

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Quinlan)

**Territory Owned Corporations
(Amendment) Bill (No. 2) 1998**

A BILL

FOR

**An Act to amend the *Territory Owned Corporations
Act 1990***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

5 This Act may be cited as the *Territory Owned Corporations
(Amendment) Act (No. 2) 1998*.

2. Commencement

(1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the Gazette.

10 (2) The remaining provisions commence on the first day after the end of the period of 3 months commencing on the day on which this Act is notified in the *Gazette*.

Job No 1998/119

3. Principal Act

In this Act, "Principal Act" means the *Territory Owned Corporations Act 1990*¹

4. Directors

5 Section 12 of the Principal Act is amended—

- (a) by omitting "A person" and substituting "Subject to this section, a person"; and
- (b) by adding at the end the following subsections:

10 " (2) Subject to subsection (3), the voting shareholders shall not—
 (a) appoint a director of a Territory owned corporation; or
 (b) consent to the appointment of a director of a subsidiary;
unless, before so doing, they have—
 (c) consulted with the relevant committee, and
 (d) considered any recommendation made by the committee,
15 being a recommendation made within 30 days after the consultation.

"(3) Where, for any reason, the number of directors of a Territory owned corporation or a subsidiary falls below—

- 20 (a) if the memorandum or articles of association of the corporation or subsidiary provides or provide for the minimum number of directors—that number, or
- (b) in any other case—the minimum number of directors required under the Corporations Law,

25 the voting shareholders are not required to comply with subsection (2) in relation to an appointment that, when made, will raise the number of directors to the number referred to in paragraph (a) or (b), as the case requires.

"(4) In this section—

'relevant committee' means—

- 30 (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purposes of this section; or
- (b) where no nomination in paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public
35 accounts."

5. Schedule 3

Schedule 3 to the Principal Act is amended—

(a) by omitting from clause 4 of Part I “and its directors” and substituting
“, its directors and its voting shareholders”; and

5 (b) by inserting after clause 4 of Part I the following clause

“4A Where—

(a) an appointment referred to in subsection 12 (3) of the *Territory
Owned Corporations Act 1990* is made, and

10 (b) the voting shareholders have not complied with subsection 12 (2) of
that Act;

the director appointed holds office—

(c) until the expiry of a period of 90 days from the day of appointment,
or

(d) until he or she ceases to hold office for any other reason;

15 whichever first occurs.”.

NOTE

Principal Act

1 Reprinted as at 10 July 1998.

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