



New South Wales

State Owned Corporations Legislation Amendment (Staff Directors) Act 2013 No 36

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State Owned Corporations Legislation Amendment (Staff Directors) Act 2013 No 36

Act No 36, 2013

An Act to amend the *State Owned Corporations Act 1989* and other legislation relating to State owned corporations to remove any requirement for a staff director.
[Assented to 3 June 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *State Owned Corporations Legislation Amendment (Staff Directors) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of State Owned Corporations Act 1989 No 134

[1] Section 20J Directors

Omit section 20J (3) and (4). Insert instead:

- (3) The directors are to be persons who, in the opinion of the voting shareholders, will assist the SOC to achieve its principal objectives.

[2] Section 38 Regulations

Omit section 38 (2).

[3] Schedule 2 Provisions to be included in constitution of company SOCs

Omit clause 4 (Staff director).

[4] Schedule 8 Constitution and procedure of boards of statutory SOCs

Omit clause 4 (Staff director).

[5] Schedule 11 Savings and transitional provisions

Insert at the end of clause 1 (1):

- *State Owned Corporations Legislation Amendment (Staff Directors) Act 2013*

[6] Schedule 11, Part 2 Provisions consequent on enactment of State Owned Corporations Amendment Act 1995

Omit the Part.

[7] Schedule 11, Part 5

Insert at the end of the Schedule:

Part 5 Provision consequent on enactment of State Owned Corporations Legislation Amendment (Staff Directors) Act 2013

6 Existing staff directors

- (1) In this clause:

amending Act means the *State Owned Corporations Legislation Amendment (Staff Directors) Act 2013*.

existing staff director means a staff director of the board of directors of a statutory SOC referred to in section 20J (as in force

immediately before the commencement of the amending Act), and includes any of the following directors:

- (a) a director of the board of directors of an energy services corporation referred to in clause 1 (2) (b) of Schedule 2 to the *Energy Services Corporations Act 1995* (as so in force),
 - (b) a director of the board of the Hunter Water Corporation referred to in section 4B (1) (c) of the *Hunter Water Act 1991* (as so in force),
 - (c) a staff director of the board of directors of a Port Corporation referred to in section 18 of the *Ports and Maritime Administration Act 1995* (as so in force),
 - (d) a director of the board of directors of the State Water Corporation referred to in section 7 (3) of the *State Water Corporation Act 2004* (as so in force),
 - (e) a director of the board of directors of the Superannuation Administration Corporation referred to in clause 1 (1) (b) of Schedule 3 to the *Superannuation Administration Authority Corporatisation Act 1999* (as so in force).
- (2) The amendments made by the amending Act do not affect any existing staff director of a SOC holding office on the commencement of the amending Act. Any such person ceases to hold office as a director (subject to this or any other Act under which the person was appointed as director) on a date after the commencement of the amending Act that is determined in relation to that SOC:
- (a) by the Governor if the Governor appoints directors of the board of that SOC, or
 - (b) by the voting shareholders of that SOC if those voting shareholders appoint directors of the board of that SOC.
- (3) Notice of a proposed determination under subclause (2) is not required to be given to the existing staff director or any other person.
- (4) Any existing staff director who ceases to be such a director by the operation of subclause (2) before the end of the term of office of the existing staff director is not entitled to any compensation for loss of office.

Schedule 2 Amendment of other State owned corporations legislation

2.1 Energy Services Corporations Act 1995 No 95

[1] Schedule 2 Supplementary provisions concerning constitution and procedure

Omit clause 1 (2) (b).

[2] Schedule 2, clause 1 (2) (c)

Omit “2”. Insert instead “3”.

[3] Schedule 2, clause 1 (2) (c) (i)

Omit “6”. Insert instead “7”.

[4] Schedule 2, clause 1 (2) (c) (ii)

Omit “5”. Insert instead “6”.

[5] Schedule 2, clause 1 (3)

Omit the subclause.

2.2 Hunter Water Act 1991 No 53

[1] Section 4B Board of Corporation

Omit “6 directors” from section 4B (1) (b). Insert instead “7 directors”.

[2] Section 4B (1) (c)

Omit the paragraph.

[3] Section 4B (2) and (3)

Omit the subsections.

[4] Section 4B (4)

Omit the subsection. Insert instead:

- (4) Subsection (1) has effect despite the provisions of section 20J of, and clause 2 (1) of Schedule 8 to, the *State Owned Corporations Act 1989*.

2.3 Ports and Maritime Administration Act 1995 No 13

Section 18 Special provision for election of staff director

Omit the section.

2.4 Ports and Maritime Administration Regulation 2012

[1] Part 5 Staff director elections

Omit the Part.

[2] Schedule 2 Forms

Omit the Schedule.

2.5 State Water Corporation Act 2004 No 40

[1] Section 7 Board of directors of Corporation

Omit section 7 (3) and (4).

[2] Section 7 (5)

Omit “(clause 4 excepted) and section 20J (subsections (2)–(5) and (7) excepted)”.

Insert instead “and section 20J (subsections (2) and (5) excepted)”.

2.6 Superannuation Administration Authority Corporatisation Act 1999 No 5

[1] Schedule 3 Special provisions concerning management of the Corporation

Omit clause 1 (1) (b).

[2] Schedule 3, clause 1 (1) (c)

Omit “2”. Insert instead “3”.

[3] Schedule 3, clause 1 (1) (c)

Omit “5”. Insert instead “6”.

[4] Schedule 3, clause 1 (2)

Omit the subclause.

[5] Schedule 3, clause 2 (2)

Omit “, 4”.

[Second reading speech made in—
Legislative Assembly on 8 May 2013
Legislative Council on 28 May 2013]