

Passed by both Houses



New South Wales

# State Owned Corporations Legislation Amendment (Staff Directors) Bill 2013

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2013*



New South Wales

## **State Owned Corporations Legislation Amendment (Staff Directors) Bill 2013**

Act No , 2013

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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.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**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.

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## **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.

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## **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”.



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Amendment of other State owned corporations legislation

Schedule 2

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**[4] Schedule 3, clause 1 (2)**

Omit the subclause.

**[5] Schedule 3, clause 2 (2)**

Omit “, 4”.