

CO-OPERATION (AMENDMENT) ACT, 1980, No. 37

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 37, 1980.

An Act to amend the Co-operation Act, 1923, to allow the appointment of an administrator or a direction to transfer engagements to be made in respect of any co-operative society. [Assented to, 16th April, 1980.]

Co-operation (Amendment).

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

Short title. **1.** This Act may be cited as the "Co-operation (Amendment) Act, 1980".

Amendment.
of Act No.
1, 1924. **2.** The Co-operation Act, 1923, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE CO-OPERATION ACT, 1923.

(1) (a) Section 69c (1)—

Omit the subsection, insert instead :—

(1) Subject to this section, the registrar may, with the approval of the Minister, direct a society of a kind referred to in section 6 (1), other than a non-terminating building society or a society mentioned in the Second Schedule—

- (a) to transfer its engagements to a society of the same kind approved by the registrar; and
- (b) within a period specified by the registrar when giving the direction, or within such further period as the registrar may allow, to enter into an agreement, approved by the registrar, to give effect to the transfer of engagements directed.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

(b) Section 69c (2)—

Omit “direct a society”, insert instead “direct a non-terminating building society or a society mentioned in the Second Schedule”.

(c) Section 69c (3)—

Omit “subsection (2) in relation to a non-terminating building society”, insert instead “subsection (1), or under subsection (2) in relation to a non-terminating building society,”.

(d) Section 69c (3) (a)—

Omit “(2)”, insert instead “(1) or (2)”;

(e) Section 69c (5)—

Omit “subsection (2)”, insert instead “subsection (1) or (2)”.

(f) Section 69c (7)—

Omit “(2)” where firstly occurring, insert instead “(1) or (2)”.

(g) Section 69c (7)—

Omit “subsection (2) (b)”, insert instead “subsection (1) (b) or (2) (b), as the case may be,”.

(h) Section 69c (10) (a)—

Omit “(2)”, insert instead “(1) or (2)”.

(2) (a) Section 69D (1)—

Omit “society under section 69c (2)”, insert instead “building society under section 69c (1) or (2)”.

Co-operation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

(b) Section 69D (1A)—

After section 69D (1), insert :—

(1A) Where a direction is given under section 69C (1) to a society other than a building society, the society may, not later than fourteen days after the direction is given, make representations to the Advisory Council constituted under this Act with respect to the direction and, where any such representations are so made, the Advisory Council shall report thereon to the Minister.

(c) Section 69D (2)—

Omit “(1)”, insert instead “(1) or (1A)”.

(3) (a) Section 95A (1)—

Omit “non-terminating building society or a society mentioned in the Second Schedule”, insert instead “society”.

(b) Section 95A (2)—

Omit “non-terminating building society”, insert instead “society, other than a society mentioned in the Second Schedule,”.

(4) Section 95B (1)—

Omit the subsection, insert instead :—

(1) Where an administrator of a society is appointed, a majority of the directors who ceased to hold office upon the appointment of the administrator may, not later than fourteen days after the appointment, make representations—

(a) where the society is a building society—to the Co-operative Building Advisory Committee; or

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

(b) in every other case—to the Advisory Council constituted under this Act,

with respect to the appointment and, where any such representations are so made, the Co-operative Building Advisory Committee or the Advisory Council, as the case may be, shall report thereon to the Minister.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 16th April, 1980.*

Co-operation (Amendment)

SCHEDULE 1 - continued

AMENDMENTS TO THE CO-OPERATION ACT, 1933 - continued

(c) in every other case - the Advisory Council
constituted under this Act

with respect to the appointment and where any such
representatives are to be appointed the Co-operative Society
Advisory Council of the Advisory Council, as the case
may be, shall report there to the Council.

In the case and on behalf of the Advisory Council in this Act

A. W. CUTLER
Governor

Government House,
Sydney, 21st April 1934

BY APPOINTMENT
SECRETARY





CO-OPERATION (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to extend the powers of the registrar of co-operative societies (“the registrar”) so that he may in future appoint an administrator in respect of any co-operative society and not just in respect of non-terminating building societies or the building societies referred to in the Second Schedule to the Co-operation Act, 1923, as at present (Schedule 1 (3));
 - (b) similarly to extend the power of the registrar to direct a society to transfer its engagements to another society (Schedule 1 (1)); and
 - (c) to make amendments of a consequential nature (Schedule 1 (2) and (4)).
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COMMITTEE ON THE CONSTITUTION (EMERGENCY) (1950)

EXPLANATORY NOTE

(This explanatory note is printed in italics in the original.)

The object of this Bill is—

- (a) to amend the provisions of the Constitution relating to the powers of the President in respect of the appointment and removal of judges of the Supreme Court and of the High Courts and to the appointment and removal of judges of the District Courts and to the appointment and removal of judges of the District Courts (Schedule I (2));
- (b) to amend the provisions of the Constitution relating to the powers of the President in respect of the appointment and removal of judges of the District Courts and to the appointment and removal of judges of the District Courts (Schedule I (2));
- (c) to make amendments of a consequential nature in the Constitution (Schedule I (2)).

CO-OPERATION (AMENDMENT) BILL, 1980

No. , 1980.

A BILL FOR

An Act to amend the Co-operation Act, 1923, to allow the appointment of an administrator or a direction to transfer engagements to be made in respect of any co-operative society.

[MR SHEAHAN—19 *March*, 1980.]

Co-operation (Amendment).

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

5 **1.** This Act may be cited as the “Co-operation (Amendment) Short title. Act, 1980”.

2. The Co-operation Act, 1923, is amended in the manner set forth in Schedule 1. Amendment.
of Act No.
1, 1924.

SCHEDULE 1.

Sec. 2.

10 AMENDMENTS TO THE CO-OPERATION ACT, 1923.

(1) (a) Section 69c (1)—

Omit the subsection, insert instead :—

15 (1) Subject to this section, the registrar may, with the approval of the Minister, direct a society of a kind referred to in section 6 (1), other than a non-terminating building society or a society mentioned in the Second Schedule—

20 (a) to transfer its engagements to a society of the same kind approved by the registrar; and

25 (b) within a period specified by the registrar when giving the direction, or within such further period as the registrar may allow, to enter into an agreement, approved by the registrar, to give effect to the transfer of engagements directed.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

- (b) Section 69C (2)—
5 Omit “direct a society”, insert instead “direct a non-terminating building society or a society mentioned in the Second Schedule”.
- (c) Section 69C (3)—
10 Omit “subsection (2) in relation to a non-terminating building society”, insert instead “subsection (1), or under subsection (2) in relation to a non-terminating building society,”.
- (d) Section 69C (3) (a)—
Omit “(2)”, insert instead “(1) or (2)”;
- (e) Section 69C (5)—
15 Omit “subsection (2)”, insert instead “subsection (1) or (2)”.
- (f) Section 69C (7)—
Omit “(2)” where firstly occurring, insert instead “(1) or (2)”.
- 20 (g) Section 69C (7)—
Omit “subsection (2) (b)”, insert instead “subsection (1) (b) or (2) (b), as the case may be,”.
- (h) Section 69C (10) (a)—
Omit “(2)”, insert instead “(1) or (2)”.
- 25 (2) (a) Section 69D (1)—
Omit “society under section 69C (2)”, insert instead “building society under section 69C (1) or (2)”.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

(b) Section 69D (1A)—

After section 69D (1), insert :—

- 5 (1A) Where a direction is given under section 69C
(1) to a society other than a building society, the
society may, not later than fourteen days after the
direction is given, make representations to the
10 Advisory Council constituted under this Act with
respect to the direction and, where any such rep-
resentations are so made, the Advisory Council shall
report thereon to the Minister.

(c) Section 69D (2)—

Omit “(1)”, insert instead “(1) or (1A)”.

15 (3) (a) Section 95A (1)—

Omit “non-terminating building society or a society
mentioned in the Second Schedule”, insert instead
“society”.

(b) Section 95A (2)—

- 20 Omit “non-terminating building society”, insert
instead “society, other than a society mentioned in the
Second Schedule.”.

(4) Section 95B (1)—

Omit the subsection, insert instead :—

- 25 (1) Where an administrator of a society is appointed,
a majority of the directors who ceased to hold office upon
the appointment of the administrator may, not later than
fourteen days after the appointment, make
representations—
30 (a) where the society is a building society—to the
Co-operative Building Advisory Committee; or

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CO-OPERATION ACT, 1923—*continued.*

- (b) in every other case—to the Advisory Council constituted under this Act,
- 5 with respect to the appointment and, where any such representations are so made, the Co-operative Building Advisory Committee or the Advisory Council, as the case may be, shall report thereon to the Minister.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980
(20c)

Co-operation (Amendment)

SCHEDULE I—continued

AMENDMENTS TO THE CO-OPERATION ACT, 1930—continued

(b) in every other case—to the Advisory Council constituted under this Act.

with respect to the appointment and where any such appointment is made by the Co-operative Societies Advisory Council, the Advisory Council may be, shall report thereon to the Minister.