



Building Societies Amendment Act 2004

Public Act 2004 No 22
Date of assent 14 April 2004
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Building Societies Amendment Act 2004.
- (2) In this Act, the Building Societies Act 1965 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New section 91A inserted

The principal Act is amended by inserting, after section 91, the following section:

“91A Summary financial statements

- “(1) In addition to the financial statements required under section 91, a society may also prepare summary financial statements.
- “(2) Any summary financial statements must be prepared within 4 months after the end of the financial year.

“(3) The directors of every society must lay any summary financial statements before the society at the annual general meeting.”

4 Form and content of financial statements

Section 93 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) Summary financial statements prepared under section 91A must—

“(a) give a true and fair view of the matters to which they relate; and

“(b) comply with generally accepted accounting practice, as defined in section 3 of the Financial Reporting Act 1993; and

“(c) be in the form and contain the information that may be prescribed.”

5 New section 95 substituted

The principal Act is amended by repealing section 95, and substituting the following section:

95 Signing of financial statements

“(1) The financial statements required by sections 91 and 92 and any summary financial statements prepared under section 91A must be signed on behalf of the board of directors by 2 directors of the society.

“(2) The financial statements referred to in subsection (1) must be approved by the board of directors before they are signed on their behalf.

“(3) If the financial statements referred to in subsection (1) have not been signed and a copy of them is issued, circulated, or published, the society and every officer of the society who is in default is guilty of an offence.”

6 New sections 97A and 97B substituted

The principal Act is amended by repealing section 97A, and substituting the following sections:

97A Distribution of copies of financial statements and reports

“(1) Except as provided in section 97B, a copy of the financial statements required by section 91 to be laid before a society at

the annual general meeting, together with a copy of the auditor's report and of the directors' report, or a copy of the summary financial statements prepared under section 91A (if any) and of the directors' report, must, not less than 14 days before the date of the meeting,—

- “(a) be sent to the members of the society; or
 - “(b) subject to the society's rules and to any conditions or requirements that may be prescribed, be published in major daily newspapers circulating generally in those parts of New Zealand where the members reside.
- “(2) Except in the case of a society that is an issuer within the meaning of section 4 of the Financial Reporting Act 1993, 2 copies of the financial statements and reports referred to in subsection (1), each having been certified both by a director and the manager or secretary of the society to be a true copy, must be sent at the same time to the Registrar, who must then send 1 copy to the appropriate District Registrar of Companies.
- “(3) The directors of a society that is an issuer within the meaning of section 4 of the Financial Reporting Act 1993 must attach to the financial statements to be delivered to the Registrar of Companies under that Act any financial statements required by section 91(1)(d).
- “(4) Every depositor in or member of a society, including a depositor or member who has made an election under section 97B, is entitled, on demand and without charge, to be supplied a copy of the last financial statements required under section 91 and reports of the society required to be laid before that society at the annual general meeting.
- “(5) However, subsection (4) does not apply if the depositor in or member of a society—
- “(a) has previously been sent a copy of the last financial statements required under section 91 and the reports referred to in subsection (1); or
 - “(b) has already demanded and received a copy of the financial statements and reports under subsection (4).
- “(6) The society, and every officer of the society, is guilty of an offence if default is made—
- “(a) in complying with subsection (1) or subsection (2); or
 - “(b) in supplying to any depositor or member, within 7 days after a demand is made under subsection (4), a copy of

the financial statements and reports with which that depositor or member is entitled to be supplied.

“97B Election to receive summary financial statements

- “(1) A member of a society may, by written notice to the society, elect to be sent each year, in place of the financial statements prepared under section 91, summary financial statements prepared under section 91A (if any) and a directors’ report, and the society must cause those documents to be sent to the member in accordance with section 97A(1).
- “(2) The society must cause to be sent to a member of the society financial statements prepared under section 91 and any reports required to be attached to those statements if the member—
- “(a) has not made any election under subsection (1); or
- “(b) has made an election under subsection (1) to receive summary financial statements prepared under section 91A, but the society has not produced any summary financial statements.”

Legislative history

6 April 2004	Divided from Business Law Reform Bill (Bill 56–2), third reading
14 April 2004	Royal assent

This Act is administered in the Ministry of Economic Development.
