

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1945. No. 2.*

Regulations under the Co-operative Trading Societies Ordinance 1939.

I HERBERT VICTOR JOHNSON, the Minister of State for the Interior, in pursuance of the powers conferred by the *Co-operative Trading Societies Ordinance 1939*, hereby make the following Regulations.

Dated this 25th day of July, 1945.

VICTOR JOHNSON
Minister of State for the Interior.

CO-OPERATIVE TRADING SOCIETIES REGULATIONS.

1. These Regulations may be cited as the Co-operative Trading Societies Regulations. Citation.

2.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

“the Ordinance” means the *Co-operative Trading Societies Ordinance 1939*;

“the Schedule” means the Schedule to these Regulations.

(2.) Any reference in these Regulations to a Form shall be read as a reference to a form in the Schedule.

3.—(1.) An application to register a society shall be in accordance with Form A. Application for registration of a society.

(2.) The statutory declaration from the chairman and secretary of the meeting held in pursuance of sub-section (2.) of section sixteen of the Ordinance to accompany the application for registration of the society shall be in accordance with Form B.

(3.) A statement in accordance with Form C shall accompany the application for registration.

4. The first and annual list of directors of a society shall be in accordance with Form D. List of directors.

5. The list of members—

(a) to accompany an application to register a society; and

(b) to be transmitted annually to the Registrar by a society,

shall be in accordance with Form E. List of members.

6. The certificate of incorporation of a society shall be in accordance with Form F. Certificate of incorporation.

* Notified in the *Commonwealth Gazette* on 2nd August, 1945.
735.—PRICE 8d.

Certificate of registration.

7. The certificate of registration of a society shall be in accordance with Form G.

Changes in membership.

8. Information of any change in the membership of a society shall be in accordance with Form E.

Registration of office of society.

9.—(1.) An application to register the office of a society shall be in accordance with Form H.

(2.) Notice of any change of address of the registered office of a society shall be signed by the chairman of the directors and by the secretary of the society, shall bear the seal of the society and shall be in accordance with Form J.

Minutes of meetings.

10.—(1.) Separate minute books shall be kept of the meetings of a society and of the board of the society.

(2.) At every ordinary and at every special meeting of a society or of the board, the secretary or other officer shall take minutes of the proceedings and shall record them in the appropriate minute book.

(3.) The minutes of every meeting of the society or the board, whether ordinary or special, shall be taken into consideration as the first ordinary business at its next meeting (whether ordinary or special) that they may be confirmed and they shall be signed, after confirmation, by the chairman of the meeting.

(4.) A motion or discussion shall not be in order with respect to the minutes of a meeting except in regard to the accuracy of the minutes as a record of the proceedings at that meeting.

Application to search registers.

11.—(1.) Application for search inspection or supply of any certificate or certified document or return shall be in writing signed by the applicant.

(2.) In any case where it is necessary to obtain the permission of the Registrar to inspect a document, there shall be included in the application for inspection or supply of that document or a part thereof a statement of the reason why inspection or supply of the document or part thereof is desired.

Fees.

12. The following fees shall be payable to the Registrar—

(a) Two shillings for any inspection at the office of the Registrar of—

(i) the registration of a society and its rules;

(ii) any return transmitted to the Registrar by a society; and

(iii) any other documents lodged with the Registrar;

(b) Six shillings for any certificate obtained from the Registrar under section 9 of the Ordinance;

(c) Sixpence for each 72 words or part thereof in any certified copy of a document or part thereof:

Provided that in the case of a person who lodged the document, the fee shall be reduced by one-half.

Register of directors.

13. The register of directors shall be in accordance with Form K.

Register of members.

14. The register of members shall be in accordance with Form L.

Register of shares.

15. The register of shares shall be in accordance with Form M.

16. The register of loans raised and securities given shall be in accordance with Form N. Register of loans raised, &c.
17. The register of bonds issued shall be in accordance with Form O. Register of bonds issued.
18. The register of deposits received shall be in accordance with Form P. Register of deposits.
19. The register of loans made and securities taken shall be in accordance with Form Q. Register of loans made, &c.
20. The register of loans guaranteed shall be in accordance with Form R. Register of loans guaranteed.
21. Every bond issued by a society shall— Issue of bonds.
- (a) be in accordance with Form S and under the seal of the society;
 - (b) be signed by the Chairman of directors and one other director and countersigned by the secretary of the society;
 - (c) bear the date upon which it is sealed;
 - (d) be numbered in regular ascending arithmetical progression, whereof the common difference shall be one;
 - (e) state the principal sum secured by the bond, which shall be Five pounds or a multiple thereof;
 - (f) state the rate per annum at which interest on the bond is payable;
 - (g) state the dates when, and the place where, the principal and interest are payable; and
 - (h) have annexed for every payment of interest to grow due on the bond a coupon bearing the same number as the bond.
22. Every bond issued in pursuance of the Ordinance and these Regulations and every coupon originally annexed to the bond, and whether separated therefrom or not, may be transferred by simple delivery. Transfer of bonds by delivery.
23. The holder of any bond issued in pursuance of the Ordinance and these Regulations shall be entitled to receive payment from the society of the principal sum therein stated upon presentation of the bond on or after the date when, and at the place where, the bond is payable. Payment of principal amount of bond.
24. The holder of any coupon originally annexed to a bond, and whether separated therefrom or not, shall be entitled to receive payment from the society of the interest specified in the coupon upon presentation of the coupon on or after the date when, and at the place where, the interest is payable. Payment of interest on bond.
25. Every bond shall be entered in the register of bonds to be kept as prescribed in regulation 16, and the entry in the register shall be made within a reasonable time after the date of the bond. Entry in register of bonds issued.
- 26.—(1.) If any bond issued in pursuance of the Ordinance and these Regulations is lost or accidentally destroyed before it has been paid off, the society may issue a new bond in lieu of the lost or destroyed bond. Lost or destroyed bonds.

(2.) The new bond with interest coupons annexed shall bear the same date, number, principal sum and rate of interest as the lost or destroyed bond.

(3.) The new bond shall not be issued unless and until—

- (a) the Registrar has been satisfied by statutory declaration of the person entitled to the lost or destroyed bond that the bond has been lost or accidentally destroyed before it has been paid off;
- (b) such advertisements as the Registrar directs have been published;
- (c) six months have elapsed since the publication of the latest of the advertisements; and
- (d) security approved by the Registrar has been given to the society indemnifying the society against any double payment by reason of the missing bond being thereafter presented for payment.

Offences by
society.

27. Any society which fails to keep, in respect of its operations, any of the registers, books or other documents prescribed by these Regulations shall be guilty of an offence.

Penalty: Fifty pounds and five pounds per day for every day the offence continues.

Offences by
directors.

28. Where a society is guilty of an offence against these Regulations, every person who at the time of the commission of the offence was a director, shall be deemed guilty of the offence unless he proves that the offence was committed without his knowledge and that he used all due diligence to prevent the commission of the offence by the society.

Regulation 3.

FORM A.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
APPLICATION TO REGISTER A SOCIETY.

To the Registrar of Co-operative Societies, Canberra.

1. Application to register a society under the *Co-operative Trading Societies Ordinance 1939* is made by the seven persons whose names are subscribed at the foot hereof, and who are all over the age of twenty-one years and qualified to be members of a society.

2. The name of the society is
as set forth in Rule No.

3. The meeting to form the society was held at
on the _____ day of _____, 19____, and it was then
resolved to apply for registration as a _____ society with
_____ liability.

4. This application is accompanied by—

- (a) a statutory declaration from the chairman and the secretary of the meeting that the provisions of section 16 of the Ordinance have been complied with;
- (b) a copy of the written statement presented to the meeting of the members, as required by section 16 (3.) of the Ordinance;
- (c) two copies of the proposed rules, signed by not less than seven applicants for membership, each of whose signatures has been attested by a witness;

- (d) a statement in or to the effect of Form C showing in which rules the matters required therein to be dealt with, by the Ordinance, are dealt with, and also showing in which rules other matters permitted by this Ordinance to be prescribed in the rules are dealt with;
- (e) a list containing the full name and the occupation and address of each director; and
- (f) a list containing the full name and the occupation and address of each applicant for membership, and the number of shares subscribed for by him.

5. The person to whom and the address to which communications relating to this application may be sent are—

(Name).

(Address).

6. The signatories to this application are—

1.	Member.
2.	"
3.	"
4.	"
5.	"
6.	"
7.	"

(Date) _____ day of _____, 19 .

Regulation 3.

FORM B.

AUSTRALIAN CAPITAL TERRITORY.

Co-operative Trading Societies Ordinance 1939.

DECLARATION TO ACCOMPANY APPLICATION TO REGISTER A SOCIETY.

Name of Applicant Society _____

We
of
and

of

do solemnly and sincerely declare that, at a meeting held for the purpose of forming the above-named society, at which seven or more persons qualified to be members were present—

- 1. There were presented at the meeting—
 - (a) a written statement showing the objects of the society, and the reasons for believing that, when registered, it will be able to carry out its objects successfully; and
 - (b) a copy of the rules which it is proposed to tender for registration;
- 2. The rules were approved by seven or more persons qualified to be members, in the form in which they are now submitted for registration; and
- 3. _____ acted as Chairman and _____ acted as secretary of the said meeting.

And we make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1944*, conscientiously believing the statements contained therein to be true in every particular.

(Signed)

Chairman of the Meeting.

Secretary of the Meeting.

Declared
this

day of _____, 19 .

Before me—

Justice of the Peace.

AUSTRALIAN CAPITAL TERRITORY.

Co-operative Trading Societies Ordinance 1939.

STATEMENT SHOWING IN WHICH RULES CERTAIN MATTERS ARE DEALT WITH.

Particulars of Matter.	No. of Rule.	For office use only.
A.—Matters required by section 49 of the Ordinance to be dealt with—		
(1) The name of the society with the word “ co-operative ” as part of the name and the word “ limited ” as the last word of the name		
(2) Whether the liability of the members is limited . . .		
(3) Where the office of the society is to be situated . . .		
(4) The objects of the society		
(5) Whether the society intends to avail itself of any powers authorized by the Ordinance as incidental to its objects and, in the case of borrowing powers, within what limits not exceeding the prescribed limits		
(6) The manner in which the capital of the society is to be raised		
(7) The manner in which the funds of the society are to be managed, and, in particular, the mode of drawing and signing cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the society		
(8) The purposes to which the funds of the society are to be applied and the manner in which they are to be invested		
(9) In the case of any society which is authorized to make an advance—		
(a) the manner in which an application for an advance is to be made ;		
(b) the conditions with which an applicant is to comply ;		
(c) the manner in which an advance is to be made and repaid ;		
(d) the deduction, if any, for premium ;		
(e) the conditions on which a borrower may redeem the amount due from him before the expiration of the period for which the advance was made : and		
(f) the terms upon which a mortgage may be redeemed		
(10) The manner in which any gain or surplus which may result from the transactions of the society is to be distributed among the members		
(11) The manner in which any loss which may result from the transactions of the society is to be provided for		
(12) The mode and conditions of admission to membership, and the payment to be made or the share of interest to be acquired before the exercise of the rights of membership		
(13) The rights and liabilities of members, and of the estates of deceased members and of members whose estates have been sequestrated or assigned		
(14) The manner in which the share or interest of members may be transferred		
(15) The circumstances in which members may be expelled and the rights and liabilities of expelled members		

Particulars of Matter.	No. of Rule.	For office use only.
(16) The number of directors, the qualification of directors, the manner of electing, remunerating and removing directors and filling a vacancy in the directorate, whether directors are to be elected annually or half-yearly, the period for which directors are to hold office, and whether directors are to retire by rotation or otherwise		
(17) The powers and duties of the Board, the requisite notice of meetings, the quorum for meetings, and the procedure at meetings, of the Board		
(18) The intervals between general meetings of the society, the manner of calling special and general meetings, the requisite notices of meetings and the quorum of meetings, of the society		
(19) The procedure at meetings of the society, including the rights of members in voting thereat, the manner of voting, and the majority necessary for carrying resolutions		
(20) The manner of appointing, remunerating and removing officers of the society, the powers and duties of officers and the security to be given by any officer having the receipt or charge of any moneys belonging to the society		
(21) Whether the accounts of the society are to be audited annually or more frequently		
(22) The manner of appointing, remunerating and removing auditors, the powers and duties of auditors, and, in particular, their powers and duties with respect to the inspection of securities belonging to the society		
(23) The provision for the custody of securities belonging to the society		
(24) The charges, including any charges on admission or for working expenses or otherwise, which are to be payable by a member of the society		
(25) The circumstances in which fines and forfeitures may be imposed on members of the society and the amount of the fines, not exceeding the prescribed maximum		
(26) Whether disputes between the society and any of its members, or any person claiming by or through any member, under the Rules, are to be settled by reference to arbitration or by some other specified manner		
(27) The manner of altering and rescinding the Rules and making additional Rules		
(28) The provision for the device, custody and use of the seal of the society		
(29) The manner in which the society may be wound up . .		
(30) The nominal value of each share in the society . .		
(31) The maximum proportion of the shares which may be held by a member, not exceeding the prescribed proportion		
(32) The periodic subscriptions by which or the manner in which shares are to be paid for		
(33) The maximum amount which may be paid to a member in the form of a dividend in respect of the shares held by him, not exceeding the prescribed maximum		
(34) The provision for the forfeiture of shares on expulsion or on failure to pay any subscription or call, the extent to which members whose shares have been forfeited shall remain liable for any amount still unpaid in respect thereof, and the sale or cancellation of forfeited shares		
(35) The manner in which shares may be transferred . .		

Particulars of Matter.	No. of Rule.	For office use only.
<p>B.—Matters permitted by the Ordinance to be prescribed in the Rules—</p> <p>(1) Who may be members</p> <p>(2) Provision whether persons under the age of twenty-one may be members</p> <p>(3) How surplus arising in any year from the business of the society is to be disposed of</p> <p>(4) Whether members shares may be purchased out of reserve fund within the limits allowed by the Ordinance</p> <p>(5) The manner in which the share or interest of a deceased member shall be ascertained for the purposes of section 29</p> <p>(6) Whether contracts may be made with members to require them to have specified dealings with the society for a fixed period</p> <p>(7) Whether question for decision by a meeting of the society shall be determined by a majority of members present in person thereat or how otherwise</p> <p>(8) Whether members shall be entitled to more than one vote</p> <p>(9) Whether conditions are stated on which members shall be entitled to any additional vote.</p> <p>(10) Whether members may vote by proxy</p> <p>(11) (a) Whether a copy of the balance-sheet and profit and loss account, fully audited, together with a copy of the auditor's report to the members of the society, shall be transmitted to each member with a notice of annual general meetings, or whether the notice of the annual general meetings may include a notice that the balance-sheet and profit and loss account and auditor's report may be inspected by members at the office of the society ;</p> <p>(b) The period before such annual general meeting within which such inspection may be made</p> <p>(12) Whether the society may make an advance to a member out of the reserve fund upon the security of his shares</p>		

Regulation 4.

FORM D.

AUSTRALIAN CAPITAL TERRITORY.

Co-operative Trading Societies Ordinance 1939.

Name of Society

LIST OF DIRECTORS.

Surname.	Christian Name in full.	Occupation.	Address.	Date of Appointment.

Dated this

day of

19 .

Secretary.

Regulation 5.

FORM E.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 Name of Society

LIST OF MEMBERS.

Member's Surname.	Member's Christian Name.	Address.	Occupation.	Date of Admission to the Society.	Number of shares subscribed for.	Value of each Share.	Additional Shares Subscribed for.	Amount of contingent liability (if any) attached to each share.

Dated this _____ day of _____, 19 .
 Secretary.

Regulation 6.

FORM F.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 CERTIFICATE OF INCORPORATION.

I certify that the _____ is incorporated as a
 society under the *Co-operative Trading Societies Ordinance 1939.*

The incorporation of the society does not imply any approval by me of the policy of its rules, or any guarantee of its good management or its financial stability.

Dated this _____ day of _____, 19 .
 (L.S.)
 Registrar of Co-operative Societies.

Regulation 7.

FORM G.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTRATION OF SOCIETY AND ITS RULES.

The _____
 [Name of society.]
 and its rules are registered under the *Co-operative Trading Societies Ordinance 1939* as witness my hand and seal at Canberra this
 day of _____, 19 .
 (L.S.)
 Registrar of Co-operative Societies.

Regulation 9.

FORM H.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTERED OFFICE.

Name of Society

To the Registrar of Co-operative Societies,
 Canberra.

Application is made hereby for the registration of the office of the above-mentioned Society at *

* Full address must be given.

Dated this _____ day of _____, 19 _____

Chairman of Directors.

Secretary.

Registered this _____ day of _____, 19 _____
 Registrar of Co-operative Societies.

Regulation 9.

FORM J.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 NOTICE OF CHANGE OF REGISTERED OFFICE.

Name of Society

To the Registrar of Co-operative Societies,
 Canberra.

Notice is hereby given of the change of address of the above-mentioned Society from _____ to _____

Dated this _____ day of _____, 19 _____

Chairman of Directors.

Secretary.

Registered this _____ day of _____, 19 _____
 Registrar of Co-operative Societies.

This notice must be transmitted to the Registrar within fourteen days of any change of address.

Regulation 13.

FORM K.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF DIRECTORS.

Date of Election or Appointment.	Surname of Director.	Christian Name (in full) of Director.	Occupation.	Termination of Office.		Remarks.
				Date.	Mode.	

Regulation 14.

FORM L.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF MEMBERS.

Member's Number.	Number of Share Certificate.	Surname of Member.	Christian Name (in full) of Member.	Occupation.	Address.	Date of Joining.	Remarks.

Regulation 15.

FORM M.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF SHARES.

Date of Entry.	No. of Certificate.	No. of Shares.	Distinguishing No. of Shares.	How acquired.	Remarks.

Regulation 16.

FORM N.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF LOANS RAISED AND SECURITIES GIVEN.

No. of Loan.	Date of Loan.	Security given including description of Property mortgaged or charged.	Amount of Charge created.	Name and address of Mortgagee or Person entitled to Charge.	Date Security released from Charge.	Folio in Minute Book.	Regn. No. under Companies (Regn. of Securities) Act, 1918.	Remarks.

Regulation 17.

FORM O.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF BONDS ISSUED.

No. of Bond.	Date of Issue.	Amount of Bond.	Rate of Interest.	Dates of Payment of Interest.	Date of Payment of Principal.	Place of Payment.	Ledger Folio.	Remarks.

Regulation 18.

FORM P.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF DEPOSITS.

Date.	Name of Depositor.	Ledger folio.	Amount deposited.	Amount repaid.	Balance held.

Regulation 19.

FORM Q.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF LOANS MADE AND SECURITIES TAKEN.

No. of Loan.	Date of Loan.	Folio in Mortgage Ledger.	Name of Member.	Purpose for which Loan is to be used.	Date of Report on Application for Loan.	Description of Security taken.	Amount of Loan.	Rate of Interest.	Date of Payment of Interest.	Folio in Minute Book.	Regn. No. under Companies (Regn. of Securities) Act, 1918.	Remarks.

Regulation 20.

FORM R.

AUSTRALIAN CAPITAL TERRITORY.
Co-operative Trading Societies Ordinance 1939.
 REGISTER OF LOANS GUARANTEED.

No.	Date.	Name of Member.	Name of Lender.	Purpose for which Loan is required.	Date of Report on Security offered.	Description of Security.	Regn. No. under Companies (Regn. of Securities) Act, 1918.	Amount of Loan.	Rate of Interest.	Date of Payment of Interest.	Date of Repayment of Principal.	Folio in Minute Book.	Remarks.

13

Regulation 21.

FORM S.

AUSTRALIAN CAPITAL TERRITORY.

Co-operative Trading Societies Ordinance 1939.

FORM OF BOND.

No. Bond £ Issued by the under the provisions of the Co-operative Trading Societies Ordinance 1939.

Transferable by Delivery.

This bond is issued by the in pursuance of the provisions of the above-mentioned Ordinance and the Regulations made thereunder and is to secure the bearer a principal sum of payable at on the day of , 19 .

Interest at the rate of per centum per annum on that principal sum in the meantime is payable by equal half-yearly payments on the day of and the day of at , and a coupon is annexed for each payment, which entitles the bearer of the coupon thereto.

As witness the seal of the Society this day of , 19 .

(L.S.)

The seal of the was hereunto affixed by— }

Chairman of Directors.

Directors.

Entered at the office of the Society in the Register of Bonds Folio.

Secretary.

Society.

No.

Bond, £ Coupon for payment of £ being months' interest at per centum per annum on £ repayable the day of , 19 , at

Number of coupon

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.