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VICTORIA
GOVERNMENT GAZETTE

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[1962

BUILDING SOCIETIES ACT 1958.

At Government House, Melbourne, the sixteenth day of
April, 1962.

PRESENT:

His Excellency the Governor of Victoria.
Mr. Bloomfield | Mr. Porter.

BUILDING SOCIETIES REGULATIONS 1962.

IN pursuance of the powers conferred by the *Building Societies Act 1958* and all other powers him thereunto enabling, His Excellency the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, doth hereby—

- (a) revoke the Regulations made on the 11th February, 1931, and published in the *Government Gazette of the 18th February, 1931*, under the provisions of the *Building Societies Act 1928*; and
- (b) make (including Regulations made on the advice of the Registrar of Building Societies pursuant to section 41 of the *Building Societies Act 1958*) the following Regulations, that is to say:—

CITATION.

1. These Regulations may be cited as the *Building Societies Regulations 1962*.
2. The aforesaid revocation of the *Building Societies Regulations* made on the 11th February, 1931, shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulations.

INTERPRETATION.

3. (1) In these Regulations, unless inconsistent with the context or subject-matter, expressions used have the same meaning as those ascribed to them by the *Building Societies Act 1958*.
- (2) In these Regulations "Act" means the *Building Societies Act 1958*.
- (3) Wherever in these Regulations there is a reference to a form by a number such reference shall be deemed to be a reference to the form of the like number set forth in the Schedule to these Regulations. Any form to the like effect of the appropriate form set forth in the said Schedule shall be sufficient for the purposes of these Regulations.

APPLICATION TO REGISTER.

4. Every application for the registration of a society shall be made in the form of Form No. 1 and shall be lodged with the Registrar at his office.

5. Every statutory declaration accompanying the application for registration from the persons who acted as chairman and secretary respectively of the meeting for the purpose of the society and that the requirements of section 4B of the Act have been complied with shall be in the form of Form No. 2.

6. Every certificate of minimum subscription by the founding members of the society accompanying an application for registration shall be in the form of Form No. 6A.

REGISTERED OFFICE.

7. (1) Every society shall have a registered office in Victoria.

(2) A society shall notify the Registrar of any change of registered office within fourteen days of the said change.

(3) Every notice of change of registered office shall be in the form of Form No. 5.

(4) Every society which carries on business without having a registered office as required by this Regulation shall be liable to a penalty of not more than Five pounds for every day during which business is so carried on.

MINUTES OF MEETING.

8. (1) Separate minutes shall be kept of the meetings of the society, the board and every committee.

(2) At every meeting of the society or the board or any committee the secretary or other person deputed for the purpose by the board shall take minutes of the proceedings and shall record them in the appropriate minute book.

(3) The minutes of every meeting shall be taken into consideration as the first business of the next annual meeting of the society or next meeting of the board or committee (as the case may be) in order that they may be confirmed by such latter meeting and shall be signed after confirmation by the chairman of the meeting at which they are confirmed. No motion or discussion with respect to such minutes save one with respect to their accuracy as a record of the proceedings of which they purport to be a record, shall be in order.

(4) Minutes may be confirmed at any special meeting of the society or of the board or of any committee.

CHANGE OF NAME OF A SOCIETY.

9. Every change of name of a society shall be made in the same manner as a Special Resolution.

REGISTRATION OF A SPECIAL RESOLUTION.

10. (1) Every application for registration of any Special Resolution other than a Resolution which a scheme of amalgamation is adopted shall be made in the form of Form No. 3.

(2) Where the Special Resolution is a Resolution altering the rules of the society the application shall also be accompanied by two copies of the Resolution signed by three members and the secretary of the society.

(3) Upon registration of the Special Resolution, the Registrar shall return one copy of the Resolution to the society with an acknowledgment of registration.

(4) Every application shall be accompanied by a statutory declaration by the secretary of the society in the form of Form No. 4.

REGISTERS AND ACCOUNTS.

11. Every society shall keep such registers and accounts in such a manner as will enable it to compile therefrom, in the Form No. 7 a balance-sheet and profit and loss account for each accounting period and, in particular, it shall keep the following registers:—

(a) a register of members;

(b) a register of shares;

(c) a register of advances made;

(d) a register of directors;

(e) a register of securities taken;

(f) a register of loans made and securities given;

(g) a register of insurance effected on securities taken;

(h) a register of the names of current members arranged in alphabetical order and indicating the latest known address of each such member and the address (if any) given by him for the purpose of the sending of notices to him.

12. (1) All income which has accrued to a society during any accounting period shall, whether the whole of such income has been actually received by the society or not, be taken into account in the accounts for that period and all expenses incurred by the society whether such have been paid or not shall likewise be taken into account in the accounts for that period.

(2) A summary of every bank account shall be posted to the society's ledger at the close of each accounting period.

(3) All payments made by a society shall be made by cheque save such payments as the Board may direct to be paid out of any petty cash advance.

ANNUAL RETURN.

13. Within two months of the close of a financial year a society will furnish to the Registrar a balance-sheet, profit and loss account, Annual Return including statistical form in the form of Form No. 7.

14. Every society which fails to lodge such annual return within two months of the close of the financial year will be liable to a penalty of not more than Fifty pounds.

GOVERNMENT DIRECTORS.

15. A person appointed a director of any society pursuant to the provisions of sub-section (4) of section 22b of the Act if such person is not an officer of the Public Service may be paid a fee not exceeding £4 4s. with respect to each meeting of the board which he attends or with respect to his attendance at any general meeting of the society.

SECURITY BY OFFICERS.

16. (1) Every officer of a society having the receipt or charge of any money of the society, immediately upon his appointment and before entering on the duties of his office, shall obtain the guarantee of some company, society or association approved by the board and the Registrar in the sum of One thousand pounds or such larger sum as the Registrar may in any particular case at any time direct to secure that the officer will render a just and true account of all money received and paid by him for the society and for payment of all money due from him to the society and every such officer shall at all times have such a guarantee in force.

(2) Every such officer who at any time fails to have such a guarantee in force and every director of the society who knowingly permits any such officer to act as an officer of the society whilst any such failure persists shall be guilty of an offence against this Regulation and for every such offence shall be liable to a penalty of not more than Fifty pounds.

OFFENCES.

17. Any society or person who contravenes or fails to comply with any provisions of these Regulations for which contravention or failure no penalty is specially provided either under the Act or these Regulations shall be guilty of an offence and liable to a penalty of not more than Fifty pounds and every director of any society who knowingly directs, authorizes or permits the commission by any society of any such offence shall without affecting the liability of the society be guilty of an offence and severally liable to the same penalty as the society.

AMALGAMATION OF SOCIETIES.

18. (1) Every application for registration of an amalgamation of societies pursuant to the provisions of section 30 of the Act shall be in the form of Form No. 10 and shall be lodged in the office of the Registrar in duplicate within fourteen days of the meeting at which the Resolution was passed.

(2) The application shall be accompanied by—

- (a) a copy of the Special Resolution;
- (b) a copy of the scheme of amalgamation which shall be signed by the secretary and not less than three members of each society;
- (c) a statutory declaration by the secretary of each society in the form of Form No. 4.

(3) Upon registration of the Special Resolution, the Registrar shall return one copy of the application to the society with an acknowledgment of registration at the foot thereof.

NOTIFICATION OF CONVERSION OF SHARES TO STOCK.

19. Every notification of conversion of shares to stock pursuant to section 19 of the Act shall be in the form of Form No. 8.

APPLICATION FOR INSPECTION OF AFFAIRS.

20. Every application for inspection of affairs of a society subject to the terms of section 22F of the Act shall be in the form of Form No. 9 signed by ten members of the society each of whom shall have been a member of the society for at least twelve months prior to the date of application for the investigation.

DECLARATION AS TO SHAREHOLDING OF DIRECTORS.

21. (1) Evidence as to the shareholding of directors subject to the terms of section 22D of the Act shall be in the form of Form No. 6.

(2) Evidence as to the shareholding of directors shall be lodged within fourteen days of the 1st April, 1962, and thereafter within fourteen days of the close of each financial year.

FEES.

22. The fees payable for every inspection made and for any document filed or certified copy of any document pursuant to the Act shall be as follows:—

	£	s.	d.
(a) Registration of the rules of a new society ..	20	0	0
(b) Registration of a complete set of revised rules ..	20	0	0
(c) Registration of a partial amendment of rules per clause	0	5	0
Minimum fee	1	10	0
(d) Inspection of documents	0	5	0
(e) Filing fee for annual return and balance-sheet ..	0	6	0
(f) Filing fee for change of registered office ..	0	10	0
(g) Certified copy of documents—per page ..	1	1	0
(h) Late lodging of documents	1	0	0
(i) Late lodging of documents after registered letter ..	5	0	0
(j) Any other Act of Registrar	1	1	0

ADVERTISING.

23. All advertisements inviting the investment of funds or sale of shares by a society registered under the Act shall contain the following information:—

- (a) Name, address and date of registration of the society.
- (b) Name, address and occupation of all directors.
- (c) Certificate of auditor which has been issued within three months of the date of advertisement in such form as shall be approved by the Registrar.

24. The Registrar may exempt in writing a society from the requirements contained in Regulation 23 hereof.

25. No advertisement shall contain the following words and/or phrases in any larger print than that which comprises the remainder of the advertisement:—

Bank, Government Guaranteed, Government Backed or any other words of like import.

And the Honorable Arthur Gordon Rylah, Her Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

N. G. WISHART,

Clerk of the Executive Council.

Form No. 1

Building Societies Act 1958.

APPLICATION TO REGISTER A SOCIETY.

To the Registrar of Building Societies, Melbourne.

We the undersigned being intending members of the society hereinafter referred to, hereby apply for registration of such society under the Building Societies Act 1958, and, in support of such application, make the following statements:—

- 1. The name of the proposed society is...
2. The meeting to establish the society was held at...
3. The following documents are lodged in support of this application:—
(a) * A statutory declaration from the persons who acted as the chairman and secretary of the said meeting;
(b) two copies of the proposed rules signed by not less than ten applicants for membership...
(c) a list containing the full name and occupation and address of each director; and
(d) certificate of minimum subscription by founding members of the society.
4. The person to whom and the address to which communications relating to this application may be sent are:—
Name
Address
Dated this... day of... 19...

Member... Member...
Member... Member...
Member... Member...
Member... Member...
Secretary...

* Strike out words which are inapplicable.

Form No. 2

Building Societies Act 1958.

DECLARATION TO ACCOMPANY APPLICATION TO REGISTER A SOCIETY.

In the matter of the Building Societies Act 1958 and in the matter of the application by to be registered under that Act.

We, of in Victoria and in Victoria, do solemnly and sincerely declare:—

- 1. That the said is the person who acted as chairman and the said is the person who acted as secretary of the meeting of persons at which it was resolved to apply for registration of the above-named society.
2. That all requirements of section 4B of the above-named Act in respect of matters precedent to the making of an application for the registration of the said society and incidental thereto have been complied with.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at by both the above-named declarants this day of 19

Before me A Justice of the Peace for the Balliwick of the State of Victoria (or as the case may be)

Form No. 3

Building Societies Act 1958.

APPLICATION TO REGISTER A SPECIAL RESOLUTION.

Name of Society (a)

Registered No. (b)

To the Registrar of Building Societies Application to register a special resolution to amend the Rules of the above-named Society is made by the person whose name is subscribed at the foot hereof.

With this application are sent—

- (a) A copy of the Registered Rules marked to show where the alterations occur and what they are.
(b) Two copies of the amendment, each marked "O" and signed by the applicant and three members of the Society.
(c) Evidence by statutory declaration that the amendment has been duly made by the Society.

Secretary. Registered Office day of 19

(a) Fill in the full Name of the Society.

(b) Fill in the Number the Society bears in the Books of the Registrar.

Form No. 4

Building Societies Act 1958.

DECLARATION IN SUPPORT OF A SPECIAL RESOLUTION

Name of Society.....

Register No.

I, of an officer of the above-named society, do solemnly and sincerely declare that the special resolution of the said society, a copy of which hereto annexed has been duly made by the society and that to the best of my knowledge and belief the same is not contrary to the provisions of the *Building Societies Act 1958*.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at in the State of Victoria, this day of One thousand nine hundred and before me—

Form No. 5

Building Societies Act 1958.

Name of Society
NOTICE OF CHANGE OF ADDRESS OF REGISTERED OFFICE.
(To be submitted in duplicate)

To the Registrar of Building Societies,
Melbourne.

NOTICE is hereby given that the registered office of the above-named Society was removed from to day of 19..... on the day of 19.....

Dated this day of 19.....

Chairman of Directors.

Secretary of Society

Registered this day of 19.....

Registrar of Building Societies.

Form 6
6A

VICTORIA.

Building Societies Act 1958.

1. DECLARATION OF SHAREHOLDING OF DIRECTORS
FOUNDING MEMBERS

WE, Intended Secretary of Society,
AND Intended Director of Society declare that the following are

the Directors of Society and that each holds shares, which comply with the requirements of Schedule One A of the *Building Societies Act 1958* or any amendments thereto to the value as set out in the following list and that the said shares are fully paid up.

Director	Member	No. of Shares	Value	Bank
2. And that produced and shown to me is a Certificate by dated the 19 that there is in credit in a banking account known as the sum of				

AND we make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at in the State of Victoria on the day of Before me
J.P.

Secretary
Director

ANNUAL STATISTICAL RETURN.

This Return must be sent to the Registrar within two months after the close of the Society's financial year.

Form No. 7

Name of Society

Registered Office

Date 19.....

Secretary's Signature.

Building Societies Act 1958.

Annual Return for Permanent Building Societies registered under the above Act for year ended.....19.....

	No. of Investing.		Capital Paid Up.	Deposits (see back).	No. of Borrowing Members.	Advances (see back).	
	Members.	Shares.				No.	Amount.
Balance as per last Return			£	£			£
Additions during year							
Total							
Refunds and withdrawals							
Forfeitures							
Payments							
Balance at end of year							
Total							

(A copy of this return should be filed with the society's records.)

PROFIT AND LOSS ACCOUNT.

To Salaries	By Management Fees
Printing, Stationery, and Postages	Insurance Commission
Advertising	Entrance and Transfer Fees
Rent	Other Management Income
General Expenses	
Depreciation	
Fees—	
Directors'	Interest Receivable, Borrowers
Audit	Interest Receivable Other
Other Management Expenses	Dividends on other Investments
Interest payable to Lending Bodies	Balance, Net Loss carried down
Interest Payable to Depositors	
Interest Payable to Other	
Loss on Realization—Properties in Possession	
Balance, Net Profit carried down	
Balance, Loss brought forward from last year	
Net Loss for year brought down	
Income Tax provision	
Reserves :—	
Dividends on Ordinary Investing Shares @	Balance, Profits brought forward from last year
..... per cent. per annum	Net Profit for year brought down
Dividends on Borrowing Shares	Forfeited Shares
Balance—Profits not appropriated carried forward	Balance, Loss carried forward

BALANCE SHEET AS AT 19 .

<i>Liabilities.</i>	<i>Assets.</i>
Capital Issued	Advances and Loans (secured by mortgage) ..
Ordinary Shares @ £	Investments :—(Specify details)
Investing Shares @ £	Properties in possession (Specify details) ..
Less Uncalled or in Arrears	Office Premises
Borrowers' Shares issued @ £ each ..	" Furniture and Fittings
Less Unpaid	Cash in Hand
Reserves :—	" at..... Bank
Statutory Reserve Fund	Sundry Debtors
Profit and Loss Appropriation Account—Balance	Other Assets (to be specified) :—
Depositors	
Dividends unclaimed	
Sundry Creditors	
Overdraft at Bank	Prepayments
(Secured by)	
Other Liabilities to be specified :—	
Charges and Interest accrued (to be specified)	

AUDITORS CERTIFICATE.

I/We have examined the Books, Accounts, and Vouchers of the Society, and have obtained all the information and explanations required by me/us. In my/our opinion the foregoing statements are properly drawn up so as to exhibit a true and correct view of the financial position of the Society according to the information at my/our disposal, and explanations given to me/us and as shown by the books of the Society. I/we also certify that I/we have inspected and verified the mortgage deeds and other securities of the Society and that the rules relating to the administration of its funds have been observed.

Date

19 .

Signature of Auditors

DEPOSITS.

Terms.	Rate of Interest.			
		4%	5%	6% (&c.)
At call				
3 months notice				
6 " "				
9 " "				
12 " "				
1-2 years notice				
2-5 " "				
5 years and over				

LOANS.

Terms.	Rate of Interest.		
	5%	6%	7% (&c.)
1 year			
1-2 years			
2-5 "			
5-10 "			
10-15 "			
15-20 "			
20-25 "			
25-30 "			

DIRECTORS.

Name.	Other Occupations.	Address.

LOANS MADE.

New Houses, Flats, &c.
 Houses, &c. to 2 years
 Houses, &c. 2-5 years
 Houses, &c. 5 years and over.

Building Societies Act 1958.

APPLICATION TO REGISTER A SPECIAL RESOLUTION—BEING A RESOLUTION.
ADOPTING A SCHEME OF AMALGAMATION.

Name of Societies

To the Registrar of Building Societies.

Application for registration of a special resolution of the above-named societies adopting a scheme of amalgamation is made by the undersigned, being secretaries of the said societies.

Accompanying this application are sent—

- (a) A copy of the special resolution.
- (b) A copy of the scheme of amalgamation, which copy has been signed by the secretary and not less than three members of each society.
- (c) A statutory declaration by the secretary of each society.

Dated this day of

..... Secretary.
..... Secretary.