



New South Wales

Zoological Parks Board Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Zoological Parks Board Act 1973* as follows:

- (a) to reconstitute the Zoological Parks Board of New South Wales,
- (b) to provide for the Deputy Chairperson of the Board to be appointed by the Minister rather than, as at present, elected by the members,
- (c) to make miscellaneous minor and consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Zoological Parks Board Act 1973* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] repeals and replaces section 6 of the Act, which provides for the constitution of the Zoological Parks Board of New South Wales (the Board). The Board is to consist of ten members (rather than thirteen, as at present) all of whom are to be appointed by the Minister.

Five members are to be persons who have, in the opinion of the Minister, appropriate qualifications, knowledge, expertise or experience. One is to be a person who has, in the opinion of the Minister, expertise in zoology, veterinary science or animal welfare, or in related research. Two are to be nominated by organisations that voluntarily provide support to zoological parks in New South Wales. Two are to be nominated by the councils of the local government areas that include those zoological parks.

In making the appointments, the Minister is to have regard to the powers, authorities, duties and functions of the Board set out in the Act.

Schedule 1 [2] amends section 7 of the Act, to provide for the appointment of the Chairperson and Deputy Chairperson by the Minister.

Schedule 1 [3], [4], [5] and [7] make consequential amendments.

Schedule 1 [6] makes a minor amendment by way of statute law revision.

Schedule 1 [8] makes a consequential amendment relating to the quorum of the Board.

Schedule 1 [9] inserts new sections 47 and 48. Section 47 enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act. Section 48 contains provisions of a transitional nature, consequent on the enactment of the proposed Act. In particular:

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Explanatory note

- (a) section 48 (2) makes provision in relation to the persons who are to continue to hold office as members of the Board on the repeal by the proposed Act of the current provisions constituting the Board, and the persons who are to cease to hold office at that time, and
- (b) section 48 (4) provides that the persons holding office as Chairperson and Deputy Chairperson immediately before the commencement of relevant amendments made by the proposed Act are to continue to hold those offices for the balance of their terms of office as Chairperson and Deputy Chairperson.



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No. , 2000

A Bill for

An Act to amend the *Zoological Parks Board Act 1973* in relation to the constitution of the Zoological Parks Board of New South Wales; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Zoological Parks Board Amendment Act 2000</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Zoological Parks Board Act 1973 No 34	7
The <i>Zoological Parks Board Act 1973</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendments

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(Section 3)

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[1] Section 6

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Omit the section. Insert instead:

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6 Appointment of members

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- (1) The Board is to consist of 10 members appointed by the Minister, of whom:

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- (a) 5 are to be persons who have, in the opinion of the Minister, qualifications, knowledge, expertise or experience appropriate to the powers, authorities, duties and functions of the Board, and

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- (b) one is to be a person who has, in the opinion of the Minister, expertise in zoology, veterinary science or animal welfare, or in research relating to any one or more of those fields, and

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- (c) one is to be chosen by the Minister from a panel of 2 persons nominated by an organisation determined by the Minister, the principal activity of which is the voluntary provision of financial or other support to the zoological park in Mosman, and

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- (d) one is to be chosen by the Minister from a panel of 2 persons nominated by an organisation determined by the Minister, the principal activity of which is the voluntary provision of financial or other support to the zoological park in Dubbo, and

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- (e) one is to be chosen by the Minister from a panel of 2 persons nominated by the council of the local government area that includes the zoological park in Mosman, and

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- (f) one is to be a person chosen by the Minister from a panel of 2 persons nominated by the council of the local government area that includes the zoological park in Dubbo.

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Schedule 1 Amendments

(2) In making appointments to the Board, the Minister is to have regard to the powers, authorities, duties and functions of the Board referred to in section 15.	1 2 3
(3) If the Minister would, but for this subsection, be unable to appoint a member referred to in subsection (1) (c)–(f) because a panel of persons has not been nominated:	4 5 6
(a) the Minister may instead appoint a person who is, in the opinion of the Minister, suitable to hold that office, and	7 8
(b) the person so appointed is taken to have been appropriately appointed.	9 10
(4) A member:	11
(a) holds office, subject to this Act, for the term, not exceeding 5 years, that is specified in the member’s instrument of appointment or (if not so specified) in a later instrument executed by the Minister, and	12 13 14 15
(b) is (if otherwise qualified) eligible for re-appointment.	16
[2] Section 7 Chairperson and Deputy Chairperson	17
Omit section 7 (1)–(3). Insert instead:	18
(1) One of the members referred to in section 6 (1) (a) is to be appointed as Chairperson by the instrument appointing the person as a member or by a subsequent instrument executed by the Minister.	19 20 21 22
(2) Another of the members referred to in section 6 (1) (a) is to be appointed as Deputy Chairperson by the instrument appointing the person as a member or by a subsequent instrument executed by the Minister.	23 24 25 26
(3) The Chairperson and Deputy Chairperson are each to hold office as such for such period, not exceeding 5 years, as the Minister may determine by instrument in writing, and are eligible (if otherwise qualified) for re-appointment.	27 28 29 30
[3] Sections 7 (4) and (5) (a) and 10 (1) (f) and (g) and (2)	31
Omit “Governor” wherever occurring. Insert instead “Minister”.	32

[4] Section 8 Provisions relating to official member	1
Omit the section.	2
[5] Section 10 Vacation of office	3
Omit “An appointed member” from section 10 (1).	4
Insert instead “A member”.	5
[6] Section 10 (1) (d)	6
Omit the paragraph. Insert instead:	7
(d) if the member becomes a mentally incapacitated person,	8
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[7] Section 10	10
Omit “the appointed member” wherever occurring.	11
Insert instead “the member”.	12
[8] Section 11 Proceedings of Board	13
Omit section 11 (3). Insert instead:	14
(3) The quorum for a meeting of the Board is a majority of its members for the time being. Any duly convened meeting of the Board at which a quorum is present is competent to transact any business of the Board and has and may exercise and perform all the powers, authorities, duties and functions of the Board.	15
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[9] Sections 47 and 48	21
Insert after section 46:	22
47 Savings and transitional regulations	23
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	24
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<i>Zoological Parks Board Amendment Act 2000</i>	27

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Schedule 1 Amendments

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 1
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- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 4
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 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 7
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 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 10
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- 48 Provisions consequent on enactment of Zoological Parks Board Amendment Act 2000** 13
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 - (1) In this section, *amending Act* means the *Zoological Parks Board Amendment Act 2000*. 15
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 - (2) On the day of repeal of section 6 by the amending Act: 17
 - (a) a person holding office under section 6 (2) (a)–(c) or (5) immediately before that day ceases to hold that office, and 18
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 - (b) a person holding office under section 6 (2) (d), (e), (f) or (g) immediately before that day is taken to be appointed as a member under section 6 (1) (c), (d), (e) or (f) (as inserted by the amending Act), respectively, for the balance of the person’s term of office, and 21
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 - (c) any other person holding office under section 6 (2) immediately before that day is taken to be appointed as a member under section 6 (1) (a) (as inserted by the amending Act) for the balance of the person’s term of office. 26
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 - (3) A person who ceases to hold office under subsection (2) (a): 31
 - (a) is not entitled to any remuneration or compensation because of loss of that office, and 32
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 - (b) is eligible (if otherwise qualified) to be appointed as a member. 34
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| (4) On the day of commencement of the amendment made to | 1 |
| section 7 (1)–(3) by the amending Act, the persons holding | 2 |
| office as Chairperson and Deputy Chairperson immediately | 3 |
| before that day are taken to be appointed as Chairperson and | 4 |
| Deputy Chairperson, respectively, under section 7 (as amended | 5 |
| by the amending Act) for the balance of their respective terms | 6 |
| of office as such. | 7 |