

South Australia

Public Corporations (Transmission Lessor Corporation) Variation Regulations 2003

under the *Public Corporations Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Corporations (Transmission Lessor Corporation) Variation Regulations 2003*.

2—Commencement

These regulations come into operation on the day on which they are made.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in this regulation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Public Corporations (Transmission Lessor Corporation) Regulations 1995* (Gazette 29.6.1995 p 3122) as varied

4—Variation of regulation 6—Composition of board

- (1) Regulation 6(1)(c)—delete the paragraph
- (2) Regulation 6(3)—delete "appointed" first occurring
- (3) Regulation 6—after subregulation (3) insert:
 - (4) The Minister may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

5—Variation of regulation 6A—Conditions of membership

- (1) Regulation 6A(2)—delete "appointed"
- (2) Regulation 6A(2)(ea)—delete the paragraph

6—Variation of regulation 7—Proceedings

Regulation 7(1)—delete "three" and substitute:

two

7—Substitution of regulation 8

Regulation 8—delete the regulation and substitute:

8—Functions of Transmission Corporation

- (1) The Transmission Corporation's functions are limited to the following:
 - (a) to be the lessor under a lease granted in respect of prescribed assets by a transfer order or a sale/lease agreement made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*;
 - (b) to be a party to an instrument related to a lease referred to in paragraph (a) or related to property the subject matter of such a lease;
 - (c) to be the operator of prescribed assets on the expiration or sooner termination of such a lease;
 - (d) to hold prescribed assets as owner or lessee for the purposes of a function referred to in a preceding paragraph;
 - (e) to carry out other functions conferred on the Transmission Corporation by RESI;

- (f) to do anything necessary or expedient to be done for the purposes of a function referred to in a preceding paragraph.
- (2) In this regulation—
- asset, lease, lessor* and *lessee* have the same meanings as in the *Electricity Corporations (Restructuring and Disposal) Act 1999*;
- prescribed assets* means—
- (a) powerlines (within the meaning of the *Electricity Act 1996*);
or
 - (b) substations for converting, transforming or controlling electricity; or
 - (c) equipment for metering, monitoring, or controlling electricity; or
 - (d) any wires, equipment or other things (including tunnels and cavities) used for, or in connection with, the transmission of electricity; or
 - (e) any other assets that are, have been or may be used in connection with the operation of a transmission network (within the meaning of the *Electricity Act 1996*); or
 - (f) land or interests in land on, over or under which infrastructure referred to in a preceding paragraph is situated or by which access is obtained to such infrastructure.

8—Insertion of regulation 10A

After regulation 10 insert:

10A—Chief executive

The board must not appoint or remove a person as chief executive officer of the Transmission Corporation unless it has first consulted with RESI.

9—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Annual report

The Transmission Corporation must, within three months after the end of each financial year, deliver to the Minister and RESI a report on its operations during that financial year.

Made by the Governor

with the advice and consent of the Executive Council
on 22 May 2003

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