

**ZOOLOGICAL PARKS BOARD (AMENDMENT) ACT 1988**  
**No. 4**

NEW SOUTH WALES

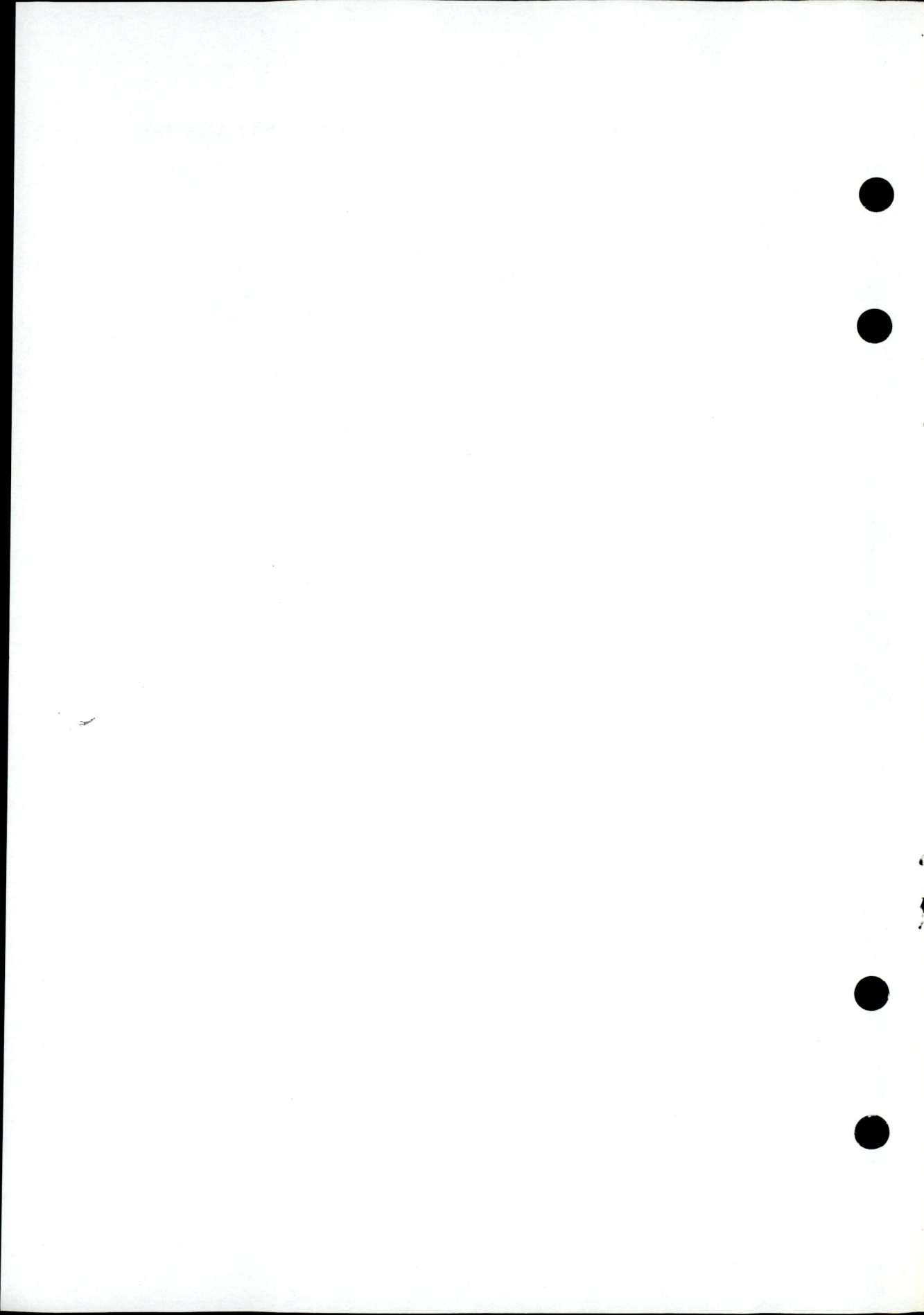


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Zoological Parks Board Act 1973 No. 34
4. Former Board members

**SCHEDULE 1—AMENDMENTS**

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**ZOOLOGICAL PARKS BOARD (AMENDMENT) ACT 1988 No. 4**

NEW SOUTH WALES



**Act No. 4, 1988**

An Act to amend the Zoological Parks Board Act 1973 with respect to the membership of the Zoological Parks Board and for other purposes.  
[Assented to 14 June 1988]

*Zoological Parks Board (Amendment) 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Zoological Parks Board (Amendment) Act 1988.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Zoological Parks Board Act 1973 No. 34**

3. The Zoological Parks Board Act 1973 is amended as set out in Schedule 1.

**Former Board members**

4. (1) In this section—

“new Board” means the Zoological Parks Board constituted in accordance with the Zoological Parks Board Act 1973, as amended by this Act;

“old Board” means the Zoological Parks Board constituted in accordance with the Zoological Parks Board Act 1973 immediately before the commencement of this Act.

(2) A person who held office as a member of the old Board—

- (a) ceases to hold office as such on the commencement of this Act; and
- (b) is eligible (if otherwise qualified) to be a member of the new Board.

(3) A person who ceases to hold office as a member of the old Board because of the operation of this Act is not entitled to be paid any remuneration or compensation because of so ceasing to hold that office.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Sections 6, 7—

Omit the sections, insert instead:

**Appointment of members**

6. (1) The Board shall consist of 13 members.

(2) Of the members, 12 shall be appointed by the Governor on the nomination of the Minister and shall include the following:

- (a) a representative of a body whose principal activity is promoting animal welfare;
- (b) a resident of the Orana region which was established under the Regional Organisation Act 1972;

*Zoological Parks Board (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (c) a practising registered veterinary surgeon;
  - (d) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by an organisation, being an organisation determined by the Minister, whose principal activity is the voluntary provision of financial or other support to the zoological park in Sydney;
  - (e) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by an organisation, being an organisation determined by the Minister, whose principal activity is the voluntary provision of financial or other support to the zoological park at Dubbo;
  - (f) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by the Council of the Municipality of Mosman;
  - (g) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by the Council of the City of Dubbo.
- (3) If the Minister would, but for this subsection, be unable to nominate a person for appointment because a panel of persons has not been recommended to the Minister—
- (a) the Minister may nominate a person for appointment; and
  - (b) the person so nominated shall be taken to have been appropriately recommended.
- (4) A member appointed by the Governor (in this Part called an appointed member)—
- (a) shall, subject to this Act, be appointed for such term, not exceeding 5 years, as is specified in the member's instrument of appointment or (if not so specified) in a later instrument executed by the Governor; and
  - (b) is, if otherwise qualified, eligible for re-appointment.
- (5) Of the members, one (in this Part called the official member) shall be the person for the time being holding or acting in a position in the Public Service in a Department administered by the Minister, being a position nominated for the time being by the Minister.
- (6) A person who is of or above the age of 70 years is not eligible to be appointed as a member.



SCHEDULE 1—AMENDMENTS—*continued***Chairman and Deputy Chairman**

7. (1) The Minister shall nominate one of the members as Chairman.

(2) The members shall elect one of the members as Deputy Chairman.

(3) The Chairman and the Deputy Chairman shall hold office as such for such period, not exceeding one year, as the Minister may determine but are eligible for re-nomination or re-election, as the case may be.

(4) The Governor may remove a member from the office of Chairman or Deputy Chairman at any time.

(5) A person who is Chairman or Deputy Chairman vacates office as such if the person—

- (a) is removed from office by the Governor; or
- (b) resigns that office by instrument in writing addressed to the Minister; or
- (c) ceases to be a member.

(6) A person does not cease to be a member merely because of—

- (a) the person's resignation from the office of Chairman or Deputy Chairman; or
- (b) the expiration of the person's term of office as Chairman or Deputy Chairman.

(7) During the illness or absence from duty of the Chairman or a vacancy in the office of Chairman, the Deputy Chairman—

- (a) shall act in the office of Chairman; and
- (b) while so acting, has and may exercise and perform the powers, authorities, duties and functions of the Chairman.

(8) While acting in the office of Chairman—

- (a) the Deputy Chairman shall be taken to be duly doing so; and
- (b) anything done or omitted by the Deputy Chairman, while so acting, shall be taken to have been done or omitted by the Chairman.

*Zoological Parks Board (Amendment) 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

- (2) Section 11 (**Proceedings of the Board**)—  
Section 11 (3)—  
Omit “Six”, insert instead “Seven”.





## ZOOLOGICAL PARKS BOARD (AMENDMENT) BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Zoological Parks Board Act 1973—

- (a) to change the constitution of the Zoological Parks Board; and
- (b) to provide for the Chairman of the Board to be nominated by the Minister rather than, as at present, elected by the members.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a proclaimed date.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

**Clause 4** provides for the retirement of the present members of the Zoological Parks Board.

### SCHEDULE 1—AMENDMENTS

#### **Membership of the Board and the offices of Chairman and Deputy Chairman**

The Bill replaces sections 6 (Appointment of members) and 7 (Chairman and Deputy Chairman) of the Principal Act. (Schedule 1 (1)).

The new section 6 will provide for the Board to consist of 13 members (rather than 11, as at present). Twelve of the members will be nominated by the Minister and appointed by the Governor. The nominees must include persons with appropriate backgrounds for service on the Board, such as involvement with organisations that support zoological parks in New South Wales. The remaining member will be an ex officio member from a Department administered by the Minister.

The new section 7 will provide for the Chairman to be nominated by the Minister. As at present, the Deputy Chairman will be elected by the members.

*Zoological Parks Board (Amendment) 1988*

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**Consequential amendment**

The Bill makes another minor amendment to the Principal Act consequent on the proposed reconstitution of the Board. (Schedule 1 (2)).

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# ZOOLOGICAL PARKS BOARD (AMENDMENT) BILL 1988

NEW SOUTH WALES

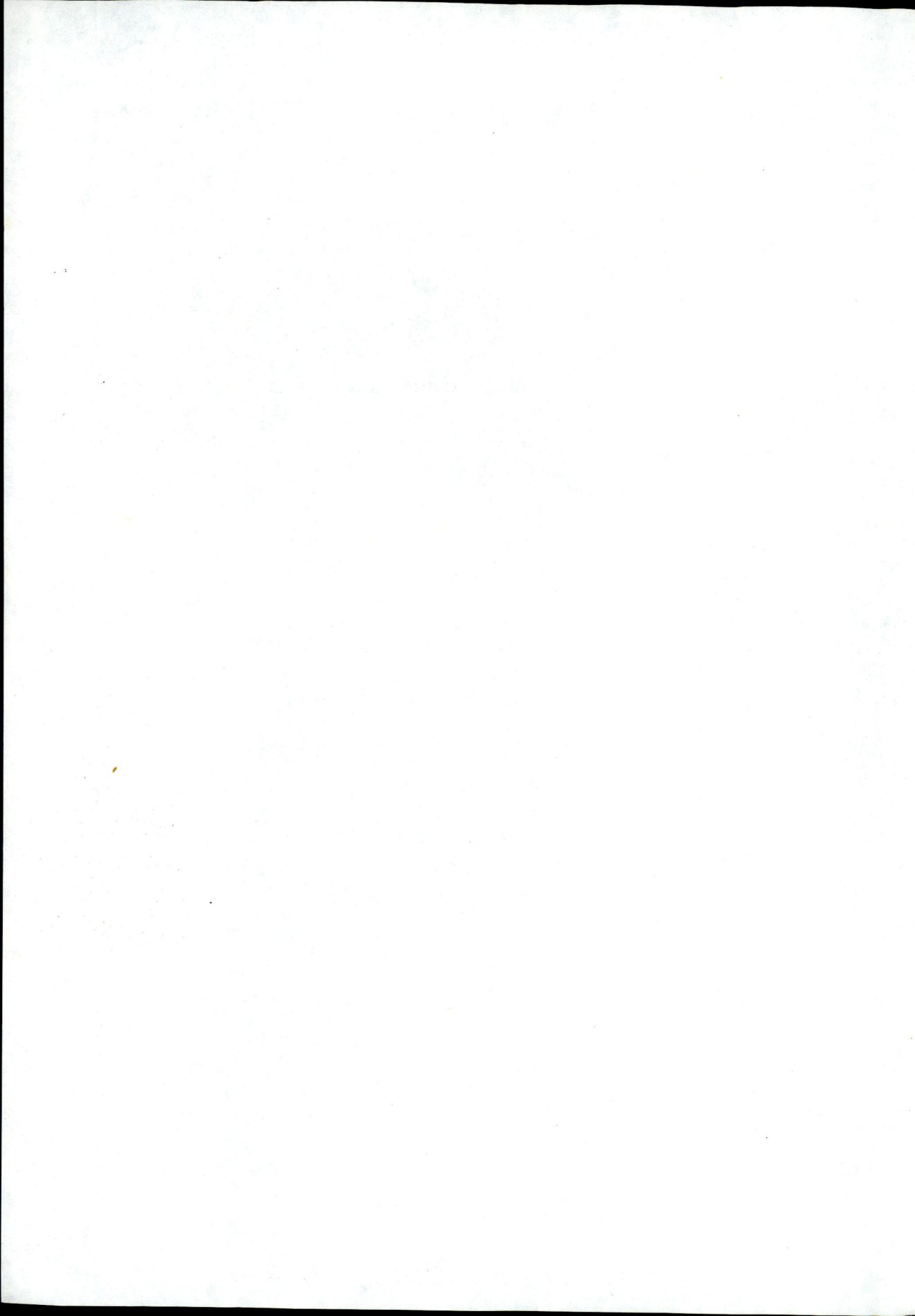


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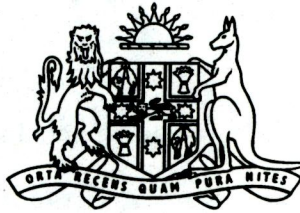
SCHEDULE 1—AMENDMENTS

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# ZOOLOGICAL PARKS BOARD (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

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## A BILL FOR

An Act to amend the Zoological Parks Board Act 1973 with respect to the membership of the Zoological Parks Board and for other purposes.

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*Zoological Parks Board (Amendment) 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Zoological Parks Board (Amendment) Act 1988.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Zoological Parks Board Act 1973 No. 34**

3. The Zoological Parks Board Act 1973 is amended as set out in Schedule 1.

**10 Former Board members**

4. (1) In this section—

“new Board” means the Zoological Parks Board constituted in accordance with the Zoological Parks Board Act 1973, as amended by this Act;

15 “old Board” means the Zoological Parks Board constituted in accordance with the Zoological Parks Board Act 1973 immediately before the commencement of this Act.

(2) A person who held office as a member of the old Board—

(a) ceases to hold office as such on the commencement of this Act; and

(b) is eligible (if otherwise qualified) to be a member of the new Board.

20 (3) A person who ceases to hold office as a member of the old Board because of the operation of this Act is not entitled to be paid any remuneration or compensation because of so ceasing to hold that office.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

25 (1) Sections 6, 7—

Omit the sections, insert instead:

**Appointment of members**

6. (1) The Board shall consist of 13 members.

30 (2) Of the members, 12 shall be appointed by the Governor on the nomination of the Minister and shall include the following:

(a) a representative of a body whose principal activity is promoting animal welfare;

(b) a resident of the Orana region which was established under the Regional Organisation Act 1972;



*Zoological Parks Board (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (c) a practising registered veterinary surgeon;
- 5 (d) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by an organisation, being an organisation determined by the Minister, whose principal activity is the voluntary provision of financial or other support to the zoological park in Sydney;
- 10 (e) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by an organisation, being an organisation determined by the Minister, whose principal activity is the voluntary provision of financial or other support to the zoological park at Dubbo;
- 15 (f) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by the Council of the Municipality of Mosman;
- (g) a person selected by the Minister from a panel of at least 3 persons recommended to the Minister by the Council of the City of Dubbo.
- 20 (3) If the Minister would, but for this subsection, be unable to nominate a person for appointment because a panel of persons has not been recommended to the Minister—
- (a) the Minister may nominate a person for appointment; and
- 25 (b) the person so nominated shall be taken to have been appropriately recommended.
- (4) A member appointed by the Governor (in this Part called an appointed member)—
- 30 (a) shall, subject to this Act, be appointed for such term, not exceeding 5 years, as is specified in the member's instrument of appointment or (if not so specified) in a later instrument executed by the Governor; and
- (b) is, if otherwise qualified, eligible for re-appointment.
- 35 (5) Of the members, one (in this Part called the official member) shall be the person for the time being holding or acting in a position in the Public Service in a Department administered by the Minister, being a position nominated for the time being by the Minister.
- (6) A person who is of or above the age of 70 years is not eligible to be appointed as a member.

*Zoological Parks Board (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued***Chairman and Deputy Chairman**

7. (1) The Minister shall nominate one of the members as Chairman.

5 (2) The members shall elect one of the members as Deputy Chairman.

(3) The Chairman and the Deputy Chairman shall hold office as such for such period, not exceeding one year, as the Minister may determine but are eligible for re-nomination or re-election, as the case may be.

10 (4) The Governor may remove a member from the office of Chairman or Deputy Chairman at any time.

(5) A person who is Chairman or Deputy Chairman vacates office as such if the person—

(a) is removed from office by the Governor; or

15 (b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a member.

(6) A person does not cease to be a member merely because of—

20 (a) the person's resignation from the office of Chairman or Deputy Chairman; or

(b) the expiration of the person's term of office as Chairman or Deputy Chairman.

25 (7) During the illness or absence from duty of the Chairman or a vacancy in the office of Chairman, the Deputy Chairman—

(a) shall act in the office of Chairman; and

(b) while so acting, has and may exercise and perform the powers, authorities, duties and functions of the Chairman.

(8) While acting in the office of Chairman—

30 (a) the Deputy Chairman shall be taken to be duly doing so; and

(b) anything done or omitted by the Deputy Chairman, while so acting, shall be taken to have been done or omitted by the Chairman.

35 (2) Section 11 (**Proceedings of the Board**)—

Section 11 (3)—

Omit "Six", insert instead "Seven".