

## EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

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ADELAIDE, FRIDAY, 28 JANUARY 2000

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ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) ACT 1999 SCHEDULE 1, CLAUSE 6: VARIATION AND REVOCATION OF PROCLAMATIONS UNDER CLAUSE 2 (STATUTORY EASEMENT RELATING TO INFRASTRUCTURE)

*Proclamation By The Governor*

(L.S.) E. J. NEAL

PURSUANT to clause 6 of Schedule 1 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* and with the advice and consent of the Executive Council, I—

- (a) revoke the proclamation published in the *Gazette* on 23 December 1999 at page 3668 declaring ETSA Utilities Pty Ltd to be a body specified for the purposes of clause 2 of Schedule 1 of the Act;
- (b) vary the proclamation published in the *Gazette* on 23 December 1999 at page 3668 declaring Distribution Lessor Corporation to be a body specified for the purposes of clause 2 of Schedule 1 of the Act by striking out "23 December 1999" and substituting "28 January 2000".

Given under my hand and the Public Seal of South Australia, at Adelaide, 28 January 2000.

By command,

ROB LUCAS, for Acting Premier

T&F 7/2000 CS

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ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) ACT 1999 SECTION 35: EXCLUSION OF CROWN LIABILITY AS OWNER, ETC., OF LEASED ASSETS

*Proclamation By The Governor*

(L.S.) E. J. NEAL

PURSUANT to section 35 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* and with the advice and consent of the Executive Council, I declare—

- (a) that Distribution Lessor Corporation, the lessor of assets the subject of a distribution network lease, and the Crown, will, despite any other Act or law, be immune from any civil or criminal liability in connection with that lease or those assets, including, without limiting the generality of the foregoing—
  - (i) any liability for loss, damage, injury or death suffered by a person, whether through interruption, variation or failure in the supply of electricity, or through fire, explosion, electrocution, cancer or other adverse health condition, or otherwise; and
  - (ii) any statutory liability;
- (b) that, without limiting the application of the *Acts Interpretation Act 1915* to this proclamation as a statutory instrument, paragraph (a) applies to any liability arising under any present or future law;

(c) that the immunity under paragraph (a) does not extend to a liability under a distribution network lease, relevant sale/lease agreement or relevant related instrument to a party to the lease, agreement or instrument;

(d) that in this proclamation—

**‘distribution network lease’** means—

- (a) the lease granted by the Distribution Network Lease Sale/Lease Agreement, the terms and conditions of which are set out in Annexure A to that agreement; or
- (b) the lease granted by the Distribution Network Land Lease Sale/Lease Agreement, the terms and conditions of which are set out in Annexure A to that agreement,

and includes either of those leases as varied from time to time;

**‘Distribution Network Land Lease Sale/Lease Agreement’** means the sale/lease agreement entitled *Distribution Network Land Lease Sale/Lease Agreement* made on 28 January 2000 between the Treasurer and the South Australian Utilities Partnership, and includes that agreement as varied from time to time;

**‘Distribution Network Lease Sale/Lease Agreement’** means the sale/lease agreement entitled *Distribution Network Lease Sale/Lease Agreement* made on 28 January 2000 between the Treasurer and the South Australian Utilities Partnership, and includes that agreement as varied from time to time;

**‘Electricity Distribution Business Sale Agreement’** means the sale/lease agreement entitled *Electricity Distribution Business Sale Agreement* made on 12 December 1999 between the Treasurer, ETSA Utilities Pty Ltd (ACN 082 711 895), Distribution Lessor Corporation, CKI Utilities Development Limited (ARBN 090 718 880), HEI Utilities Development Limited (ARBN 090 718 951), Utilities Management

Pty Ltd (ACN 090 664 878), Cheung Kong Infrastructure Holdings Limited and Hongkong Electric Holdings Limited, and includes that agreement as varied from time to time;

**‘relevant related instrument’** means an instrument that it is acknowledged and agreed in the Electricity Distribution Business Sale Agreement will be a related instrument for the purposes of the Act;

**‘relevant sale/lease agreement’** means—

- (a) the Distribution Network Land Lease Sale/Lease Agreement; or
- (b) the Distribution Network Lease Sale/Lease Agreement; or
- (c) the Electricity Distribution Business Sale Agreement;

**‘South Australian Utilities Partnership’** means the partnership comprised of—

- (a) CKI Utilities Development Limited (ARBN 090 718 880); and
- (b) CKI Utilities Holdings Limited (ARBN 091 142 380); and
- (c) HEI Utilities Development Limited (ARBN 090 718 951); and
- (d) HEI Utilities Holdings Limited (ARBN 091 142 362); and
- (e) CKI/HEI Utilities Distribution Limited (ARBN 091 143 038).

Given under my hand and the Public Seal of South Australia, at Adelaide, 28 January 2000.

By command,

ROB LUCAS, for Acting Premier

T & F 6/2000 CS