 51(3)(b)	the Act by which the Government owned corporation is incorporated	the Government owned corporation's constituting Act
section 51(8), after "between the"		Government owned corporation's
section 52(1)(a), at the end		and
section 52(1)(b)	the Act by or under which it was established or continued in existence	its constituting Act
	the transaction;	into the transaction; and

section 52(1)(c)	the Act by or under which it was established or continued in existence	its constituting Act
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section 52(2)(a) and (b) and (3)	he or she	the person
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section 54(b), after "personally to"		the chief executive officer or
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Schedule 2 Other laws amended

section 32

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Commercial And Private Agents Licensing Act</i>		
after section 4(1)(c)		(ca) an employee of the Power Retail Corporation established under the <i>Power Retail Corporation Act</i> while acting in the performance of his or her functions as such an employee; or
<i>Electrical Workers And Contractors Act</i>		
section 4, definition <i>Corporation</i>	whole definition	
section 4		<i>(in alphabetical order)</i> <i>Power and Water Corporation</i> means the Power and Water Corporation established by the <i>Power and Water Corporation Act</i> . <i>Power Generation Corporation</i> means the Power Generation Corporation established by the <i>Power Generation Corporation Act</i> .

sections 4, definitions <i>electrical installation</i> and <i>electrical work</i> , paragraph (b), 15(2) and 17C(c) and (f), before "Corporation" (<i>all references</i>)		Power and Water
section 42, heading	Corporation	Corporations
sections 42(1) and (2) and 43(1)(c) and (g) and (2)(e)	Corporation (<i>all references</i>)	Power and Water Corporation or Power Generation Corporation
<i>Essential Goods and Services Act</i>		
section 2(1), definition <i>service</i> , paragraph (a)(iv)	under the <i>Electricity Reform Act</i> or the <i>Power and Water Corporation Act</i>	by electricity entities (as defined in the <i>Electricity Reform Act</i>)
<i>Ombudsman Act</i>		
section 5(c)	whole paragraph	(c) a Government owned corporation; or
<i>Public Sector Employment and Management Regulations</i>		
Schedule 1, item 2, after "Corporation"		, Power Generation Corporation or Power Retail Corporation
<i>Superannuation Regulations</i>		
Schedule, after item 13		13A Power Generation Corporation <i>Power Generation Corporation Act</i>
		13B Power Retail Corporation <i>Power Retail Corporation Act</i>
