



New South Wales

Energy Services Corporations (Dissolution of Energy Distributors) Regulation 2001

under the

Energy Services Corporations Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Energy Services Corporations Act 1995*.

MICHAEL EGAN, M.L.C.,

Treasurer

Explanatory note

The objects of this Regulation are:

- (a) to amend Part 2 of Schedule 1 to the *Energy Services Corporations Act 1995* so as to dissolve the energy services corporations Great Southern Energy and Advance Energy, and
- (b) to make savings and transitional provisions consequent on their dissolution.

This Regulation is made under the *Energy Services Corporations Act 1995*, including section 17 (the general power to make regulations) and section 14.

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Energy Services Corporations (Dissolution of Energy Distributors)
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Energy Services Corporations (Dissolution of Energy Distributors) Regulation 2001

1 Name of Regulation

This Regulation is the *Energy Services Corporations (Dissolution of Energy Distributors) Regulation 2001*.

2 Commencement

This Regulation commences on 1 July 2001, or on the day following the last day on which it is capable of being disallowed under section 41 of the *Interpretation Act 1987*, whichever is the later.

Note. Pursuant to section 14 (3) of the *Energy Services Corporations Act 1995*, a House of Parliament is able to disallow this Regulation only if the disallowance motion is passed within 15 sitting days after written notice of the making of the Regulation is laid before that House under section 40 of the *Interpretation Act 1987*.

3 Definitions

In this Regulation, *the Act* means the *Energy Services Corporations Act 1995*.

4 Explanatory note

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Dissolution of Great Southern Energy and Advance Energy

Part 2 of Schedule 1 to the *Energy Services Corporations Act 1995* is amended by omitting the corporate names of Great Southern Energy and Advance Energy.

Note. On the day on which this Regulation takes effect, section 14 (4) (a) of the *Energy Services Corporations Act 1995* will dissolve Great Southern Energy and Advance Energy and section 14 (4) (b) of that Act will amend Schedule 5 to the *State Owned Corporations Act 1989* so as to omit the names of those bodies from that Schedule.

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6 Country Energy to complete certain reports relating to Great Southern Energy and Advance Energy

On and from the commencement of this Regulation:

- (a) Country Energy is required to prepare and submit any report under the *Annual Reports (Statutory Bodies) Act 1984* that Great Southern Energy would have been required to prepare and submit under that Act had Great Southern Energy still been in existence, and
- (b) Country Energy is required to prepare and submit any report under the *Annual Reports (Statutory Bodies) Act 1984* that Advance Energy would have been required to prepare and submit under that Act had Advance Energy still been in existence.

7 Country Energy may act in own name or in name of Great Southern Energy or Advance Energy

- (1) On and from the commencement of this Regulation, Country Energy may act in its own name as the universal successor of Great Southern Energy or Advance Energy or (if necessary) may act in the name of Great Southern Energy or Advance Energy.
- (2) Subclause (1) applies for all purposes, including for the purpose of the rules of private international law.
- (3) Without limiting subclause (1), Country Energy may act in the name of Great Southern Energy or Advance Energy if it is necessary to do so under the law of any country:
 - (a) to perfect the transfer of any asset, right or liability of Great Southern Energy or Advance Energy, or
 - (b) to take, defend or maintain legal proceedings in connection with any such asset, right or liability.
- (4) For the purposes of this clause, Country Energy is authorised to use the seals of Great Southern Energy and Advance Energy.
- (5) In this clause, **asset**, **right** and **liability** have the same meanings as they have in Schedule 3 to the Act.

8 References to Great Southern Energy and Advance Energy

On and from the commencement of this Regulation, a reference in any Act or instrument to Great Southern Energy or Advance Energy extends to Country Energy.