

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 6 March, 1974.*

## **New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No.           , 1974.**

An Act to provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith.

**BE**

*Local Government Associations Incorporation.*

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Local Government Short title. Associations Incorporation Act, 1974".

2. In this Act—

Interpreta-  
tion.

10 (a) a reference to an association is a reference to each of the unincorporated associations known immediately before the commencement of this Act as—

(i) the Local Government Association of New South Wales;

15 (ii) the Shires Association of New South Wales; and

(iii) the Local Government Electricity Association of New South Wales; and

20 (b) a reference to a corporation that corresponds to an association is a reference to the corporation that, pursuant to section 3 (3) (b), corresponds to the association.

25 3. (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the President of an association as a true copy of the constitution, or of the constitution and rules, of the association may be lodged in the office of the Corporate Affairs Commission.

(2)

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*Local Government Associations Incorporation.*

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(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the  
5 instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

(a) the association is dissolved; and

10 (b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to  
15 that association has the corporate name "Local Government Association of New South Wales".

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that  
20 association has the corporate name "Shires Association of New South Wales".

(3) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Electricity Association of New South Wales the corporation that  
25 corresponds to that association has the corporate name "Local Government Electricity Association of New South Wales".

5. The members of a corporation referred to in section 3 (3) (b) are—  
3 (b) are— Members of corporation.

30 (a) the councils or county councils that, immediately before the constitution of the corporation, were the members of the association to which it corresponds; and

(b)

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*Local Government Associations Incorporation.*

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(b) the councils or county councils that from time to time are admitted to membership of the corporation in accordance with its constitution.

5 6. (1) Upon the publication of a notification under section 3 (2) with respect to an association—

Constitution and decisions of corporation and governing body.

(a) the instrument that, pursuant to section 3 (1), was lodged with respect to the association becomes the constitution of the corporation that corresponds to that association;

10 (b) the executive committee, executive council or executive referred to in that instrument becomes the governing body of that corporation; and

15 (c) any decisions that, before publication of the notification, were made at any annual conference referred to in that instrument or by that executive committee, executive council or executive shall be deemed respectively to be decisions made by that corporation and by its governing body.

20 (2) The annual conference of a corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of a corporation is a decision of the corporation except to the extent that it is inconsistent with this Act or the constitution of the corporation.

25 (3) Where a governing body constituted by subsection (1) (b) makes a decision at a duly convened meeting at which a quorum is present, the decision is the decision of the corporation of which it is the governing body except to the extent that it is inconsistent with this Act, the constitution  
30 of the corporation or a decision of the annual conference of the corporation.

(4)

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*Local Government Associations Incorporation.*

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- (4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.
- 10 7. An amendment of the constitution of a corporation referred to in section 3 (3) (b) 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 in the office of the Corporate Affairs Commission and  
15 the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment has been paid. Amendment of constitution of corporation.
- 20 8. An annual conference of a corporation shall be held on the day or days on which, had the association to which it corresponds not been dissolved, the annual conference of that association would have been held next after the constitution of the corporation. Annual conference of corporation.
- 25 9. (1) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after the publication, pursuant to section 3 (2), of the notification relating to the association to which it corresponds, it lodges in the office of the Corporate Affairs Commission— Certain documents to be lodged by corporation.
- (a) a copy of the notification; and
- (b) an instrument specifying the address of the office of the corporation,
- 30 and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

(2)

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*Local Government Associations Incorporation.*

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(2) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after it changes the address of its office, it lodges in the office of the Corporate Affairs Commission an instrument specifying the new address and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

Penalty : \$100 and a further penalty of \$10 for every day during which the contravention continues.

**10.** A notice, order, summons or other like document requiring authentication by a corporation referred to in section 3 (3) (b) is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the secretary of the corporation.

Authentica-  
tion of  
documents.

**11.** (1) A document relating to legal proceedings involving a corporation may be served—

Service of  
documents  
on a  
corporation.

(a) where the proceedings relate to a contravention of section 9 (1) (b)—by serving it on the secretary of the corporation; or

(b) in any other case—by leaving it at the address of the office of the corporation last notified under section 9 with some person apparently in the service of the corporation and apparently not under the age of sixteen years.

(2) A document other than a document referred to in subsection (1) (a) may be served on a corporation by leaving it at, or by sending it by post to, the address of the office of the corporation last notified under section 9.

*Local Government Associations Incorporation.*

12. (1) A person employed by an association immediately before the publication under section 3 (2) of a notification relating to the association becomes, upon publication of the notification, an employee of the corporation that corresponds to that association with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of the corporation as he enjoyed or was subject to immediately before publication of the notification.

Continuation of service of employee of association.

10 (2) Where a person is employed by a corporation pursuant to subsection (1), his service with the association to which the corporation corresponds shall be deemed to be service with the corporation.

13. Upon the publication, pursuant to section 3 (2), of a notification relating to an association—

Transfer to corporation of assets and liabilities of association.

(a) there becomes vested in the corporation that corresponds to that association—

20 (i) any real or personal property that, immediately before the publication of the notification, was vested in the association;

(ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and

25 (iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;

30 (b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

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*Local Government Associations Incorporation.*

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- 5 (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association ;
- 10 (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the corporation that corresponds to that association ;
- 15 (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association ; and
- 20 (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[10c]



No. , 1974.

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## A BILL

To provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith.

[SIR CHARLES CUTLER—20 *February*, 1974.]

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*Local Government Associations Incorporation.*

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5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Local Government Associations Incorporation Act, 1974". Short title.

2. In this Act—

Interpreta-  
tion.

10 (a) a reference to an association is a reference to each of the unincorporated associations known immediately before the commencement of this Act as—

(i) the Local Government Association of New South Wales;

15 (ii) the Shires Association of New South Wales; and

(iii) the Local Government Electricity Association of New South Wales; and

20 (b) a reference to a corporation that corresponds to an association is a reference to the corporation that, pursuant to section 3 (3) (b), corresponds to the association.

25 3. (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the President of an association as a true copy of the constitution, or of the constitution and rules, of the association may be lodged in the office of the Corporate Affairs Commission. Incorporation of association.

(2)

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*Local Government Associations Incorporation.*

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(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

(a) the association is dissolved; and

(b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Association of New South Wales".

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that association has the corporate name "Shires Association of New South Wales".

(3) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Electricity Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Electricity Association of New South Wales".

5. The members of a corporation referred to in section 3 (3) (b) are—

(a) the councils or county councils that, immediately before the constitution of the corporation, were the members of the association to which it corresponds; and

(b)

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*Local Government Associations Incorporation.*

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- (b) the councils or county councils that from time to time are admitted to membership of the corporation in accordance with its constitution.

5 6. (1) Upon the publication of a notification under section 3 (2) with respect to an association—

Constitution and decisions of corporation and governing body.

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the association becomes the constitution of the corporation that corresponds to that association;

10 (b) the executive committee, executive council or executive referred to in that instrument becomes the governing body of that corporation; and

15 (c) any decisions that, before publication of the notification, were made at any annual conference referred to in that instrument or by that executive committee, executive council or executive shall be deemed respectively to be decisions made by that corporation and by its governing body.

20 (2) The annual conference of a corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of a corporation is a decision of the corporation except to the extent that it is inconsistent with this Act or the constitution of the corporation.

25 (3) Where a governing body constituted by subsection (1) (b) makes a decision at a duly convened meeting at which a quorum is present, the decision is the decision of the corporation of which it is the governing body except to the extent that it is inconsistent with this Act, the constitution  
30 of the corporation or a decision of the annual conference of the corporation.

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*Local Government Associations Incorporation.*

- (4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, 5 or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.
- 10 7. An amendment of the constitution of a corporation Amendment referred to in section 3 (3) (b) does not take effect until an of con- instrument certified under the seal of the corporation to be a stitution of corporation. true copy of the resolution effecting the amendment has been lodged in the office of the Corporate Affairs Commission and 15 the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment has been paid.
- 20 8. An annual conference of a corporation shall be held Annual on the day or days on which, had the association to which it conference of corpora- corresponds not been dissolved, the annual conference of that tion. association would have been held next after the constitution of the corporation.
- 25 9. (1) A corporation referred to in section 3 (3) (b) Certain contravenes this section unless, within fourteen days after the documents to be publication, pursuant to section 3 (2), of the notification lodged by corporation. 25 relating to the association to which it corresponds, it lodges in the office of the Corporate Affairs Commission—
- (a) a copy of the notification; and
  - (b) an instrument specifying the address of the office of the corporation,
- 30 and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

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*Local Government Associations Incorporation.*

(2) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after it changes the address of its office, it lodges in the office of the Corporate Affairs Commission an instrument specifying the new address and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

Penalty : \$100 and a further penalty of \$10 for every day during which the contravention continues.

**10.** A notice, order, summons or other like document requiring authentication by a corporation referred to in section 3 (3) (b) is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the secretary of the corporation.

Authentica-  
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**11.** (1) A document relating to legal proceedings involving a corporation may be served—

Service of  
documents  
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(a) where the proceedings relate to a contravention of section 9 (1) (b)—by serving it on the secretary of the corporation; or

(b) in any other case—by leaving it at the address of the office of the corporation last notified under section 9 with some person apparently in the service of the corporation and apparently not under the age of sixteen years.

(2) A document other than a document referred to in subsection (1) (a) may be served on a corporation by leaving it at, or by sending it by post to, the address of the office of the corporation last notified under section 9.

**12.**

*Local Government Associations Incorporation.*

12. (1) A person employed by an association immediately before the publication under section 3 (2) of a notification relating to the association becomes, upon publication of the notification, an employee of the corporation that corresponds to that association with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of the corporation as he enjoyed or was subject to immediately before publication of the notification.

Continuation of service of employee of association.

10 (2) Where a person is employed by a corporation pursuant to subsection (1), his service with the association to which the corporation corresponds shall be deemed to be service with the corporation.

13. Upon the publication, pursuant to section 3 (2), of a notification relating to an association—

Transfer to corporation of assets and liabilities of association.

(a) there becomes vested in the corporation that corresponds to that association—

20 (i) any real or personal property that, immediately before the publication of the notification, was vested in the association;

(ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and

25 (iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;

30 (b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

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*Local Government Associations Incorporation.*

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- 5 (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association ;
- 10 (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the corporation that corresponds to that association ;
- 15 (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association ; and
- 20 (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[10c]



*PROOF*

**LOCAL GOVERNMENT ASSOCIATIONS INCORPORATION BILL,  
1974**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to constitute as corporations—
  - (i) the Local Government Association of New South Wales;
  - (ii) the Shires Association of New South Wales; and
  - (iii) the Local Government Electricity Association of New South Wales;
- (b) to make provisions consequential upon or incidental to the foregoing.

1974

# LOCAL GOVERNMENT ASSOCIATION OF INDIANA

1974

## STATE OF INDIANA

The Local Government Association of Indiana is a non-profit organization that represents the interests of local governments in the state. It was founded in 1914 and has since then been a leading voice for local government reform and improvement. The association works to educate the public and state officials about the needs and concerns of local governments. It also provides a forum for local government officials to discuss and address common problems. The association's efforts have led to significant improvements in local government services and efficiency throughout the state.

*PROOF*

No. , 1974.

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## A BILL

To provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith.

[SIR CHARLES CUTLER—20 *February*, 1974.]

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*Local Government Associations Incorporation.*

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1. This Act may be cited as the "Local Government Associations Incorporation Act, 1974". Short title.

2. In this Act—

Interpretation.

10 (a) a reference to an association is a reference to each of the unincorporated associations known immediately before the commencement of this Act as—

(i) the Local Government Association of New South Wales;

15 (ii) the Shires Association of New South Wales; and

(iii) the Local Government Electricity Association of New South Wales; and

20 (b) a reference to a corporation that corresponds to an association is a reference to the corporation that, pursuant to section 3 (3) (b), corresponds to the association.

25 3. (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the President of an association as a true copy of the constitution, or of the constitution and rules, of the association may be lodged in the office of the Corporate Affairs Commission. Incorporation of association.

(2)

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*Local Government Associations Incorporation.*

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(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

(a) the association is dissolved; and

(b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to that association has the corporate name “Local Government Association of New South Wales”.

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that association has the corporate name “Shires Association of New South Wales”.

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*Local Government Associations Incorporation.*

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*Local Government Associations Incorporation.*

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- 5 (4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.
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*Local Government Associations Incorporation.*

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Penalty : \$100 and a further penalty of \$10 for every day during which the contravention continues.

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12. (1) A person employed by an association immediately before the publication under section 3 (2) of a notification relating to the association becomes, upon publication of the notification, an employee of the corporation that corresponds to that association with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of the corporation as he enjoyed or was subject to immediately before publication of the notification.

Continuation of service of employee of association.

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Transfer to corporation of assets and liabilities of association.

(a) there becomes vested in the corporation that corresponds to that association—

20 (i) any real or personal property that, immediately before the publication of the notification, was vested in the association;

(ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and

25 (iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;

30 (b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

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*Local Government Associations Incorporation.*

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- 5 (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association;
- 10 (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the
- 15 corporation that corresponds to that association;
- 20 (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association; and
- 25 (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

**New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 20, 1974.**

An Act to provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith. [Assented to, 10th April, 1974.]

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*Local Government Associations Incorporation.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.      **1.** This Act may be cited as the "Local Government Associations Incorporation Act, 1974".

Interpretation.

**2.** In this Act—

(a) a reference to an association is a reference to each of the unincorporated associations known immediately before the commencement of this Act as—

(i) the Local Government Association of New South Wales;

(ii) the Shires Association of New South Wales; and

(iii) the Local Government Electricity Association of New South Wales; and

(b) a reference to a corporation that corresponds to an association is a reference to the corporation that, pursuant to section 3 (3) (b), corresponds to the association.

Incorporation of association.

**3.** (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the President of an association as a true copy of the constitution, or of the constitution and rules, of the association may be lodged in the office of the Corporate Affairs Commission.

*Local Government Associations Incorporation*

(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

(a) the association is dissolved; and

(b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Association of New South Wales".

Corporate name.

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that association has the corporate name "Shires Association of New South Wales".

(3) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Electricity Association of New South Wales the corporation that corresponds to that association has the corporate name "Local Government Electricity Association of New South Wales".

5. The members of a corporation referred to in section 3 (3) (b) are—

Members of corporation.

(a) the councils or county councils that, immediately before the constitution of the corporation, were the members of the association to which it corresponds; and

(4)

(b)

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*Local Government Associations Incorporation.*

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- (b) the councils or county councils that from time to time are admitted to membership of the corporation in accordance with its constitution.

Constitution  
and  
decisions of  
corporation  
and govern-  
ing body.

**6.** (1) Upon the publication of a notification under section 3 (2) with respect to an association—

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the association becomes the constitution of the corporation that corresponds to that association;
- (b) the executive committee, executive council or executive referred to in that instrument becomes the governing body of that corporation; and
- (c) any decisions that, before publication of the notification, were made at any annual conference referred to in that instrument or by that executive committee, executive council or executive shall be deemed respectively to be decisions made by that corporation and by its governing body.

(2) The annual conference of a corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of a corporation is a decision of the corporation except to the extent that it is inconsistent with this Act or the constitution of the corporation.

(3) Where a governing body constituted by subsection (1) (b) makes a decision at a duly convened meeting at which a quorum is present, the decision is the decision of the corporation of which it is the governing body except to the extent that it is inconsistent with this Act, the constitution of the corporation or a decision of the annual conference of the corporation.

(4)

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*Local Government Associations Incorporation.*

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(4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.

7. An amendment of the constitution of a corporation referred to in section 3 (3) (b) 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 in the office of the Corporate Affairs Commission and the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment has been paid. Amendment of constitution of corporation.

8. An annual conference of a corporation shall be held on the day or days on which, had the association to which it corresponds not been dissolved, the annual conference of that association would have been held next after the constitution of the corporation. Annual conference of corporation.

9. (1) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after the publication, pursuant to section 3 (2), of the notification relating to the association to which it corresponds, it lodges in the office of the Corporate Affairs Commission— Certain documents to be lodged by corporation.

(a) a copy of the notification; and

(b) an instrument specifying the address of the office of the corporation,

and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

(2)

*Local Government Associations Incorporation.*

(2) A corporation referred to in section 3 (3) (b) contravenes this section unless, within fourteen days after it changes the address of its office, it lodges in the office of the Corporate Affairs Commission an instrument specifying the new address and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

Penalty : \$100 and a further penalty of \$10 for every day during which the contravention continues.

Authenticat-  
tion of  
documents.

10. A notice, order, summons or other like document requiring authentication by a corporation referred to in section 3 (3) (b) is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the secretary of the corporation.

Service of  
documents  
on a  
corporation.

11. (1) A document relating to legal proceedings involving a corporation may be served—

(a) where the proceedings relate to a contravention of section 9 (1) (b)—by serving it on the secretary of the corporation; or

(b) in any other case—by leaving it at the address of the office of the corporation last notified under section 9 with some person apparently in the service of the corporation and apparently not under the age of sixteen years.

(2) A document other than a document referred to in subsection (1) (a) may be served on a corporation by leaving it at, or by sending it by post to, the address of the office of the corporation last notified under section 9.

(5)

12.



*Local Government Associations Incorporation.*

12. (1) A person employed by an association immediately before the publication under section 3 (2) of a notification relating to the association becomes, upon publication of the notification, an employee of the corporation that corresponds to that association with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of the corporation as he enjoyed or was subject to immediately before publication of the notification.

Continuation of service of employee of association.

(2) Where a person is employed by a corporation pursuant to subsection (1), his service with the association to which the corporation corresponds shall be deemed to be service with the corporation.

13. Upon the publication, pursuant to section 3 (2), of a notification relating to an association—

Transfer to corporation of assets and liabilities of association.

(a) there becomes vested in the corporation that corresponds to that association—

(i) any real or personal property that, immediately before the publication of the notification, was vested in the association;

(ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and

(iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;

(b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

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*Local Government Associations Incorporation.*

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- (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association ;
- (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the corporation that corresponds to that association ;
- (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association ;  
and
- (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 19 March, 1974.*

## **New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 20, 1974.**

An Act to provide for the incorporation of the Local Government Association of New South Wales, the Shires Association of New South Wales and the Local Government Electricity Association of New South Wales; and for purposes connected therewith. [Assented to, 10th April, 1974.]

BE

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

**J. H. BROWN,**  
*Chairman of Committees of the Legislative Assembly.*

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*Local Government Associations Incorporation.*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.      **1.** This Act may be cited as the "Local Government Associations Incorporation Act, 1974".

Interpreta-      **2.** In this Act—  
tion.

(a) a reference to an association is a reference to each of the unincorporated associations known immediately before the commencement of this Act as—

(i) the Local Government Association of New South Wales;

(ii) the Shires Association of New South Wales;  
and

(iii) the Local Government Electricity Association of New South Wales; and

(b) a reference to a corporation that corresponds to an association is a reference to the corporation that, pursuant to section 3 (3) (b), corresponds to the association.

Incorporation of association.

**3.** (1) On payment of the appropriate fee prescribed by or under the Companies Act, 1961, an instrument purporting to be certified by the President of an association as a true copy of the constitution, or of the constitution and rules, of the association may be lodged in the office of the Corporate Affairs Commission.

(2)

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*Local Government Associations Incorporation.*

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(2) Upon the Minister being satisfied that an instrument has been lodged pursuant to subsection (1) he may, by notification published in the Gazette, declare that a specified association, being the association to which the instrument relates, is incorporated as provided by this Act.

(3) Upon the publication, pursuant to subsection (2), of a notification relating to an association—

- (a) the association is dissolved; and
- (b) a corporation that corresponds to that association is constituted with the corporate name conferred by section 4.

4. (1) Where a notification is published pursuant to section 3 (2) with respect to the Local Government Association of New South Wales the corporation that corresponds to that association has the corporate name “Local Government Association of New South Wales”.

(2) Where a notification is published pursuant to section 3 (2) with respect to the Shires Association of New South Wales, the corporation that corresponds to that association has the corporate name “Shires Association of New South Wales”.

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5. The members of a corporation referred to in section 3 (3) (b) are—

- (a) the councils or county councils that, immediately before the constitution of the corporation, were the members of the association to which it corresponds; and

(b)

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*Local Government Associations Incorporation.*

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- (b) the councils or county councils that from time to time are admitted to membership of the corporation in accordance with its constitution.

Constitution  
and  
decisions of  
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- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the association becomes the constitution of the corporation that corresponds to that association;
- (b) the executive committee, executive council or executive referred to in that instrument becomes the governing body of that corporation; and
- (c) any decisions that, before publication of the notification, were made at any annual conference referred to in that instrument or by that executive committee, executive council or executive shall be deemed respectively to be decisions made by that corporation and by its governing body.

(2) The annual conference of a corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of a corporation is a decision of the corporation except to the extent that it is inconsistent with this Act or the constitution of the corporation.

(3) Where a governing body constituted by subsection (1) (b) makes a decision at a duly convened meeting at which a quorum is present, the decision is the decision of the corporation of which it is the governing body except to the extent that it is inconsistent with this Act, the constitution of the corporation or a decision of the annual conference of the corporation.

(4)

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*Local Government Associations Incorporation.*

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(4) A person who, immediately before the publication of a notification pursuant to section 3 (2), held an office (including the office of member of the executive committee, executive council or executive) specified in the constitution, or the constitution and rules, of the association to which the notification relates continues to hold that office under the constitution of the corporation that corresponds to that association until, in accordance with that constitution, he vacates his office or his successor is appointed.

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and pays the fee prescribed by or under the Companies Act, 1961, in respect of the lodgment.

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*Local Government Associations Incorporation.*

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- (b) in any other case—by leaving it at the address of the office of the corporation last notified under section 9 with some person apparently in the service of the corporation and apparently not under the age of sixteen years.

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*Local Government Associations Incorporation.*

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(2) Where a person is employed by a corporation pursuant to subsection (1), his service with the association to which the corporation corresponds shall be deemed to be service with the corporation.

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Transfer to corporation of assets and liabilities of association.

(a) there becomes vested in the corporation that corresponds to that association—

(i) any real or personal property that, immediately before the publication of the notification, was vested in the association;

(ii) any right or interest in real or personal property that, immediately before that publication, was a right or interest so vested; and

(iii) the management and control of any real or personal property that, immediately before that publication, was under its management or control;

(b) any moneys and liquidated or unliquidated claims that, immediately before publication of the notification, were payable to, or recoverable by, that association become moneys payable to, or claims recoverable by, the corporation that corresponds to that association;

(c)

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*Local Government Associations Incorporation.*

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- (c) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, that association or any person for or on behalf of that association (being debts, moneys and claims due, payable or recoverable immediately before publication of the notification) become debts due and moneys payable by, and claims recoverable against, the corporation that corresponds to that association;
- (d) any proceedings that, immediately before publication of the notification, were pending at the suit or on the application of that association or any person for or on behalf of that association become proceedings pending at the suit or on the application of the corporation that corresponds to that association;
- (e) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, that association and in force immediately before publication of the notification becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation that corresponds to that association; and
- (f) the corporation that corresponds to that association may enforce and realise any security or charge in favour of that association, or any person for or on behalf of that association, as if it were a security or charge in favour of the corporation.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

*Government House,*

*Sydney, 10th April, 1974.*