



New South Wales

Parents and Citizens Associations Incorporation Amendment Bill 2014

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 *Parents and Citizens Associations Incorporation Act 1976* as follows:

- (a) to continue in existence the Federation of Parents and Citizens Associations of New South Wales (the *federation*),
- (b) to provide for matters relating to the incorporation of the federation under the Act and the procedures of its board of management and executive committee, .
- (c) to provide for matters relating to the election of councillors and delegates to the federation,
- (d) to provide for the appointment of an administrator of the federation to exercise all of the functions of the federation during the period leading up to the election of the first councillors and delegates of the federation.

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.

Schedule 1 Amendment of Parents and Citizens Associations Incorporation Act 1976 No 50

Preliminary

Schedule 1 amends Part 1 of the Act (dealing with preliminary matters) by including an objects provision for the Act and a provision defining certain words and expressions used in the Act.

The Federation of Parents and Citizens Associations of New South Wales

Schedule 1 replaces Part 2 of the Act (dealing with the incorporation of the Federation of Parents and Citizens Associations of New South Wales) with provisions providing for the following matters:

- (a) continuing in existence the Federation of Parents and Citizens Associations of New South Wales,
- (b) the status, functions, powers and membership of the federation,
- (c) the declaration and amendment of a new constitution for the federation,
- (d) the establishment, functions and membership of a board of management and an executive committee of the federation,
- (e) the holding of an annual general meeting of the federation, and eligibility of persons to attend and vote on matters at the annual general meeting,
- (f) the execution of documents by, and the service of documents on, the federation,
- (g) other minor matters relating to the federation.

Parents and citizens associations

Schedule 1 amends Part 3 of the Act (dealing with the incorporation of parents and citizens associations) by:

- (a) providing that parents and citizens associations incorporated under the Act must have public liability insurance for a cover of at least \$20,000,000 instead of \$2,000,000, and
- (b) making other minor or consequential amendments to the Part.

Election of councillors and delegates

Schedule 1 inserts new Part 3A of the Act (dealing with the election of councillors and delegates of the federation) to provide for the following matters:

- (a) the conduct and holding of elections for councillors and delegates of the federation,
- (b) requirements relating to the number and designation of electorates for electing councillors and delegates,
- (c) the election of one councillor and two delegates for each electorate,
- (d) the eligibility requirements for a person to be elected as a councillor or delegate and the eligibility requirements for a person to vote at an election,
- (e) the role and terms of office of a councillor or delegate,
- (f) the appointment of a councillor or delegate for an electorate if no-one is elected as a councillor or delegate for the electorate,
- (g) the payment of the cost of an election by the federation.

General matters

Schedule 1 amends Part 4 of the Act (dealing with miscellaneous matters) by:

- (a) providing for the Minister to be able to delegate the exercise of any function of the Minister under the Act to the Secretary of the department or a Public Service senior executive of the department, and

- (b) making it clear that the Act (which includes the regulations made under the Act) prevails to the extent of any inconsistency with the constitution of the federation.

Board of management and executive committee of the federation

Schedule 1 inserts new Schedule 1 to the Act to provide for matters relating to the membership and procedures of the board of management and the executive committee of the federation.

Savings, transitional and other provisions

Schedule 1 inserts new Schedule 2 to the Act to provide for the following matters:

- (a) a regulation-making power to make regulations of a savings or transitional nature consequent on the enactment of this Bill and any other Act that amends the Act,
- (b) the appointment of an administrator to exercise all of the functions of the federation, and its board of management and executive committee, during the period leading up to the election of the first councillors and delegates of the federation,
- (c) the legal status and functions of the administrator,
- (d) the terms and conditions of the administrator's appointment,
- (e) the reporting obligations of the administrator,
- (f) other minor matters relating to the administrator and the exercise of the administrator's functions,
- (g) the application of the Act during the period in which the administrator is exercising the functions of the federation and its board of management or executive committee,
- (h) the dissolution of current governing bodies of the Federation of Parents and Citizens Associations of New South Wales and the removal from office of all office holders in those governing bodies,
- (i) the continuation in employment of current employees of the Federation of Parents and Citizens Associations of New South Wales,
- (j) other minor or consequential transitional provisions relating to the proposed amendments under this Bill.