

No. 13 of 1978

AN ORDINANCE

To amend the *Money Lenders Ordinance 1936*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this seventeenth day of May 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

P. DURACK
Attorney-General

MONEY LENDERS (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the *Money Lenders (Amendment) Ordinance 1978*.^{*} Short title

2. Section 4 of the *Money Lenders Ordinance 1936*[†] is amended In interpretation
by adding at the end thereof the following sub-section:

“(2) In this Ordinance, unless the contrary intention appears—

(a) a reference, however expressed, to a body corporate includes a reference to—

- (i) a foreign company as defined by section 5 of the *Companies Ordinance 1962*;
- (ii) a society registered under the *Co-operative Societies Ordinance 1939*;
- (iii) an association, society, institution or body incorporated under the *Associations Incorporation Ordinance 1953*; and
- (iv) a bank as defined by section 5 of the *Banking Act 1959*; and

(b) a reference to an invitation to the public is a reference to an invitation, whether express or implied, oral or in writing, to any section of the public, however selected.”.

^{*} Notified in the *Commonwealth of Australia Gazette* on 24 May 1978.

[†] Ordinance No. 13, 1936 as amended by Nos. 3 and 29, 1938; No. 15, 1956; No. 19, 1966 as amended by No. 36, 1967; and No. 11, 1977.

3. After section 4 of the *Money Lenders Ordinance* 1936 the following section is inserted:

Exemption
of certain
loans

“ 4A. Notwithstanding sub-section 4 (1), a person is not, and shall not be taken ever to have been, a money lender for the purposes of this Ordinance by reason only that he has deposited money with, or lent money to, a corporation, or for the benefit of a proposed corporation, as a result of an invitation to the public issued, circulated or distributed by the corporation or another person.”.

Duplicates
of contract
or mem-
orandum of
particulars
to be
supplied by
borrower in
certain
cases

4. Section 12 of the *Money Lenders Ordinance* 1936 is amended by omitting sub-section (4).