

VICTORIA.



ANNO NONO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6722.

An Act to amend the *Building Societies Act* 1958.

[21st December, 1960.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *Building Societies (Amendment) Act* 1960. Short title.

(2) In this Act the *Building Societies Act* 1958 is called the Principal Act. Principal Act.
No. 6210 as amended by
Nos. 6455 and 6547.

2. At the end of section four of the Principal Act there shall be inserted the following section:—

“ 4A. The registrar shall examine the rules so submitted and if he is satisfied— Registration of societies.

(a) that the society has complied with the provisions of this Act ;

(b) that

- (b) that the proposed rules are not contrary to this Act and are reasonable and sufficient for the purposes of the society ;
- (c) that there are reasonable grounds for believing that the society if registered will be able to carry out its objects successfully ;
- (d) that there is no reasonable cause why the society and its rules should not be registered—

the registrar shall register the society and its rules and shall issue a certificate that the society is incorporated under this Act.”

3. At the end of section twenty-one of the Principal Act there shall be inserted the following sections :—

Power to control advertising by a building society.

“ 21A. (1) If with respect to any society, the registrar considers it expedient so to do in the interests of persons who may invest or deposit money with the society, he may by notice served on the society give directions controlling the advertisements which the society may issue or cause to be issued and in particular—

- (a) give directions as to the matter which shall or shall not be included in advertisements, and as to the form of any advertisements ;
- (b) give directions prohibiting the issue of any advertisements ; and
- (c) give directions requiring the withdrawal of any advertisements which are on display in public places.

(2) Directions under this section may apply generally to advertisements of any kind, or to advertisements of kinds specified in the directions, or to any particular advertisement ; and such directions may be varied or revoked at any time by a subsequent direction under this section.

(3) Not less than one week before giving a direction under this section (other than a direction revoking a previous direction) with respect to any society, the registrar shall serve on the society a notice stating that he proposes to give the direction, and shall consider any representations with respect to the proposal made to him by the society within the period of one week from the date on which the society is served with the notice and, if the society so requests, afford it an opportunity of being heard by him within that period.

(4) If a society contravenes a direction under this section it shall be liable to a penalty not exceeding Five hundred pounds, and every officer of the society who is in default shall be liable to a penalty not exceeding Two hundred pounds or to imprisonment for a term not exceeding three months, or to both.

21B. (1) The

21b. (1) The registrar may at any time serve a notice on a society, or on any person who has in his possession or under his control any books, accounts, deeds or other documents relating to the business of the building society, requiring the society or other person to produce to the registrar such of them as he considers necessary for the exercise of the powers which he has under this Act.

Powers of control ; supplemental provisions.

(2) The registrar may also at any time serve a notice on a society, or on any person who is or has been an officer or servant of a society requiring the society or other person to furnish him with such information relating to the business of the society as he considers necessary for the exercise of the powers which he has under this Act, and any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by statutory declaration.

(3) The registrar may if he considers it just direct that all or any of the expenses incurred by him under this Act in relation to any society shall, either wholly or to such extent as he may determine, be defrayed out of the funds of the society, or by the officers or former officers thereof or any of them ; and any sum which any society or other person is required by such a direction to pay shall be a debt due to the registrar from that society or person.

(4) A society or officer or former officer of a society directed to pay any sum under this section may appeal to the Supreme Court against the direction on the ground that the sum ought to be defrayed by some other of the persons who may be directed to defray expenses under this sub-section, and the Court shall have jurisdiction to vary any such direction accordingly.

(5) If a society fails to comply with the requirements of a notice under this section the society and every officer of the society who is in default shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding Two hundred pounds or to imprisonment for a term not exceeding three months or to both ; and if any person other than a society fails to comply with those requirements he shall be liable to a penalty not exceeding Two hundred pounds or to imprisonment for a term not exceeding three months or to both.

21c. (1) If with respect to any building society, the registrar reports to the Governor in Council that he considers it expedient so to do in the interests of persons who have invested or deposited or may invest or deposit money with the society, the Governor in Council may by Order published in the *Government Gazette* apply sub-section (2) of this section to the society.

Power to suspend raising of money by building society.

(2) Subject

(2) Subject to the provisions of this section, while this sub-section applies to a society, the society may not except with the consent of the registrar—

- (a) accept the deposit of or otherwise borrow any money ;
- (b) accept any payment representing the whole or any part of the amount due by way of subscription for a share in the society other than a payment—
 - (i) which fell due before the making of the order applying this sub-section to the society ; or
 - (ii) for a share in the society which is charged with the repayment of an advance made to a member ; or
 - (iii) for any share upon which an advance has been made and which is payable in respect of such share under any mortgage or other security or under the rules of the society ; or
- (c) dispose or deal with any property or assets of the society.

(3) Where at the time when an order is made applying sub-section (2) of this section to a society, a member is under an obligation to make payments to the society representing instalments of the amount due by way of subscription for a share in the society (not being a share referred to in sub-paragraphs (ii) or (iii) of paragraph (b) of the last preceding sub-section), the obligation shall, subject to anything in the rules of the society or any agreement between the society and the members be suspended as respects each instalment for the period for which the order is in force.

Subject to the foregoing provisions of this sub-section, any obligation to make any payment which the society is under this section prohibited from accepting shall be wholly rescinded.

(4) Not less than fourteen days before making any report to the Governor in Council for the purposes of this section the registrar shall serve on the society a notice stating that he proposes to make a report, and shall consider any representations with respect to the proposal made to him by the society within such period (not being less than fourteen days) from the date on which the society is served with the notice as the registrar may allow and, if the society so requests, afford it an opportunity of being heard by him within that period.

(5) Notice of the making of an order under this section shall be published in the *Government Gazette* and in such other ways as appear to the registrar to be expedient for informing the public.

(6) If

(6) If a society contravenes the provisions of sub-section (2) of this section it shall be guilty of an offence against this Act and liable to a penalty not exceeding Five hundred pounds, and every officer of the society who is in default shall be guilty of an offence against this Act and liable to a penalty not exceeding Two hundred pounds or to imprisonment for a term not exceeding three months, or to both.

21D. (1) The registrar may without any application hold an inquiry or appoint an inspector to hold an inquiry into the affairs of any society. Inquiry by registrar or inspector.

(2) Upon the completion of an inquiry under this section the registrar may if he thinks fit call a special general meeting of the society.

(3) The registrar may direct at what time and place any such meeting is to be held and what matters are to be discussed and determined at the meeting, and shall give such notice to members of the holding of such meeting as he deems fit notwithstanding any provision in the rules of the society as to the giving of such notice.

(4) The meeting shall have all the powers of a meeting called in accordance with the rules of the society, and shall have power to appoint its own chairman, notwithstanding any rule of the society to the contrary.

(5) The registrar may appoint an inspector for the purpose of any such inquiry.

(6) All expenses of and incidental to the meeting or inquiry shall be defrayed by the applicants or out of the funds of the society or by any officer or member or former officer or member of the society as the registrar directs, or in any two or more of such ways in such proportions as the registrar directs, and may be recovered in any court of petty sessions as a civil debt recoverable summarily or in any other competent court.

21E. For the purposes of any inquiry into the affairs of a society the registrar or any inspector appointed for the purpose shall have the powers and authorities conferred by sections fourteen to sixteen of the *Evidence Act* 1958 upon a board appointed by the Governor in Council and upon the chairman of such a board, and the provisions of the said Act or any other Act or law relating to an inquiry under the said sections shall, so far as applicable and with such adaptations as are necessary, extend and apply to and with respect to any such inquiry into the affairs of a society." Powers of registrar or inspector upon inquiry.

Amendment of
No. 6210 s. 37.

4. At the end of section thirty-seven of the Principal Act there shall be inserted the following sub-section :—

Interpretation
of " officer
who is in
default ".

“(2) For the purposes of any provision of this Act which provides that an officer of a society which is in default shall be liable to a penalty ‘ officer who is in default ’ or any like phrase means any officer of the society who knowingly and wilfully authorizes or permits the default or refusal or contravention concerned.”
