

*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, 28 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1976.

An Act to provide for the incorporation of the Federation  
of Parents and Citizens Associations of New South  
Wales.

BE

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

BE 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  
5 follows:—

1. This Act may be cited as the "Federation of Parents Short title.  
and Citizens Associations of New South Wales Incorporation  
Act, 1976".

2. In this Act, except in so far as the context or subject- Interpretation.  
10 matter otherwise indicates or requires—

"association" means a district council established  
pursuant to section 18A of the Public Instruction  
Act of 1880 and an association constituted pursuant  
to section 18B of that Act;

15 "corporation" means the corporation constituted by  
section 3 (3) (b);

"Federation" means the associations which together form  
the unincorporated body having the name  
20 "Federation of Parents and Citizens Associations of  
N.S.W.".

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

(2) Upon the Minister being satisfied that an instru-  
ment has been lodged pursuant to subsection (1) he may, by  
notice published in the Gazette, declare that the Federation is  
30 incorporated as provided by this Act.

(3)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(3) Where the Minister publishes a notice under subsection (2)—

- (a) the Federation is dissolved; and
- 5 (b) a corporation with the name "Federation of Parents and Citizens Associations of New South Wales" is constituted.

4. (1) The members of the corporation are—

Members  
of the  
corporation.

- 10 (a) the associations that, immediately before the corporation is constituted, formed the Federation; and
- (b) such other associations as are from time to time admitted to membership of the corporation in accordance with or under its constitution.

15 (2) Subsection (1) does not affect any provision of the constitution of the corporation that provides for cessation of membership of the corporation in any case where an association fails to pay any affiliation or other fee, or any other money, due and payable to the corporation.

20 5. (1) Where the Minister publishes a notice under section 3 (2)—

Constitu-  
tion and  
decisions  
of corpora-  
tion and  
governing  
body.

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the Federation becomes the constitution of the corporation;
- 25 (b) the executive council referred to in that instrument becomes the governing body of that corporation; and

(c)



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(c) any decision that, before the publication of the notice, was made at any annual conference referred to in that instrument or by that executive council shall be deemed respectively to be a decision made  
5 by that corporation or by its governing body.

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

(3) Where the 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  
15 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) Where the Minister publishes a notice under  
20 section 3 (2), a person who, immediately before the publication of the notice, held an office (including the office of member of the executive council) specified in the constitution, or in the constitution and by-laws, of the Federation continues to hold that office under the constitution of the corporation  
25 until, under or in accordance with that constitution, he vacates his office or his successor is appointed.

6. An amendment of the constitution of the corporation does not take effect until an instrument certified under the seal of the corporation to be a true copy of the resolution effecting  
30 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 con-  
stitution of  
corporation.



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

7. An annual conference of the corporation shall be held on the day or days on which, had the Federation not been dissolved, the annual conference of the Federation would have been held next after the constitution of the corporation. Annual conference of corporation.

5 8. (1) Where the Minister publishes a notice under section 3 (2), the corporation contravenes this section unless, within 14 days after the publication of the notice, it lodges in the office of the Corporate Affairs Commission— Certain documents to be lodged by corporation.

(a) a copy of the notice; and

10 (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) The corporation contravenes this section unless, within 14 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.

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

9. (1) The common seal of the corporation shall be kept by the president of the corporation and shall only be affixed to an instrument or document in the presence of at least two members of the executive council of the corporation with an attestation by the signatures of those members of the fact and date of the affixing of the seal. Common seal and documents.

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(2) A notice, order, summons or other like document requiring authentication by the corporation is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the president and secretary of the corporation.

5   **10.** Section 362 of the Companies Act, 1961, applies in respect of the service of a document on the corporation in the same way as it applies to service of a document on a company incorporated under that Act. Service of documents on the corporation.

10   **11.** (1) Where the Minister publishes a notice under section 3 (2), a person employed by the Federation immediately before the publication of the notice becomes, upon the publication of the notice, an employee of the corporation with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of  
15 the corporation as he enjoyed or was subject to immediately before the publication of that notice. Continuation of service of employee of Federation.

(2) Where a person is employed by the corporation, his service with the Federation shall be deemed to be service with the corporation.

20   **12.** (1) Where the Minister publishes a notice under section 3 (2) and, immediately before publication of the notice, any real or personal property was held for or on behalf of the Federation by trustees appointed by the executive council of the Federation, or was under the management or  
25 control of any person for the purposes of the Federation, the publication of the notice— Transfer of assets and liabilities.

(a) authorises those trustees to vest the property in the corporation freed and discharged from the trusts upon which they held it;

(b)



---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

(b) vests that management and control in the corporation.

(2) Where the Minister publishes a notice under section 3 (2), a reference to the Federation in any deed, will or other instrument (this Act excepted) that has or takes effect on or after the day of publication of the notice shall be construed as a reference to the corporation.

(3) Where the Minister publishes a notice under section 3 (2)—

- 10 (a) any money or liquidated or unliquidated claim that, immediately before the publication of the notice, was payable to, or recoverable by, the Federation becomes money payable to, or a claim recoverable by, the corporation;
- 15 (b) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the Federation or any person for or on behalf of the Federation (being a debt, money or a claim due, payable or recoverable immediately before the publication of the notice) becomes a debt due or money
- 20 payable by, or a claim recoverable against, the corporation;
- 25 (c) any proceeding that, immediately before the publication of the notice, was pending at the suit or on the application of the Federation or any person for or on behalf of the Federation becomes a proceeding pending at the suit or on the application of the corporation;

(d)



---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

- 5 (d) any contract, agreement or undertaking entered into  
with, and any security given to or by any person for  
or on behalf of, the Federation and in force immedi-  
ately before the publication of the notice becomes a  
contract, agreement or undertaking entered into  
with, and a security given to or by, the corporation ;  
and
- 10 (e) the corporation may enforce and realise any security  
or charge in favour of the Federation, or any person  
for or on behalf of the Federation, as if it were a  
security or charge in favour of the corporation.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976  
[8c]

No. , 1976.

# A BILL

To provide for the incorporation of the Federation of Parents and Citizens Associations of New South Wales.

[MR BEDFORD—8 September, 1976.]

BE

*Federation of Parents and Citizens Associations of New South Wales  
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  
5 follows:—

**1.** This Act may be cited as the "Federation of Parents and Citizens Associations of New South Wales Incorporation Act, 1976". Short title.

**2.** In this Act, except in so far as the context or subject- Interpre-  
10 matter otherwise indicates or requires— tation.

"association" means a district council established  
pursuant to section 18A of the Public Instruction  
Act of 1880 and an association constituted pursuant  
to section 18B of that Act;

15 "corporation" means the corporation constituted by  
section 3 (3) (b);

"Federation" means the associations which together form  
the unincorporated body having the name  
20 "Federation of Parents and Citizens Associations of  
N.S.W."

**3.** (1) On payment of the appropriate fee prescribed by Incorpora-  
or under the Companies Act, 1961, an instrument purporting tion and  
to be certified by the president of the Federation as a true name of  
copy of the constitution, or of the constitution and by-laws, of the corpora-  
25 the Federation may be lodged in the office of the Corporate tion.  
Affairs Commission.

(2) Upon the Minister being satisfied that an instru-  
ment has been lodged pursuant to subsection (1) he may, by  
notice published in the Gazette, declare that the Federation is  
30 incorporated as provided by this Act.

(3)



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(3) Where the Minister publishes a notice under subsection (2)—

(a) the Federation is dissolved; and

5 (b) a corporation with the name "Federation of Parents and Citizens Associations of New South Wales" is constituted.

4. (1) The members of the corporation are—

Members  
of the  
corporation.

10 (a) the associations that, immediately before the corporation is constituted, formed the Federation; and

(b) such other associations as are from time to time admitted to membership of the corporation in accordance with or under its constitution.

15 (2) Subsection (1) does not affect any provision of the constitution of the corporation that provides for cessation of membership of the corporation in any case where an association fails to pay any affiliation or other fee, or any other money, due and payable to the corporation.

20 5. (1) Where the Minister publishes a notice under section 3 (2)—

Constitu-  
tion and  
decisions  
of corpora-  
tion and  
governing  
body.

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

25 (b) the executive council referred to in that instrument becomes the governing body of that corporation; and

(c)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

5 (c) any decision that, before the publication of the notice, was made at any annual conference referred to in that instrument or by that executive council shall be deemed respectively to be a decision made by that corporation or by its governing body.

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

(3) Where the 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  
15 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) Where the Minister publishes a notice under  
20 section 3 (2), a person who, immediately before the publication of the notice, held an office (including the office of member of the executive council) specified in the constitution, or in the constitution and by-laws, of the Federation continues to hold that office under the constitution of the corporation  
25 until, under or in accordance with that constitution, he vacates his office or his successor is appointed.

6. An amendment of the constitution of the corporation does not take effect until an instrument certified under the seal of the corporation to be a true copy of the resolution effecting  
30 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 con-  
stitution of  
corporation.



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

7. An annual conference of the corporation shall be held on the day or days on which, had the Federation not been dissolved, the annual conference of the Federation would have been held next after the constitution of the corporation. Annual conference of corporation.

8. (1) Where the Minister publishes a notice under section 3 (2), the corporation contravenes this section unless, within 14 days after the publication of the notice, it lodges in the office of the Corporate Affairs Commission— Certain documents to be lodged by corporation.

(a) a copy of the notice; 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) The corporation contravenes this section unless, within 14 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.

9. (1) The common seal of the corporation shall be kept by the president of the corporation and shall only be affixed to an instrument or document in the presence of at least two members of the executive council of the corporation with an attestation by the signatures of those members of the fact and date of the affixing of the seal. Common seal and documents.



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(2) A notice, order, summons or other like document requiring authentication by the corporation is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the president and secretary of the corporation.

5 10. Section 362 of the Companies Act, 1961, applies in respect of the service of a document on the corporation in the same way as it applies to service of a document on a company incorporated under that Act. Service of documents on the corporation.

10 11. (1) Where the Minister publishes a notice under section 3 (2), a person employed by the Federation immediately before the publication of the notice becomes, upon the publication of the notice, an employee of the corporation 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 the publication of that notice. Continuation of service of employee of Federation.

(2) Where a person is employed by the corporation, his service with the Federation shall be deemed to be service with the corporation.

20 12. (1) Where the Minister publishes a notice under section 3 (2) and, immediately before publication of the notice, any real or personal property was held for or on behalf of the Federation by trustees appointed by the executive council of the Federation, or was under the management or control of any person for the purposes of the Federation, the publication of the notice— Transfer of assets and liabilities.

(a) authorises those trustees to vest the property in the corporation freed and discharged from the trusts upon which they held it;

(b)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(b) vests that management and control in the corporation.

(2) Where the Minister publishes a notice under section 3 (2), a reference to the Federation in any deed, will or other instrument (this Act excepted) that has or takes effect on or after the day of publication of the notice shall be construed as a reference to the corporation.

(3) Where the Minister publishes a notice under section 3 (2)—

10 (a) any money or liquidated or unliquidated claim that, immediately before the publication of the notice, was payable to, or recoverable by, the Federation becomes money payable to, or a claim recoverable by, the corporation;

15 (b) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the Federation or any person for or on behalf of the Federation (being a debt, money or a claim due, payable or recoverable immediately before the publication of the notice) becomes a debt due or money payable by, or a claim recoverable against, the corporation;

20 (c) any proceeding that, immediately before the publication of the notice, was pending at the suit or on the application of the Federation or any person for or on behalf of the Federation becomes a proceeding pending at the suit or on the application of the corporation;

(d)



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

- 5 (d) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, the Federation and in force immediately before the publication of the notice becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation; and
- 10 (e) the corporation may enforce and realise any security or charge in favour of the Federation, or any person for or on behalf of the Federation, as if it were a security or charge in favour of the corporation.

**BY AUTHORITY**

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[8c]



## FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS OF NEW SOUTH WALES INCORPORATION BILL, 1976

---

### EXPLANATORY NOTE

THE object of this Bill is to provide for the incorporation of the unincorporated body known as the Federation of Parents and Citizens Associations of N.S.W. and to make provision for the transfer to the corporation so constituted of real and personal property held for the unincorporated body by trustees.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 provides for the incorporation of a corporation having the name "Federation of Parents and Citizens Associations of New South Wales", in the proposed Act referred to as "the corporation".

Clause 4 specifies the members of the corporation.

Clause 5 contains provisions relating to the constitution document of the corporation and decisions of the governing body of the corporation.

Clause 6 varies the constitution document of the corporation by specifying a different time at which an amendment of that constitution document takes effect.

Clause 7 relates to the holding of the annual conference of the corporation.

Clause 8 makes the corporation guilty of an offence if it—

- (a) fails to lodge a copy of the notice of incorporation and an instrument specifying the address of its office within 14 days after incorporation; and
- (b) fails to notify a change in the address of its registered office within 14 days after it changes the address of its office.

Clause 9 contains certain provisions relating to the use and custody of the common seal of the corporation and the authentication of documents that are not sealed.

Clause 10 permits service of documents on the corporation in the same way as documents are served on a company incorporated under the Companies Act, 1961.

Clause 11 provides for the continuation in the service of the corporation without loss of rights of persons who were, immediately before incorporation, employed by the unincorporated body.

Clause 12 provides for the transfer to the corporation of any real or personal property held by trustees on behalf of the unincorporated body, and provides for the corporation to take over any other assets and liabilities of the unincorporated body.

---

# GENERAL INSTRUCTIONS TO THE JURY

THE COURT now calls upon you to consider the evidence and to render your verdict.

The evidence in this case is as follows: [The evidence is as follows: ...]

The first witness, [Name], testified that [Statement] ...

The second witness, [Name], testified that [Statement] ...

The third witness, [Name], testified that [Statement] ...

The fourth witness, [Name], testified that [Statement] ...

The fifth witness, [Name], testified that [Statement] ...

The sixth witness, [Name], testified that [Statement] ...

The seventh witness, [Name], testified that [Statement] ...

The eighth witness, [Name], testified that [Statement] ...

The ninth witness, [Name], testified that [Statement] ...

The tenth witness, [Name], testified that [Statement] ...

The eleventh witness, [Name], testified that [Statement] ...

The twelfth witness, [Name], testified that [Statement] ...

**PROOF**

No. , 1976.

---

# A BILL

To provide for the incorporation of the Federation  
of Parents and Citizens Associations of New South  
Wales.

[MR BEDFORD—8 September, 1976.]

---

**BE**



*Federation of Parents and Citizens Associations of New South Wales  
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  
5 follows:—

1. This Act may be cited as the "Federation of Parents Short title.  
and Citizens Associations of New South Wales Incorporation  
Act, 1976".

2. In this Act, except in so far as the context or subject- Interpre-  
10 matter otherwise indicates or requires— tation.

"association" means a district council established  
pursuant to section 18A of the Public Instruction  
Act of 1880 and an association constituted pursuant  
to section 18B of that Act;

15 "corporation" means the corporation constituted by  
section 3 (3) (b);

"Federation" means the associations which together form  
the unincorporated body having the name  
20 "Federation of Parents and Citizens Associations of  
N.S.W.".

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

(2) Upon the Minister being satisfied that an instru-  
ment has been lodged pursuant to subsection (1) he may, by  
notice published in the Gazette, declare that the Federation is  
30 incorporated as provided by this Act.

(3)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(3) Where the Minister publishes a notice under subsection (2)—

(a) the Federation is dissolved; and

5 (b) a corporation with the name "Federation of Parents and Citizens Associations of New South Wales" is constituted.

4. (1) The members of the corporation are—

Members  
of the  
corporation.

10 (a) the associations that, immediately before the corporation is constituted, formed the Federation; and

(b) such other associations as are from time to time admitted to membership of the corporation in accordance with or under its constitution.

15 (2) Subsection (1) does not affect any provision of the constitution of the corporation that provides for cessation of membership of the corporation in any case where an association fails to pay any affiliation or other fee, or any other money, due and payable to the corporation.

20 5. (1) Where the Minister publishes a notice under section 3 (2)—

Constitu-  
tion and  
decisions  
of corpora-  
tion and  
governing  
body.

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

25 (b) the executive council referred to in that instrument becomes the governing body of that corporation; and

(c)



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

5 (c) any decision that, before the publication of the notice, was made at any annual conference referred to in that instrument or by that executive council shall be deemed respectively to be a decision made by that corporation or by its governing body.

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

(3) Where the 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  
15 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) Where the Minister publishes a notice under  
20 section 3 (2), a person who, immediately before the publication of the notice, held an office (including the office of member of the executive council) specified in the constitution, or in the constitution and by-laws, of the Federation continues to hold that office under the constitution of the corporation  
25 until, under or in accordance with that constitution, he vacates his office or his successor is appointed.

6. An amendment of the constitution of the corporation  
does not take effect until an instrument certified under the seal  
of the corporation to be a true copy of the resolution effecting  
30 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 con-  
stitution of  
corporation.

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

7. An annual conference of the corporation shall be held on the day or days on which, had the Federation not been dissolved, the annual conference of the Federation would have been held next after the constitution of the corporation. Annual conference of corporation.

5 8. (1) Where the Minister publishes a notice under section 3 (2), the corporation contravenes this section unless, within 14 days after the publication of the notice, it lodges in the office of the Corporate Affairs Commission— Certain documents to be lodged by corporation.

(a) a copy of the notice; and

10 (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) The corporation contravenes this section unless, 15 within 14 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.

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

9. (1) The common seal of the corporation shall be kept by the president of the corporation and shall only be affixed to an instrument or document in the presence of at least two 25 members of the executive council of the corporation with an attestation by the signatures of those members of the fact and date of the affixing of the seal. Common seal and documents.



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(2) A notice, order, summons or other like document requiring authentication by the corporation is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the president and secretary of the corporation.

5    10. Section 362 of the Companies Act, 1961, applies in respect of the service of a document on the corporation in the same way as it applies to service of a document on a company incorporated under that Act. Service of documents on the corporation.

10    11. (1) Where the Minister publishes a notice under section 3 (2), a person employed by the Federation immediately before the publication of the notice becomes, upon the publication of the notice, an employee of the corporation with the same status, upon the same terms and conditions and with the same rights, privileges and obligations as an employee of 15 the corporation as he enjoyed or was subject to immediately before the publication of that notice. Continuation of service of employee of Federation.

(2) Where a person is employed by the corporation, his service with the Federation shall be deemed to be service with the corporation.

20    12. (1) Where the Minister publishes a notice under section 3 (2) and, immediately before publication of the notice, any real or personal property was held for or on behalf of the Federation by trustees appointed by the executive council of the Federation, or was under the management or 25 control of any person for the purposes of the Federation, the publication of the notice—

(a) authorises those trustees to vest the property in the corporation freed and discharged from the trusts upon which they held it;

(b)

---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

(b) vests that management and control in the corporation.

(2) Where the Minister publishes a notice under section 3 (2), a reference to the Federation in any deed, will 5 or other instrument (this Act excepted) that has or takes effect on or after the day of publication of the notice shall be construed as a reference to the corporation.

(3) Where the Minister publishes a notice under section 3 (2)—

10 (a) any money or liquidated or unliquidated claim that, immediately before the publication of the notice, was payable to, or recoverable by, the Federation becomes money payable to, or a claim recoverable by, the corporation;

15 (b) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the Federation or any person for or on behalf of the Federation (being a debt, money or a claim due, payable or recoverable immediately before the pub-  
20 lication of the notice) becomes a debt due or money payable by, or a claim recoverable against, the corporation;

(c) any proceeding that, immediately before the pub-  
25 lication of the notice, was pending at the suit or on the application of the Federation or any person for or on behalf of the Federation becomes a proceeding pending at the suit or on the application of the corporation;

(d)



---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

- 5 (d) any contract, agreement or undertaking entered into  
with, and any security given to or by any person for  
or on behalf of, the Federation and in force immedi-  
ately before the publication of the notice becomes a  
contract, agreement or undertaking entered into  
with, and a security given to or by, the corporation;  
and
- 10 (e) the corporation may enforce and realise any security  
or charge in favour of the Federation, or any person  
for or on behalf of the Federation, as if it were a  
security or charge in favour of the corporation.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

*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, 7 October, 1976.*

## **New South Wales**



**ANNO VICESIMO QUINTO**

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 50, 1976.**

**An Act to provide for the incorporation of the Federation  
of Parents and Citizens Associations of New South  
Wales. [Assented to, 27th October, 1976.]**

**BE**

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

---

*Federation of Parents and Citizens Associations of New South Wales  
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 "Federation of Parents and Citizens Associations of New South Wales Incorporation Act, 1976".

Interpre-  
tation.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"association" means a district council established pursuant to section 18A of the Public Instruction Act of 1880 and an association constituted pursuant to section 18B of that Act;

"corporation" means the corporation constituted by section 3 (3) (b);

"Federation" means the associations which together form the unincorporated body having the name "Federation of Parents and Citizens Associations of N.S.W.".

Incorpora-  
tion and  
name of  
the corpora-  
tion.

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 the Federation as a true copy of the constitution, or of the constitution and by-laws, of the Federation may be lodged in the office of the Corporate Affairs Commission.

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

(3)



*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(3) Where the Minister publishes a notice under subsection (2)—

- (a) the Federation is dissolved; and
- (b) a corporation with the name "Federation of Parents and Citizens Associations of New South Wales" is constituted.

4. (1) The members of the corporation are—

Members  
of the  
corporation.

- (a) the associations that, immediately before the corporation is constituted, formed the Federation; and
- (b) such other associations as are from time to time admitted to membership of the corporation in accordance with or under its constitution.

(2) Subsection (1) does not affect any provision of the constitution of the corporation that provides for cessation of membership of the corporation in any case where an association fails to pay any affiliation or other fee, or any other money, due and payable to the corporation.

5. (1) Where the Minister publishes a notice under section 3 (2)—

Constitu-  
tion and  
decisions  
of corpora-  
tion and  
governing  
body.

- (a) the instrument that, pursuant to section 3 (1), was lodged with respect to the Federation becomes the constitution of the corporation;
- (b) the executive council referred to in that instrument becomes the governing body of that corporation; and

(c)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

(c) any decision that, before the publication of the notice, was made at any annual conference referred to in that instrument or by that executive council shall be deemed respectively to be a decision made by that corporation or by its governing body.

(2) The annual conference of the corporation referred to in its constitution is a general meeting of the members of the corporation, and a decision of the annual conference of the 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 the 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) Where the Minister publishes a notice under section 3 (2), a person who, immediately before the publication of the notice, held an office (including the office of member of the executive council) specified in the constitution, or in the constitution and by-laws, of the Federation continues to hold that office under the constitution of the corporation until, under or in accordance with that constitution, he vacates his office or his successor is appointed.

Amendment  
of con-  
stitution of  
corporation.

6. An amendment of the constitution of the corporation 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.

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

7. An annual conference of the corporation shall be held on the day or days on which, had the Federation not been dissolved, the annual conference of the Federation would have been held next after the constitution of the corporation.

Annual  
conference  
of cor-  
poration.

8. (1) Where the Minister publishes a notice under section 3 (2), the corporation contravenes this section unless, within 14 days after the publication of the notice, it lodges in the office of the Corporate Affairs Commission—

Certain  
documents  
to be  
lodged by  
corporation.

(a) a copy of the notice; 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) The corporation contravenes this section unless, within 14 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.

9. (1) The common seal of the corporation shall be kept by the president of the corporation and shall only be affixed to an instrument or document in the presence of at least two members of the executive council of the corporation with an attestation by the signatures of those members of the fact and date of the affixing of the seal.

Common  
seal and  
documents.



---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

(2) A notice, order, summons or other like document requiring authentication by the corporation is sufficiently authenticated if, instead of being sealed by the corporation, it is signed by the president and secretary of the corporation.

Service of  
documents  
on the  
corporation.

**10.** Section 362 of the Companies Act, 1961, applies in respect of the service of a document on the corporation in the same way as it applies to service of a document on a company incorporated under that Act.

Continua-  
tion of  
service of  
employee of  
Federation.

**11.** (1) Where the Minister publishes a notice under section 3 (2), a person employed by the Federation immediately before the publication of the notice becomes, upon the publication of the notice, an employee of the corporation 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 the publication of that notice.

(2) Where a person is employed by the corporation, his service with the Federation shall be deemed to be service with the corporation.

Transfer  
of assets  
and  
liabilities.

**12.** (1) Where the Minister publishes a notice under section 3 (2) and, immediately before publication of the notice, any real or personal property was held for or on behalf of the Federation by trustees appointed by the executive council of the Federation, or was under the management or control of any person for the purposes of the Federation, the publication of the notice—

(a) authorises those trustees to vest the property in the corporation freed and discharged from the trusts upon which they held it;

(b)

---

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

---

(b) vests that management and control in the corporation.

(2) Where the Minister publishes a notice under section 3 (2), a reference to the Federation in any deed, will or other instrument (this Act excepted) that has or takes effect on or after the day of publication of the notice shall be construed as a reference to the corporation.

(3) Where the Minister publishes a notice under section 3 (2)—

- (a) any money or liquidated or unliquidated claim that, immediately before the publication of the notice, was payable to, or recoverable by, the Federation becomes money payable to, or a claim recoverable by, the corporation;
- (b) any debt due or money payable by, and any claim, liquidated or unliquidated, recoverable against, the Federation or any person for or on behalf of the Federation (being a debt, money or a claim due, payable or recoverable immediately before the publication of the notice) becomes a debt due or money payable by, or a claim recoverable against, the corporation;
- (c) any proceeding that, immediately before the publication of the notice, was pending at the suit or on the application of the Federation or any person for or on behalf of the Federation becomes a proceeding pending at the suit or on the application of the corporation;

(d)

*Federation of Parents and Citizens Associations of New South Wales  
Incorporation.*

- (d) any contract, agreement or undertaking entered into with, and any security given to or by any person for or on behalf of, the Federation and in force immediately before the publication of the notice becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation; and
- (e) the corporation may enforce and realise any security or charge in favour of the Federation, or any person for or on behalf of the Federation, 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, 27th October, 1976.