

South Australia



**ELECTRICITY CORPORATIONS (GENERATION CORPORATION)
AMENDMENT ACT 1996**

No. 55 of 1996

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ELIZABETHAE II REGINAE

A.D. 1996

No. 55 of 1996

An Act to amend the Electricity Corporations Act 1994.

[Assented to 8 August 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Electricity Corporations (Generation Corporation) Amendment Act 1996*.

(2) The *Electricity Corporations Act 1994* is referred to in this Act as "the principal Act".

Commencement

2. (1) This Act will come into operation on a day to be fixed by proclamation.

(2) The different provisions of this Act must be brought into operation on the same day.

Amendment of long title

3. The long title of the principal Act is amended by inserting after "purpose;" "to provide for the assets of electricity corporations to remain in public ownership;".

Substitution of s. 3

4. Section 3 of the principal Act is repealed and the following section is substituted:

Objects

3. The objects of this Act are—

- (a) to establish corporations for the generation, transmission and distribution of electricity for the benefit of the people and economy of the State; and
- (b) to provide for the assets of electricity corporations to remain in public ownership.

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Amendment of s. 4—Interpretation

5. Section 4 of the principal Act is amended—

(a) by striking out paragraph (b) of the definition of "electricity corporation" and substituting the following paragraph:

(b) SAGC; or;

(b) by inserting after the definition of "ETSA" the following definition:

"SAGC" means *SA Generation Corporation* established under Part 3;.

Amendment of s. 5—Electricity generation functions

6. Section 5 of the principal Act is amended—

(a) by striking out subsection (1);

(b) by striking out paragraph (a) of subsection (2) and substituting the following paragraphs:

(a) generating electricity;

(ab) supplying, wholesaling and retailing electricity generated by the corporation;;

(c) by striking out from subsection (2)(b) "and works (including exploration and mining) and substituting ", works and operations (including exploration, mining and transport)".

Amendment of s. 6—Electricity transmission corporation and functions

7. Section 6 of the principal Act is amended by inserting after paragraph (c) of subsection (2) the following paragraph:

(ca) generating electricity for security of supply purposes;.

Amendment of s. 7—Electricity distribution functions

8. Section 7 of the principal Act is amended by striking out from paragraph (c) "on a minor scale or local basis" and substituting "(which may be supplied on a wholesale, retail or other basis)".

Amendment of s. 10—Functions of ETSA

9. Section 10 of the principal Act is amended by striking out paragraph (b) of subsection (1).

Substitution of headings

10. The headings to Part 3 of the principal Act and Division 1 of that Part are repealed and the following headings are substituted:

**PART 3
SA GENERATION CORPORATION**

DIVISION 1—ESTABLISHMENT OF SA GENERATION CORPORATION

Substitution of ss. 20, 21 and 22

11. Sections 20, 21 and 22 of the principal Act are repealed and the following section is substituted:

Establishment of SA Generation Corporation

20. (1) *SA Generation Corporation* is established.

(2) SAGC—

- (a) is a body corporate; and
- (b) has perpetual succession and a common seal; and
- (c) is capable of suing and being sued in its corporate name; and
- (d) has the functions and powers assigned or conferred by or under this or any other Act.

Amendment of s. 23—Application of Public Corporations Act 1993

12. Section 23 of the principal Act is amended by striking out "The generation corporation" and substituting "SAGC".

Substitution of s. 24

13. Section 24 of the principal Act is repealed and the following section is substituted:

Functions of SAGC

24. (1) SAGC has electricity generation functions.

(2) SAGC may perform its functions within or outside the State.

Amendment of s. 25—Powers of SAGC

14. Section 25 of the principal Act is amended by striking out "The generation corporation" twice occurring and substituting, in each case, "SAGC".

Amendment of s. 26—SAGC to furnish Treasurer with certain information

15. Section 26 of the principal Act is amended—

- (a) by striking out from subsection (1) "The generation corporation" and substituting "SAGC";
- (b) by striking out from subsection (1) "the corporation" and substituting "SAGC".

Amendment of s. 27—Common seal and execution of documents

16. Section 27 of the principal Act is amended—

- (a) by striking out "the generation corporation" wherever occurring and substituting, in each case, "SAGC";
- (b) by striking out from subsection (2) "The generation corporation" and substituting "SAGC";
- (c) by striking out "the corporation" wherever occurring and substituting, in each case, "SAGC".

Amendment of s. 28—Establishment of Board

17. Section 28 of the principal Act is amended—

- (a) by striking out from subsection (1) "the generation corporation" and substituting "SAGC";
- (b) by striking out from subsection (2)(a) "four" and substituting "six";
- (c) by striking out from subsection (3) "the generation corporation's" and substituting "SAGC's";
- (d) by striking out subsection (4) and substituting the following subsection:

(4) At least two members of the board must be women and two men.

Amendment of s. 31—Remuneration

18. Section 31 of the principal Act is amended by striking out "the generation corporation" and substituting "SAGC".

Amendment of s. 32—Board proceedings

19. Section 32 of the principal Act is amended by striking out from subsection (1) "three" and substituting "four".

Amendment of s. 33—Staff of SAGC

20. Section 33 of the principal Act is amended—

- (a) by striking out "the generation corporation" wherever occurring and substituting, in each case, "SAGC";
- (b) by striking out from subsection (2) "The generation corporation" and substituting "SAGC".

Insertion of s. 47A

21. The following section is inserted in Part 5 before section 48 of the principal Act:

Limitation of power to dispose of certain assets

47A. (1) A transaction to which this section applies cannot be made except on the authority of a resolution passed by both Houses of Parliament.

(2) This section applies to a transaction if—

(a) the transaction—

- (i) is a sale of assets of an electricity corporation consisting of electricity generation facilities or the whole or part of an electricity transmission system or electricity distribution system; and
- (ii) is negotiated with a view to the operation of the assets as part of the South Australian electricity supply system by a person or body other than an electricity corporation; or

- (b) the transaction involves the issuing, sale or other disposal of shares in a company that is a subsidiary of an electricity corporation to a person or body other than an electricity corporation or officer or agency of the Crown and assets consisting of the whole or a major part of an electricity transmission system have been or are being transferred to the company by an electricity corporation; or
- (c) the transaction involves the transfer by an electricity corporation of assets consisting of the whole or a major part of an electricity transmission system to a company that is a subsidiary of an electricity corporation and shares in that company have been or are being issued, sold or otherwise disposed of to a person or body other than an electricity corporation or officer or agency of the Crown.

Amendment of s. 48—Mining at Leigh Creek**22. Section 48 of the principal Act is amended—**

- (a) by striking out from subsection (2) "the generation corporation's powers, the corporation" and substituting "SAGC's powers, SAGC";
- (b) by striking out from subsection (2) "or the corporation" twice occurring and substituting, in each case, "or SAGC";
- (c) by striking out subsection (3).

Amendment of schedule 1**23. Schedule 1 of the principal Act is amended—**

- (a) by striking out from clause 7(4)(a) "or subdivision";
- (b) by striking out from clause 8(2) "subdivision" and substituting "division";
- (c) by striking out from clause 8(3) "subdivision" and substituting "division";
- (d) by striking out from clause 9(4) "from the Consolidated Account (which is appropriated to the necessary extent)";
- (e) by inserting in clause 9(7) "and, in that event, a reference in any other clause of this schedule or in any of the succeeding subclauses of this clause to a division of the Fund is to be read as a reference to a subdivision of the Fund" after "in the subdivisions";
- (f) by striking out from clause 9(8) "subdivision" wherever occurring and substituting, in each case, "division";
- (g) by striking out from clause (9)(10) "subdivisions" and "subdivision" and substituting "divisions" and "division" respectively;
- (h) by striking out from clause 9(11) "subdivision" and substituting "division";
- (i) by striking out from clause 11(2) "subdivisions" wherever occurring and substituting, in each case, "divisions";
- (j) by striking out from clause 12(3) "subdivision" and substituting "division";

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- (k) by striking out from clause 12(4)(a) "subdivision" and substituting "division";
- (l) by striking out from clause 12(5) "subdivision" and substituting "division";
- (m) by striking out from clause 12(6) "subdivision" and substituting "division";
- (n) by inserting after subclause (8) of clause 12 the following subclause:

(9) This clause ceases to apply to a contributor if the person ceases to be an employee and a pension becomes payable to or in relation to the person as a contributor under the contributory scheme.;

- (o) by inserting after clause 18 the following Part:

PART HA—EMPLOYER CONTRIBUTION FUNDS

Employer contribution funds

18A. (1) An electricity corporation must, if the Rules so provide, establish and maintain a fund or funds at the Treasury for the purpose of setting aside money to be applied towards meeting liabilities of the corporation that arise from time to time by virtue of the contributory scheme or a non-contributory scheme.

(2) An electricity corporation will be bound by any Rules governing payment to or from a fund established under subclause (1).

(3) Money paid to a fund established under subclause (1) may be invested in a manner determined by the Superannuation Board and clause 10 will apply in relation to the fund and its investment in the same way as to the ETSA Superannuation Fund and its investment.

(4) Clause 7(5) does not apply in relation to the making of Rules for the purposes of this clause.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor