

**LOCAL GOVERNMENT ASSOCIATIONS
INCORPORATION ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 20, 1974.

An Act to provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith. [Assented to, 10th April, 1974.]

BE

Local Government Associations Incorporation.

BE it enacted by the Queen's Most Excellent Majesty, by No. 20, 1974
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 "Local Government Short title.
Associations Incorporation Act, 1974".

2. In this Act—

Interpreta-
tion.

(a) a reference to an association is a reference to each of
the unincorporated associations known immediately
before the commencement of this Act as—

(i) the Local Government Association of New
South Wales;

(ii) the Shires Association of New South Wales;
and

(iii) the Local Government Electricity Associa-
tion of New South Wales; and

(b) a reference to a corporation that corresponds to an
association is a reference to the corporation that,
pursuant to section 3 (3) (b), corresponds to the
association.

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

(2)

Local Government Associations Incorporation.

No. 20, 1974 (2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

(a) the association is dissolved; and

(b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

Corporate name. 4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Association of New South Wales".

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that association has the corporate name "Shires Association of New South Wales".

(3) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Electricity Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Electricity Association of New South Wales".

Members of corporation. 5. The members of a corporation referred to in section 3 (3) (b) are—

(a) the councils or county councils that, immediately before the constitution of the corporation, were the members of the association to which it corresponds; and

(b)

Local Government Associations Incorporation.

- (b) the councils or county councils that from time to time are admitted to membership of the corporation in accordance with its constitution. No. 20, 1974

6. (1) Upon the publication of a notification under section 3 (2) with respect to an association—

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the association becomes the constitution of the corporation that corresponds to that association;
- (b) the executive committee, executive council or executive referred to in that instrument becomes the governing body of that corporation; and
- (c) any decisions that, before publication of the notification, were made at any annual conference referred to in that instrument or by that executive committee, executive council or executive shall be deemed respectively to be decisions made by that corporation and by its governing body.

(2) The annual conference of a corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of a 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 a 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)

Local Government Associations Incorporation.

No. 20, 1974 (4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.

Amendment of constitution of corporation. 7. An amendment of the constitution of a corporation referred to in section 3 (3) (b) 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.

Annual conference of corporation. 8. An annual conference of a corporation shall be held on the day or days on which, had the association to which it corresponds not been dissolved, the annual conference of that association would have been held next after the constitution of the corporation.

Certain documents to be lodged by corporation. 9. (1) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after the publication, pursuant to section 3 (2), of the notification relating to the association to which it corresponds, it lodges in the office of the Corporate Affairs Commission—

(a) a copy of the notification; 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)

Local Government Associations Incorporation.

(2) A corporation referred to in section 3 (3) (b) No. 20, 1974 contravenes this section unless, within fourteen 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.

10. A notice, order, summons or other like document requiring authentication by a corporation referred to in section 3 (3) (b) is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the secretary of the corporation. Authentica-
tion of
documents.

11. (1) A document relating to legal proceedings involving a corporation may be served— Service of
documents
on a
corporation.

(a) where the proceedings relate to a contravention of section 9 (1) (b)—by serving it on the secretary of the corporation; or

(b) in any other case—by leaving it at the address of the office of the corporation last notified under section 9 with some person apparently in the service of the corporation and apparently not under the age of sixteen years.

(2) A document other than a document referred to in subsection (1) (a) may be served on a corporation by leaving it at, or by sending it by post to, the address of the office of the corporation last notified under section 9.

12.

Local Government Associations Incorporation.

No. 20, 1974

Continua-
tion of
service of
employee of
association.

12. (1) A person employed by an association immediately before the publication under section 3 (2) of a notification relating to the association becomes, upon publication of the notification, an employee of the corporation that corresponds to that association 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 publication of the notification.

(2) Where a person is employed by a corporation pursuant to subsection (1), his service with the association to which the corporation corresponds shall be deemed to be service with the corporation.

Transfer to
corporation
of assets
and
liabilities of
association.

13. Upon the publication, pursuant to section 3 (2), of a notification relating to an association—

- (a) there becomes vested in the corporation that corresponds to that association—
- (i) any real or personal property that, immediately before the publication of the notification, was vested in the association;
 - (ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and
 - (iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;
- (b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

Local Government Associations Incorporation.

- (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association; No. 20, 1974
- (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the corporation that corresponds to that association;
- (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association; and
- (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.
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STATES