

CREDIT UNION (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

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

The Trustee (Amendment) Bill, 1984, is cognate with this Bill.

The objects of this Bill are—

- (a) to amend the Credit Union Act, 1969 ("the Act"), so as—
- (i) to extend the objects and powers of credit unions and associations of credit unions with a view to enabling them to provide increased and improved services to their members and, within certain limits, to provide services to persons who are not members (Schedules 2 (1) and (2) and 3 (4));
 - (ii) to enable credit unions and associations of credit unions to function outside New South Wales (Schedules 2 (3) and 3 (4)—proposed section 5A);
 - (iii) to clarify how the classes of persons to whom a credit union may lend money may be defined (Schedule 2 (4) (b));
 - (iv) to introduce more flexible provisions for the repayment of loans made by credit unions (Schedule 2 (4) (f));
 - (v) to revise section 7 of the Act (which section relates to the liquid funds to be maintained by a credit union as a prerequisite to lending money) to provide that, in ascertaining the amount of liquid funds of a credit union for the purposes of that section, that amount is, where and to the extent that regulations so provide, to be reduced by the amount of unadvanced portions of loans agreed to be made (Schedule 2 (5));
 - (vi) to abolish the special remedies and powers of a credit union with respect to a member of the credit union who has defaulted in the repayment of a loan from the credit union or in the payment of interest payable to the credit union in respect of the loan (Schedule 2 (6));
 - (vii) to provide that a credit union or an association of credit unions may impose charges or fees on members in respect of their membership or for the provision of services without the need to specify those charges or fees in the rules of the credit union or association (Schedules 2 (7)—proposed section 9A, 3 (1) and 11 (1));

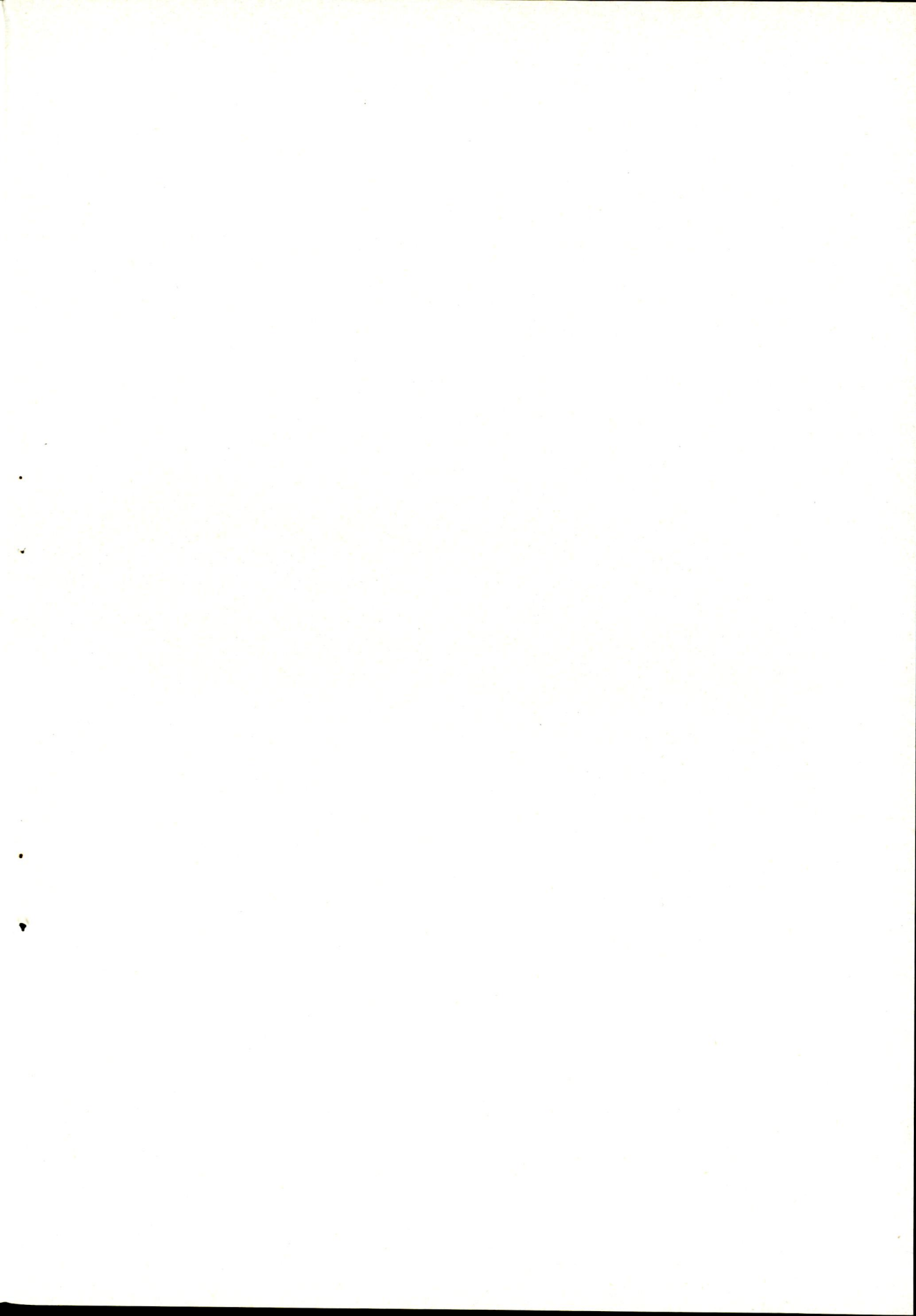
- (viii) to insert in the Act provisions which will extend the powers of credit unions and associations of credit unions to acquire shares in bodies corporate that will provide special services to those credit unions or associations or to their members (Schedule 2 (9)—proposed section 11A);
- (ix) to extend the kinds of financial transactions in which credit unions and associations of credit unions may engage (Schedules 2 (10) and 3 (5));
- (x) to make it no longer mandatory for the Minister to fix the maximum rate of interest that credit unions are permitted to pay in respect of money held by them on deposit (Schedule 2 (10));
- (xi) to extend the capacity of credit unions and associations of credit unions to act as agents (Schedule 2 (11));
- (xii) to extend the powers of credit unions and associations of credit unions with respect to the investment of their funds (Schedule 2 (12));
- (xiii) to enable the board of a credit union or an association of credit unions to alter the rules of the credit union or association where the alteration does no more than give effect to a legislative requirement, restriction or prohibition (Schedule 3 (2));
- (xiv) to replace the existing provisions providing for the exemption of certain unincorporated associations and interstate credit unions from the prohibition preventing them from using the name "credit union" with new provisions which will enable the registrar, subject to such conditions and restrictions as the registrar considers appropriate, to exempt any body of persons from the operation of that prohibition (Schedule 3 (3));
- (xv) to require an association of credit unions to maintain a certain proportion of its funds in a liquid form as a prerequisite to the lending of money by the association (Schedule 3 (6)—proposed section 36A);
- (xvi) to make it no longer mandatory for the Minister to fix the maximum rate of dividend that may be paid by a credit union or an association of credit unions in respect of fully paid shares held by a member of the credit union or association (Schedule 4 (1));
- (xvii) to provide that, for the purpose of calculating the available surplus for distribution arising from the operations of a credit union or an association of credit unions, the allowance to be made in respect of contingent liabilities for "bad debts" in respect of loans made by the credit union or association is, in future, to be determined in accordance with the provisions of an order made by the Minister instead of under the Act as at present (Schedule 4 (2) and (3));
- (xviii) to remove the need for the resignation of a director of a credit union or an association of credit unions to be accepted by the board of the credit union or association (Schedule 5 (1) (c));

- (xix) to require a credit union and an association of credit unions to inform the registrar of any change in the office of secretary or principal executive officer of the credit union or association or of any of its subsidiary corporations (Schedule 5 (2) (a));
- (xx) to require a credit union and an association of credit unions to transmit to the registrar a list of directors of any subsidiary corporation of the credit union or association and a list of the secretaries and principal executive officers of the credit union or association and of its subsidiary corporations (Schedule 5 (2) (b));
- (xxi) to extend the requirement that credit unions and associations of credit unions transmit their balance sheets to the registrar to include their income and expenditure accounts and appropriation accounts and to include the balance sheets and profit and loss accounts of their subsidiary corporations (Schedule 5 (2) (b));
- (xxii) to enable the registrar to direct a credit union or an association of credit unions to transmit to the registrar a list of the members of any subsidiary corporation of the credit union or association (Schedule 5 (2) (d));
- (xxiii) to empower regulations to be made requiring a credit union to transmit to the Credit Union Savings Reserve Board returns prescribed by the regulations (Schedule 5 (2) (e));
- (xxiv) to enable the registrar, when appointing directors of a credit union or an association of credit unions on the revocation of the appointment of an administrator of the credit union or association, to appoint directors for different periods of up to 3 years and, in the event of any of those directors ceasing to hold office before the expiry of his or her term of appointment, to appoint a person to fill the vacancy (Schedule 7 (1));
- (xxv) to extend section 86 of the Act, which makes it an offence to falsify the accounting records of a credit union or an association of credit unions, to include the records of a subsidiary corporation of a credit union or of an association of credit unions (Schedule 8 (3));
- (xxvi) to provide that an officer of a credit union or of an association of credit unions which has contravened a provision of the Act or the regulations thereunder shall, subject to the special defences that are prescribed, be deemed to have contravened the same provision and to be liable to the same penalty as that applicable to the credit union or association (Schedule 8 (4)—proposed section 90AA);
- (xxvii) to extend section 91A of the Act whereby a credit union or an association of credit unions is required to give notice to its members of particulars of penalties imposed on the credit union or association for offences against the Act so as to provide for the inclusion in such a notice of particulars of convictions for those offences and particulars of convictions of officers of the credit union or association for offences against the Act together with particulars of any penalties imposed for those offences and of the nature of those offences (Schedule 8 (5));

- (xxviii) to make it no longer necessary for the approval of the Minister to be obtained before the registrar may delegate the functions of the registrar under the Act to an officer of the registrar's office (Schedule 9 (1));
- (xxix) to make it clear that the power of the registrar to enlarge the time for the doing of any act under the Act may be exercised whether or not the time has expired (Schedule 9 (2));
- (xxx) to enable the registrar or an inspector to inspect the records, and examine and inquire into the affairs, of a subsidiary corporation of a credit union or of an association of credit unions and of a prescribed body corporate in which a credit union or an association of credit unions is entitled to invest pursuant to proposed section 11A of the Act (a "special services body corporate") (Schedule 9 (4) and (5) (a)–(e));
- (xxxi) to enable the registrar to delegate the registrar's duties, powers and authorities in relation to certain meetings and inquiries under the Act to any suitably qualified person including a person outside New South Wales (Schedule 9 (5) (f));
- (xxxii) to enable the registrar or an inspector to require a person to attend and answer questions, and to require the production of any records, relating to a credit union or an association of credit unions or to a subsidiary corporation, or special services body corporate, of a credit union or an association of credit unions (Schedule 9 (6) (a));
- (xxxiii) to enable the registrar or an inspector to require a director of a credit union, an association of credit unions or a subsidiary corporation or special services body corporate of a credit union or an association of credit unions to furnish to the registrar or inspector information relating to the affairs of a subsidiary corporation or special services body corporate of the credit union or association (Schedule 9 (6) (b), (c));
- (xxxiv) to enable the registrar or an inspector to require an officer of a subsidiary corporation or special services body corporate of a credit union or an association of credit unions to furnish information relating to the affairs of the corporation or body corporate or of the credit union or association (Schedule 9 (6) (d));
- (xxxv) to empower the registrar or an inspector to enter premises on which the affairs of a credit union or an association of credit unions, or of any of its subsidiary corporations or special services bodies corporate, are carried on or on which any records relating to those affairs are kept (Schedule 9 (6) (d));
- (xxxvi) to make it an offence to assault or wilfully obstruct, hinder or otherwise interfere with the registrar or an inspector carrying out functions under the Act (Schedule 9 (6) (e));

- (xxxvii) to empower the registrar to disclose to persons in other jurisdictions exercising functions similar to those of the registrar, any information obtained under the Act in relation to a credit union, an association of credit unions, a subsidiary corporation of a credit union or association of credit unions or a special services body corporate (Schedule 9 (6) (e));
 - (xxxviii) to enable the regulations under the Act to prescribe fees for the late lodgment or transmission of documents under the Act (Schedule 10 (1));
 - (xxxix) to enable regulations made under the Act to differentiate according to specified factors (Schedule 10 (1)); and
 - (xl) to enable the Minister to invite associations of credit unions and credit unions to make nominations for appointment to membership of the Credit Union Savings Reserve Board (Schedule 11 (2)—proposed clause 4 of Schedule 2);
 - (b) to amend the Act by way of statute law revision (Schedule 12);
 - (c) to provide for the saving of certain existing provisions and for matters of a transitional nature (Schedule 13); and
 - (d) to make other amendments to the Act of a minor, consequential or ancillary nature.
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CREDIT UNION (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Credit Union Act, 1969, for the purpose of making further provision with respect to the objects and powers of credit unions and the administration and regulation of credit unions, associations of credit unions and corporations that are the subsidiaries of credit unions and such associations; and for other purposes.

See also Trustee (Amendment) Bill, 1984.

Credit Union (Amendment) 1984

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 Short title.

1. This Act may be cited as the "Credit Union (Amendment) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Credit Union Act, 1969, is referred to in this Act as the Principal
15 Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

20 SCHEDULE 3.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

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SCHEDULE 6.—AMENDMENTS TO PART VA OF THE PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

SCHEDULE 8.—AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

5 SCHEDULE 9.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

SCHEDULE 10.—AMENDMENT TO PART X OF THE PRINCIPAL ACT.

SCHEDULE 11.—AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT.

10 SCHEDULE 12.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 13.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 8, 1969.

5. The Principal Act is amended in the manner set forth in Schedules 1–12.

15 **Savings and transitional provisions.**

6. Schedule 13 has effect.

Credit Union (Amendment) 1984

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) (a) Section 3 (1), definition of "corporation"—

5 Before the definition of "credit union", insert:—

"corporation" has the meaning ascribed to that expression by
the Companies (New South Wales) Code;

(b) Section 3 (1), definition of "member"—

After the definition of "credit union", insert:—

10 "member" means a member of a credit union or of an associa-
tion, as the case may require;

(c) Section 3 (1), definition of "mortgage-backed security"—

After the definition of "mortgage", insert:—

15 "mortgage-backed security" has the meaning ascribed to that
expression by section 84FA of the Stamp Duties Act,
1920;

(d) Section 3 (1), definition of "officer"—

After "director,", insert "principal executive officer,".

(e) Section 3 (1), definitions of "principal executive officer",
"records"—

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Before the definition of "registrar", insert:—

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"principal executive officer", in relation to a credit union
or an association, means the principal executive officer
of the credit union or association for the time being, by
whatever name called, and whether or not that officer
is a director or the secretary;

*Credit Union (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

- 5 “records” includes books, accounts, minutes, registers, deeds, writings, documents and any other sources of information compiled, recorded, or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means;
- (f) Section 3 (1), definition of “special resolution”—
After the definition of “share”, insert:—
10 “special resolution” has the meaning ascribed to that expression by section 64;
- (g) Section 3 (1), definitions of “special services body corporate”, “subsidiary corporation”—
After the definition of “special rule”, insert:—
15 “special services body corporate”, in relation to a credit union or an association, means a body corporate in which the credit union or association holds shares subscribed for or otherwise acquired pursuant to section 11A;
20 “subsidiary corporation” has the meaning ascribed to that expression by section 3A.
- (h) Section 3 (2)—
After section 3 (1), insert:—
25 (2) In this Act, a reference to an alteration of the rules of a credit union or of an association, or to an alteration of the rules of the Savings Reserve Board, is a reference to—
(a) the omission of a rule or of matter from a rule;
(b) the omission of a rule or of matter from a rule and the substitution of another rule, or of other matter in the rule; and
30 (c) the insertion of an additional rule or of additional matter in a rule.

Credit Union (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(2) Section 3A—

After section 3, insert:—

5 **Subsidiary corporations.**

3A. (1) For the purposes of this Act, a corporation shall, subject to subsection (3), be deemed to be a subsidiary of a credit union or of an association if the credit union or association—

- 10 (a) controls the composition of the board of directors of the corporation;
- (b) is in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the corporation; or
- 15 (c) holds more than one-half of the issued share capital of the corporation (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital).

20 (2) Without limiting by implication the circumstances in which the composition of a corporation's board of directors is to be taken to be controlled by a credit union or an association, the composition of a corporation's board of directors shall be taken to be controlled by a credit union or an association if the credit union or association, by the exercise of some power exercisable whether with or without the consent or concurrence of any other person by the

25 credit union or association, can appoint or remove all or a majority of the directors, and, for the purposes of this section, the credit union or association shall be deemed to have power to make such an appointment if—

- 30 (a) a person cannot be appointed as a director without the exercise in that person's favour by the credit union or association of such a power; or

*Credit Union (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

5 (b) a person's appointment as a director follows necessarily from that person's being a director or other officer of the credit union or association.

(3) In determining whether a corporation is a subsidiary of a credit union or of an association—

10 (a) any shares held or power exercisable by the credit union or association in a fiduciary capacity shall be treated as not held or exercisable by it;

(b) subject to paragraphs (c) and (d), any shares held or power exercisable—

15 (i) by any person as a nominee for the credit union or association (except where the credit union or association is concerned only in a fiduciary capacity); or

(ii) by, or by a nominee for, a subsidiary of the credit union or association, not being a subsidiary that is concerned only in a fiduciary capacity,

20 shall be treated as held or exercisable by the credit union or association;

(c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of the corporation, or of a trust deed for securing any issue of any such debentures, shall be disregarded; and

25 (d) any shares held or power exercisable by, or by a nominee for, the credit union or association (not being held or exercisable as mentioned in paragraph (c)) shall be treated as not held or exercisable by the credit union or association if the shares are held or the power is exercisable only by way of security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of
30 money.

Credit Union (Amendment) 1984

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

(1) (a) Section 4 (b)—

5 Omit “and” where secondly occurring.

(b) Section 4 (c), (d)—

At the end of section 4 (c), insert:—

; and

10 (d) to engage in such other activities as may be prescribed for the purposes of this paragraph.

(2) (a) Section 5 (a)—

After “on loan”, insert “or obtain other financial accommodation”.

(b) Section 5 (d)–(f)—

15 Omit section 5 (d), insert instead:—

(d) acquire and hold shares not exceeding a total nominal value of \$10,000 or, where some other nominal value is prescribed, that prescribed nominal value, in any association or federation referred to in section 18;

20 (e) enter into and give effect to any contract, scheme or arrangement for the provision for or on behalf of its members or other persons of services of a prescribed kind and, in particular, enter into and give effect to any contract of guarantee with respect to the performance of the obligations of its members or other persons for whom or on whose behalf those services are provided; and

25 (f) exercise such other powers as may be prescribed for the purposes of this paragraph in relation to its members and, where so prescribed, in relation to other persons.

30 (3) Section 5A—

After section 5, insert:—

Power of credit union to operate outside New South Wales.

35 5A. Subject to this Act and the regulations, a credit union has the capacity to carry out its objects and to exercise its powers at any place outside New South Wales but within Australia.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 6 (1)—

Omit “natural”.

5 (b) Section 6 (2)—

10 Omit “by reason of residence in a specified district so approved”, insert instead “by reference to a specified area or areas so approved, which may be wholly within New South Wales or partly within New South Wales and partly outside New South Wales”.

(c) Section 6 (2A)—

After section 6 (2), insert:—

(2A) A credit union shall not make to any member—

- 15 (a) a loan of a class prescribed for the purposes of this paragraph; or
- (b) a loan containing a term or condition of a class so prescribed.

(d) Section 6 (4)—

Omit the subsection, insert instead:—

20 (4) Subject to this section, a board may approve an application for a loan, or approve the application in part, on such terms as it thinks fit, including—

- (a) terms as to the manner of repayment of the loan and payment of interest in respect of it; and
- 25 (b) terms as to the giving of security by way of guarantee, promissory notes or mortgage or otherwise.

(e) Section 6 (7)—

Omit “Subject to subsections (8) and (8A), the”, insert instead “The”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(f) Section 6 (7B) (b)—

5

Omit “by instalments”, insert instead “by a single instalment, or by instalments of equal or differing amounts”.

(g) Section 6 (8), (8A)—

Omit the subsections.

(5) Section 7—

Omit the section, insert instead:—

10

Liquidity of credit unions.

7. (1) In this section, a reference to liquid funds is a reference to—

15

(a) funds in the form of cash at a bank (after allowing for cheques drawn but not presented for payment) and cash in hand;

(b) investments in securities authorised by law for the investment of trust funds (other than mortgages of estates or interests in land) that are redeemable within 10 years of their acquisition;

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(c) investments in mortgages of estates or interests in land, whether situated in New South Wales or elsewhere in Australia, and mortgage-backed securities, being mortgages and securities of prescribed classes;

(d) funds on deposit with any prescribed bank;

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(e) funds on deposit with an association of which the depositor is a member;

(f) investments in shares of, and funds on deposit with, a permanent building society registered under the Permanent Building Societies Act, 1967;

Credit Union (Amendment) 1984

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- 5 (g) funds on deposit with any prescribed body corporate or with any body corporate of a prescribed class of bodies corporate; and
- (h) investments in prescribed securities and in securities approved by the registrar under section 19 (2),
- 10 less, where and to the extent that the regulations so provide, the unadvanced portions of any loans agreed to be made, but such a reference does not include any such funds or investments to the extent—
- (i) of the amount necessary to satisfy any lien or charge on those funds or investments, other than—
- 15 (i) a lien or charge given by a credit union to an association of which it is a member; or
- (ii) a floating charge;
- (j) in the case of funds or investments referred to in paragraphs (d), (e), (f) and (g)—that they may be withdrawn or liquidated only on more than 3 months' notice or, where some other period is prescribed in respect of them or any of them,
- 20 that period of notice; or
- (k) where the regulations so provide—that the amount of any of those funds or investments specified in the regulations exceeds the prescribed amount or an amount calculated as prescribed.
- 25 (2) For the purpose of calculating the amount of liquid funds held by a credit union, investments referred to in subsection (1) (b) and (h) shall be assessed at cost or market value, whichever is the lesser.
- (3) A credit union shall not in any month make a loan of an
- 30 amount which would, if deducted from the liquid funds of the credit union as at the last day of the immediately preceding month, produce an amount less than an amount equal to the prescribed proportion of the sum of—
- (a) the amount of the paid-up share capital of the credit union;
- 35 and

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) the amount held by the credit union on deposit,
as at that day.

5 (4) In subsection (3), a reference to the prescribed proportion
is a reference to 7 per cent or, where some other percentage is
prescribed, that percentage.

(5) Regulations made for the purposes of this section may—

10 (a) prescribe an amount, or a method of calculating an amount,
as the maximum amount of any funds or investments specified
in the regulations that may be taken into consideration in
calculating the amount of liquid funds of a credit union; and

(b) prescribe different amounts or methods in respect of different
funds or investments.

15 (6) Section 8 (2)–(5)—

Omit the subsections.

(7) Section 9A—

After section 9, insert:—

20 **Liability of member for charges and fees imposed by credit union or
association.**

25 9A. (1) A credit union, or an association, may impose charges
and fees on its members with respect to their membership or with
respect to the performance of services for them or on their behalf
and may, if it thinks it is appropriate to do so, prescribe any such
charges and fees in its rules.

30 (2) In addition to any amount for which a member of a
credit union or of an association may be liable under any other
provision of this Act or the regulations, the member shall be liable to the
credit union or association for any charges or fees imposed by the
credit union or association under subsection (1).

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(8) Section 11 (2), (3)—

Omit the subsections,

5 (9) Section 11A—

After section 11, insert:—

Acquisition of shares in certain corporations.

10 11A. (1) In this section, "body corporate" means a body corporate which has a share capital and includes such a body corporate which is incorporated outside New South Wales,

(2) Subject to subsection (3) and subject to and in accordance with any prescribed conditions, a credit union, or an association, may subscribe for or otherwise acquire shares in a body corporate that—

15 (a) has objects which include the provision of; or

(b) has agreed to provide,

special services to the credit union or association to enable the credit union or association to further its objects or to the members of the credit union or association in their capacity as such.

20 (3) Except as provided by sections 5 and 18, a credit union, or an association, shall not, without the approval of the Advisory Committee, apply funds in excess of the prescribed amount or an amount calculated as prescribed, whichever amount is the greater, in subscribing for or otherwise acquiring shares pursuant to subsection (2) in any one body corporate.

25 (4) A credit union, or an association, may make an application in writing to the Advisory Committee for an approval referred to in subsection (3), and on any such application being made to it, the Advisory Committee shall, subject to this section, give the approval applied for or refuse to give that approval.

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*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

5 (5) In giving an approval under subsection (4), the Advisory Committee may impose such conditions and restrictions as it considers appropriate.

(6) Subject to subsections (9) and (10), the Advisory Committee may from time to time vary or revoke a condition or restriction imposed under subsection (5).

10 (7) Subject to subsections (9) and (10), the Advisory Committee may revoke an approval given under subsection (4) on the ground that any condition (including a prescribed condition) or any restriction to which the approval is subject has not been complied with or has been contravened.

(8) The Advisory Committee shall not—

- 15 (a) refuse to give an approval for which an application under subsection (4) has been made; or
- (b) in giving such an approval, impose any condition or restriction,

20 without first having afforded the credit union or association concerned an opportunity to make written submissions to the Advisory Committee in relation to the matter.

(9) The Advisory Committee shall not—

- (a) vary a condition or restriction imposed in respect of an approval given under subsection (4); or
- 25 (b) revoke an approval so given,

without first having afforded the credit union or association concerned an opportunity to be heard by, or, if the credit union or association prefers, an opportunity to make written submissions to, the Advisory Committee in relation to the matter.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

5 (10) The variation or revocation of a condition or restriction under subsection (6) or the revocation of an approval under subsection (7) shall not take effect until notified in writing to the credit union or association concerned or until such later date as may be specified in the notification.

10 (11) A credit union, or an association, shall not fail to comply with or contravene any condition (including a prescribed condition) or any restriction applicable to an approval given to the credit union or association under subsection (4).

15 (12) The application by a credit union, or an association, of funds in contravention of subsection (3) shall not be invalid as regards a person having dealings with the credit union or association in relation to the application of those funds unless the person—

- (a) has actual knowledge of the contravention at the time when the funds were applied; or
- (b) has a connection or relationship with the credit union or association that is such that the person should have known of the contravention.
- 20

(13) A credit union, or an association, that contravenes subsection (3) or (11) is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000.

(10) (a) Section 12 (1)–(3A)—

25 Omit section 12 (1)–(3), insert instead:—

(1) Where authorised by its rules, a credit union may, subject to this section and subject to and in accordance with any prescribed conditions—

- 30 (a) raise money on loan or obtain other financial accommodation; and

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) receive money on deposit at interest,
to be applied or used for the purposes of the credit union,

5 (2) The Minister may, by order published in the Gazette,
fix the maximum rate that may be paid by way of interest on
deposits, or on deposits of a specified class, made with a credit
union and, where any such order is in force, a credit union
10 shall not, in respect of deposits currently held by it, pay interest
at a rate higher than the maximum rate fixed by the order.

(3) An order made under subsection (2) may fix rates of
interest differing according to specified circumstances,

15 (3A) Where a credit union is authorised by its rules to raise
money on loan or obtain other financial accommodation, the
credit union may raise that money or obtain that other
financial accommodation in such manner as the board thinks
fit, and in particular—

20 (a) by legal or equitable mortgage charged on all or any
part of the property of the credit union, including its
uncalled or unpaid capital, subscriptions, loan payments
and other money; and

25 (b) by issuing, discounting or otherwise dealing with bills
of exchange, promissory notes, mortgage-backed
securities and any other securities of a class prescribed
for the purposes of this paragraph.

(b) Section 12 (7) (a)—

Omit the paragraph.

(c) Section 12 (8)—

30 Omit “upon the terms that it is not repayable before the expira-
tion of a specified period that exceeds one month”, insert instead
“on terms that the money is not repayable until after the expiry
of a period specified in the order”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(11) Section 17—

Omit the section, insert instead:—

5 **Powers of credit unions and associations to act as agents.**

17. (1) A credit union may act as an agent of a person or body of persons (whether incorporated or not)—

- (a) for the receipt of money payable to that person or body for a purpose prescribed for the purpose of this paragraph;
- 10 (b) for the payment of money payable by that person or body for a purpose prescribed for the purpose of this paragraph; or
- (c) with respect to the performance for that person or body of any service prescribed for the purpose of this paragraph.

15 (2) An association may act as an agent in respect of any matter on behalf of any person or body of persons (whether incorporated or not) to the same extent as a natural person may act as the agent of a person or body of persons in relation to a similar matter.

(12) (a) Section 19 (1)—

20 After “Subject to this section”, insert “and subject to and in accordance with any prescribed terms and conditions”.

(b) Section 19 (1)—

Omit “not immediately required for any of its objects, or for purposes incidental thereto,”.

25 (c) Section 19 (1) (a)—

Omit “not being securities by way of mortgage over real or leasehold property”, insert instead “(other than mortgages of estates or interests in land)”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(d) Section 19 (1) (aa)—

After section 19 (1) (a), insert:—

- 5 (aa) where the regulations so provide, mortgages of estates or interests in land, whether situated in New South Wales or elsewhere in Australia, and in mortgage-backed securities;

(e) Section 19 (1) (e)—

- 10 Omit “Co-operation Acts; or”, insert instead “Co-operation Act, 1923;”.

(f) Section 19 (1) (f), (g)—

At the end of section 19 (1) (f), insert:—

; or

- 15 (g) deposits with any prescribed body corporate or with any body corporate of a prescribed class of bodies corporate.

(g) Section 19 (2A)—

After “subsection (1) (c)”, insert “or (g)”.

20 (h) Section 19 (2A)—

After “association” wherever occurring, insert “or body corporate”.

(i) Section 19 (4)—

After section 19 (3), insert:—

- 25 (4) The provisions of section 14 (4) (a) of the Trustee Act, 1925, do not apply to the investment under subsection (1) of funds of a credit union or an association in securities guaranteed by the Government of New South Wales or securities

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- 5 issued by the council of a city, municipality or shire constituted in New South Wales or by a county council so constituted or a prescribed public authority.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

- (1) Section 25 (2)—

- 10 Omit the subsection, insert instead:—

(2) A credit union, or an association, shall not impose a levy (not being a charge or fee referred to in section 9A) on a member in relation to any matter unless the levy is imposed by, and specified in, a special rule.

- 15 (2) Section 26—

Omit the section, insert instead:—

Alteration of rules.

- 20 26. (1) The rules of a credit union or an association shall not be altered except by a special resolution passed by the members or as provided by subsection (2).

- 25 (2) The rules of a credit union or an association may be altered by a resolution passed by the board but only where the alteration does no more than give effect to a requirement, restriction or prohibition imposed by or under the authority of this Act or the regulations.

- 30 (3) Where a resolution to alter the rules of a credit union or an association has been passed as referred to in subsection (1) or (2), the credit union or association shall, within the prescribed period and in the prescribed manner, apply to the registrar to have the alteration registered.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

5 (4) Where an application for the registration of an alteration of the rules of a credit union or an association is made in accordance with subsection (3), the registrar shall, if satisfied—

(a) that the alteration is not contrary to this Act or the regulations and is such as may reasonably be approved by the registrar; and

10 (b) that there is no reasonable cause why the alteration should not be registered,

register the alteration as prescribed but, until the alteration is so registered, it shall not have effect.

15 (5) Where the rules of a credit union or an association are altered pursuant to subsection (2), the credit union or association shall cause the alteration to be notified in writing to its members as soon as practicable after the alteration takes effect and in any event not later than the date on which notice in accordance with section 60 (4) is given to those members of the next general meeting of the credit union or association following the taking of effect of the alteration.

20

(3) Section 28 (1A)–(3H)—

Omit section 28 (1A), (2) and (3), insert instead:—

25 (2) Subsection (1) does not apply to or in respect of a body of persons that is for the time being exempted under subsection (3A) from the operation of subsection (1).

(3) Any body of persons, whether incorporated or unincorporated and whether formed in New South Wales or elsewhere, may make an application in writing for exemption from the operation of subsection (1).

30 (3A) Where an application is made under subsection (3) for exemption from the operation of subsection (1), the registrar may grant or refuse the exemption.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

5 (3B) In granting an exemption under subsection (3A), the registrar may impose such conditions and restrictions as the registrar considers appropriate.

(3C) Subject to subsection (3F), the registrar may from time to time vary or revoke a condition or restriction to which an exemption granted under subsection (3A) is subject.

10 (3D) If the registrar is satisfied that a body of persons for the time being exempted from the operation of subsection (1) has failed to comply with or contravened any condition or restriction subject to which the exemption was granted, the registrar may revoke the exemption.

(3E) The registrar shall not—

15 (a) refuse to grant an exemption applied for under subsection (3); or

(b) impose conditions or restrictions under subsection (3B), without first having afforded the body concerned an opportunity to make written submissions to the registrar in relation to the matter.

20 (3F) The registrar shall not—

(a) vary a condition or restriction imposed in respect of an exemption granted under subsection (3A); or

25 (b) revoke an exemption so granted, without first having afforded the body concerned an opportunity to be heard by, or, if the body concerned prefers, to make written submissions to, the registrar in relation to the matter.

30 (3G) Where a body of persons is exempt from the operation of subsection (1), that body shall be deemed also to be exempt from the operation of section 61 of the Co-operation Act, 1923, without the need for that body to make an application under subsection (4A) of that section.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

5 (3H) Where an exemption is granted under subsection (3A), or revoked under subsection (3D), the registrar shall forthwith notify the Corporate Affairs Commission of the grant or, as the case may be, the revocation of the exemption.

(4) (a) Section 35 (2) (c)—

Omit “credit unions”, insert instead “persons”.

(b) Section 35 (2) (i)—

10 After “things”, insert “, either in relation to its members or in relation to other persons,”.

(c) Section 35 (4), (5)—

Omit section 35 (4), insert instead:—

(4) An association, or a union of associations, may—

15 (a) raise money on loan or obtain other financial accommodation for any of its objects;

(b) receive money on deposit;

20 (c) enter into and give effect to any contract, scheme or arrangement for the provision for or on behalf of its members or other persons of services of a prescribed kind and, in particular, enter into and give effect to any contract of guarantee with respect to the performance of the obligations of its members or other persons for whom or on whose behalf those services are provided; and

25 (d) exercise such other powers as may be prescribed for the purposes of this paragraph in relation to its members and, where so prescribed, in relation to other persons.

30 (5) Subject to this Act, an association has the capacity to carry out its objects and to exercise its powers at any place outside New South Wales.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(5) (a) Section 36 (1), (2)—

Omit the subsections, insert instead:—

5 (1) Where authorised by its rules, an association, or a union of associations, may, subject to this section and subject to and in accordance with any prescribed conditions—

(a) raise money on loan or obtain other financial accommodation; and

10 (b) receive money on deposit at interest,

to be applied or used for the purposes of the association or union of associations.

15 (2) Where an association, or a union of associations, is authorised by its rules to raise money on loan or obtain other financial accommodation, the association or union of associations may raise that money or obtain that other financial accommodation in such manner as the association or union of associations thinks fit, and in particular—

20 (a) by legal or equitable mortgage charged on all or any part of the property of the association or union of associations, including its uncalled or unpaid capital, subscriptions, loan payments and other money; and

25 (b) by issuing, discounting or otherwise dealing with bills of exchange, promissory notes, mortgage-backed securities and any other securities of a class prescribed for the purposes of this paragraph.

(b) Section 36 (3A)—

After section 36 (3), insert:—

30 (3A) No association or union of associations shall raise money on loan from a source outside Australia (not being money repayable as a fixed amount of Australian currency) unless—

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

- (a) the approval of the Treasurer has first been obtained; or
 (b) the association or union of associations has—

5 (i) entered into a currency futures contract as a
 hedge against any currency exchange loss that
 may, by reason of a reduction in the value of
 10 Australian currency as compared with the cur-
 rency in which the loan is to be repaid and
 interest on the loan is to be paid, be incurred
 when repaying the loan or in paying interest in
 respect of it; or

15 (ii) taken such other measures to protect itself
 against such a loss as may be prescribed for the
 purposes of this subparagraph.

(6) Section 36A—

After section 36, insert:—

Liquidity of associations and unions of associations.

20 36A. (1) In this section, a reference to liquid funds is a reference
 to—

- (a) funds in the form of cash at a bank (after allowing for
 cheques drawn but not presented for payment) and cash in
 hand;
- 25 (b) investments in securities authorised by law for the invest-
 ment of trust funds (other than mortgages of estates or
 interests in land) that are redeemable within 10 years of
 their acquisition;
- 30 (c) investments in mortgages of estates or interests in land,
 whether situated in New South Wales or elsewhere, and
 mortgage-backed securities, being mortgages and securities
 of prescribed classes;

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

- (d) funds on deposit with any prescribed bank;
- 5 (e) funds on deposit with another association, or, as the case may be, another union of associations, of which the depositor is a member;
- (f) investments in shares of, and funds on deposit with, a permanent building society registered under the Permanent Building Societies Act, 1967;
- 10 (g) investments in prescribed securities and in securities approved by the registrar under section 19 (2); and
- (h) such other funds and investments as may be prescribed for the purposes of this paragraph,

15 less, where and to the extent that the regulations so provide, the unadvanced portions of any loans agreed to be made, but such a reference does not include any such funds or investments to the extent that, where the regulations so provide, the amount of any of those funds or investments specified in the regulations exceeds the prescribed amount or an amount calculated as prescribed.

20 (2) For the purpose of calculating the amount of liquid funds held by an association, investments referred to in subsection (1) (b) and (g) shall be assessed at cost or market value, whichever is the lesser.

25 (3) Where an association or a union of associations holds money deposited by its member credit unions or member associations, that association or union of associations shall not in any month, except as provided by subsection (5) or in accordance with an approval given under subsection (6), approve a loan of an amount which would, if deducted from the liquid funds of the association or union of associations as at the last day of the immediately preceding month, produce an amount less than an amount equal to the prescribed proportion of the aggregate amount of all deposits held by the association or union of associations as at that day, less such of

30 those deposits as are subordinated deposits.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(4) In subsection (3)—

- 5 (a) a reference to the prescribed proportion is a reference to 25 per cent or, where some other percentage is prescribed, that percentage; and
- (b) a reference to subordinated deposits is a reference to deposits of a kind mentioned in section 19 (1) (c) that are subject to an agreement referred to in section 19 (2A).

10 (5) An association or a union of associations may approve a loan to a member credit union or a member association notwithstanding that, but for this subsection, the approval of the loan would contravene subsection (3) so long as the approving association or

15 union of associations has first satisfied itself that the loan is required by the member credit union or member association, as the case may be, for the purpose only of repaying amounts that depositors have deposited with the member credit union or member association.

20 (6) An association or a union of associations may make an application in writing to the Minister for approval to approve a loan in circumstances where the approval of the loan would, but for this subsection, be a contravention of subsection (3) and, where any such application is made to the Minister under this subsection, the Minister may, if the Minister considers that it would be in the public interest to do so, give the approval sought.

25 (7) Regulations made for the purposes of this section may—

- 30 (a) prescribe an amount, or a method of calculating an amount, as the maximum amount of any funds or investments specified in the regulations that may be taken into consideration in calculating the amount of liquid funds of an association or a union of associations; and
- (b) prescribe different amounts or methods in respect of different funds or investments.
-

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

(1) Section 49 (4)—

5 Omit the subsection, insert instead:—

10 (4) The Minister may from time to time, by order published in the Gazette, fix the maximum rate of dividend that may be paid under this section by credit unions or associations, and where any such order is in force in respect of credit unions or associations, a credit union or, as the case may be, an association shall not pay to a member a dividend at a rate higher than the maximum rate fixed by the order.

(2) Section 49 (7) (c)—

Omit “under subsection (8)”, insert instead “in accordance with the provisions of an order in force under subsection (8)”.

15 (3) Section 49 (8)—

Omit the subsection, insert instead:—

(8) The Minister may, by order published in the Gazette, determine an allowance, or the method of calculating an allowance, for the purposes of subsection (7) (c).

20 (4) Section 49 (9), (10)—

Omit the subsections.

Credit Union (Amendment) 1984

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 55 (3)—

5 After “director” where firstly occurring, insert “(other than a director appointed by the registrar under section 71A)”.

(b) Section 55 (3) (f)—

Omit “gives”, insert instead “resigns the office having given”.

(c) Section 55 (3) (f)—

10 Omit “and his resignation is accepted by the board”.

(2) (a) Section 69 (1)—

Omit the subsection, insert instead:—

(1) A credit union, and an association, shall, within 14 days after any change—

15 (a) in the membership of the board of the credit union or association or of any subsidiary corporation of the credit union or association; or

(b) in the office of secretary or principal executive officer of the credit union or association or of any subsidiary corporation of the credit union or association,

20 inform the registrar in writing of the change.

(b) Section 69 (2) (a)—(ba)—

Omit section 69 (2) (a) and (b), insert instead:—

25 (a) a list specifying the directors, the secretaries and the principal executive officers, for the year then current, of the credit union or association and of each subsidiary corporation of the credit union or association;

Credit Union (Amendment) 1984

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

- 5 (b) the balance sheet of the credit union or association at the close of its financial year then last past together with the income and expenditure account and appropriation account of the credit union or association for that financial year;
- 10 (ba) the balance sheet, at the close of its financial year then last past, of each subsidiary corporation of the credit union or association together with the profit and loss account of each such subsidiary corporation for that financial year;
- (c) Section 69 (2) (c)—
- 15 Omit “balance sheet and those accounts”, insert instead “balance sheets and accounts referred to in paragraphs (b) and (ba)”.
- (d) Section 69 (3)—
- After “or association,”, insert “and of each subsidiary corporation of the credit union or association,”.
- 20 (e) Section 69 (8)—
- After section 69 (7), insert:—
- 25 (8) A credit union shall, before the expiration of the prescribed period after the prescribed time or times, transmit to the Savings Reserve Board in the form approved by the Minister a return containing the prescribed particulars.
-

Credit Union (Amendment) 1984

SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO PART VA OF THE PRINCIPAL ACT.

(1) (a) Section 69N (1) (e)—

5 Omit "and".

(b) Section 69N (1) (f), (g)—

At the end of section 69N (1) (f), insert:—

; and

10 (g) any fees paid to or recovered by the Savings Reserve Board pursuant to the regulations.

(2) Section 69P (3) (a)—

Omit the paragraph, insert instead:—

15 (a) interest shall accrue on the amount outstanding from the date of default at the rate of interest for the time being prescribed for the purposes of this paragraph; and

(3) Section 69Q (4) (a)—

Omit the paragraph, insert instead:—

20 (a) interest shall accrue on the amount outstanding from the date of default at the rate of interest for the time being prescribed for the purposes of this paragraph; and

(4) Section 69X (4)–(6)—

Omit section 69X (4), insert instead:—

(4) Rules referred to in subsection (1) shall not be altered except by a resolution passed by the Savings Reserve Board.

Credit Union (Amendment) 1984

SCHEDULE 6—*continued.*

AMENDMENTS TO PART VA OF THE PRINCIPAL ACT—*continued.*

5 (5) Where a resolution to alter the rules referred to in subsection (1) has been passed as provided by subsection (4), the Savings Reserve Board shall, within the prescribed period and in the prescribed manner, apply to the registrar to have the alteration registered.

(6) Where an application for the registration of an alteration of the rules referred to in subsection (1) is made in accordance with subsection (5), the registrar shall, if satisfied—

10 (a) that the alteration is not contrary to this Act or the regulations and is such as may reasonably be approved by the registrar; and

(b) that there is no reasonable cause why the alteration should not be registered,

15 register the alteration as prescribed but, until the alteration is so registered, it shall not have effect.

SCHEDULE 7.

(Sec. 5.)

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

20 (1) Section 71A (6A), (6B)—

After section 71A (6), insert:—

25 (6A) Directors of a credit union or an association appointed by the registrar under subsection (6) (c) may be appointed to hold office for the same or different periods, but no director shall be so appointed to hold office for more than 3 years.

Credit Union (Amendment) 1984

SCHEDULE 7—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

5 (6B) Where a vacancy occurs in the office of a director appointed under subsection (6) (c), the registrar shall appoint a person to fill the vacancy and a person so appointed shall, subject to subsection (7B), hold office for the remainder of the term of office of the person's predecessor in office.

(2) Section 71A (7)—(7B)—

Omit section 71A (7), insert instead:—

10 (7) Directors elected under subsection (6) (b) or appointed under subsection (6) (c) take office on revocation of the appointment of the administrator.

15 (7A) A director appointed under subsection (6) (c) shall, subject to subsection (7B), hold office for the period for which the appointment was made.

(7B) Directors appointed by the registrar under this section cease to hold office on the expiry of the periods for which their appointments were made and in any of the circumstances specified in section 55 (3) (a), (b), (c), (d), (f), (h) or (i), but not otherwise.

20

SCHEDULE 8.

(Sec. 5.)

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

(1) Section 81 (3)—

Omit the subsection.

*Credit Union (Amendment) 1984*SCHEDULE 8—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(2) Section 82 (3)—

Omit the subsection, insert instead:—

- 5 (3) A credit union or an association which is convicted of an offence under this section is liable to a penalty not exceeding \$200.

(3) Section 86—

Omit the section, insert instead:—

Falsification of records.

- 10 86. If any person wilfully makes, orders or allows to be made any entry or erasure in, or any omission from—

(a) any balance sheet, appropriation account, income and expenditure account or other accounting record of a credit union or an association; or

- 15 (b) any return, document or other record required to be sent, produced or delivered for the purposes of this Act,

with intent to falsify the same, or to evade any of the provisions of this Act, that person is guilty of a misdemeanour.

(4) Section 90AA—

- 20 After section 90, insert:—

Offences by officers.

- 25 90AA. (1) Where a credit union, or an association, contravenes, whether by act or omission, any provision of this Act or the regulations, each officer of the credit union or association shall be deemed

*Credit Union (Amendment) 1984*SCHEDULE 8—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

to have contravened the same provision unless the officer satisfies the court that—

- 5 (a) the credit union or association contravened the provision without the knowledge of the officer;
- (b) the officer was not in a position to influence the conduct of the credit union or association in relation to its contravention of the provision; or
- 10 (c) the officer, being in such a position, used all due diligence to prevent the contravention by the credit union or association.

- (2) An officer of a credit union, or of an association, may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the credit union or association has been
- 15 proceeded against or convicted under that provision.

(5) Section 91A—

Omit the section, insert instead:—

Notice to be given of conviction for offence.

- 20 91A. Where after the commencement of Schedule 8 (5) to the Credit Union (Amendment) Act, 1984, a credit union or an association, or an officer of a credit union or an association, is convicted of an offence against a provision of this Act or the regulations, the credit union or association shall, not later than 15 months after the conviction, give to each member of the credit union or association notice
- 25 in writing of—

- (a) the conviction;

*Credit Union (Amendment) 1984*SCHEDULE 8—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

- (b) any penalty imposed in respect of the offence to which the conviction relates; and
- 5 (c) the nature of the offence to which the conviction relates.

SCHEDULE 9.

(Sec. 5.)

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

- (1) Section 94 (9)—
- 10 Omit “With the approval of the Minister first obtained, the”, insert instead “The”.
- (2) Section 95B (1A)—
- After section 95B (1), insert:—
- 15 (1A) The power of the registrar under subsection (1) to enlarge any time for doing any act may be exercised notwithstanding that the time for the doing of the act has expired.
- (3) (a) Section 95c (1)—
- After “and (d)”, insert “, and the credit union or association shall comply with the direction”.
- 20 (b) Section 95c (7)—
- Omit the subsection, insert instead:—
- (7) A credit union, or an association, that contravenes subsection (1) or (6) is guilty of an offence and liable on conviction to a penalty not exceeding \$400.

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.** AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 97 (1)—

Omit the subsection, insert instead:—

5 (1) The registrar and any inspector appointed under section 99 and authorised in writing by the registrar either generally or specially to do so—

10 (a) may inspect any records, or examine the affairs, of a credit union or an association, or of any subsidiary corporation or prescribed special services body corporate of a credit union or an association, whether or not the credit union, association, corporation or body corporate is in the course of being wound up; and

15 (b) where a credit union, an association or a subsidiary corporation or prescribed special services body corporate of a credit union or an association is in the course of being wound up, may inspect any records kept by the liquidator in respect of the credit union, association, corporation or body corporate.

20 (b) Section 97 (2)—

Omit “, or of an association,” insert instead “or an association, or a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association,”.

(c) Section 97 (2)—

25 Omit “or association”, insert instead “, association, corporation or body corporate”.

(5) (a) Section 98 (1)—

Omit “association—”, insert instead “association, do either or both of the following:—”.

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(b) Section 98 (1) (b)—

5 After “association”, insert “or of a subsidiary corporation of the credit union or association”.

(c) Section 98 (1AA)—

 After section 98 (1A), insert:—

10 (1AA) The registrar may hold an inquiry into the affairs, including the working and financial condition, of a prescribed special services body corporate of a credit union or an association.

(d) Section 98 (3)—

 Omit the subsection, insert instead:—

15 (3) Notice of an application under this section shall be given by such persons in such manner, and to such persons, as the registrar directs.

(e) Section 98 (9)—

 Omit the subsection, insert instead:—

20 (9) All expenses of and incidental to a meeting called or inquiry held under subsection (1) or (1AA) shall be defrayed, in such proportions as the registrar directs—

 (a) in the case of a meeting called or an inquiry held under subsection (1)—

- 25 (i) by the applicants;
- (ii) out of the funds of the credit union or association to which the meeting or inquiry related or, as the case may be, the credit union or association whose subsidiary corporation was the subject of the inquiry; or

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(iii) by any officer, member, former officer or former member of the credit union or association; or

5 (b) in the case of an inquiry under subsection (1AA), out of the funds of the special services body corporate to which the inquiry related or out of the funds of the credit union or association whose special services body corporate was the subject of the inquiry.

10 and may be recovered by the registrar in any court of competent jurisdiction as a debt due to the Crown.

(f) Section 98 (10)—

After section 98 (9), insert:—

15 (10) Without limiting the operation of section 94 (9), the registrar may delegate any of the registrar's duties, powers and authorities under this section (other than this power of delegation) to any person who in the registrar's opinion is suitably qualified to perform those duties and to exercise those powers and authorities, including a person outside New South Wales.

20 (6) (a) Section 100 (1) (b)—

Omit "books or documents of the credit union or association to which the inquiry relates", insert instead "records of a credit union or an association or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association".

25

(b) Section 100 (1) (c)—

After "association" where secondly and thirdly occurring, insert " , or of any subsidiary corporation, or prescribed special services body corporate, of the credit union or association,".

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(c) Section 100 (1) (c)—

5 Omit “association.”, insert instead “association, or of any subsidiary corporation, or prescribed special services body corporate, of the credit union or association;”.

(d) Section 100 (1) (d), (e)—

After section 100 (1) (c), insert:—

10 (d) require any director or other officer of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association—

15 (i) to furnish to the registrar or inspector, as the case may be, any information relating to the affairs of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate, or the matter of any inquiry into the working and financial condition of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate; and

20

(ii) to produce to the registrar or inspector all or any of the records of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate; and

25

(e) enter, at any reasonable time—

(i) the registered office of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association; or

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(ii) any other premises or place in which the registrar or inspector believes on reasonable grounds the affairs of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association, are being

35

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

5 carried on or in which any records relating to the affairs of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association, are kept.

(e) Section 100 (2)–(6)—

Omit section 100 (2), insert instead:—

10 (2) Subsection (1) (e) does not authorise the registrar or an inspector to enter that part of any premises that is used for residential purposes, without the consent of the occupier of that part.

(3) Any person who, without lawful excuse—

15 (a) refuses or fails to comply with any requirement lawfully made by the registrar or by an inspector for the purposes of this Act; or

20 (b) assaults or wilfully obstructs, hinders or otherwise interferes with the registrar or an inspector in the exercise or performance of any of the duties, functions, powers or authorities of the registrar or of an inspector under this Act,

25 is guilty of an offence and liable on conviction to a penalty not exceeding \$600 or to imprisonment for a period not exceeding 6 months, or to both.

(4) In subsection (3), a reference to the registrar includes a reference to a person to whom any of the duties, powers and authorities of the registrar have been delegated under this Act,

30 (5) The registrar may disclose to a person performing under a law of another State or of a Territory functions similar to those performed by the registrar under this Act any information concerning a credit union, an association, a subsidiary corporation of a credit union or of an association or a prescribed special services body corporate of a credit union or of an association

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

5 where the information was obtained by the registrar or an inspector in the course of the exercise or performance of any of the duties, functions, powers or authorities of the registrar or inspector under this Act.

(6) The registrar is not liable to any civil or criminal proceedings in respect of a disclosure made or proposed to be made in good faith under subsection (5).

10

SCHEDULE 10.

(Sec. 5.)

AMENDMENT TO PART X OF THE PRINCIPAL ACT.

Section 103 (2), (2A)—

Omit section 103 (2), insert instead:—

15 (2) Without limiting the generality of subsection (1), the Governor may make regulations fixing or otherwise relating to the fees to be taken in the office of the registrar or of the Savings Reserve Board for any matter or thing to be done in any such office under this Act, including fees to be taken for the late lodgment of documents
20 in, or the late transmission of documents to, any such office.

(2A) A provision of a regulation may—

- 25 (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body, or may do any combination of those things.

Credit Union (Amendment) 1984

SCHEDULE 11.

(Sec. 5.)

AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT.

(1) Schedule 1, paragraph (o)—

5 Omit the paragraph.

(2) Schedule 2, clause 4—

Omit the clause, insert instead:—

10 4. (1) Before appointing the members referred to in clause 3, the Minister shall invite one or more associations or credit unions to which this subclause applies to nominate for appointment as members such number of persons as is specified in the invitation.

(2) Subclause (1) applies to—

- 15 (a) any association (not being a union of associations) which has a membership of not fewer than 10 credit unions; and
- (b) any credit union which is not a member of an association or which is a member of an association other than an association referred to in paragraph (a).

20 (3) Where an association or a credit union receives an invitation under subclause (1), the association or credit union is entitled to select for nomination as a member or as members a number of persons not exceeding the number specified in the invitation.

25 (4) An association or a credit union which has made its selection in accordance with subclause (3) shall submit the names of its nominees to the Minister within such period and in such manner as may be specified in the invitation to the association or credit union under subclause (1) or as specified in some other written communication from the Minister to the association or credit union.

*Credit Union (Amendment) 1984*SCHEDULE 11—*continued.*AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT—*continued.*

(3) Schedule 2, clause 12—

- 5 Omit “the person shall be a person nominated under clause 4 or 5 in the same manner as his predecessor”, insert instead “clauses 4 and 5, so far as relevant and with any necessary modifications, shall apply to the filling of that vacancy”.

SCHEDULE 12.

(Sec. 5.)

10 AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

Omit the section.

(2) (a) Section 3 (1)—

- 15 Omit “to the extent that the context or subject matter”, insert instead “in so far as the context or subject-matter”.

(b) Section 3 (1), definition of “Co-operation Acts”—

Omit the definition.

(c) Section 3 (1), definition of “prescribed”—

Omit the definition.

20 (3) (a) Section 6 (4A)–(4E)—

Omit section 6 (4A), insert instead:—

(4A) Where the rules of a credit union so provide, the board may, by instrument in writing, delegate any or all of its powers under subsection (4) to such person or body of persons as may be prescribed.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- 5 (4B) The exercise of any delegation under subsection (4A) shall be subject to and in accordance with such limits and conditions as may be specified in the instrument of delegation and such conditions as may be prescribed.
- 10 (4C) Notwithstanding any delegation made under subsection (4A), a board may continue to exercise or perform all or any of the powers so delegated.
- (4D) Any act or thing done or suffered by the delegate when acting in the exercise of any delegation made by the board under subsection (4A), and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the board.
- 15 (4E) A board may, by instrument in writing, revoke wholly or in part any delegation made under subsection (4A).
- (b) Section 6 (7) (a)–(d)—
- Omit “(7A)” wherever occurring, insert instead “(7AB)”.
- (c) Section 6 (7) (d) (iv)—
- 20 Omit “by the regulations”.
- (d) Section 6 (7A)—
- Omit “In this subsection”, insert instead “In subsection (7AB)”,
- (e) Section 6 (7A)—
- Omit “by the regulations”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (f) Section 6 (7A)—
5 Omit “The rules”, insert instead “(7AB) The rules”.
- (g) Section 6 (7A)—
Omit “paragraph (a) of subsection (7)”, insert instead “subsection (7) (a)”.
- (h) Section 6 (7A)—
10 Omit “paragraph (b) of that subsection”, insert instead “subsection (7) (b)”.
- (i) Section 6 (7B)—
Omit “by the regulations” wherever occurring.
- (j) Section 6 (11)—
15 Omit “shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200”.
- (4) (a) Section 8 (1) (e)—
Omit the paragraph, insert instead:—
20 (e) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 8 (1) (h)—

5 Omit the paragraph, insert instead:—

(h) if the member becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act.

10 (5) Section 11 (1)—

Omit "The acquisition", insert instead "(1A) The acquisition".

(6) (a) Section 12 (5) (a)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923."

(b) Section 12 (5)—

15 Omit "Where the registrar so approves a credit union to which this subsection", insert instead "(5A) Where the registrar so approves, a credit union to which subsection (5)".

(c) Section 12 (5)—

20 Omit "The registrar shall not grant such an approval in respect of a credit union to which paragraph (a)", insert instead "(5B) The registrar shall not grant an approval referred to in subsection (5A) in respect of a credit union to which subsection (5) (a)".

(d) Section 12 (10)—

25 Omit "For the purposes of that extension, a reference in any of those provisions", insert instead "(10A) For the purposes of the extension referred to in subsection (10), a reference in any of the provisions so referred to".

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (e) Section 12 (11)—
- 5 Omit “For the purpose of that extension, a reference in any of those provisions”, insert instead “(12) For the purposes of the extension referred to in subsection (11), a reference in any of the provisions so referred to”.
- (7) (a) Section 18 (1)—
- Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923,”.
- 10 (b) Section 18 (1)—
- Omit “whatsoever kind”, insert instead “any kind whatever”.
- (c) Section 18 (2)—
- Omit “of the Act,”.
- (8) Section 19 (2)—
- 15 Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.
- (9) Section 20 (4)—
- Omit “Following”, insert instead “(4A) Following the”.
- (10) (a) Section 22 (1), (3)—
- 20 Omit “Co-operation Acts” wherever occurring, insert instead “Co-operation Act, 1923,”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 22 (4)—

5 Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(11) (a) Section 27 (5)—

Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(b) Section 27 (12)—

10 Omit “Subsection (1) of section 61 of the Co-operation Acts”, insert instead “Section 61 (1) of the Co-operation Act, 1923”.

(12) Sections 28 (4), 29 (4)—

Omit “shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars” wherever occurring, insert instead “are each guilty of an offence and liable on conviction to a penalty not exceeding \$100”.

15 (13) (a) Section 30 (1) (a)—

Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(b) Section 30 (1) (a)—

Omit “those Acts”, insert instead “that Act”.

(14) Section 33A (7)—

20 Omit “subsections (6) to (13), inclusive, of section 33”, insert instead “section 33 (6)–(13)”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (15) Section 35 (3)—
5 Omit “paragraph (f) of subsection (2)”, insert instead “subsection (2) (f).”
- (16) (a) Section 36 (5)—
10 Omit “For the purposes of that extension, a reference in any of those provisions”, insert instead “(5A) For the purposes of the extension referred to in subsection (5), a reference in any provision so referred to”.
- (b) Section 36 (6)—
 Omit “For the purpose of that extension, a reference in any of those provisions”, insert instead “(7) For the purpose of the extension referred to in subsection (6), a reference in any of the provisions so referred to”.
- 15 (17) (a) Section 37 (b) (i)—
 After “successfully;”, insert “and”.
- (b) Section 37 (b) (ii)—
 After “associations;”, insert “and”.
- (18) Section 39 (2)—
20 Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923,”.
- (19) Section 39A (1), (2)—
 Omit “by the regulations” wherever occurring.
- (20) Section 40 (4)—
25 Omit “No person shall be appointed under this subsection”, insert instead “(5) A person shall not be appointed under subsection (4)”.
- (21) (a) Section 41 (1), (2)—
 Omit “eighteen” wherever occurring, insert instead “18”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 41 (2), (4)—

5 Omit “twenty-one” wherever occurring, insert instead “18”.

(c) Section 41 (3)—

Omit the subsection, insert instead:—

10 (3) Where a member of a credit union who is under the age of 18 years
and is married borrows money from a credit union, the member shall, in
respect of the member’s agreement to repay the loan and in respect of any
security for repayment of the loan given by the member to the credit union,
be subject to the same liabilities and obligations as the member would
15 have been subject to, and shall have the same rights as the member would
have had, if the member had been of the full age of 18 years at the
time the loan was made.

(22) (a) Section 43 (3)—

Omit “moneys”, insert instead “money”.

(b) Section 43 (7) (b)—

20 Omit “a copy of the balance sheet”, insert instead “the records specified
in section 66 (8) (b) (i)”.

(c) Section 43 (9)—

Omit “Any such declaration”, insert instead “(9A) Any declaration made
pursuant to subsection (9)”.

(23) Section 44 (1)—

25 Omit “subsection (10) of section 6”, insert instead “section 6 (10),”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (24) Section 46—
5 Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.
- (25) (a) Section 47 (1)—
Omit “moneys”, insert instead “money”.
- (b) Section 47 (1)—
10 Omit “paragraph (f) of subsection (2) of section 35”, insert instead
“section 35 (2) (f)”.
- (26) (a) Section 48—
Omit “A credit union”, insert instead “(1) A credit union”.
- (b) Section 48—
15 Omit “The charge created by this section may be enforced, at any time
after seven”, insert instead “(2) The charge created by subsection (1) may
be enforced, at any time after not less than 7”.
- (c) Section 48—
20 Omit “Any share in respect of which capital has been so appropriated”,
insert instead “(3) Any share in respect of which capital has been appropri-
ated pursuant to subsection (2)”.
- (27) Section 54 (3)—
Omit “subsection (6) of section 53”, insert instead “section 53 (6)”.
- (28) (a) Section 55 (1)—
Omit “in” where firstly occurring, insert instead “by”.
- 25 (b) Section 55 (2)—
Omit “Such rules”, insert instead “(2AA) The rules of a credit union or an
association”.
- (c) Section 55 (2)—
30 Omit “such deputy, and his remuneration”, insert instead “person appointed
to act as deputy for a director of a credit union or an association, and the
remuneration of that deputy”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (29) (a) Section 55A (1), (2)—
5 Omit “shall be guilty of an offence against this Act and, upon summary conviction, liable” wherever occurring, insert instead “is guilty of an offence and liable on conviction”.
- (b) Section 55A (1), (2)—
10 Omit “of one thousand dollars or to imprisonment for a period of six” wherever occurring, insert instead “not exceeding \$1,000 or to imprisonment for a period not exceeding 6”.
- (30) Section 56 (6)—
Omit “shall be liable”, insert instead “is guilty of an offence and liable on conviction”.
- 15 (31) Section 56A (2)—
After “liable”, insert “on conviction”.
- (32) Section 57 (2)—
20 Omit “shall be guilty of an offence and be liable to a penalty not exceeding five hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$500”.
- (33) (a) Section 60 (4)—
Omit “meetings—”, insert instead “meetings:—”.
- (b) Section 60 (4) (b)—
Omit “and”.
- 25 (34) Section 61 (2)—
Omit “shall be guilty of an offence and be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (35) (a) Section 62 (1)—
5 Omit “is” where firstly occurring.
- (b) Section 62 (1)—
Omit “Notwithstanding”, insert instead “(1A) Notwithstanding”.
- (c) Section 62 (1)—
After “proxy”, insert “at a meeting of a credit union or of an association”.
- 10 (d) Section 62 (2)—
Omit “is”.
- (36) (a) Section 66 (2)—
Omit “For the purposes of that extension”, insert instead “(2A) For the purposes of the extension referred to in subsection (2)”.
- 15 (b) Section 66 (2)—
Omit “from that section”, insert instead “from section 28 of the Public Accountants Registration Act, 1945,”.
- (c) Section 66 (2)—
Omit “, and any Act amending this Act.”.
- 20 (d) Section 66 (2)—
Omit “subparagraph (ii) of paragraph (b) of subsection (1) of that section”, insert instead “section 28 (1) (b) (ii) of that Act”.
- (e) Section 66 (5) (b), (c)—
25 Omit “books of account” wherever occurring, insert instead “accounting records”.
- (f) Section 66 (5) (b)—
Omit “those books”, insert instead “those records”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(g) Section 66 (5) (d) (i)—

5 After “year;”, insert “and”.

(h) Section 66 (6)—

Omit “books, accounts, vouchers, securities and documents”, insert instead “records and securities”.

(37) (a) Section 67 (2) (e)—

10 Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(b) Section 67 (4)—

Omit “in” where firstly occurring, insert instead “by”.

(38) Section 68 (2)—

Omit “paragraph (d) of subsection (1)”, insert instead “subsection (1) (d)”.

15 (39) Section 69 (7)—

Omit “by the regulations”.

(40) Section 69L (2)—

Omit “section”, insert instead “sections”.

(41) Section 69AD (1) (b)—

20 Omit “or” where lastly occurring.

(42) (a) Section 69AE (2), (3)—

Omit “books or documents” wherever occurring, insert instead “records”.

(b) Section 69AE (3)—

25 Omit “shall be guilty of an offence and, upon summary conviction, liable”, insert instead “is guilty of an offence and liable on conviction”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (43) Section 69AG—
5 Omit “Minister of Justice”, insert instead “Attorney General”.
- (44) Section 69AI (2) (a) (i)—
After “appeal;”, insert “or”.
- (45) (a) Section 70 (1) (a)—
After “member;”, insert “and”.
- 10 (b) Section 70 (6)—
Omit “book or documents”, insert instead “records”.
- (c) Section 70 (9)—
Omit “for the district within which the office of the credit union or
association is situated”.
- 15 (d) Section 70 (11)—
Omit “by a”, insert instead “by the”.
- (e) Section 70 (12)—
Omit “The judges of the District Courts or any four of them”, insert instead
“The District Court Rule Committee”.
- 20 (f) Section 70 (12)—
Omit “to a”, insert instead “to the”.
- (g) Section 70 (14)—
25 Omit “shall be guilty of an offence and, upon summary conviction, liable
to a penalty not exceeding six hundred dollars or to imprisonment for a
term not exceeding six”, insert instead “is guilty of an offence and is liable
on conviction to a penalty not exceeding \$600 or to imprisonment for a
period not exceeding 6”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (46) (a) Section 71—
- 5 Omit “The provisions”, insert instead “(1) The provisions”.
- (b) Section 71—
- Omit “For the purposes of that extension, a reference in any of those provisions”, insert instead “(2) For the purposes of the extension referred to in subsection (1), a reference in any of the provisions so referred to”.
- 10 (47) (a) Section 72 (3) (c)—
- Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923,”.
- (b) Section 72 (4)—
- Omit “paragraphs (c), (d), (e) and (f) of subsection (3)”, insert instead “subsection (3) (c)–(f)”.
- 15 (c) Section 72 (5)—
- Omit “Any vacancy occurring in the office of a liquidator so appointed”, insert instead “(5A) Any vacancy occurring in the office of a liquidator appointed under subsection (5)”.
- (48) Section 76 (3), (4)—
- 20 Omit “subsection (9) of section 94” wherever occurring, insert instead “section 94 (9)”.
- (49) (a) Section 81 (1) (a)—
- Omit “account”, insert instead “accounting record”.
- (b) Section 81 (1), (2), (4)—
- 25 Omit “shall be guilty” wherever occurring, insert instead “is guilty”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(c) Section 81 (5)—

- 5 Omit “shall be liable to a penalty not exceeding one hundred dollars and a default penalty not exceeding ten dollars”, insert instead “is liable on conviction to a penalty not exceeding \$100 and to a default penalty not exceeding \$10”.

(50) Section 82 (1), (2)—

- 10 Omit “shall be guilty” wherever occurring, insert instead “is guilty”.

(51) Section 83 (1)—

- 15 Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars and a default penalty not exceeding fifty dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$100 and a default penalty not exceeding \$50”.

(52) Section 84—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$200”.

20 (53) Section 85—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$100”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(54) (a) Section 87 (1)—

5 Omit “shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$400”.

(b) Section 87 (2)—

10 Omit “summary conviction to imprisonment for any term not exceeding six months”, insert instead “conviction to imprisonment for a period not exceeding 6 months”.

(55) Section 88 (1)—

15 Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200”.

(56) Section 89 (1)—

20 Omit “shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding six months or to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200 or to imprisonment for a period not exceeding 6 months”.

(57) Section 90 (1)—

25 Omit “shall, where no penalty is expressly provided, be liable to a penalty not exceeding one hundred dollars”, insert instead “is, where no penalty is expressly provided by any other provision of this Act, guilty of an offence and liable on conviction to a penalty not exceeding \$100”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(58) Section 91—

5 Omit the section, insert instead:—

Proceedings for offences to be dealt with summarily.

91. (1) Proceedings for an offence against a provision of this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

10

(2) Subsection (1) does not apply to an offence against a provision of this Act that is expressed by the provision to be a misdemeanour or for which a person is liable to be convicted on indictment.

(59) (a) Section 92—

Omit “moneys”, insert instead “money”.

15

(b) Section 92—

Omit “save”, insert instead “except”.

(60) Section 94 (9)—

Omit “No delegation under this subsection shall”, insert instead “(9A) A delegation under subsection (9) shall not”.

20 (61) Section 95 (1) (b)—

Omit “thereof;”, insert instead “of those rules; or”.

(62) (a) Section 96 (2) (e)—

After “shares;”, insert “or”.

(b) Section 96 (4)—

25

Omit “The Minister”, insert instead “(4A) The Minister”.

(c) Section 96 (4)—

Omit “the direction” where firstly occurring, insert instead “a direction made under this section”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(d) Section 96 (4)—

5 Omit “the direction or to amend the notice”, insert instead “a direction made, or any notice given, under this section”.

(e) Section 96 (6)—

10 Omit “shall be guilty of an offence and be liable to a penalty not exceeding six hundred dollars;”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$600.”.

(f) Section 96 (6)—

15 Omit “and every officer of the credit union or association who knowingly and wilfully authorises or permits a contravention of subsection (2) shall be liable on conviction on indictment to a penalty not exceeding six hundred dollars or to a term of imprisonment not exceeding two years or to both or, on summary conviction, to a penalty not exceeding one hundred dollars or to a term of imprisonment not exceeding three months or to both.”, insert instead:—

20 (7) Any officer of a credit union, or of an association, who instigates, authorises, gives permission for or knowingly participates in a contravention of subsection (2) is guilty of an offence and liable on conviction on indictment to a penalty not exceeding \$600 or to imprisonment for a period not exceeding 2 years, or to both, or, on summary conviction, to a penalty not exceeding \$100 or to imprisonment for a period not exceeding 3 months, or to both.

(63) Section 98 (6)—

Omit “The registrar or any person nominated by him may attend and address any such meeting.”, insert instead:—

30 (6A) The registrar or any person nominated by the registrar may attend and address a meeting called under this section.

(64) Section 99 (2)—

Omit “1902”, insert instead “1979”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (65) (a) Section 100 (1) (c)—
5 Omit “books or documents”, insert instead “records”.
- (b) Section 100 (1)—
Omit “A notice referred to in paragraph (b)”, insert instead “(1A) A notice referred to in subsection (1) (b)”.
- (c) Section 100 (1)—
10 Omit “(i)”, insert instead “(a)”.
- (d) Section 100 (1)—
Omit “(ii)”, insert instead “(b)”.
- (66) Section 101 (8) (b)—
After “unions;”, insert “and”.
- 15 (67) (a) Section 103 (1)—
Omit “any such regulation may provide”, insert instead “in particular may make regulations providing”.
- (b) Section 103 (1) (a), (b)—
Omit the paragraphs, insert instead:—
- 20 (a) any contravention of the regulations (whether by act or omission) to be an offence and a penalty not exceeding \$100 to be imposed on a conviction for the offence; and
- (b) the imposition of distinct penalties for successive offences against the regulations and a daily or weekly penalty, not exceeding \$5 per day or \$25 per week, for any continuing offence against the regulations.
25
- (68) Schedule 2, clauses 5 (2), 13 (2)—
Omit “of this clause” wherever occurring.
-

Credit Union (Amendment) 1984

SCHEDULE 13.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Approvals—application of funds for acquisition of shares.

5 1. (1) An approval given for the purposes of section 11 (3) of the Principal Act and in force immediately before the commencement of Schedule 2 (8) and (9) to this Act shall, after that commencement, be deemed to have been given under section 11A (4) of the Principal Act (as inserted by Schedule 2 (9) to this Act) and shall be deemed to have been so given subject to the same conditions and restrictions (if any) 10 as those to which the approval was subject immediately before that commencement.

(2) Until a regulation is made under the Principal Act (as amended by this Act) prescribing an amount for the purposes of subsection (3) of section 11A of the Principal Act (as inserted by Schedule 2 (9) to this Act), the amount prescribed for the purposes of that subsection shall be deemed to be \$2,000.

15 Maximum rate of interest on deposits.

2. (1) An order made for the purposes of section 12 (2) of the Principal Act (as in force immediately before the commencement of Schedule 2 (10) (a) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 12 (2) of the Principal Act (as in force after that 20 commencement).

(2) An order made for the purposes of section 12 (8) of the Principal Act (as in force immediately before the commencement of Schedule 2 (10) (c) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 12 (8) of the Principal Act (as in force after that commencement).

25 Approvals and exemptions—use of words “credit unions”.

3. (1) Where an unincorporated association has been approved for the purposes of section 28 (1A) of the Principal Act (as in force immediately before the commencement of Schedule 3 (3) to this Act) and that approval has not been revoked before that commencement, that association shall be deemed to be a body of persons exempted 30 under section 28 (3A) of the Principal Act (as in force after that commencement) and the exemption shall be deemed to be subject to the same conditions and restrictions (if any) as those to which the exemption was subject immediately before that commencement.

(2) Where a society or company formed outside New South Wales has been 35 granted an exemption from the provisions of section 28 (1) of the Principal Act and that exemption was subsisting immediately before the commencement of Schedule 3 (3) to this Act, that society or company shall be deemed to be a body of persons exempted under section 28 (3A) of the Principal Act (as in force after that commencement) and that exemption shall be deemed to be subject to the same conditions and restrictions as those to which the exemption was subject immediately before that commencement.

*Credit Union (Amendment) 1984*SCHEDULE 13—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Maximum rate of dividend on shares.**

4. An order made for the purposes of section 49 (4) of the Principal Act (as in force immediately before the commencement of Schedule 4 (1) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 49 (4) of the Principal Act (as in force after that commencement).

Allowance for contingent liability.

5. Until an order is made under the Principal Act (as amended by this Act) providing for the determination, or the method of calculating, an allowance for the purposes of section 49 (7) (c) of the Principal Act (as in force after the commencement of Schedule 4 (2), (3) and (4) to this Act), the provisions of section 49 (8)–(10) of the Principal Act (as in force immediately before that commencement) shall continue to have effect as if they were included in an order made under section 49 (8) of the Principal Act (as in force after that commencement).

Acceptance by board of resignation of director.

6. Section 55 (3) (f) of the Principal Act, as amended by this Act, applies to and in respect of the resignation from office of a director of a credit union or of an association, where, before the commencement of Schedule 5 (1) to this Act, the director gave notice under that paragraph of his or her intention to resign office and that resignation had not taken effect before that commencement.

Rate of interest on overdue payments to Savings Reserve Board.

7. For the purposes of paragraph (a) of section 69P (3) and paragraph (a) of section 69Q (4) of the Principal Act (as amended by this Act) the rate of interest prescribed for the purposes of each of those paragraphs shall, subject to any subsequent amendment by the regulations under the Principal Act (as so amended), be deemed to be the rate fixed by an order in force for the purposes of section 12 (2) of the Principal Act immediately before the commencement of Schedule 2 (10) to this Act.

Term of office of directors appointed by registrar.

8. Section 71A of the Principal Act applies, as if this Act had not been enacted, to and in respect of directors of a credit union or an association appointed under subsection (6) (c) of that section as in force immediately before the commencement of Schedule 7 to this Act.

Credit Union (Amendment) 1984

SCHEDULE 13—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Regulations.**

9. (1) The Governor may make regulations containing other provisions of a savings
5 or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of
assent to this Act or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect
from a date that is earlier than the date of its publication in the Gazette, the provision
10 does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or a
public authority), the rights of that person existing before the date of its
publication therein; or

15 (b) to impose liabilities on any person (other than the State or a public authority)
in respect of anything done or omitted to be done before the date of its
publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so
provide, have effect notwithstanding the foregoing clauses of this Schedule.

CREDIT UNION (AMENDMENT) ACT, 1984, No. 168

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 168, 1984.

An Act to amend the Credit Union Act, 1969, for the purpose of making further provision with respect to the objects and powers of credit unions and the administration and regulation of credit unions, associations of credit unions and corporations that are the subsidiaries of credit unions and such associations; and for other purposes. [Assented to, 14th December, 1984.]

See also Trustee (Amendment) Act, 1984.

Credit Union (Amendment) 1984

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 "Credit Union (Amendment) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Credit Union Act, 1969, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

Credit Union (Amendment) 1984

SCHEDULE 6.—AMENDMENTS TO PART VA OF THE PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

SCHEDULE 8.—AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

SCHEDULE 9.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

SCHEDULE 10.—AMENDMENT TO PART X OF THE PRINCIPAL ACT.

SCHEDULE 11.—AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT.

SCHEDULE 12.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 13.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 8, 1969.

5. The Principal Act is amended in the manner set forth in Schedules 1-12.

Savings and transitional provisions.

6. Schedule 13 has effect.

Credit Union (Amendment) 1984

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

- (1) (a) Section 3 (1), definition of "corporation"—

Before the definition of "credit union", insert:—

"corporation" has the meaning ascribed to that expression by the Companies (New South Wales) Code;

- (b) Section 3 (1), definition of "member"—

After the definition of "credit union", insert:—

"member" means a member of a credit union or of an association, as the case may require;

- (c) Section 3 (1), definition of "mortgage-backed security"—

After the definition of "mortgage", insert:—

"mortgage-backed security" has the meaning ascribed to that expression by section 84^{FA} of the Stamp Duties Act, 1920;

- (d) Section 3 (1), definition of "officer"—

After "director.", insert "principal executive officer."

- (e) Section 3 (1), definitions of "principal executive officer", "records"—

Before the definition of "registrar", insert:—

"principal executive officer", in relation to a credit union or an association, means the principal executive officer of the credit union or association for the time being, by whatever name called, and whether or not that officer is a director or the secretary;

Credit Union (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

“records” includes books, accounts, minutes, registers, deeds, writings, documents and any other sources of information compiled, recorded, or stored in written form or on microfilm, or by electronic process, or in any other manner or by any other means;

(f) Section 3 (1), definition of “special resolution”—

After the definition of “share”, insert:—

“special resolution” has the meaning ascribed to that expression by section 64;

(g) Section 3 (1), definitions of “special services body corporate”, “subsidiary corporation”—

After the definition of “special rule”, insert:—

“special services body corporate”, in relation to a credit union or an association, means a body corporate in which the credit union or association holds shares subscribed for or otherwise acquired pursuant to section 11A;

“subsidiary corporation” has the meaning ascribed to that expression by section 3A.

(h) Section 3 (2)—

After section 3 (1), insert:—

(2) In this Act, a reference to an alteration of the rules of a credit union or of an association, or to an alteration of the rules of the Savings Reserve Board, is a reference to—

- (a) the omission of a rule or of matter from a rule;
- (b) the omission of a rule or of matter from a rule and the substitution of another rule, or of other matter in the rule; and
- (c) the insertion of an additional rule or of additional matter in a rule.

*Credit Union (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(2) Section 3A—

After section 3, insert:—

Subsidiary corporations.

3A. (1) For the purposes of this Act, a corporation shall, subject to subsection (3), be deemed to be a subsidiary of a credit union or of an association if the credit union or association—

- (a) controls the composition of the board of directors of the corporation;
- (b) is in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the corporation; or
- (c) holds more than one-half of the issued share capital of the corporation (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital).

(2) Without limiting by implication the circumstances in which the composition of a corporation's board of directors is to be taken to be controlled by a credit union or an association, the composition of a corporation's board of directors shall be taken to be controlled by a credit union or an association if the credit union or association, by the exercise of some power exercisable whether with or without the consent or concurrence of any other person by the credit union or association, can appoint or remove all or a majority of the directors, and, for the purposes of this section, the credit union or association shall be deemed to have power to make such an appointment if—

- (a) a person cannot be appointed as a director without the exercise in that person's favour by the credit union or association of such a power; or

Credit Union (Amendment) 1984

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

- (b) a person's appointment as a director follows necessarily from that person's being a director or other officer of the credit union or association.

(3) In determining whether a corporation is a subsidiary of a credit union or of an association—

- (a) any shares held or power exercisable by the credit union or association in a fiduciary capacity shall be treated as not held or exercisable by it;
- (b) subject to paragraphs (c) and (d), any shares held or power exercisable—
- (i) by any person as a nominee for the credit union or association (except where the credit union or association is concerned only in a fiduciary capacity); or
 - (ii) by, or by a nominee for, a subsidiary of the credit union or association, not being a subsidiary that is concerned only in a fiduciary capacity,

shall be treated as held or exercisable by the credit union or association;

- (c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of the corporation, or of a trust deed for securing any issue of any such debentures, shall be disregarded; and
- (d) any shares held or power exercisable by, or by a nominee for, the credit union or association (not being held or exercisable as mentioned in paragraph (c)) shall be treated as not held or exercisable by the credit union or association if the shares are held or the power is exercisable only by way of security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money.
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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

- (1) (a) Section 4 (b)—
Omit “and” where secondly occurring.
- (b) Section 4 (c), (d)—
At the end of section 4 (c), insert:—
; and
(d) to engage in such other activities as may be prescribed for the purposes of this paragraph.
- (2) (a) Section 5 (a)—
After “on loan”, insert “or obtain other financial accommodation”.
- (b) Section 5 (d)–(f)—
Omit section 5 (d), insert instead:—
(d) acquire and hold shares not exceeding a total nominal value of \$10,000 or, where some other nominal value is prescribed, that prescribed nominal value, in any association or federation referred to in section 18;
(e) enter into and give effect to any contract, scheme or arrangement for the provision for or on behalf of its members or other persons of services of a prescribed kind and, in particular, enter into and give effect to any contract of guarantee with respect to the performance of the obligations of its members or other persons for whom or on whose behalf those services are provided; and
(f) exercise such other powers as may be prescribed for the purposes of this paragraph in relation to its members and, where so prescribed, in relation to other persons.
- (3) Section 5A—
After section 5, insert:—
Power of credit union to operate outside New South Wales.
5A. Subject to this Act and the regulations, a credit union has the capacity to carry out its objects and to exercise its powers at any place outside New South Wales but within Australia.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 6 (1)—

Omit “natural”.

(b) Section 6 (2)—

Omit “by reason of residence in a specified district so approved”, insert instead “by reference to a specified area or areas so approved, which may be wholly within New South Wales or partly within New South Wales and partly outside New South Wales”.

(c) Section 6 (2A)—

After section 6 (2), insert:—

(2A) A credit union shall not make to any member—

- (a) a loan of a class prescribed for the purposes of this paragraph; or
- (b) a loan containing a term or condition of a class so prescribed.

(d) Section 6 (4)—

Omit the subsection, insert instead:—

(4) Subject to this section, a board may approve an application for a loan, or approve the application in part, on such terms as it thinks fit, including—

- (a) terms as to the manner of repayment of the loan and payment of interest in respect of it; and
- (b) terms as to the giving of security by way of guarantee, promissory notes or mortgage or otherwise.

(e) Section 6 (7)—

Omit “Subject to subsections (8) and (8A), the”, insert instead “The”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(f) Section 6 (7B) (b)—

Omit “by instalments”, insert instead “by a single instalment, or by instalments of equal or differing amounts”.

(g) Section 6 (8), (8A)—

Omit the subsections.

(5) Section 7—

Omit the section, insert instead:—

Liquidity of credit unions.

7. (1) In this section, a reference to liquid funds is a reference to—

- (a) funds in the form of cash at a bank (after allowing for cheques drawn but not presented for payment) and cash in hand;
- (b) investments in securities authorised by law for the investment of trust funds (other than mortgages of estates or interests in land) that are redeemable within 10 years of their acquisition;
- (c) investments in mortgages of estates or interests in land, whether situated in New South Wales or elsewhere in Australia, and mortgage-backed securities, being mortgages and securities of prescribed classes;
- (d) funds on deposit with any prescribed bank;
- (e) funds on deposit with an association of which the depositor is a member;
- (f) investments in shares of, and funds on deposit with, a permanent building society registered under the Permanent Building Societies Act, 1967;

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- (g) funds on deposit with any prescribed body corporate or with any body corporate of a prescribed class of bodies corporate; and
- (h) investments in prescribed securities and in securities approved by the registrar under section 19 (2),

less, where and to the extent that the regulations so provide, the unadvanced portions of any loans agreed to be made, but such a reference does not include any such funds or investments to the extent—

- (i) of the amount necessary to satisfy any lien or charge on those funds or investments, other than—
 - (i) a lien or charge given by a credit union to an association of which it is a member; or
 - (ii) a floating charge;
- (j) in the case of funds or investments referred to in paragraphs (d), (e), (f) and (g)—that they may be withdrawn or liquidated only on more than 3 months' notice or, where some other period is prescribed in respect of them or any of them, that period of notice; or
- (k) where the regulations so provide—that the amount of any of those funds or investments specified in the regulations exceeds the prescribed amount or an amount calculated as prescribed.

(2) For the purpose of calculating the amount of liquid funds held by a credit union, investments referred to in subsection (1) (b) and (h) shall be assessed at cost or market value, whichever is the lesser.

(3) A credit union shall not in any month make a loan of an amount which would, if deducted from the liquid funds of the credit union as at the last day of the immediately preceding month, produce an amount less than an amount equal to the prescribed proportion of the sum of—

- (a) the amount of the paid-up share capital of the credit union; and

Credit Union (Amendment) 1984

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) the amount held by the credit union on deposit,
as at that day.

(4) In subsection (3), a reference to the prescribed proportion is a reference to 7 per cent or, where some other percentage is prescribed, that percentage.

(5) Regulations made for the purposes of this section may—

- (a) prescribe an amount, or a method of calculating an amount, as the maximum amount of any funds or investments specified in the regulations that may be taken into consideration in calculating the amount of liquid funds of a credit union; and
- (b) prescribe different amounts or methods in respect of different funds or investments.

(6) Section 8 (2)–(5)—

Omit the subsections.

(7) Section 9A—

After section 9, insert:—

Liability of member for charges and fees imposed by credit union or association.

9A. (1) A credit union, or an association, may impose charges and fees on its members with respect to their membership or with respect to the performance of services for them or on their behalf and may, if it thinks it is appropriate to do so, prescribe any such charges and fees in its rules.

(2) In addition to any amount for which a member of a credit union or of an association may be liable under any other provision of this Act or the regulations, the member shall be liable to the credit union or association for any charges or fees imposed by the credit union or association under subsection (1).

Credit Union (Amendment) 1984

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- (8) Section 11 (2), (3)—

Omit the subsections.

- (9) Section 11A—

After section 11, insert:—

Acquisition of shares in certain corporations.

11A. (1) In this section, “body corporate” means a body corporate which has a share capital and includes such a body corporate which is incorporated outside New South Wales.

(2) Subject to subsection (3) and subject to and in accordance with any prescribed conditions, a credit union, or an association, may subscribe for or otherwise acquire shares in a body corporate that—

- (a) has objects which include the provision of; or
- (b) has agreed to provide,

special services to the credit union or association to enable the credit union or association to further its objects or to the members of the credit union or association in their capacity as such.

(3) Except as provided by sections 5 and 18, a credit union, or an association, shall not, without the approval of the Advisory Committee, apply funds in excess of the prescribed amount or an amount calculated as prescribed, whichever amount is the greater, in subscribing for or otherwise acquiring shares pursuant to subsection (2) in any one body corporate.

(4) A credit union, or an association, may make an application in writing to the Advisory Committee for an approval referred to in subsection (3), and on any such application being made to it, the Advisory Committee shall, subject to this section, give the approval applied for or refuse to give that approval.

Credit Union (Amendment) 1984

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(5) In giving an approval under subsection (4), the Advisory Committee may impose such conditions and restrictions as it considers appropriate.

(6) Subject to subsections (9) and (10), the Advisory Committee may from time to time vary or revoke a condition or restriction imposed under subsection (5).

(7) Subject to subsections (9) and (10), the Advisory Committee may revoke an approval given under subsection (4) on the ground that any condition (including a prescribed condition) or any restriction to which the approval is subject has not been complied with or has been contravened.

(8) The Advisory Committee shall not—

- (a) refuse to give an approval for which an application under subsection (4) has been made; or
- (b) in giving such an approval, impose any condition or restriction,

without first having afforded the credit union or association concerned an opportunity to make written submissions to the Advisory Committee in relation to the matter.

(9) The Advisory Committee shall not—

- (a) vary a condition or restriction imposed in respect of an approval given under subsection (4); or
- (b) revoke an approval so given,

without first having afforded the credit union or association concerned an opportunity to be heard by, or, if the credit union or association prefers, an opportunity to make written submissions to, the Advisory Committee in relation to the matter.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(10) The variation or revocation of a condition or restriction under subsection (6) or the revocation of an approval under subsection (7) shall not take effect until notified in writing to the credit union or association concerned or until such later date as may be specified in the notification.

(11) A credit union, or an association, shall not fail to comply with or contravene any condition (including a prescribed condition) or any restriction applicable to an approval given to the credit union or association under subsection (4).

(12) The application by a credit union, or an association, of funds in contravention of subsection (3) shall not be invalid as regards a person having dealings with the credit union or association in relation to the application of those funds unless the person—

- (a) has actual knowledge of the contravention at the time when the funds were applied; or
- (b) has a connection or relationship with the credit union or association that is such that the person should have known of the contravention.

(13) A credit union, or an association, that contravenes subsection (3) or (11) is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000.

(10) (a) Section 12 (1)–(3A)—

Omit section 12 (1)–(3), insert instead:—

(1) Where authorised by its rules, a credit union may, subject to this section and subject to and in accordance with any prescribed conditions—

- (a) raise money on loan or obtain other financial accommodation; and

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) receive money on deposit at interest,
to be applied or used for the purposes of the credit union.

(2) The Minister may, by order published in the Gazette, fix the maximum rate that may be paid by way of interest on deposits, or on deposits of a specified class, made with a credit union and, where any such order is in force, a credit union shall not, in respect of deposits currently held by it, pay interest at a rate higher than the maximum rate fixed by the order.

(3) An order made under subsection (2) may fix rates of interest differing according to specified circumstances.

(3A) Where a credit union is authorised by its rules to raise money on loan or obtain other financial accommodation, the credit union may raise that money or obtain that other financial accommodation in such manner as the board thinks fit, and in particular—

(a) by legal or equitable mortgage charged on all or any part of the property of the credit union, including its uncalled or unpaid capital, subscriptions, loan payments and other money; and

(b) by issuing, discounting or otherwise dealing with bills of exchange, promissory notes, mortgage-backed securities and any other securities of a class prescribed for the purposes of this paragraph.

(b) Section 12 (7) (a)—

Omit the paragraph.

(c) Section 12 (8)—

Omit “upon the terms that it is not repayable before the expiration of a specified period that exceeds one month”, insert instead “on terms that the money is not repayable until after the expiry of a period specified in the order”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(11) Section 17—

Omit the section, insert instead:—

Powers of credit unions and associations to act as agents.

17. (1) A credit union may act as an agent of a person or body of persons (whether incorporated or not)—

- (a) for the receipt of money payable to that person or body for a purpose prescribed for the purpose of this paragraph;
- (b) for the payment of money payable by that person or body for a purpose prescribed for the purpose of this paragraph; or
- (c) with respect to the performance for that person or body of any service prescribed for the purpose of this paragraph.

(2) An association may act as an agent in respect of any matter on behalf of any person or body of persons (whether incorporated or not) to the same extent as a natural person may act as the agent of a person or body of persons in relation to a similar matter.

(12) (a) Section 19 (1)—

After “Subject to this section”, insert “and subject to and in accordance with any prescribed terms and conditions”.

(b) Section 19 (1)—

Omit “not immediately required for any of its objects, or for purposes incidental thereto,”.

(c) Section 19 (1) (a)—

Omit “not being securities by way of mortgage over real or leasehold property”, insert instead “(other than mortgages of estates or interests in land)”.

*Credit Union (Amendment) 1984*SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(d) Section 19 (1) (aa)—

After section 19 (1) (a), insert:—

- (aa) where the regulations so provide, mortgages of estates or interests in land, whether situated in New South Wales or elsewhere in Australia, and in mortgage-backed securities;

(e) Section 19 (1) (e)—

Omit “Co-operation Acts; or”, insert instead “Co-operation Act, 1923;”.

(f) Section 19 (1) (f), (g)—

At the end of section 19 (1) (f), insert:—

; or

- (g) deposits with any prescribed body corporate or with any body corporate of a prescribed class of bodies corporate.

(g) Section 19 (2A)—

After “subsection (1) (c)”, insert “or (g)”.

(h) Section 19 (2A)—

After “association” wherever occurring, insert “or body corporate”.

(i) Section 19 (4)—

After section 19 (3), insert:—

- (4) The provisions of section 14 (4) (a) of the Trustee Act, 1925, do not apply to the investment under subsection (1) of funds of a credit union or an association in securities guaranteed by the Government of New South Wales or securities

Credit Union (Amendment) 1984

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

issued by the council of a city, municipality or shire constituted in New South Wales or by a county council so constituted or a prescribed public authority.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) Section 25 (2)—

Omit the subsection, insert instead:—

(2) A credit union, or an association, shall not impose a levy (not being a charge or fee referred to in section 9A) on a member in relation to any matter unless the levy is imposed by, and specified in, a special rule.

(2) Section 26—

Omit the section, insert instead:—

Alteration of rules.

26. (1) The rules of a credit union or an association shall not be altered except by a special resolution passed by the members or as provided by subsection (2).

(2) The rules of a credit union or an association may be altered by a resolution passed by the board but only where the alteration does no more than give effect to a requirement, restriction or prohibition imposed by or under the authority of this Act or the regulations.

(3) Where a resolution to alter the rules of a credit union or an association has been passed as referred to in subsection (1) or (2), the credit union or association shall, within the prescribed period and in the prescribed manner, apply to the registrar to have the alteration registered.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(4) Where an application for the registration of an alteration of the rules of a credit union or an association is made in accordance with subsection (3), the registrar shall, if satisfied—

- (a) that the alteration is not contrary to this Act or the regulations and is such as may reasonably be approved by the registrar; and
- (b) that there is no reasonable cause why the alteration should not be registered,

register the alteration as prescribed but, until the alteration is so registered, it shall not have effect.

(5) Where the rules of a credit union or an association are altered pursuant to subsection (2), the credit union or association shall cause the alteration to be notified in writing to its members as soon as practicable after the alteration takes effect and in any event not later than the date on which notice in accordance with section 60 (4) is given to those members of the next general meeting of the credit union or association following the taking of effect of the alteration.

(3) Section 28 (1A)–(3H)—

Omit section 28 (1A), (2) and (3), insert instead:—

(2) Subsection (1) does not apply to or in respect of a body of persons that is for the time being exempted under subsection (3A) from the operation of subsection (1).

(3) Any body of persons, whether incorporated or unincorporated and whether formed in New South Wales or elsewhere, may make an application in writing for exemption from the operation of subsection (1).

(3A) Where an application is made under subsection (3) for exemption from the operation of subsection (1), the registrar may grant or refuse the exemption.

Credit Union (Amendment) 1984

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(3B) In granting an exemption under subsection (3A), the registrar may impose such conditions and restrictions as the registrar considers appropriate.

(3C) Subject to subsection (3F), the registrar may from time to time vary or revoke a condition or restriction to which an exemption granted under subsection (3A) is subject.

(3D) If the registrar is satisfied that a body of persons for the time being exempted from the operation of subsection (1) has failed to comply with or contravened any condition or restriction subject to which the exemption was granted, the registrar may revoke the exemption.

(3E) The registrar shall not—

(a) refuse to grant an exemption applied for under subsection (3); or

(b) impose conditions or restrictions under subsection (3B), without first having afforded the body concerned an opportunity to make written submissions to the registrar in relation to the matter.

(3F) The registrar shall not—

(a) vary a condition or restriction imposed in respect of an exemption granted under subsection (3A); or

(b) revoke an exemption so granted, without first having afforded the body concerned an opportunity to be heard by, or, if the body concerned prefers, to make written submissions to, the registrar in relation to the matter.

(3G) Where a body of persons is exempt from the operation of subsection (1), that body shall be deemed also to be exempt from the operation of section 61 of the Co-operation Act, 1923, without the need for that body to make an application under subsection (4A) of that section.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(3H) Where an exemption is granted under subsection (3A), or revoked under subsection (3D), the registrar shall forthwith notify the Corporate Affairs Commission of the grant or, as the case may be, the revocation of the exemption.

(4) (a) Section 35 (2) (c)—

Omit “credit unions”, insert instead “persons”.

(b) Section 35 (2) (i)—

After “things”, insert “, either in relation to its members or in relation to other persons,”.

(c) Section 35 (4), (5)—

Omit section 35 (4), insert instead:—

(4) An association, or a union of associations, may—

(a) raise money on loan or obtain other financial accommodation for any of its objects;

(b) receive money on deposit;

(c) enter into and give effect to any contract, scheme or arrangement for the provision for or on behalf of its members or other persons of services of a prescribed kind and, in particular, enter into and give effect to any contract of guarantee with respect to the performance of the obligations of its members or other persons for whom or on whose behalf those services are provided; and

(d) exercise such other powers as may be prescribed for the purposes of this paragraph in relation to its members and, where so prescribed, in relation to other persons.

(5) Subject to this Act, an association has the capacity to carry out its objects and to exercise its powers at any place outside New South Wales.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(5) (a) Section 36 (1), (2)—

Omit the subsections, insert instead:—

(1) Where authorised by its rules, an association, or a union of associations, may, subject to this section and subject to and in accordance with any prescribed conditions—

(a) raise money on loan or obtain other financial accommodation; and

(b) receive money on deposit at interest,

to be applied or used for the purposes of the association or union of associations.

(2) Where an association, or a union of associations, is authorised by its rules to raise money on loan or obtain other financial accommodation, the association or union of associations may raise that money or obtain that other financial accommodation in such manner as the association or union of associations thinks fit, and in particular—

(a) by legal or equitable mortgage charged on all or any part of the property of the association or union of associations, including its uncalled or unpaid capital, subscriptions, loan payments and other money; and

(b) by issuing, discounting or otherwise dealing with bills of exchange, promissory notes, mortgage-backed securities and any other securities of a class prescribed for the purposes of this paragraph.

(b) Section 36 (3A)—

After section 36 (3), insert:—

(3A) No association or union of associations shall raise money on loan from a source outside Australia (not being money repayable as a fixed amount of Australian currency) unless—

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

- (a) the approval of the Treasurer has first been obtained; or
- (b) the association or union of associations has—
 - (i) entered into a currency futures contract as a hedge against any currency exchange loss that may, by reason of a reduction in the value of Australian currency as compared with the currency in which the loan is to be repaid and interest on the loan is to be paid, be incurred when repaying the loan or in paying interest in respect of it; or
 - (ii) taken such other measures to protect itself against such a loss as may be prescribed for the purposes of this subparagraph.

(6) Section 36A—

After section 36, insert:—

Liquidity of associations and unions of associations.

36A. (1) In this section, a reference to liquid funds is a reference to—

- (a) funds in the form of cash at a bank (after allowing for cheques drawn but not presented for payment) and cash in hand;
- (b) investments in securities authorised by law for the investment of trust funds (other than mortgages of estates or interests in land) that are redeemable within 10 years of their acquisition;
- (c) investments in mortgages of estates or interests in land, whether situated in New South Wales or elsewhere, and mortgage-backed securities, being mortgages and securities of prescribed classes;

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

- (d) funds on deposit with any prescribed bank;
- (e) funds on deposit with another association, or, as the case may be, another union of associations, of which the depositor is a member;
- (f) investments in shares of, and funds on deposit with, a permanent building society registered under the Permanent Building Societies Act, 1967;
- (g) investments in prescribed securities and in securities approved by the registrar under section 19 (2); and
- (h) such other funds and investments as may be prescribed for the purposes of this paragraph,

less, where and to the extent that the regulations so provide, the unadvanced portions of any loans agreed to be made, but such a reference does not include any such funds or investments to the extent that, where the regulations so provide, the amount of any of those funds or investments specified in the regulations exceeds the prescribed amount or an amount calculated as prescribed.

(2) For the purpose of calculating the amount of liquid funds held by an association, investments referred to in subsection (1) (b) and (g) shall be assessed at cost or market value, whichever is the lesser.

(3) Where an association or a union of associations holds money deposited by its member credit unions or member associations, that association or union of associations shall not in any month, except as provided by subsection (5) or in accordance with an approval given under subsection (6), approve a loan of an amount which would, if deducted from the liquid funds of the association or union of associations as at the last day of the immediately preceding month, produce an amount less than an amount equal to the prescribed proportion of the aggregate amount of all deposits held by the association or union of associations as at that day, less such of those deposits as are subordinated deposits.

*Credit Union (Amendment) 1984*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—*continued.*

(4) In subsection (3)—

- (a) a reference to the prescribed proportion is a reference to 25 per cent or, where some other percentage is prescribed, that percentage; and
- (b) a reference to subordinated deposits is a reference to deposits of a kind mentioned in section 19 (1) (c) that are subject to an agreement referred to in section 19 (2A).

(5) An association or a union of associations may approve a loan to a member credit union or a member association notwithstanding that, but for this subsection, the approval of the loan would contravene subsection (3) so long as the approving association or union of associations has first satisfied itself that the loan is required by the member credit union or member association, as the case may be, for the purpose only of repaying amounts that depositors have deposited with the member credit union or member association.

(6) An association or a union of associations may make an application in writing to the Minister for approval to approve a loan in circumstances where the approval of the loan would, but for this subsection, be a contravention of subsection (3) and, where any such application is made to the Minister under this subsection, the Minister may, if the Minister considers that it would be in the public interest to do so, give the approval sought.

(7) Regulations made for the purposes of this section may—

- (a) prescribe an amount, or a method of calculating an amount, as the maximum amount of any funds or investments specified in the regulations that may be taken into consideration in calculating the amount of liquid funds of an association or a union of associations; and
 - (b) prescribe different amounts or methods in respect of different funds or investments.
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Credit Union (Amendment) 1984

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

(1) Section 49 (4)—

Omit the subsection, insert instead:—

(4) The Minister may from time to time, by order published in the Gazette, fix the maximum rate of dividend that may be paid under this section by credit unions or associations, and where any such order is in force in respect of credit unions or associations, a credit union or, as the case may be, an association shall not pay to a member a dividend at a rate higher than the maximum rate fixed by the order.

(2) Section 49 (7) (c)—

Omit “under subsection (8)”, insert instead “in accordance with the provisions of an order in force under subsection (8)”.

(3) Section 49 (8)—

Omit the subsection, insert instead:—

(8) The Minister may, by order published in the Gazette, determine an allowance, or the method of calculating an allowance, for the purposes of subsection (7) (c).

(4) Section 49 (9), (10)—

Omit the subsections.

Credit Union (Amendment) 1984

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 55 (3)—

After “director” where firstly occurring, insert “(other than a director appointed by the registrar under section 71A)”.

(b) Section 55 (3) (f)—

Omit “gives”, insert instead “resigns the office having given”.

(c) Section 55 (3) (f)—

Omit “and his resignation is accepted by the board”.

(2) (a) Section 69 (1)—

Omit the subsection, insert instead:—

(1) A credit union, and an association, shall, within 14 days after any change—

(a) in the membership of the board of the credit union or association or of any subsidiary corporation of the credit union or association; or

(b) in the office of secretary or principal executive officer of the credit union or association or of any subsidiary corporation of the credit union or association,

inform the registrar in writing of the change.

(b) Section 69 (2) (a)–(ba)—

Omit section 69 (2) (a) and (b), insert instead:—

(a) a list specifying the directors, the secretaries and the principal executive officers, for the year then current, of the credit union or association and of each subsidiary corporation of the credit union or association;

Credit Union (Amendment) 1984

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—*continued.*

- (b) the balance sheet of the credit union or association at the close of its financial year then last past together with the income and expenditure account and appropriation account of the credit union or association for that financial year;
 - (ba) the balance sheet, at the close of its financial year then last past, of each subsidiary corporation of the credit union or association together with the profit and loss account of each such subsidiary corporation for that financial year;
 - (c) Section 69 (2) (c)—
Omit “balance sheet and those accounts”, insert instead “balance sheets and accounts referred to in paragraphs (b) and (ba)”.
 - (d) Section 69 (3)—
After “or association,”, insert “and of each subsidiary corporation of the credit union or association,”.
 - (e) Section 69 (8)—
After section 69 (7), insert:—
 - (8) A credit union shall, before the expiration of the prescribed period after the prescribed time or times, transmit to the Savings Reserve Board in the form approved by the Minister a return containing the prescribed particulars.
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SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO PART VA OF THE PRINCIPAL ACT.

- (1) (a) Section 69N (1) (e)—

Omit "and".

- (b) Section 69N (1) (f), (g)—

At the end of section 69N (1) (f), insert:—

; and

- (g) any fees paid to or recovered by the Savings Reserve Board pursuant to the regulations.

- (2) Section 69P (3) (a)—

Omit the paragraph, insert instead:—

- (a) interest shall accrue on the amount outstanding from the date of default at the rate of interest for the time being prescribed for the purposes of this paragraph; and

- (3) Section 69Q (4) (a)—

Omit the paragraph, insert instead:—

- (a) interest shall accrue on the amount outstanding from the date of default at the rate of interest for the time being prescribed for the purposes of this paragraph; and

- (4) Section 69x (4)–(6)—

Omit section 69x (4), insert instead:—

- (4) Rules referred to in subsection (1) shall not be altered except by a resolution passed by the Savings Reserve Board.

Credit Union (Amendment) 1984

SCHEDULE 6—*continued.*AMENDMENTS TO PART VA OF THE PRINCIPAL ACT—*continued.*

(5) Where a resolution to alter the rules referred to in subsection (1) has been passed as provided by subsection (4), the Savings Reserve Board shall, within the prescribed period and in the prescribed manner, apply to the registrar to have the alteration registered.

(6) Where an application for the registration of an alteration of the rules referred to in subsection (1) is made in accordance with subsection (5), the registrar shall, if satisfied—

- (a) that the alteration is not contrary to this Act or the regulations and is such as may reasonably be approved by the registrar; and
- (b) that there is no reasonable cause why the alteration should not be registered,

register the alteration as prescribed but, until the alteration is so registered, it shall not have effect.

SCHEDULE 7.

(Sec. 5.)

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

(1) Section 71A (6A), (6B)—

After section 71A (6), insert:—

(6A) Directors of a credit union or an association appointed by the registrar under subsection (6) (c) may be appointed to hold office for the same or different periods, but no director shall be so appointed to hold office for more than 3 years.

*Credit Union (Amendment) 1984*SCHEDULE 7—*continued.*AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(6B) Where a vacancy occurs in the office of a director appointed under subsection (6) (c), the registrar shall appoint a person to fill the vacancy and a person so appointed shall, subject to subsection (7B), hold office for the remainder of the term of office of the person's predecessor in office.

(2) Section 71A (7)–(7B)—

Omit section 71A (7), insert instead:—

(7) Directors elected under subsection (6) (b) or appointed under subsection (6) (c) take office on revocation of the appointment of the administrator.

(7A) A director appointed under subsection (6) (c) shall, subject to subsection (7B), hold office for the period for which the appointment was made.

(7B) Directors appointed by the registrar under this section cease to hold office on the expiry of the periods for which their appointments were made and in any of the circumstances specified in section 55 (3) (a), (b), (c), (d), (f), (h) or (i), but not otherwise.

SCHEDULE 8.

(Sec. 5.)

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

(1) Section 81 (3)—

Omit the subsection.

Credit Union (Amendment) 1984

SCHEDULE 8—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

(2) Section 82 (3)—

Omit the subsection, insert instead:—

(3) A credit union or an association which is convicted of an offence under this section is liable to a penalty not exceeding \$200.

(3) Section 86—

Omit the section, insert instead:—

Falsification of records.

86. If any person wilfully makes, orders or allows to be made any entry or erasure in, or any omission from—

(a) any balance sheet, appropriation account, income and expenditure account or other accounting record of a credit union or an association; or

(b) any return, document or other record required to be sent, produced or delivered for the purposes of this Act,

with intent to falsify the same, or to evade any of the provisions of this Act, that person is guilty of a misdemeanour.

(4) Section 90AA—

After section 90, insert:—

Offences by officers.

90AA. (1) Where a credit union, or an association, contravenes, whether by act or omission, any provision of this Act or the regulations, each officer of the credit union or association shall be deemed

*Credit Union (Amendment) 1984*SCHEDULE 8—*continued.*AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

to have contravened the same provision unless the officer satisfies the court that—

- (a) the credit union or association contravened the provision without the knowledge of the officer;
- (b) the officer was not in a position to influence the conduct of the credit union or association in relation to its contravention of the provision; or
- (c) the officer, being in such a position, used all due diligence to prevent the contravention by the credit union or association.

(2) An officer of a credit union, or of an association, may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the credit union or association has been proceeded against or convicted under that provision.

(5) Section 91A—

Omit the section, insert instead:—

Notice to be given of conviction for offence.

91A. Where after the commencement of Schedule 8 (5) to the Credit Union (Amendment) Act, 1984, a credit union or an association, or an officer of a credit union or an association, is convicted of an offence against a provision of this Act or the regulations, the credit union or association shall, not later than 15 months after the conviction, give to each member of the credit union or association notice in writing of—

- (a) the conviction;

Credit Union (Amendment) 1984

SCHEDULE 8—*continued.*

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT—*continued.*

- (b) any penalty imposed in respect of the offence to which the conviction relates; and
 - (c) the nature of the offence to which the conviction relates.
-

SCHEDULE 9.

(Sec. 5.)

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

(1) Section 94 (9)—

Omit “With the approval of the Minister first obtained, the”, insert instead “The”.

(2) Section 95B (1A)—

After section 95B (1), insert:—

(1A) The power of the registrar under subsection (1) to enlarge any time for doing any act may be exercised notwithstanding that the time for the doing of the act has expired.

(3) (a) Section 95C (1)—

After “and (d)”, insert “, and the credit union or association shall comply with the direction”.

(b) Section 95C (7)—

Omit the subsection, insert instead:—

(7) A credit union, or an association, that contravenes subsection (1) or (6) is guilty of an offence and liable on conviction to a penalty not exceeding \$400.

Credit Union (Amendment) 1984

SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(4) (a) Section 97 (1)—

Omit the subsection, insert instead:—

(1) The registrar and any inspector appointed under section 99 and authorised in writing by the registrar either generally or specially to do so—

(a) may inspect any records, or examine the affairs, of a credit union or an association, or of any subsidiary corporation or prescribed special services body corporate of a credit union or an association, whether or not the credit union, association, corporation or body corporate is in the course of being wound up; and

(b) where a credit union, an association or a subsidiary corporation or prescribed special services body corporate of a credit union or an association is in the course of being wound up, may inspect any records kept by the liquidator in respect of the credit union, association, corporation or body corporate.

(b) Section 97 (2)—

Omit “, or of an association,” insert instead “or an association, or a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association,”.

(c) Section 97 (2)—

Omit “or association”, insert instead “, association, corporation or body corporate”.

(5) (a) Section 98 (1)—

Omit “association—”, insert instead “association, do either or both of the following:—”.

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(b) Section 98 (1) (b)—

After “association”, insert “or of a subsidiary corporation of the credit union or association”.

(c) Section 98 (1AA)—

After section 98 (1A), insert:—

(1AA) The registrar may hold an inquiry into the affairs, including the working and financial condition, of a prescribed special services body corporate of a credit union or an association.

(d) Section 98 (3)—

Omit the subsection, insert instead:—

(3) Notice of an application under this section shall be given by such persons in such manner, and to such persons, as the registrar directs.

(e) Section 98 (9)—

Omit the subsection, insert instead:—

(9) All expenses of and incidental to a meeting called or inquiry held under subsection (1) or (1AA) shall be defrayed, in such proportions as the registrar directs—

(a) in the case of a meeting called or an inquiry held under subsection (1)—

- (i) by the applicants;
- (ii) out of the funds of the credit union or association to which the meeting or inquiry related or, as the case may be, the credit union or association whose subsidiary corporation was the subject of the inquiry; or

Credit Union (Amendment) 1984

SCHEDULE 9—*continued.*

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(iii) by any officer, member, former officer or former member of the credit union or association; or

(b) in the case of an inquiry under subsection (1AA), out of the funds of the special services body corporate to which the inquiry related or out of the funds of the credit union or association whose special services body corporate was the subject of the inquiry,

and may be recovered by the registrar in any court of competent jurisdiction as a debt due to the Crown.

(f) Section 98 (10)—

After section 98 (9), insert:—

(10) Without limiting the operation of section 94 (9), the registrar may delegate any of the registrar's duties, powers and authorities under this section (other than this power of delegation) to any person who in the registrar's opinion is suitably qualified to perform those duties and to exercise those powers and authorities, including a person outside New South Wales.

(6) (a) Section 100 (1) (b)—

Omit "books or documents of the credit union or association to which the inquiry relates", insert instead "records of a credit union or an association or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association".

(b) Section 100 (1) (c)—

After "association" where secondly and thirdly occurring, insert " , or of any subsidiary corporation, or prescribed special services body corporate, of the credit union or association,".

Credit Union (Amendment) 1984

SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(c) Section 100 (1) (c)—

Omit “association.”, insert instead “association, or of any subsidiary corporation, or prescribed special services body corporate, of the credit union or association;”.

(d) Section 100 (1) (d), (e)—

After section 100 (1) (c), insert:—

(d) require any director or other officer of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association—

(i) to furnish to the registrar or inspector, as the case may be, any information relating to the affairs of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate, or the matter of any inquiry into the working and financial condition of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate; and

(ii) to produce to the registrar or inspector all or any of the records of that corporation or body corporate, or of the credit union or association of which it is a subsidiary corporation or special services body corporate; and

(e) enter, at any reasonable time—

(i) the registered office of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association; or

(ii) any other premises or place in which the registrar or inspector believes on reasonable grounds the affairs of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association, are being

*Credit Union (Amendment) 1984*SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

carried on or in which any records relating to the affairs of a credit union or an association, or of a subsidiary corporation, or prescribed special services body corporate, of a credit union or an association, are kept.

(e) Section 100 (2)–(6)—

Omit section 100 (2), insert instead:—

(2) Subsection (1) (e) does not authorise the registrar or an inspector to enter that part of any premises that is used for residential purposes, without the consent of the occupier of that part.

(3) Any person who, without lawful excuse—

(a) refuses or fails to comply with any requirement lawfully made by the registrar or by an inspector for the purposes of this Act; or

(b) assaults or wilfully obstructs, hinders or otherwise interferes with the registrar or an inspector in the exercise or performance of any of the duties, functions, powers or authorities of the registrar or of an inspector under this Act,

is guilty of an offence and liable on conviction to a penalty not exceeding \$600 or to imprisonment for a period not exceeding 6 months, or to both.

(4) In subsection (3), a reference to the registrar includes a reference to a person to whom any of the duties, powers and authorities of the registrar have been delegated under this Act.

(5) The registrar may disclose to a person performing under a law of another State or of a Territory functions similar to those performed by the registrar under this Act any information concerning a credit union, an association, a subsidiary corporation of a credit union or of an association or a prescribed special services body corporate of a credit union or of an association

Credit Union (Amendment) 1984

SCHEDULE 9—*continued.*AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

where the information was obtained by the registrar or an inspector in the course of the exercise or performance of any of the duties, functions, powers or authorities of the registrar or inspector under this Act.

(6) The registrar is not liable to any civil or criminal proceedings in respect of a disclosure made or proposed to be made in good faith under subsection (5).

SCHEDULE 10.

(Sec. 5.)

AMENDMENT TO PART X OF THE PRINCIPAL ACT.

Section 103 (2), (2A)—

Omit section 103 (2), insert instead:—

(2) Without limiting the generality of subsection (1), the Governor may make regulations fixing or otherwise relating to the fees to be taken in the office of the registrar or of the Savings Reserve Board for any matter or thing to be done in any such office under this Act, including fees to be taken for the late lodgment of documents in, or the late transmission of documents to, any such office.

(2A) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

SCHEDULE 11.

(Sec. 5.)

AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT.

(1) Schedule 1, paragraph (o)—

Omit the paragraph.

(2) Schedule 2, clause 4—

Omit the clause, insert instead:—

4. (1) Before appointing the members referred to in clause 3, the Minister shall invite one or more associations or credit unions to which this subclause applies to nominate for appointment as members such number of persons as is specified in the invitation.

(2) Subclause (1) applies to—

- (a) any association (not being a union of associations) which has a membership of not fewer than 10 credit unions; and
- (b) any credit union which is not a member of an association or which is a member of an association other than an association referred to in paragraph (a).

(3) Where an association or a credit union receives an invitation under subclause (1), the association or credit union is entitled to select for nomination as a member or as members a number of persons not exceeding the number specified in the invitation.

(4) An association or a credit union which has made its selection in accordance with subclause (3) shall submit the names of its nominees to the Minister within such period and in such manner as may be specified in the invitation to the association or credit union under subclause (1) or as specified in some other written communication from the Minister to the association or credit union.

Credit Union (Amendment) 1984

SCHEDULE 11—*continued.*AMENDMENTS TO SCHEDULES 1 AND 2 TO THE PRINCIPAL ACT—*continued.*

(3) Schedule 2, clause 12—

Omit “the person shall be a person nominated under clause 4 or 5 in the same manner as his predecessor”, insert instead “clauses 4 and 5, so far as relevant and with any necessary modifications, shall apply to the filling of that vacancy”.

SCHEDULE 12.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

Omit the section.

(2) (a) Section 3 (1)—

Omit “to the extent that the context or subject matter”, insert instead “in so far as the context or subject-matter”.

(b) Section 3 (1), definition of “Co-operation Acts”—

Omit the definition.

(c) Section 3 (1), definition of “prescribed”—

Omit the definition.

(3) (a) Section 6 (4A)–(4E)—

Omit section 6 (4A), insert instead:—

(4A) Where the rules of a credit union so provide, the board may, by instrument in writing, delegate any or all of its powers under subsection (4) to such person or body of persons as may be prescribed.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(4B) The exercise of any delegation under subsection (4A) shall be subject to and in accordance with such limits and conditions as may be specified in the instrument of delegation and such conditions as may be prescribed.

(4C) Notwithstanding any delegation made under subsection (4A), a board may continue to exercise or perform all or any of the powers so delegated.

(4D) Any act or thing done or suffered by the delegate when acting in the exercise of any delegation made by the board under subsection (4A), and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the board.

(4E) A board may, by instrument in writing, revoke wholly or in part any delegation made under subsection (4A).

(b) Section 6 (7) (a)–(d)—

Omit “(7A)” wherever occurring, insert instead “(7AB)”.

(c) Section 6 (7) (d) (iv)—

Omit “by the regulations”.

(d) Section 6 (7A)—

Omit “In this subsection”, insert instead “In subsection (7AB),”.

(e) Section 6 (7A)—

Omit “by the regulations”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(f) Section 6 (7A)—

Omit "The rules", insert instead "(7AB) The rules".

(g) Section 6 (7A)—

Omit "paragraph (a) of subsection (7)", insert instead "subsection (7) (a)".

(h) Section 6 (7A)—

Omit "paragraph (b) of that subsection", insert instead "subsection (7) (b)".

(i) Section 6 (7B)—

Omit "by the regulations" wherever occurring.

(j) Section 6 (11)—

Omit "shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred dollars", insert instead "is guilty of an offence and liable on conviction to a penalty not exceeding \$200".

(4) (a) Section 8 (1) (e)—

Omit the paragraph, insert instead:—

- (e) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 8 (1) (h)—

Omit the paragraph, insert instead:—

- (h) if the member becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act.

(5) Section 11 (1)—

Omit "The acquisition", insert instead "(1A) The acquisition".

(6) (a) Section 12 (5) (a)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923,".

(b) Section 12 (5)—

Omit "Where the registrar so approves a credit union to which this subsection", insert instead "(5A) Where the registrar so approves, a credit union to which subsection (5)".

(c) Section 12 (5)—

Omit "The registrar shall not grant such an approval in respect of a credit union to which paragraph (a)", insert instead "(5B) The registrar shall not grant an approval referred to in subsection (5A) in respect of a credit union to which subsection (5) (a)".

(d) Section 12 (10)—

Omit "For the purposes of that extension, a reference in any of those provisions", insert instead "(10A) For the purposes of the extension referred to in subsection (10), a reference in any of the provisions so referred to".

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(e) Section 12 (11)—

Omit "For the purpose of that extension, a reference in any of those provisions", insert instead "(12) For the purposes of the extension referred to in subsection (11), a reference in any of the provisions so referred to".

(7) (a) Section 18 (1)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923,".

(b) Section 18 (1)—

Omit "whatsoever kind", insert instead "any kind whatever".

(c) Section 18 (2)—

Omit "of the Act,".

(8) Section 19 (2)—

Omit "paragraph (a) of subsection (1)", insert instead "subsection (1) (a)".

(9) Section 20 (4)—

Omit "Following", insert instead "(4A) Following the".

(10) (a) Section 22 (1), (3)—

Omit "Co-operation Acts" wherever occurring, insert instead "Co-operation Act, 1923,".

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 22 (4)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923".

(11) (a) Section 27 (5)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923".

(b) Section 27 (12)—

Omit "Subsection (1) of section 61 of the Co-operation Acts", insert instead "Section 61 (1) of the Co-operation Act, 1923".

(12) Sections 28 (4), 29 (4)—

Omit "shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars" wherever occurring, insert instead "are each guilty of an offence and liable on conviction to a penalty not exceeding \$100".

(13) (a) Section 30 (1) (a)—

Omit "Co-operation Acts", insert instead "Co-operation Act, 1923".

(b) Section 30 (1) (a)—

Omit "those Acts", insert instead "that Act".

(14) Section 33A (7)—

Omit "subsections (6) to (13), inclusive, of section 33", insert instead "section 33 (6)–(13)".

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(15) Section 35 (3)—

Omit “paragraph (f) of subsection (2)”, insert instead “subsection (2) (f)”.

(16) (a) Section 36 (5)—

Omit “For the purposes of that extension, a reference in any of those provisions”, insert instead “(5A) For the purposes of the extension referred to in subsection (5), a reference in any provision so referred to”.

(b) Section 36 (6)—

Omit “For the purpose of that extension, a reference in any of those provisions”, insert instead “(7) For the purpose of the extension referred to in subsection (6), a reference in any of the provisions so referred to”.

(17) (a) Section 37 (b) (i)—

After “successfully;”, insert “and”.

(b) Section 37 (b) (ii)—

After “associations;”, insert “and”.

(18) Section 39 (2)—

Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(19) Section 39A (1), (2)—

Omit “by the regulations” wherever occurring.

(20) Section 40 (4)—

Omit “No person shall be appointed under this subsection”, insert instead “(5) A person shall not be appointed under subsection (4)”.

(21) (a) Section 41 (1), (2)—

Omit “eighteen” wherever occurring, insert instead “18”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(b) Section 41 (2), (4)—

Omit “twenty-one” wherever occurring, insert instead “18”.

(c) Section 41 (3)—

Omit the subsection, insert instead:—

(3) Where a member of a credit union who is under the age of 18 years and is married borrows money from a credit union, the member shall, in respect of the member’s agreement to repay the loan and in respect of any security for repayment of the loan given by the member to the credit union, be subject to the same liabilities and obligations as the member would have been subject to, and shall have the same rights as the member would have had, if the member had been of the full age of 18 years at the time the loan was made.

(22) (a) Section 43 (3)—

Omit “moneys”, insert instead “money”.

(b) Section 43 (7) (b)—

Omit “a copy of the balance sheet”, insert instead “the records specified in section 66 (8) (b) (i)”.

(c) Section 43 (9)—

Omit “Any such declaration”, insert instead “(9A) Any declaration made pursuant to subsection (9)”.

(23) Section 44 (1)—

Omit “subsection (10) of section 6”, insert instead “section 6 (10)”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(24) Section 46—

Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.

(25) (a) Section 47 (1)—

Omit “moneys”, insert instead “money”.

(b) Section 47 (1)—

Omit “paragraph (f) of subsection (2) of section 35”, insert instead “section 35 (2) (f)”.

(26) (a) Section 48—

Omit “A credit union”, insert instead “(1) A credit union”.

(b) Section 48—

Omit “The charge created by this section may be enforced, at any time after seven”, insert instead “(2) The charge created by subsection (1) may be enforced, at any time after not less than 7”.

(c) Section 48—

Omit “Any share in respect of which capital has been so appropriated”, insert instead “(3) Any share in respect of which capital has been appropriated pursuant to subsection (2)”.

(27) Section 54 (3)—

Omit “subsection (6) of section 53”, insert instead “section 53 (6)”.

(28) (a) Section 55 (1)—

Omit “in” where firstly occurring, insert instead “by”.

(b) Section 55 (2)—

Omit “Such rules”, insert instead “(2AA) The rules of a credit union or an association”.

(c) Section 55 (2)—

Omit “such deputy, and his remuneration”, insert instead “person appointed to act as deputy for a director of a credit union or an association, and the remuneration of that deputy”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(29) (a) Section 55A (1), (2)—

Omit “shall be guilty of an offence against this Act and, upon summary conviction, liable” wherever occurring, insert instead “is guilty of an offence and liable on conviction”.

(b) Section 55A (1), (2)—

Omit “of one thousand dollars or to imprisonment for a period of six” wherever occurring, insert instead “not exceeding \$1,000 or to imprisonment for a period not exceeding 6”.

(30) Section 56 (6)—

Omit “shall be liable”, insert instead “is guilty of an offence and liable on conviction”.

(31) Section 56A (2)—

After “liable”, insert “on conviction”.

(32) Section 57 (2)—

Omit “shall be guilty of an offence and be liable to a penalty not exceeding five hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$500”.

(33) (a) Section 60 (4)—

Omit “meetings—”, insert instead “meetings:—”.

(b) Section 60 (4) (b)—

Omit “and”.

(34) Section 61 (2)—

Omit “shall be guilty of an offence and be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (35) (a) Section 62 (1)—
Omit “is” where firstly occurring.
- (b) Section 62 (1)—
Omit “Notwithstanding”, insert instead “(1A) Notwithstanding”.
- (c) Section 62 (1)—
After “proxy”, insert “at a meeting of a credit union or of an association”.
- (d) Section 62 (2)—
Omit “is”.
- (36) (a) Section 66 (2)—
Omit “For the purposes of that extension”, insert instead “(2A) For the purposes of the extension referred to in subsection (2)”.
- (b) Section 66 (2)—
Omit “from that section”, insert instead “from section 28 of the Public Accountants Registration Act, 1945,”.
- (c) Section 66 (2)—
Omit “, and any Act amending this Act,”.
- (d) Section 66 (2)—
Omit “subparagraph (ii) of paragraph (b) of subsection (1) of that section”, insert instead “section 28 (1) (b) (ii) of that Act”.
- (e) Section 66 (5) (b), (c)—
Omit “books of account” wherever occurring, insert instead “accounting records”.
- (f) Section 66 (5) (b)—
Omit “those books”, insert instead “those records”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (g) Section 66 (5) (d) (i)—
After “year;”, insert “and”.
- (h) Section 66 (6)—
Omit “books, accounts, vouchers, securities and documents”, insert instead “records and securities”.
- (37) (a) Section 67 (2) (e)—
Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923”.
- (b) Section 67 (4)—
Omit “in” where firstly occurring, insert instead “by”.
- (38) Section 68 (2)—
Omit “paragraph (d) of subsection (1)”, insert instead “subsection (1) (d)”.
- (39) Section 69 (7)—
Omit “by the regulations”.
- (40) Section 69L (2)—
Omit “section”, insert instead “sections”.
- (41) Section 69AD (1) (b)—
Omit “or” where lastly occurring.
- (42) (a) Section 69AE (2), (3)—
Omit “books or documents” wherever occurring, insert instead “records”.
- (b) Section 69AE (3)—
Omit “shall be guilty of an offence and, upon summary conviction, liable”, insert instead “is guilty of an offence and liable on conviction”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (43) Section 69AG—
Omit “Minister of Justice”, insert instead “Attorney General”.
- (44) Section 69AI (2) (a) (i)—
After “appeal;”, insert “or”.
- (45) (a) Section 70 (1) (a)—
After “member;”, insert “and”.
- (b) Section 70 (6)—
Omit “book or document”, insert instead “records”.
- (c) Section 70 (9)—
Omit “for the district within which the office of the credit union or association is situated”.
- (d) Section 70 (11)—
Omit “by a”, insert instead “by the”.
- (e) Section 70 (12)—
Omit “The judges of the District Courts or any four of them”, insert instead “The District Court Rule Committee”.
- (f) Section 70 (12)—
Omit “to a”, insert instead “to the”.
- (g) Section 70 (14)—
Omit “shall be guilty of an offence and, upon summary conviction, liable to a penalty not exceeding six hundred dollars or to imprisonment for a term not exceeding six”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$600 or to imprisonment for a period not exceeding 6”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(46) (a) Section 71—

Omit “The provisions”, insert instead “(1) The provisions”.

(b) Section 71—

Omit “For the purposes of that extension, a reference in any of those provisions”, insert instead “(2) For the purposes of the extension referred to in subsection (1), a reference in any of the provisions so referred to”.

(47) (a) Section 72 (3) (c)—

Omit “Co-operation Acts”, insert instead “Co-operation Act, 1923,”.

(b) Section 72 (4)—

Omit “paragraphs (c), (d), (e) and (f) of subsection (3)”, insert instead “subsection (3) (c)–(f)”.

(c) Section 72 (5)—

Omit “Any vacancy occurring in the office of a liquidator so appointed”, insert instead “(5A) Any vacancy occurring in the office of a liquidator appointed under subsection (5)”.

(48) Section 76 (3), (4)—

Omit “subsection (9) of section 94” wherever occurring, insert instead “section 94 (9)”.

(49) (a) Section 81 (1) (a)—

Omit “account”, insert instead “accounting record”.

(b) Section 81 (1), (2), (4)—

Omit “shall be guilty” wherever occurring, insert instead “is guilty”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(c) Section 81 (5)—

Omit “shall be liable to a penalty not exceeding one hundred dollars and a default penalty not exceeding ten dollars”, insert instead “is liable on conviction to a penalty not exceeding \$100 and to a default penalty not exceeding \$10”.

(50) Section 82 (1), (2)—

Omit “shall be guilty” wherever occurring, insert instead “is guilty”.

(51) Section 83 (1)—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars and a default penalty not exceeding fifty dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$100 and a default penalty not exceeding \$50”.

(52) Section 84—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$200”.

(53) Section 85—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$100”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(54) (a) Section 87 (1)—

Omit “shall be guilty of an offence, and shall be liable to a penalty not exceeding four hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$400”.

(b) Section 87 (2)—

Omit “summary conviction to imprisonment for any term not exceeding six months”, insert instead “conviction to imprisonment for a period not exceeding 6 months”.

(55) Section 88 (1)—

Omit “shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200”.

(56) Section 89 (1)—

Omit “shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding six months or to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$200 or to imprisonment for a period not exceeding 6 months”.

(57) Section 90 (1)—

Omit “shall, where no penalty is expressly provided, be liable to a penalty not exceeding one hundred dollars”, insert instead “is, where no penalty is expressly provided by any other provision of this Act, guilty of an offence and liable on conviction to a penalty not exceeding \$100”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(58) Section 91—

Omit the section, insert instead:—

Proceedings for offences to be dealt with summarily.

91. (1) Proceedings for an offence against a provision of this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

(2) Subsection (1) does not apply to an offence against a provision of this Act that is expressed by the provision to be a misdemeanour or for which a person is liable to be convicted on indictment.

(59) (a) Section 92—

Omit “moneys”, insert instead “money”.

(b) Section 92—

Omit “save”, insert instead “except”.

(60) Section 94 (9)—

Omit “No delegation under this subsection shall”, insert instead “(9A) A delegation under subsection (9) shall not”.

(61) Section 95 (1) (b)—

Omit “thereof;”, insert instead “of those rules; or”.

(62) (a) Section 96 (2) (e)—

After “shares;”, insert “or”.

(b) Section 96 (4)—

Omit “The Minister”, insert instead “(4A) The Minister”.

(c) Section 96 (4)—

Omit “the direction” where firstly occurring, insert instead “a direction made under this section”.

*Credit Union (Amendment) 1984*SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

(d) Section 96 (4)—

Omit “the direction or to amend the notice”, insert instead “a direction made, or any notice given, under this section”.

(e) Section 96 (6)—

Omit “shall be guilty of an offence and be liable to a penalty not exceeding six hundred dollars;”, insert instead “is guilty of an offence and is liable on conviction to a penalty not exceeding \$600.”.

(f) Section 96 (6)—

Omit “and every officer of the credit union or association who knowingly and wilfully authorises or permits a contravention of subsection (2) shall be liable on conviction on indictment to a penalty not exceeding six hundred dollars or to a term of imprisonment not exceeding two years or to both or, on summary conviction, to a penalty not exceeding one hundred dollars or to a term of imprisonment not exceeding three months or to both.”, insert instead:—

(7) Any officer of a credit union, or of an association, who instigates, authorises, gives permission for or knowingly participates in a contravention of subsection (2) is guilty of an offence and liable on conviction on indictment to a penalty not exceeding \$600 or to imprisonment for a period not exceeding 2 years, or to both, or, on summary conviction, to a penalty not exceeding \$100 or to imprisonment for a period not exceeding 3 months, or to both.

(63) Section 98 (6)—

Omit “The registrar or any person nominated by him may attend and address any such meeting.”, insert instead:—

(6A) The registrar or any person nominated by the registrar may attend and address a meeting called under this section.

(64) Section 99 (2)—

Omit “1902”, insert instead “1979”.

Credit Union (Amendment) 1984

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—
continued.

- (65) (a) Section 100 (1) (c)—
Omit “books or documents”, insert instead “records”.
- (b) Section 100 (1)—
Omit “A notice referred to in paragraph (b)”, insert instead “(1A) A notice referred to in subsection (1) (b)”.
- (c) Section 100 (1)—
Omit “(i)”, insert instead “(a)”.
- (d) Section 100 (1)—
Omit “(ii)”, insert instead “(b)”.
- (66) Section 101 (8) (b)—
After “unions;”, insert “and”.
- (67) (a) Section 103 (1)—
Omit “any such regulation may provide”, insert instead “in particular may make regulations providing”.
- (b) Section 103 (1) (a), (b)—
Omit the paragraphs, insert instead:—
- (a) any contravention of the regulations (whether by act or omission) to be an offence and a penalty not exceeding \$100 to be imposed on a conviction for the offence; and
- (b) the imposition of distinct penalties for successive offences against the regulations and a daily or weekly penalty, not exceeding \$5 per day or \$25 per week, for any continuing offence against the regulations.
- (68) Schedule 2, clauses 5 (2), 13 (2)—
Omit “of this clause” wherever occurring.
-

Credit Union (Amendment) 1984

SCHEDULE 13.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Approvals—application of funds for acquisition of shares.

1. (1) An approval given for the purposes of section 11 (3) of the Principal Act and in force immediately before the commencement of Schedule 2 (8) and (9) to this Act shall, after that commencement, be deemed to have been given under section 11A (4) of the Principal Act (as inserted by Schedule 2 (9) to this Act) and shall be deemed to have been so given subject to the same conditions and restrictions (if any) as those to which the approval was subject immediately before that commencement.

(2) Until a regulation is made under the Principal Act (as amended by this Act) prescribing an amount for the purposes of subsection (3) of section 11A of the Principal Act (as inserted by Schedule 2 (9) to this Act), the amount prescribed for the purposes of that subsection shall be deemed to be \$2,000.

Maximum rate of interest on deposits.

2. (1) An order made for the purposes of section 12 (2) of the Principal Act (as in force immediately before the commencement of Schedule 2 (10) (a) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 12 (2) of the Principal Act (as in force after that commencement).

(2) An order made for the purposes of section 12 (8) of the Principal Act (as in force immediately before the commencement of Schedule 2 (10) (c) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 12 (8) of the Principal Act (as in force after that commencement).

Approvals and exemptions—use of words “credit unions”.

3. (1) Where an unincorporated association has been approved for the purposes of section 28 (1A) of the Principal Act (as in force immediately before the commencement of Schedule 3 (3) to this Act) and that approval has not been revoked before that commencement, that association shall be deemed to be a body of persons exempted under section 28 (3A) of the Principal Act (as in force after that commencement) and the exemption shall be deemed to be subject to the same conditions and restrictions (if any) as those to which the exemption was subject immediately before that commencement.

(2) Where a society or company formed outside New South Wales has been granted an exemption from the provisions of section 28 (1) of the Principal Act and that exemption was subsisting immediately before the commencement of Schedule 3 (3) to this Act, that society or company shall be deemed to be a body of persons exempted under section 28 (3A) of the Principal Act (as in force after that commencement) and that exemption shall be deemed to be subject to the same conditions and restrictions as those to which the exemption was subject immediately before that commencement.

*Credit Union (Amendment) 1984*SCHEDULE 13—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Maximum rate of dividend on shares.**

4. An order made for the purposes of section 49 (4) of the Principal Act (as in force immediately before the commencement of Schedule 4 (1) to this Act) and not revoked before that commencement shall, until revoked, continue in force for the purposes of section 49 (4) of the Principal Act (as in force after that commencement).

Allowance for contingent liability.

5. Until an order is made under the Principal Act (as amended by this Act) providing for the determination, or the method of calculating, an allowance for the purposes of section 49 (7) (c) of the Principal Act (as in force after the commencement of Schedule 4 (2), (3) and (4) to this Act), the provisions of section 49 (8)–(10) of the Principal Act (as in force immediately before that commencement) shall continue to have effect as if they were included in an order made under section 49 (8) of the Principal Act (as in force after that commencement).

Acceptance by board of resignation of director.

6. Section 55 (3) (f) of the Principal Act, as amended by this Act, applies to and in respect of the resignation from office of a director of a credit union or of an association, where, before the commencement of Schedule 5 (1) to this Act, the director gave notice under that paragraph of his or her intention to resign office and that resignation had not taken effect before that commencement.

Rate of interest on overdue payments to Savings Reserve Board.

7. For the purposes of paragraph (a) of section 69P (3) and paragraph (a) of section 69Q (4) of the Principal Act (as amended by this Act) the rate of interest prescribed for the purposes of each of those paragraphs shall, subject to any subsequent amendment by the regulations under the Principal Act (as so amended), be deemed to be the rate fixed by an order in force for the purposes of section 12 (2) of the Principal Act immediately before the commencement of Schedule 2 (10) to this Act.

Term of office of directors appointed by registrar.

8. Section 71A of the Principal Act applies, as if this Act had not been enacted, to and in respect of directors of a credit union or an association appointed under subsection (6) (c) of that section as in force immediately before the commencement of Schedule 7 to this Act.

Credit Union (Amendment) 1984

SCHEDULE 13—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Regulations.**

9. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 14th December, 1984.*