

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 50, 1976.

An Act to provide for the incorporation of the Federation of Parents and Citizens Associations of New South Wales. [Assented to, 27th October, 1976.]

BE

*Federation of Parents and Citizens Associations of New South Wales
Incorporation.*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Federation of Parents and Citizens Associations of New South Wales Incorporation Act, 1976". Short title.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"association" means a district council established pursuant to section 18A of the Public Instruction Act of 1880 and an association constituted pursuant to section 18B of that Act;

"corporation" means the corporation constituted by section 3 (3) (b);

"Federation" means the associations which together form the unincorporated body having the name "Federation of Parents and Citizens Associations of N.S.W."

3. (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the president of the Federation as a true copy of the constitution, or of the constitution and by-laws, of the Federation may be lodged in the office of the Corporate Affairs Commission. Incorporation and name of the corporation.

(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notice published in the Gazette, declare that the Federation is incorporated as provided by this Act.

(3)

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(3) Where the Minister publishes a notice under subsection (2)—

- (a) the Federation is dissolved; and
- (b) a corporation with the name "Federation of Parents and Citizens Associations of New South Wales" is constituted.

Members
of the
corporation.

4. (1) The members of the corporation are—

- (a) the associations that, immediately before the corporation is constituted, formed the Federation; and
- (b) such other associations as are from time to time admitted to membership of the corporation in accordance with or under its constitution.

(2) Subsection (1) does not affect any provision of the constitution of the corporation that provides for cessation of membership of the corporation in any case where an association fails to pay any affiliation or other fee, or any other money, due and payable to the corporation.

Constitu-
tion and
decisions
of corpora-
tion and
governing
body.

5. (1) Where the Minister publishes a notice under section 3 (2)—

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the Federation becomes the constitution of the corporation;
- (b) the executive council referred to in that instrument becomes the governing body of that corporation; and

(c)

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(c) any decision that, before the publication of the notice, was made at any annual conference referred to in that instrument or by that executive council shall be deemed respectively to be a decision made by that corporation or by its governing body.

(2) The annual conference of the corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of the corporation is a decision of the corporation except to the extent that it is inconsistent with this Act or the constitution of the corporation.

(3) Where the governing body constituted by subsection (1) (b) makes a decision at a duly convened meeting at which a quorum is present, the decision is the decision of the corporation of which it is the governing body except to the extent that it is inconsistent with this Act, the constitution of the corporation or a decision of the annual conference of the corporation.

(4) Where the Minister publishes a notice under section 3 (2), a person who, immediately before the publication of the notice, held an office (including the office of member of the executive council) specified in the constitution, or in the constitution and by-laws, of the Federation continues to hold that office under the constitution of the corporation until, under or in accordance with that constitution, he vacates his office or his successor is appointed.

6. An amendment of the constitution of the corporation does not take effect until an instrument certified under the seal of the corporation to be a true copy of the resolution effecting the amendment has been lodged in the office of the Corporate Affairs Commission and the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment has been paid. Amendment of constitution of corporation.

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Annual
conference
of cor-
poration.

7. An annual conference of the corporation shall be held on the day or days on which, had the Federation not been dissolved, the annual conference of the Federation would have been held next after the constitution of the corporation.

Certain
documents
to be
lodged by
corporation.

8. (1) Where the Minister publishes a notice under section 3 (2), the corporation contravenes this section unless, within 14 days after the publication of the notice, it lodges in the office of the Corporate Affairs Commission—

- (a) a copy of the notice; and
- (b) an instrument specifying the address of the office of the corporation,

and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

(2) The corporation contravenes this section unless, within 14 days after it changes the address of its office, it lodges in the office of the Corporate Affairs Commission an instrument specifying the new address and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

Penalty : \$100 and a further penalty of \$10 for every day during which the contravention continues.

Common
seal and
documents.

9. (1) The common seal of the corporation shall be kept by the president of the corporation and shall only be affixed to an instrument or document in the presence of at least two members of the executive council of the corporation with an attestation by the signatures of those members of the fact and date of the affixing of the seal.

(2)

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(2) A notice, order, summons or other like document requiring authentication by the corporation is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the president and secretary of the corporation.

10. Section 362 of the Companies Act, 1961, applies in respect of the service of a document on the corporation in the same way as it applies to service of a document on a company incorporated under that Act. Service of documents on the corporation.

11. (1) Where the Minister publishes a notice under section 3 (2), a person employed by the Federation immediately before the publication of the notice becomes, upon the publication of the notice, an employee of the corporation with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of the corporation as he enjoyed or was subject to immediately before the publication of that notice. Continuation of service of employee of Federation.

(2) Where a person is employed by the corporation, his service with the Federation shall be deemed to be service with the corporation.

12. (1) Where the Minister publishes a notice under section 3 (2) and, immediately before publication of the notice, any real or personal property was held for or on behalf of the Federation by trustees appointed by the executive council of the Federation, or was under the management or control of any person for the purposes of the Federation, the publication of the notice— Transfer of assets and liabilities.

(a) authorises those trustees to vest the property in the corporation freed and discharged from the trusts upon which they held it;

(b)

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(b) vests that management and control in the corporation.

(2) Where the Minister publishes a notice under section 3 (2), a reference to the Federation in any deed, will or other instrument (this Act excepted) that has or takes effect on or after the day of publication of the notice shall be construed as a reference to the corporation.

(3) Where the Minister publishes a notice under section 3 (2)—

- (a) any money or liquidated or unliquidated claim that, immediately before the publication of the notice, was payable to, or recoverable by, the Federation becomes money payable to, or a claim recoverable by, the corporation ;
- (b) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the Federation or any person for or on behalf of the Federation (being a debt, money or a claim due, payable or recoverable immediately before the publication of the notice) becomes a debt due or money payable by, or a claim recoverable against, the corporation ;
- (c) any proceeding that, immediately before the publication of the notice, was pending at the suit or on the application of the Federation or any person for or on behalf of the Federation becomes a proceeding pending at the suit or on the application of the corporation ;

(d)

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- (d) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, the Federation and in force immediately before the publication of the notice becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation ;
and
 - (e) the corporation may enforce and realise any security or charge in favour of the Federation, or any person for or on behalf of the Federation, as if it were a security or charge in favour of the corporation.
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