

CO-OPERATION (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's  
Message of 12 March, 1963.*

No. 1.—Page 3, clause 2, line 10. *Omit* “mortgage”, *insert* “loan”.

No. 2.—Page 3, clause 2, lines 16 to 25 inclusive. *Omit* all words on these lines.

No. 3.—Page 5, clause 2, line 14. *After* “by” *insert* “registered”.

No. 4.—Page 5, clause 2, line 18. *After* “by” *insert* “registered”.

No. 5.—Page 5, clause 2. *After* line 21 *insert*—

**A document served by registered post in accordance with the provisions of this subsection shall be deemed to be served upon the day upon which a letter similarly addressed and sent by ordinary post at the same time would be delivered in the ordinary course of post.**

No. 6.—Page 6, clause 2. *After* line 29 *insert*—

**(iii) by omitting from subsection four of the same section the word, symbols and letter “and (g)” and by inserting in lieu thereof the symbols, letters and word “(g) (k) and (l)”.**

No. 7.—Page 7, clause 2, lines 1 to 5 inclusive. *Omit* all words on these lines, *insert*—

**(o) (i) by omitting from subsection one of section one hundred and seventeen the words “may inspect, or may authorise in writing any public servant or any accountant or actuary to inspect any minutes or books, or to” and by inserting in lieu thereof the words “and any inspector appointed under section 118A of this Act and authorised in writing by the registrar either generally or specially to do so, may inspect any minutes or books or”;**

**(ii) by omitting subsection two of the same section;**

**(p) (i) by omitting subsection seven of section one hundred and eighteen;**

**(ii) by omitting from subsection nine of the same section the words “may appoint an inspector to examine into and report to him upon the affairs of the society” and by inserting in lieu thereof the words “an inspector appointed under section 118A of this Act and authorised in writing by the registrar to do so may examine into and shall report to the registrar upon the affairs of the society”;**

**(iii) by omitting subsection ten of the same section;**

No. 8.—Page 7, clause 2, lines 30 and 31. *Omit* all words on these lines *insert*—

(q) by inserting next after section one hundred and eighteen the following **New**  
new section:— **sec. 118A.**

**118A. (1) The Governor may appoint inspectors for the purposes of Inspectors.  
this Act.**

**(2) The provisions of the Public Service Act, 1902, or of any  
Act amending that Act, shall not apply to the appointment of any such  
inspector who is not a public servant and any such inspector who is not  
a public servant shall not in his capacity as such an inspector be subject  
to the provisions of any such Act.**

No. 9.—Page 8, clause 2, line 12. *Omit* “one hundred and eighteen” *insert* “118A”.

No. 10.—Page 9, clause 2, line 1. *After* “by” *insert* “registered”.

No. 11.—Page 9, clause 2. *After* line 2 *insert*—

**A notice served by registered post in accordance with the provisions of  
this subsection shall be deemed to be served upon the day upon which a letter  
similarly addressed and sent by ordinary post at the same time would be  
delivered in the ordinary course of post.**



*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 February, 1963.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with  
Amendments.*

J. R. STEVENSON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 12 March, 1963.*

## New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1963.

An Act to make further provisions regulating the operations of credit unions established under the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; to confer additional powers on the registrar of co-operative societies and inspectors appointed under section one hundred and eighteen of that Act, as so amended, in relation to inquiries into the affairs of such societies and the inspection and winding-up of such societies; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith.

BE



*Co-operation (Amendment).*

**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. (1) This Act may be cited as the "Co-operation (Amendment) Act, 1963".

Short title and citation.

(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended—

Amendment of Act No. 1, 1924.

(a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :—

Sec. 17A. (Treasurer may undertake to indemnify building societies against loss in certain circumstances.)

A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.

(b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,";

Sec. 17B. (Mortgages by minors.)

(c) by omitting section twenty-nine and by inserting in lieu thereof the following section :—

Subst. sec. 29.

29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, and

Objects of credit unions.



*Co-operation (Amendment).*

and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

5 (d) by omitting paragraphs (c) and (d) of section thirty and by inserting in lieu thereof the following paragraph : —

10 (c) make and enter into arrangements, approved by the credit union advisory committee constituted under this Act, for the provision of ~~mortgage~~ **loan** protection insurance and life savings insurance.

(e) (i) by omitting from subsection one of section thirty-one the words "or guarantee";

Sec. 31.  
(Loans to members.)

15 (ii) by omitting from subsection two of the same section the words "or guaranteed";

(iii) ~~by inserting next after the same subsection the following new subsection:—~~

20 ~~(3) The loan shall not be made at a rate of interest exceeding one per centum per month on the balances of principal and interest outstanding at the expiration of each month of the period of the loan or, where the registrar has in respect of any credit union approved of a higher rate, exceeding that higher rate.~~

25 (f) (i) by omitting from subsection four of section 31A the words "or the lender";

Sec. 31A.  
(Loans to members.)

(ii) by omitting subsection five of the same section;

30 (iii) by omitting from subsection six of the same section the words "or the lender may grant an extension of the time for repayment provided that the credit union shall not be liable if the lender without the board's consent, grants an extension



*Co-operation (Amendment).*

- extension of time in respect of a loan guaranteed by the credit union" and by inserting in lieu thereof the words "may grant an extension of the time for repayment";
- 5 (iv) by omitting from subsection eight of the same section the words "or guaranteed";
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words ", without the authority of a special resolution,"; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph :— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections :— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word "co-operative" or the abbreviation "co-op." as part of its name.
- (b) The name of a society that is a credit union shall include the words "credit union" as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words "credit union" shall within a period of twelve months after such commencement alter its name in accordance with the requirements of paragraph (b) of subsection one of this
- 35 section,



*Co-operation (Amendment).*

section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by **registered** post to the registered office of the society.

15 A document required or authorised by or under this Act to be served on a director of a society may be served on him by **registered** post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

20 **A document served by registered post in accordance with the provisions of this subsection shall be deemed to be served upon the day upon which a letter similarly addressed and sent by ordinary post at the same time would be delivered in the ordinary course of post.**

- 25 (j) (i) by omitting paragraph (a) of subsection one Sec. 82. of section eighty-two and by inserting in lieu (Rules.) thereof the following paragraph :—

(a) the name of the society;

- 30 (ii) by omitting from paragraph (e) of the same subsection the words “not exceeding the limits prescribed by this Act” and by inserting in lieu thereof the words “it proposes to exercise those powers”;

- 35 (k) (i) by inserting in subsection (12B) of section Sec. 84. eighty-four after the words “terminating (Board of building society” the words “or of a credit directors.) union”;

- 40 (ii) by inserting in the same subsection after the words “the society” the words “or credit union, as the case may be,”;



*Co-operation (Amendment).*

- 5 (l) by omitting from subsection one of section eighty-eight the words "by special resolution of the society" and by inserting in lieu thereof the words  
10 ", in the case of a society other than a credit union, by special resolution of the society or, in the case of a credit union, with the approval of all directors present and voting (such directors not being less in number than the number that constitutes a quorum of the board of directors of the credit union) at any meeting of such directors";
- (m) (i) by omitting from subsection three of section ninety-two the words "that any of the following events has occurred, that is to say";
- 15 (ii) by inserting next after paragraph (j) of the same subsection the following new paragraphs :—
- 20 (k) that there are, and have been for a period of one month immediately before the date of the registrar's certificate, insufficient directors of the society to constitute a quorum as provided by the rules of the society;
- 25 (l) following an inquiry pursuant to the provisions of the Act into the affairs of a society or the working and financial condition of a society, that in the interests of members or creditors of the society the society should be wound up.
- 30 **(iii) by omitting from subsection four of the same section the word, symbols and letter "and (g)" and by inserting in lieu thereof the symbols, letters and word "(g) (k) and (l)".**
- 35 (n) by omitting from paragraph (a) of subsection four of section one hundred and fourteen the words "and model rules";

(e)



*Co-operation (Amendment).*

- (o) by inserting in subsection two of section one hundred and seventeen after the word "society" the words "and for the purposes of this Act shall be deemed to be such an inspector"; Sec. 17. (Inspection by registrar.)
- 5
- (o) (i) by omitting from subsection one of section one hundred and seventeen the words "may inspect, or may authorise in writing any public servant or any accountant or actuary to inspect any minutes or books, or to" and by inserting in lieu thereof the words "and any inspector appointed under section 118A of this Act and authorised in writing by the registrar either generally or specially to do so, may inspect any minutes or books or"; Sec. 117. (Inspection by registrar.)
- 10
- (ii) by omitting subsection two of the same section;
- 15
- (p) (i) by omitting subsection seven of section one hundred and eighteen; Sec. 118. (Special meeting and inquiry.)
- 20
- (ii) by omitting from subsection nine of the same section the words "may appoint an inspector to examine into and report to him upon the affairs of the society" and by inserting in lieu thereof the words "an inspector appointed under section 118A of this Act and authorised in writing by the registrar to do so may examine into and shall report to the registrar upon the affairs of the society";
- 25
- (iii) by omitting subsection ten of the same section;
- 30
- ~~(p)~~ by omitting subsection ten of section one hundred and eighteen; Sec. 118. (Special meeting and inquiry.)
- (q) by inserting next after section one hundred and eighteen the following new section:— New sec. 118A.
- 35
- 118A. (1) The Governor may appoint inspectors for the purposes of this Act.
- (2)



*Co-operation (Amendment).*

(2) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of any such inspector who is not a public servant and any such inspector who is not a public servant shall not in his capacity as such an inspector be subject to the provisions of any such Act.

(r)(q) by omitting section one hundred and twenty-one and by inserting in lieu thereof the following section : —

121. (1) The registrar and any inspector appointed under section ~~one hundred and eighteen~~ **118A** of this Act may, for the purpose of any inquiry or inspection under this Act—

- (a) administer an oath;
- (b) by notice in writing require the attendance of any person at the time, and at any place, specified in the notice and require such person then and there to answer any question put to him by the registrar or such inspector, as the case may be, in relation to the matter of any such inquiry or inspection; and to produce all or any of the books or documents of the society;
- (c) require any director or other officer of a society to furnish to the registrar or such inspector, as the case may be, any information relating to the affairs of the society or the matter of any inquiry into the working and financial condition of the society, and to produce to the registrar or such inspector all or any of the books or documents of the society.

A notice referred to in paragraph (b) of this subsection may be served, where it is addressed—

- (i) to a society or a director or other officer of a society, in the appropriate manner specified in subsection six of section seventy-two of this Act; or
- (ii)



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*Co-operation (Amendment).*

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(ii) to any other person, by **registered** post sent to the last known address of such person.

5        **A notice served by registered post in accordance with the provisions of this subsection shall be deemed to be served upon the day upon which a letter similarly addressed and sent by ordinary post at the same time would be delivered in the ordinary course of post.**

(2) Any person, who—

10        (a) when required by the registrar or an inspector pursuant to paragraph (b) of subsection one of this section refuses or fails, without lawful excuse, to attend at any time and place specified in a notice served on such person in accordance with the provisions of that subsection and then and there to answer any question put to him by the registrar or inspector, as the case may be, in relation to the matter of any inquiry or inspection under this Act or to produce any books or documents as required by the notice; or

15        (b) being a director or other officer of a society refuses or fails, without lawful excuse, to furnish any information required of him pursuant to paragraph (c) of the said subsection one, or to produce any books or documents required to be produced pursuant to that paragraph,

20        shall be guilty of an offence and liable to a penalty not exceeding three hundred pounds or to imprisonment for a period not exceeding six months or to both such penalty and imprisonment.

25        (s) (±) by omitting from the Second Schedule the words "Maitland Permanent Building, Investment, and Loan Society, Limited, and Savings Bank" and by inserting in lieu thereof the words "Maitland Permanent Building, Investment and Loan Society".

Second  
Schedule.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963







*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 February, 1963.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with  
Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, March, 1963.*

## New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1963.

An Act to make further provisions regulating the operations of credit unions established under the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; to confer additional powers on the registrar of co-operative societies and inspectors appointed under section one hundred and eighteen of that Act, as so amended, in relation to inquiries into the affairs of such societies and the inspection and winding-up of such societies; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith.

BE



*Co-operation (Amendment).*

**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. (1) This Act may be cited as the "Co-operation (Amendment) Act, 1963". Short title and citation.

(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended— Amendment of Act No. 1, 1924.

(a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :— Sec. 17A. (Treasurer may undertake to indemnify building societies against loss in certain circumstances.)

A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.

(b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,"; Sec. 17B. (Mortgages by minors.)

(c) by omitting section twenty-nine and by inserting in lieu thereof the following section :— Subst. sec. 29.

29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, and



*Co-operation (Amendment).*

and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

- 5 (d) by omitting paragraphs (c) and (d) of section thirty and by inserting in lieu thereof the following paragraph :—
- 10 (c) make and enter into arrangements, approved by the credit union advisory committee constituted under this Act, for the provision of ~~mortgage~~ **loan** protection insurance and life savings insurance.
- 15 (e) (i) by omitting from subsection one of section thirty-one the words “or guarantee”; (Sec. 30. (Powers.)  
Sec. 31. (Loans to members.)  
(Loans to members.)
- (ii) by omitting from subsection two of the same section the words “or guaranteed”;
- 20 ~~(iii) by inserting next after the same subsection the following new subsection:—~~
- 25 ~~(3) The loan shall not be made at a rate of interest exceeding one per centum per month on the balances of principal and interest outstanding at the expiration of each month of the period of the loan or, where the registrar has in respect of any credit union approved of a higher rate, exceeding that higher rate.~~
- (f) (i) by omitting from subsection four of section 31A the words “or the lender”; (Sec. 31A. (Loans to members.)  
(Loans to members.)
- (ii) by omitting subsection five of the same section;
- 30 (iii) by omitting from subsection six of the same section the words “or the lender may grant an extension of the time for repayment provided that the credit union shall not be liable if the lender without the board’s consent, grants an extension



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*Co-operation (Amendment).*

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- extension of time in respect of a loan guaranteed by the credit union" and by inserting in lieu thereof the words "may grant an extension of the time for repayment";
- 5 (iv) by omitting from subsection eight of the same section the words "or guaranteed";
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words "; without the authority of a special resolution,"; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph :— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections :— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word "co-operative" or the abbreviation "co-op." as part of its name.
- (b) The name of a society that is a credit union shall include the words "credit union" as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words "credit union" shall within a period of twelve months after such commencement alter its name in accordance with the requirements of
- 35 paragraph (b) of subsection one of this section,



*Co-operation (Amendment).*

section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection : —

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by **registered** post to the registered office of the society.

15 A document required or authorised by or under this Act to be served on a director of a society may be served on him by **registered** post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

20 **A document served by registered post in accordance with the provisions of this subsection shall be deemed to be served upon the day upon which a letter similarly addressed and sent by ordinary post at the same time would be delivered in the ordinary course of post.**

- 25 (j) (i) by omitting paragraph (a) of subsection one Sec. 82. of section eighty-two and by inserting in lieu (Rules.) thereof the following paragraph : —

(a) the name of the society ;

- 30 (ii) by omitting from paragraph (e) of the same subsection the words "not exceeding the limits prescribed by this Act" and by inserting in lieu thereof the words "it proposes to exercise those powers";

- 35 (k) (i) by inserting in subsection (12B) of section Sec. 84. eighty-four after the words "terminating (Board of directors.) building society" the words "or of a credit union";

- 40 (ii) by inserting in the same subsection after the words "the society" the words "or credit union, as the case may be,";



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*Co-operation (Amendment).*

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- 5 (l) by omitting from subsection one of section eighty-eight the words "by special resolution of the society" and by inserting in lieu thereof the words  
10 ", in the case of a society other than a credit union, by special resolution of the society or, in the case of a credit union, with the approval of all directors present and voting (such directors not being less in number than the number that constitutes a quorum of the board of directors of the credit union) at any meeting of such directors";
- (m) (i) by omitting from subsection three of section ninety-two the words "that any of the following events has occurred, that is to say";  
15 (ii) by inserting next after paragraph (j) of the same subsection the following new paragraphs :—
- 20 (k) that there are, and have been for a period of one month immediately before the date of the registrar's certificate, insufficient directors of the society to constitute a quorum as provided by the rules of the society;
- 25 (l) following an inquiry pursuant to the provisions of the Act into the affairs of a society or the working and financial condition of a society, that in the interests of members or creditors of the society the society should be wound up.
- 30 **(iii) by omitting from subsection four of the same section the word, symbols and letter "and (g)" and by inserting in lieu thereof the symbols, letters and word "(g) (k) and (l)".**
- 35 (n) by omitting from paragraph (a) of subsection four of section one hundred and fourteen the words "and model rules";

Sec. 88.  
(Officers.)

Sec. 92.  
(Winding up.)

Sec. 114.  
(Advisory Council.)



*Co-operation (Amendment).*

- 5 (o) by inserting in subsection two of section one hundred and seventeen after the word "society" the words "and for the purposes of this Act shall be deemed to be such an inspector";
- 10 (o) (i) by omitting from subsection one of section one hundred and seventeen the words "may inspect, or may authorise in writing any public servant or any accountant or actuary to inspect any minutes or books, or to" and by inserting in lieu thereof the words "and any inspector appointed under section 118A of this Act and authorised in writing by the registrar either generally or specially to do so, may inspect any minutes or books or";
- 15 (ii) by omitting subsection two of the same section;
- 20 (p) (i) by omitting subsection seven of section one hundred and eighteen;
- 25 (ii) by omitting from subsection nine of the same section the words "may appoint an inspector to examine into and report to him upon the affairs of the society" and by inserting in lieu thereof the words "an inspector appointed under section 118A of this Act and authorised in writing by the registrar to do so may examine into and shall report to the registrar upon the affairs of the society";
- 30 (iii) by omitting subsection ten of the same section;
- (p) by omitting subsection ten of section one hundred and eighteen;
- 35 (q) by inserting next after section one hundred and eighteen the following new section :—
- 118A. (1) The Governor may appoint inspectors for the purposes of this Act.**

Sec. 117.  
(Inspection by registrar.)

Sec. 117.  
(Inspection by registrar.)

Sec. 118.  
(Special meeting and inquiry.)

Sec. 118.  
(Special meeting and inquiry.)

New sec. 118A.

Inspectors.

(2)







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*Co-operation (Amendment).*

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- (ii) to any other person, by **registered** post sent to the last known address of such person.

**A notice served by registered post in accordance with the provisions of this subsection shall be deemed to be served upon the day upon which a letter similarly addressed and sent by ordinary post at the same time would be delivered in the ordinary course of post.**

(2) Any person, who—

- 5
- 10 (a) when required by the registrar or an inspector pursuant to paragraph (b) of subsection one of this section refuses or fails, without lawful excuse, to attend at any time and place specified in a notice served on such person in accordance with the provisions of that subsection and then and there to answer any question put to him by the registrar or inspector, as the case may be, in relation to the matter of any inquiry or inspection under this Act or to produce any books or documents as required by the notice; or
- 15
- 20 (b) being a director or other officer of a society refuses or fails, without lawful excuse, to furnish any information required of him pursuant to paragraph (c) of the said subsection one, or to produce any books or documents required to be produced pursuant to that paragraph,
- 25

30 shall be guilty of an offence and liable to a penalty not exceeding three hundred pounds or to imprisonment for a period not exceeding six months or to both such penalty and imprisonment.

- 35 (s) (≠) by omitting from the Second Schedule the words "Maitland Permanent Building, Investment, and Loan Society, Limited, and Savings Bank" and by inserting in lieu thereof the words "Maitland Permanent Building, Investment and Loan Society".
- Second Schedule.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[1s.]





*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 February, 1963.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with  
Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
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## New South Wales



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ELIZABETHÆ II REGINÆ

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Short title and citation.

(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended—

Amendment of Act No. 1, 1924.

(a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :—

Sec. 17A.  
(Treasurer may undertake to indemnify building societies against loss in certain circumstances.)

A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.

(b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,";

Sec. 17B.  
(Mortgages by minors.)

(c) by omitting section twenty-nine and by inserting in lieu thereof the following section :—

Subst. sec. 29.

29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, and

Objects of credit unions.



*Co-operation (Amendment).*

and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

- 5 (d) by omitting paragraphs (c) and (d) of section thirty and by inserting in lieu thereof the following paragraph : —
- 10 (c) make and enter into arrangements, approved by the credit union advisory committee constituted under this Act, for the provision of ~~mortgage~~ **loan** protection insurance and life savings insurance.
- 15 (e) (i) by omitting from subsection one of section thirty-one the words “or guarantee”; (Sec. 31. (Loans to members.)
- (ii) by omitting from subsection two of the same section the words “or guaranteed”;
- 20 (iii) ~~by inserting next after the same subsection the following new subsection:—~~
- (3) ~~The loan shall not be made at a rate of interest exceeding one per centum per month on the balances of principal and interest outstanding at the expiration of each month of the period of the loan or, where the registrar has in respect of any credit union approved of a higher rate, exceeding that higher rate.~~
- 25
- (f) (i) by omitting from subsection four of section 31A the words “or the lender”; (Sec. 31A. (Loans to members.)
- (ii) by omitting subsection five of the same section;
- 30 (iii) by omitting from subsection six of the same section the words “or the lender may grant an extension of the time for repayment provided that the credit union shall not be liable if the lender without the board’s consent, grants an extension



*Co-operation (Amendment).*

- extension of time in respect of a loan guaranteed by the credit union" and by inserting in lieu thereof the words "may grant an extension of the time for repayment";
- 5 (iv) by omitting from subsection eight of the same section the words "or guaranteed";
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words "without the authority of a special resolution,"; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph:— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections:— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word "co-operative" or the abbreviation "co-op." as part of its name.
- (b) The name of a society that is a credit union shall include the words "credit union" as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words "credit union" shall within a period of twelve months after such commencement alter its name in accordance with the requirements of paragraph (b) of subsection one of this
- 35 section,



*Co-operation (Amendment).*

section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by post to the registered office of the society.

15

A document required or authorised by or under this Act to be served on a director of a society may be served on him by post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

20

- (j) (i) by omitting paragraph (a) of subsection one Sec. 82. of section eighty-two and by inserting in lieu (Rules.) thereof the following paragraph :—

25 (a) the name of the society;

- (ii) by omitting from paragraph (e) of the same subsection the words “not exceeding the limits prescribed by this Act” and by inserting in lieu thereof the words “it proposes to exercise those powers”;
- 30

- (k) (i) by inserting in subsection (12B) of section Sec. 84. eighty-four after the words “terminating (Board of directors.) building society” the words “or of a credit union”;

- 35 (ii) by inserting in the same subsection after the words “the society” the words “or credit union, as the case may be,”;

(1)



*Co-operation (Amendment).*

- (l) by omitting from subsection one of section eighty-eight the words "by special resolution of the society" and by inserting in lieu thereof the words "in the case of a society other than a credit union, by special resolution of the society or, in the case of a credit union, with the approval of all directors present and voting (such directors not being less in number than the number that constitutes a quorum of the board of directors of the credit union) at any meeting of such directors";
- (m) (i) by omitting from subsection three of section ninety-two the words "that any of the following events has occurred, that is to say";
- (ii) by inserting next after paragraph (j) of the same subsection the following new paragraphs:—
- (k) that there are, and have been for a period of one month immediately before the date of the registrar's certificate, insufficient directors of the society to constitute a quorum as provided by the rules of the society;
- (l) following an inquiry pursuant to the provisions of the Act into the affairs of a society or the working and financial condition of a society, that in the interests of members or creditors of the society the society should be wound up.
- (n) by omitting from paragraph (a) of subsection four of section one hundred and fourteen the words "and model rules";
- (o) by inserting in subsection two of section one hundred and seventeen after the word "society" the words "and for the purposes of this Act shall be deemed to be such an inspector";

(p)



*Co-operation (Amendment).*

(p) by omitting subsection ten of section one hundred and eighteen ; Sec. 118.  
(Special meeting and inquiry.)

5 (q) by omitting section one hundred and twenty-one and by inserting in lieu thereof the following section :— Subst. sec. 121.

121. (1) The registrar and any inspector appointed under section one hundred and eighteen of this Act may, for the purpose of any inquiry or inspection under this Act— Powers of registrar and inspectors.

- 10 (a) administer an oath;
- (b) by notice in writing require the attendance of any person at the time, and at any place, specified in the notice and require such person then and there to answer any question put to him by the registrar or such inspector, as the case may be, in relation to the matter of any such inquiry or inspection ; and to produce all or any of the books or documents of the society ;
- 15
- 20 (c) require any director or other officer of a society to furnish to the registrar or such inspector, as the case may be, any information relating to the affairs of the society or the matter of any inquiry into the working and financial condition of the society, and to produce to the registrar or such inspector all or any of the books or documents of the society.
- 25

30 A notice referred to in paragraph (b) of this subsection may be served, where it is addressed—

- (i) to a society or a director or other officer of a society, in the appropriate manner specified in subsection six of section seventy-two of this Act ; or
- 35 (ii) to any other person, by post sent to the last known address of such person.

(2)



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*Co-operation (Amendment).*

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(2) Any person, who—

5 (a) when required by the registrar or an  
inspector pursuant to paragraph (b) of  
subsection one of this section refuses or  
fails, without lawful excuse, to attend at  
any time and place specified in a notice  
served on such person in accordance with  
the provisions of that subsection and then  
and there to answer any question put to  
10 him by the registrar or inspector, as the case  
may be, in relation to the matter of any  
inquiry or inspection under this Act or to  
produce any books or documents as  
required by the notice; or

15 (b) being a director or other officer of a society  
refuses or fails, without lawful excuse, to  
furnish any information required of him  
pursuant to paragraph (c) of the said sub-  
section one, or to produce any books or  
20 documents required to be produced pur-  
suant to that paragraph,

shall be guilty of an offence and liable to a penalty  
not exceeding three hundred pounds or to imprison-  
ment for a period not exceeding six months or to  
25 both such penalty and imprisonment.

(r) by omitting from the Second Schedule the words  
30 "Maitland Permanent Building, Investment, and  
Loan Society, Limited, and Savings Bank" and by  
inserting in lieu thereof the words "Maitland Per-  
manent Building, Investment and Loan Society".

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963



*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 21 February, 1963.*

## New South Wales



ANNO DUODECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No.       , 1963.**

An Act to make further provisions regulating the operations of credit unions established under the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; to confer additional powers on the registrar of co-operative societies and inspectors appointed under section one hundred and eighteen of that Act, as so amended, in relation to inquiries into the affairs of such societies and the inspection and winding-up of such societies; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith.

**BE**



*Co-operation (Amendment).*

**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. (1) This Act may be cited as the "Co-operation (Amendment) Act, 1963". Short title and citation.

(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended— Amendment of Act No. 1, 1924.

(a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :— Sec. 17A. (Treasurer may undertake to indemnify building societies against loss in certain circumstances.)

A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.

(b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,"; Sec. 17B. (Mortgages by minors.)

(c) by omitting section twenty-nine and by inserting in lieu thereof the following section :— Subst. sec. 29.

29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, Objects of credit unions.  
and



*Co-operation (Amendment).*

and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

5 (d) by omitting paragraphs (c) and (d) of section Sec. 30.  
thirty and by inserting in lieu thereof the following (Powers.)  
paragraph : —

10 (c) make and enter into arrangements, approved  
by the credit union advisory committee con-  
stituted under this Act, for the provision  
of mortgage protection insurance and life  
savings insurance.

(e) (i) by omitting from subsection one of section Sec. 31.  
thirty-one the words “or guarantee”; (Loans to  
members.)

15 (ii) by omitting from subsection two of the same  
section the words “or guaranteed”;

(iii) by inserting next after the same subsection the  
following new subsection : —

20 (3) The loan shall not be made at a rate  
of interest exceeding one per centum per  
month on the balances of principal and  
interest outstanding at the expiration of each  
month of the period of the loan or, where the  
registrar has in respect of any credit union  
approved of a higher rate, exceeding that  
25 higher rate.

(f) (i) by omitting from subsection four of section 31A Sec. 31A.  
the words “or the lender”; (Loans to  
members.)

(ii) by omitting subsection five of the same  
section;

30 (iii) by omitting from subsection six of the same  
section the words “or the lender may grant an  
extension of the time for repayment provided  
that the credit union shall not be liable if the  
lender without the board’s consent, grants an  
extension



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*Co-operation (Amendment).*

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- extension of time in respect of a loan guaranteed by the credit union” and by inserting in lieu thereof the words “may grant an extension of the time for repayment”;
- 5 (iv) by omitting from subsection eight of the same section the words “or guaranteed”;
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words “, without the authority of a special resolution,”; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph :— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections :— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word “co-operative” or the abbreviation “co-op.” as part of its name.
- (b) The name of a society that is a credit union shall include the words “credit union” as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words “credit union” shall within a period of twelve months after such commencement alter its name in accordance with the requirements of paragraph (b) of subsection one of this
- 35 section,



*Co-operation (Amendment).*

section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by post to the registered office of the society.

15 A document required or authorised by or under this Act to be served on a director of a society may be served on him by post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

- 20 (j) (i) by omitting paragraph (a) of subsection one Sec. 82. of section eighty-two and by inserting in lieu (Rules.) thereof the following paragraph :—

25 (a) the name of the society;

- (ii) by omitting from paragraph (e) of the same subsection the words “not exceeding the limits prescribed by this Act” and by inserting in lieu thereof the words “it proposes to exercise those powers”;

- 30 (k) (i) by inserting in subsection (12B) of section Sec. 84. eighty-four after the words “terminating (Board of directors.) building society” the words “or of a credit union”;

- 35 (ii) by inserting in the same subsection after the words “the society” the words “or credit union, as the case may be,”;

(1)



*Co-operation (Amendment).*

- (l) by omitting from subsection one of section eighty-  
 eight the words “by special resolution of the  
 society” and by inserting in lieu thereof the words  
 “, in the case of a society other than a credit union,  
 by special resolution of the society or, in the case  
 of a credit union, with the approval of all directors  
 present and voting (such directors not being less  
 in number than the number that constitutes a  
 quorum of the board of directors of the credit  
 union) at any meeting of such directors”;
- (m) (i) by omitting from subsection three of section  
 ninety-two the words “that any of the follow-  
 ing events has occurred, that is to say”;
- (ii) by inserting next after paragraph (j) of the  
 same subsection the following new para-  
 graphs :—
- (k) that there are, and have been for a  
 period of one month immediately  
 before the date of the registrar’s  
 certificate, insufficient directors of the  
 society to constitute a quorum as  
 provided by the rules of the society;
- (l) following an inquiry pursuant to the  
 provisions of the Act into the affairs  
 of a society or the working and  
 financial condition of a society, that  
 in the interests of members or creditors  
 of the society the society should be  
 wound up.
- (n) by omitting from paragraph (a) of subsection four  
 of section one hundred and fourteen the words “and  
 model rules”;
- (o) by inserting in subsection two of section one  
 hundred and seventeen after the word “society” the  
 words “and for the purposes of this Act shall be  
 deemed to be such an inspector”;

(p)



*Co-operation (Amendment).*

(p) by omitting subsection ten of section one hundred and eighteen ; Sec. 118.  
(Special meeting and inquiry.)

(q) by omitting section one hundred and twenty-one and by inserting in lieu thereof the following section :— Subst. sec. 121.

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121. (1) The registrar and any inspector appointed under section one hundred and eighteen of this Act may, for the purpose of any inquiry or inspection under this Act— Powers of registrar and inspectors.

10

(a) administer an oath;

15

(b) by notice in writing require the attendance of any person at the time, and at any place, specified in the notice and require such person then and there to answer any question put to him by the registrar or such inspector, as the case may be, in relation to the matter of any such inquiry or inspection ; and to produce all or any of the books or documents of the society ;

20

(c) require any director or other officer of a society to furnish to the registrar or such inspector, as the case may be, any information relating to the affairs of the society or the matter of any inquiry into the working and financial condition of the society, and to produce to the registrar or such inspector all or any of the books or documents of the society.

25

A notice referred to in paragraph (b) of this subsection may be served, where it is addressed—

30

(i) to a society or a director or other officer of a society, in the appropriate manner specified in subsection six of section seventy-two of this Act ; or

35

(ii) to any other person, by post sent to the last known address of such person.

(2)



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*Co-operation (Amendment).*

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(2) Any person, who—

- 5 (a) when required by the registrar or an  
inspector pursuant to paragraph (b) of  
subsection one of this section refuses or  
fails, without lawful excuse, to attend at  
any time and place specified in a notice  
served on such person in accordance with  
the provisions of that subsection and then  
and there to answer any question put to  
10 him by the registrar or inspector, as the case  
may be, in relation to the matter of any  
inquiry or inspection under this Act or to  
produce any books or documents as  
required by the notice; or
- 15 (b) being a director or other officer of a society  
refuses or fails, without lawful excuse, to  
furnish any information required of him  
pursuant to paragraph (c) of the said sub-  
20 subsection one, or to produce any books or  
documents required to be produced pur-  
suant to that paragraph,
- 25 shall be guilty of an offence and liable to a penalty  
not exceeding three hundred pounds or to imprison-  
ment for a period not exceeding six months or to  
both such penalty and imprisonment.
- 30 (r) by omitting from the Second Schedule the words  
“Maitland Permanent Building, Investment, and  
Loan Society, Limited, and Savings Bank” and by  
inserting in lieu thereof the words “Maitland Per-  
manent Building, Investment and Loan Society”.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[8d.]



No. , 1963.

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## A BILL

To make further provisions regulating the operations of credit unions established under the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; to confer additional powers on the registrar of co-operative societies and inspectors appointed under section one hundred and eighteen of that Act, as so amended, in relation to inquiries into the affairs of such societies and the inspection and winding-up of such societies; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith.

[MR. LANDA;—19 *February*, 1963.]

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BE



*Co-operation (Amendment).*

**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. (1) This Act may be cited as the "Co-operation (Amendment) Act, 1963". Short title and citation.

(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended— Amendment of Act No. 1, 1924.

(a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :— Sec. 17A. (Treasurer may undertake to indemnify building societies against loss in certain circumstances.)

A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.

(b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,"; Sec. 17B. (Mortgages by minors.)

(c) by omitting section twenty-nine and by inserting in lieu thereof the following section :— Subst. sec. 29.

29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, Objects of credit unions.  
and



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*Co-operation (Amendment).*

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and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

5 (d) by omitting paragraphs (c) and (d) of section Sec. 30.  
thirty and by inserting in lieu thereof the following (Powers.)  
paragraph : —

10 (c) make and enter into arrangements, approved  
by the credit union advisory committee con-  
stituted under this Act, for the provision  
of mortgage protection insurance and life  
savings insurance.

(e) (i) by omitting from subsection one of section Sec. 31.  
thirty-one the words “or guarantee”; (Loans to  
members.)

15 (ii) by omitting from subsection two of the same  
section the words “or guaranteed”;

(iii) by inserting next after the same subsection the  
following new subsection : —

20 (3) The loan shall not be made at a rate  
of interest exceeding one per centum per  
month on the balances of principal and  
interest outstanding at the expiration of each  
month of the period of the loan or, where the  
registrar has in respect of any credit union  
approved of a higher rate, exceeding that  
25 higher rate.

(f) (i) by omitting from subsection four of section 31A Sec. 31A.  
the words “or the lender”; (Loans to  
members.)

(ii) by omitting subsection five of the same  
section;

30 (iii) by omitting from subsection six of the same  
section the words “or the lender may grant an  
extension of the time for repayment provided  
that the credit union shall not be liable if the  
lender without the board’s consent, grants an  
extension



*Co-operation (Amendment).*

- extension of time in respect of a loan guaranteed by the credit union" and by inserting in lieu thereof the words "may grant an extension of the time for repayment";
- 5 (iv) by omitting from subsection eight of the same section the words "or guaranteed";
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words ", without the authority of a special resolution,"; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph:— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections:— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word "co-operative" or the abbreviation "co-op." as part of its name.
- (b) The name of a society that is a credit union shall include the words "credit union" as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words "credit union" shall within a period of twelve months after such commencement alter its name in accordance with the requirements of
- 35 paragraph (b) of subsection one of this section,



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*Co-operation (Amendment).*

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section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by post to the registered office of the society.

15 A document required or authorised by or under this Act to be served on a director of a society may be served on him by post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

- 20 (j) (i) by omitting paragraph (a) of subsection one Sec. 82. of section eighty-two and by inserting in lieu (Rules.) thereof the following paragraph :—

25 (a) the name of the society;

- (ii) by omitting from paragraph (e) of the same subsection the words “not exceeding the limits prescribed by this Act” and by inserting in lieu thereof the words “it proposes to exercise those powers”;

- 30 (k) (i) by inserting in subsection (12B) of section Sec. 84. eighty-four after the words “terminating (Board of building society” the words “or of a credit directors.) union”;

- 35 (ii) by inserting in the same subsection after the words “the society” the words “or credit union, as the case may be,”;

(1)



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*Co-operation (Amendment).*

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- 5 (l) by omitting from subsection one of section eighty- Sec. 88.  
eight the words "by special resolution of the (Officers.)  
society" and by inserting in lieu thereof the words  
" , in the case of a society other than a credit union,  
by special resolution of the society or, in the case  
of a credit union, with the approval of all directors  
present and voting (such directors not being less  
in number than the number that constitutes a  
quorum of the board of directors of the credit  
10 union) at any meeting of such directors";
- (m) (i) by omitting from subsection three of section Sec. 92.  
ninety-two the words "that any of the follow- (Winding  
ing events has occurred, that is to say"; up.)
- 15 (ii) by inserting next after paragraph (j) of the  
same subsection the following new para-  
graphs : —
- (k) that there are, and have been for a  
period of one month immediately  
before the date of the registrar's  
20 certificate, insufficient directors of the  
society to constitute a quorum as  
provided by the rules of the society;
- (l) following an inquiry pursuant to the  
provisions of the Act into the affairs  
of a society or the working and  
25 financial condition of a society, that  
in the interests of members or creditors  
of the society the society should be  
wound up.
- 30 (n) by omitting from paragraph (a) of subsection four  
of section one hundred and fourteen the words "and Sec. 114.  
model rules"; (Advisory  
Council.)
- 35 (o) by inserting in subsection two of section one Sec. 117.  
hundred and seventeen after the word "society" the (Inspection by  
words "and for the purposes of this Act shall be registrar.)  
deemed to be such an inspector";

(p)



*Co-operation (Amendment).*

(p) by omitting subsection ten of section one hundred and eighteen; Sec. 118.  
(Special meeting and inquiry.)

(q) by omitting section one hundred and twenty-one and by inserting in lieu thereof the following section :— Subst. sec. 121.

5

121. (1) The registrar and any inspector appointed under section one hundred and eighteen of this Act may, for the purpose of any inquiry or inspection under this Act— Powers of registrar and inspectors.

10

(a) administer an oath;

15

(b) by notice in writing require the attendance of any person at the time, and at any place, specified in the notice and require such person then and there to answer any question put to him by the registrar or such inspector, as the case may be, in relation to the matter of any such inquiry or inspection; and to produce all or any of the books or documents of the society;

20

(c) require any director or other officer of a society to furnish to the registrar or such inspector, as the case may be, any information relating to the affairs of the society or the matter of any inquiry into the working and financial condition of the society, and to produce to the registrar or such inspector all or any of the books or documents of the society.

25

A notice referred to in paragraph (b) of this subsection may be served, where it is addressed—

30

(i) to a society or a director or other officer of a society, in the appropriate manner specified in subsection six of section seventy-two of this Act; or

35

(ii) to any other person, by post sent to the last known address of such person.

(2)



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*Co-operation (Amendment).*

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(2) Any person, who—

5 (a) when required by the registrar or an  
inspector pursuant to paragraph (b) of  
subsection one of this section refuses or  
fails, without lawful excuse, to attend at  
any time and place specified in a notice  
served on such person in accordance with  
the provisions of that subsection and then  
and there to answer any question put to  
10 him by the registrar or inspector, as the case  
may be, in relation to the matter of any  
inquiry or inspection under this Act or to  
produce any books or documents as  
required by the notice; or

15 (b) being a director or other officer of a society  
refuses or fails, without lawful excuse, to  
furnish any information required of him  
pursuant to paragraph (c) of the said sub-  
section one, or to produce any books or  
20 documents required to be produced pur-  
suant to that paragraph,

shall be guilty of an offence and liable to a penalty  
not exceeding three hundred pounds or to imprison-  
ment for a period not exceeding six months or to  
25 both such penalty and imprisonment.

30 (r) by omitting from the Second Schedule the words <sup>Second</sup>  
“Maitland Permanent Building, Investment, and <sup>Schedule.</sup>  
Loan Society, Limited, and Savings Bank” and by  
inserting in lieu thereof the words “Maitland Per-  
manent Building, Investment and Loan Society”.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963  
[8d.]



## CO-OPERATION (AMENDMENT) BILL, 1963.

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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to enable co-operative building societies to lend to certain minors without the consent of the co-operative building advisory committee ;
- (b) to vary the objects for which a credit union may be formed ;
- (c) to enable credit unions to make arrangements for the provision of mortgage protection and life savings insurance ;
- (d) to regulate the maximum rate of interest to be charged by a credit union ;
- (e) to provide that persons, other than credit unions, shall not carry on business under a name including the words "credit union" ;
- (f) to require credit unions to include in their names the words "credit union" ;
- (g) to provide that the office of director of a credit union shall be vacated if he fails to pay within two months money due by him to the credit union ;
- (h) to provide that loans to directors and officers of a credit union shall only be made with the approval of all directors present and voting at any meeting of the credit union ;
- (i) to provide that the registrar may issue a certificate winding up a society if there has been no quorum of the board of directors of the society for a period of one month, or if following an inquiry by the registrar he is of the opinion that winding up is in the best interests of members and creditors ;
- (j) to extend the powers of the registrar and inspectors appointed under section one hundred and eighteen of the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts with respect to requiring persons to attend as witnesses at inquiries and the production of books and documents and with respect to requiring officers of societies to furnish information relative to the affairs of societies ;
- (k) to make other amendments of a minor or consequential character.







*PROOF*

No. , 1963.

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## A BILL

To make further provisions regulating the operations of credit unions established under the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; to confer additional powers on the registrar of co-operative societies and inspectors appointed under section one hundred and eighteen of that Act, as so amended, in relation to inquiries into the affairs of such societies and the inspection and winding-up of such societies; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith.

[MR. LANDA;—19 *February*, 1963.]

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BE



*Co-operation (Amendment).*

**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. (1) This Act may be cited as the "Co-operation (Amendment) Act, 1963". Short title and citation.
- (2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1963.
2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended—
- (a) by omitting from subsection (1D) of section 17A the words "Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect" and by inserting in lieu thereof the following paragraph :— Sec. 17A. (Treasurer may undertake to indemnify building societies against loss in certain circumstances.)
- A direction under this subsection shall not be altered in its application to and in respect of any agreement under this section while that agreement has effect.
- (b) by omitting from subsection one of section 17B the words "and the consent in writing of the co-operative building advisory committee to the execution of the mortgage by such member has been given before its execution,"; Sec. 17B. (Mortgages by minors.)
- (c) by omitting section twenty-nine and by inserting in lieu thereof the following section :— Subst. sec. 29.
29. A credit union may be formed for the objects of raising a fund by subscriptions of its members and in any way authorised by this Act, Objects of credit unions. and



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*Co-operation (Amendment).*

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and of making loans from such fund to its members in accordance with the provisions made by or under this Act and the rules of the credit union.

5 (d) by omitting paragraphs (c) and (d) of section Sec. 30.  
thirty and by inserting in lieu thereof the following (Powers.)  
paragraph : —

10 (c) make and enter into arrangements, approved  
by the credit union advisory committee con-  
stituted under this Act, for the provision  
of mortgage protection insurance and life  
savings insurance.

(e) (i) by omitting from subsection one of section Sec. 31.  
thirty-one the words “or guarantee”; (Loans to  
members.)

15 (ii) by omitting from subsection two of the same  
section the words “or guaranteed”;

(iii) by inserting next after the same subsection the  
following new subsection : —

20 (3) The loan shall not be made at a rate  
of interest exceeding one per centum per  
month on the balances of principal and  
interest outstanding at the expiration of each  
month of the period of the loan or, where the  
registrar has in respect of any credit union  
approved of a higher rate, exceeding that  
25 higher rate.

(f) (i) by omitting from subsection four of section 31A Sec. 31A.  
the words “or the lender”; (Loans to  
members.)

(ii) by omitting subsection five of the same  
section;

30 (iii) by omitting from subsection six of the same  
section the words “or the lender may grant an  
extension of the time for repayment provided  
that the credit union shall not be liable if the  
lender without the board’s consent, grants an  
extension



*Co-operation (Amendment).*

extension of time in respect of a loan guaranteed by the credit union" and by inserting in lieu thereof the words "may grant an extension of the time for repayment";

- 5 (iv) by omitting from subsection eight of the same section the words "or guaranteed";
- (v) by omitting subsections nine and ten of the same section;
- 10 (g) by omitting from subsection (8A) of section sixty-six the words ", without the authority of a special resolution,"; Sec. 66. (Loans and deposits.)
- (h) by inserting at the end of subsection one of section sixty-eight the following new paragraph :— Sec. 68. (Investment.)
- 15 Notwithstanding the foregoing provisions of this subsection, a credit union shall not invest any of its funds by way of deposit in any society other than an association of credit unions of which such credit union is a member.
- 20 (i) (i) by omitting subsection one of section seventy-two and by inserting in lieu thereof the following subsections :— Sec. 72. (Name and address.)
- 25 (1) (a) The name of a society that is not a credit union shall include the word "co-operative" or the abbreviation "co-op." as part of its name.
- (b) The name of a society that is a credit union shall include the words "credit union" as part of its name.
- 30 (1A) A credit union which was registered immediately before the commencement of the Co-operation (Amendment) Act, 1963, and whose name does not include the words "credit union" shall within a period of twelve months after such commencement alter its name in accordance with the requirements of
- 35 paragraph (b) of subsection one of this section,



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*Co-operation (Amendment).*

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section, and until the expiration of the said period the said paragraph (b) shall not apply to any such credit union.

- 5 (ii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

10 (6) A document required or authorised by or under this Act to be served on a society or officer of a society, other than a director thereof, may be served on the society or officer by addressing it to the society or the officer, as the case may be, at the registered office of the society and by leaving it at or sending it by post to the registered office of the society.

15 A document required or authorised by or under this Act to be served on a director of a society may be served on him by post addressed to the last address of the director as disclosed in returns transmitted to the registrar pursuant to this Act.

- 20 (j) (i) by omitting paragraph (a) of subsection one of section eighty-two and by inserting in lieu thereof the following paragraph :—

25 (a) the name of the society;

- (ii) by omitting from paragraph (e) of the same subsection the words “not exceeding the limits prescribed by this Act” and by inserting in lieu thereof the words “it proposes to exercise those powers”;

- 30 (k) (i) by inserting in subsection (12B) of section eighty-four after the words “terminating building society” the words “or of a credit union”; Sec. 84. (Board of directors.)

- 35 (ii) by inserting in the same subsection after the words “the society” the words “or credit union, as the case may be,”;

(1)



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*Co-operation (Amendment).*

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- 5 (l) by omitting from subsection one of section eighty-eight the words "by special resolution of the society" and by inserting in lieu thereof the words  
10 ", in the case of a society other than a credit union, by special resolution of the society or, in the case of a credit union, with the approval of all directors present and voting (such directors not being less in number than the number that constitutes a quorum of the board of directors of the credit union) at any meeting of such directors";
- (m) (i) by omitting from subsection three of section ninety-two the words "that any of the following events has occurred, that is to say";  
15 (ii) by inserting next after paragraph (j) of the same subsection the following new paragraphs :—
- (k) that there are, and have been for a period of one month immediately before the date of the registrar's certificate, insufficient directors of the society to constitute a quorum as provided by the rules of the society;  
20
- (l) following an inquiry pursuant to the provisions of the Act into the affairs of a society or the working and financial condition of a society, that in the interests of members or creditors of the society the society should be wound up.  
25
- 30 (n) by omitting from paragraph (a) of subsection four of section one hundred and fourteen the words "and model rules";
- 35 (o) by inserting in subsection two of section one hundred and seventeen after the word "society" the words "and for the purposes of this Act shall be deemed to be such an inspector";

(p)



*Co-operation (Amendment).*

- (p) by omitting subsection ten of section one hundred and eighteen ; Sec. 118.  
(Special meeting and inquiry.)
- (q) by omitting section one hundred and twenty-one and by inserting in lieu thereof the following section :— Subst. sec. 121.
- 5
121. (1) The registrar and any inspector appointed under section one hundred and eighteen of this Act may, for the purpose of any inquiry or inspection under this Act— Powers of registrar and inspectors.
- 10
- (a) administer an oath ;
- (b) by notice in writing require the attendance of any person at the time, and at any place, specified in the notice and require such person then and there to answer any question put to him by the registrar or such inspector, as the case may be, in relation to the matter of any such inquiry or inspection ; and to produce all or any of the books or documents of the society ;
- 15
- (c) require any director or other officer of a society to furnish to the registrar or such inspector, as the case may be, any information relating to the affairs of the society or the matter of any inquiry into the working and financial condition of the society, and to produce to the registrar or such inspector all or any of the books or documents of the society.
- 20
- 25
- A notice referred to in paragraph (b) of this subsection may be served, where it is addressed—
- 30
- (i) to a society or a director or other officer of a society, in the appropriate manner specified in subsection six of section seventy-two of this Act ; or
- 35
- (ii) to any other person, by post sent to the last known address of such person.

(2)



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*Co-operation (Amendment).*

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(2) Any person, who—

- 5
- (a) when required by the registrar or an inspector pursuant to paragraph (b) of subsection one of this section refuses or fails, without lawful excuse, to attend at any time and place specified in a notice served on such person in accordance with the provisions of that subsection and then and there to answer any question put to him by the registrar or inspector, as the case may be, in relation to the matter of any inquiry or inspection under this Act or to produce any books or documents as required by the notice; or
- 10
- (b) being a director or other officer of a society refuses or fails, without lawful excuse, to furnish any information required of him pursuant to paragraph (c) of the said subsection one, or to produce any books or documents required to be produced pursuant to that paragraph,
- 15
- 20
- shall be guilty of an offence and liable to a penalty not exceeding three hundred pounds or to imprisonment for a period not exceeding six months or to both such penalty and imprisonment.
- 25
- (r) by omitting from the Second Schedule the words <sup>Second</sup> “Maitland Permanent Building, Investment, and <sup>Schedule.</sup> Loan Society, Limited, and Savings Bank” and by inserting in lieu thereof the words “Maitland Permanent Building, Investment and Loan Society”.
- 30

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