

**FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS  
OF NEW SOUTH WALES INCORPORATION (AMENDMENT)  
ACT 1991 No. 19**

NEW SOUTH WALES



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**FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS  
OF NEW SOUTH WALES INCORPORATION (AMENDMENT)  
ACT 1991 No. 19**

NEW SOUTH WALES



**Act No. 19, 1991**

An Act to amend the Federation of Parents and Citizens Associations of New South Wales Incorporation Act 1976 to enable parents and citizens associations to be incorporated under that Act; to make a consequential amendment to the Education Reform Act 1990; and for other purposes.  
[Assented to 3 May 1991]

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation (Amendment) 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Federation of Parents and Citizens Associations of New South Wales Incorporation (Amendment) Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Federation of Parents and Citizens Associations of New South Wales Incorporation Act 1976 No. 50**

3. The Federation of Parents and Citizens Associations of New South Wales Incorporation Act 1976 is amended as set out in Schedules 1 and 2.

**Consequential amendment of Education Reform Act 1990 No. 8, section 115 (Constitution of associations and district councils)**

4. The Education Reform Act 1990 is amended by inserting after section 115 (1) the following subsection:

(1A) Any such parents and citizens association may be incorporated under the Parents and Citizens Associations Incorporation Act 1976 or under the Associations Incorporation Act 1984.

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**SCHEDULE 1—AMENDMENT RELATING TO  
INCORPORATION OF PARENTS AND CITIZENS  
ASSOCIATIONS**

(Sec. 3)

After section 12, insert:

**PART 3—INCORPORATION OF PARENTS AND  
CITIZENS ASSOCIATIONS**

Incorporation of parents and citizens associations

13. (1) A parents and citizens association constituted under the Education Reform Act 1990 may, if it is not incorporated, apply to the Minister for incorporation under this Act.

SCHEDULE 1—AMENDMENT RELATING TO INCORPORATION  
OF PARENTS AND CITIZENS ASSOCIATIONS—*continued*

(2) The application is to be in writing and signed by the officers of the association.

(3) The Minister may, by notice published in the Gazette, declare that the association is incorporated under this Act. The Minister may reject the application if satisfied that the association will not comply with the requirements of this Part.

(4) On the publication of the notice (or on a later date specified in the notice), a body corporate with the name of the association is constituted and the Unincorporated body with that name is dissolved.

(5) The members of the incorporated association are the persons who become members in accordance with its rules. The persons who were members of the association immediately before its incorporation become members on its incorporation if qualified under the rules of the incorporated association.

**Transfer of assets and liabilities on incorporation**

14. When a parents and citizens association is incorporated under this Act:

- (a) the trustees of any real or personal property who, immediately before the incorporation, held that property for or on behalf of the unincorporated association are authorised to vest the property in the incorporated association freed and discharged from the trusts on which they held that property; and
- (b) any money or liquidated or unliquidated claim that, immediately before the incorporation, was payable to, or recoverable by, the unincorporated association becomes money payable to, or a claim recoverable by, the incorporated association; and
- (c) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the unincorporated association or any person for or on behalf of the unincorporated association (being a debt, money or a claim due, payable or recoverable immediately before the incorporation) becomes a debt due or money payable by, or a claim recoverable against, the incorporated association; and

SCHEDULE 1—AMENDMENT RELATING TO INCORPORATION  
OF PARENTS AND CITIZENS ASSOCIATIONS—*continued*

- (d) any proceeding that, immediately before the incorporation, was pending at the suit or on the application of the unincorporated association or any person for or on behalf of the unincorporated association becomes a proceeding pending at the suit or on the application of the incorporated association; and
- (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, the unincorporated association and in force immediately before the incorporation becomes a contract, agreement or undertaking entered into with, and a security given to or by, the incorporated association; and
- (f) the incorporated association may enforce and realise any security or charge in favour of the unincorporated association, or any person for or on behalf of the unincorporated association, as if it were a security or charge in favour of the incorporated association.

**Rules of incorporated associations**

15. (1) The rules for the conduct of the business and affairs of a parents and citizens association incorporated under this Act are the relevant standard or model rules published by the Minister under section 117 of the Education Reform Act 1990.

(2) On incorporation under this Act, a parents and citizens association is taken to have adopted the relevant rules so published, as amended from time to time.

**Names of parents and citizens associations**

16. (1) The name of a parents and citizens association incorporated under this Act is “[name of government school in connection with which the association is constituted] Parents and Citizens Association”.

(2) A change in the name of the government school concerned effects a corresponding change in the name of the incorporated association.

**Incorporated associations to be members of Federation**

17. A parents and citizens association incorporated under this Act is required to be a member of the Federation of

SCHEDULE 1—AMENDMENT RELATING TO INCORPORATION  
OF PARENTS AND CITIZENS ASSOCIATIONS—*continued*

Parents and Citizens Associations of New South Wales constituted under this Act.

**Members and officers of incorporated association not liable for debts etc. of association**

18. A member or officer of a parents and citizens association incorporated under this Act is not, by reason only of being such a member or officer, liable to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association.

**Public liability insurance**

19. (1) A parents and citizens association incorporated under this Act must effect and maintain approved public liability insurance, unless the association is covered by such insurance effected and maintained by the Federation of Parents and Citizens Associations of New South Wales constituted under this Act.

(2) In this section:

“**approved public liability insurance**” means public liability insurance which an association incorporated under the Associations Incorporation Act 1984 is required by Part 6 of that Act to effect and maintain.

**Financial reports**

20. A parents and clerical association incorporated under this Act must make such financial reports about its affairs (including reports of its auditors) as are required by its rules or (subject to its rules) by the Minister.

**Cancellation of incorporation**

21. (1) The Minister may, by notice published in the Gazette, cancel the incorporation of a parents and citizens association incorporated under this Act:

- (a) if the Minister has reasonable cause to believe that the association is not complying with this Act or the rules of the association; or
- (b) if the association has ceased to be a member of the Federation of Parents and Citizens Associations of New South Wales constituted under this Act; or

**SCHEDULE 1—AMENDMENT RELATING TO INCORPORATION  
OF PARENTS AND CITIZENS ASSOCIATIONS—*continued***

(c) if the association is constituted in connection with a government school that has been closed; or

(d) if the Minister has other good cause for doing so.

(2) If the incorporation of the association is so cancelled and the winding up of the association had not commenced before the cancellation, the property of the association vests in the Minister. The debts and liabilities of that association are to be paid, its property is to be distributed and its affairs are to be wound up in accordance with the directions of the Minister.

(3) Nothing in this Act affects the winding up under any other law of a parents and citizens association incorporated under this Act.

**Service of documents on association**

22. (1) A document may be served on a parents and citizens association incorporated under this Act by leaving it at the office of, or by sending it by post to, the government school in connection with which the association is constituted.

(2) Nothing in this section affects:

(a) the power of a court to authorise a document to be served on the association in a manner not provided for by this section; or

(b) the operation of any law or rules of court authorising a document to be served on the association in a manner not provided for by this section.

**Regulations**

23. The regulations may make provision for or with respect to the transfer of incorporation to this Act of a parents and citizens association incorporated under the Associations Incorporation Act 1984.

**SCHEDULE 2—OTHER AMENDMENTS**

(Sec. 3)

(1) Long title:

At the end of the long title, insert " ; and to provide for the incorporation of parents and citizens associations".

SCHEDULE 2—OTHER AMENDMENTS—*continued*

(2) Part 1, heading:

Before section 1, insert:

**PART 1—PRELIMINARY**

(3) Section 1:

Omit section, insert instead:

**Short title**

1. This Act may be cited as the Parents and Citizens Associations Incorporation Act 1976.

(4) Part 2, heading:

After section 1, insert:

**PART 2—INCORPORATION OF FEDERATION OF  
PARENTS AND CITIZENS ASSOCIATIONS OF  
NEW SOUTH WALES**

(5) Section 2 (**Definitions**):

- (a) Omit “Act” where firstly occurring, insert instead “Part”.
- (b) From the definition of “association”, omit “Education and Public Instruction Act 1987 or any Act repealed in consequence of the enactment of that Act”, insert instead “Education Reform Act 1990”,

(6) Section 5A:

After section 5, insert:

**Transfer of records to Minister**

5A. As soon as practicable after the commencement of this section, the documents relating to the corporation that were lodged at the office of the Corporate Affairs Commission under this Act are to be lodged with the Minister by the person or body having the custody of those documents.

(7) Section 6:

Omit the section, insert instead:

**Amendment of constitution of corporation**

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 with the Minister.



SCHEDULE 2—OTHER AMENDMENTS—*continued*

(8) Section 8:

Omit the section, insert instead:

**Notification of change of address**

8. The corporation must, within 14 days after it changes the address of its principal office, lodge with the Minister an instrument specifying the new address.

Maximum penalty: 1 penalty unit.

(9) Section 10:

Omit the section, insert instead:

**Service of documents on the corporation**

10. (1) A document may be served on the corporation by leaving it at, or by sending it by post to, the office or one of the offices of the corporation.

(2) The offices of the corporation for the purposes of this section include the office last notified by the corporation under this Act.

(3) Nothing in this section affects:

(a) the power of a court to authorise a document to be served on the corporation in a manner not provided for by this section; or

(b) the operation of any law or rules of court authorising a document to be served on the corporation in a manner not provided for by this section.

(10) Part 4:

After Part 3 (as inserted by Schedule 1 to this Act), insert:

**PART 4—MISCELLANEOUS**

**Regulations**

24. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this

SCHEDULE 2—OTHER AMENDMENTS—*continued*

Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

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*[Minister's second reading speech made in—  
Legislative Assembly on 11 April 1991  
Legislative Council on 13 March 1991]*