

AUSTRALIAN CAPITAL TERRITORY

Co-operative Societies (Amendment) Ordinance (No. 2) 1985

No. 38 of 1985

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 15 August 1985.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Co-operative Societies Ordinance 1938*

Short title

1. This Ordinance may be cited as the *Co-operative Societies (Amendment) Ordinance (No. 2) 1985*.¹

Commencement

2. This Ordinance shall come into operation on 21 August 1985.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Co-operative Societies Ordinance 1939*.²

Interpretation

4. Section 4 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(3) A reference in a provision of this Ordinance to a determined fee shall be read as a reference to the fee determined under section 80C for the purposes of that provision.”.

Access by Insurance Corporation to Registrar’s records

5. Section 5C of the Principal Ordinance is amended by omitting from sub-section (1) “prescribed” and substituting “determined”.

Inspection of documents

6. Section 9 of the Principal Ordinance is amended by omitting “prescribed” and substituting “determined”.

Formation and registration of society

7. Section 16 of the Principal Ordinance is amended by inserting in sub-section (6) “the determined fee together with” after “accompanied by”.

Change of name

8. Section 17 of the Principal Ordinance is amended by inserting in sub-section (4) “the determined fee and” after “with”.

Amalgamation

9. Section 18 of the Principal Ordinance is amended—

(a) by omitting from paragraph (2) (a) “and”; and

(b) by inserting after paragraph (2) (a) the following paragraph:

“(aa) the determined fee; and”.

Certificate of incorporation

10. Section 20 of the Principal Ordinance is amended by adding at the end the following sub-sections:

“(3) Where a certificate of incorporation under this Ordinance is lost, stolen, destroyed or defaced, the person to whom it was issued may apply to the Registrar for the issue of a replacement certificate in the same terms.

“(4) An application referred to in sub-section (3) shall be accompanied by—

- (a) the determined fee; and
- (b) a statement signed by the applicant setting out the reasons for the application.

“(5) Where the Registrar receives an application in accordance with this section, he or she shall issue the replacement certificate to the applicant.”.

Use of word “co-operative”

11. Section 32 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1A) “apply to the Registrar” and substituting “lodge with the Registrar an application, together with the determined fee.”; and
- (b) by omitting from sub-section (1A) “of this section”.

Name and address

12. Section 40 of the Principal Ordinance is amended by inserting in sub-section (4) “, together with the determined fee,” after “transmitted”.

Returns

13. Section 44 of the Principal Ordinance is amended—

- (a) by adding at the end of sub-section (1) “together with the determined fee for entering the charge in the register”;
- (b) by inserting after sub-section (2) the following sub-section:

“(2A) The Registrar may—

- (a) of his or her own volition; or
- (b) upon application (accompanied by the determined fee) by the society,

authorise an extension of the period within which a society is to transmit to the Registrar a return referred to in sub-section (2).”.

- (c) by omitting from sub-section (3) “(b) of the last preceding sub-section” and substituting “(2) (b)”;
- (d) by adding at the end the following sub-section:

“(5) A return transmitted under this section to the Registrar by a society (other than a prescribed trading society within the meaning of section 14 (5)) shall be accompanied by the determined fee.”.

Special resolution

14. Section 48 of the Principal Ordinance is amended by omitting from sub-section (3) “sent to the Registrar and” substituting “shall be sent to the Registrar, together with the determined fee and shall be”.

Alteration of rules

15. Section 50 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (3) (a) “and” (second occurring); and
- (b) by adding at the end of sub-section (3) the following word and paragraph:

“; and (c) the determined fee.”.

Meetings

16. Section 52 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

“(1A) The Registrar may—

- (a) of his or her own volition; or
- (b) upon application (accompanied by the determined fee) by the society,

authorise an extension of the time within which a general meeting of a society shall be held.”.

17. After section 80C of the Principal Ordinance the following sections are inserted:

Fees may be determined where provision not otherwise made

“80D. Where a provision of this Ordinance—

- (a) permits or requires an application to be lodged with the Registrar;
- (b) permits or requires the Registrar to supply a document to a society or person; or
- (c) requires the Registrar to affix his or her seal of office to a document,

and that provision does not provide for the payment of a determined fee on the lodging of that application, for the supply of that document or for the affixing of that seal, as the case may be, the Minister may determine a fee under section 80C for the purposes of that provision.

Fees may be determined in respect of provisions of Companies Act

“80E. Where a provision of this Ordinance extends (with or without modifications) the provisions of the Companies Act to a mortgage or charge created or bond issued by a society, the Minister may determine a fee under section 80C in respect of—

- (a) the lodging, under section 201 of that Act in its application under this Ordinance, of a notice, a copy of a resolution, an instrument or a copy of an instrument referred to in sub-section 201 (1);
- (b) the lodging, under section 206 of that Act in its application under this Ordinance, of a notice referred to in that section;
- (c) the lodging or the registration, under sub-section 207 (2) of that Act in its application under this Ordinance, of a memorandum referred to in that sub-section;
- (d) the issue, under section 210 of that Act in its application under this Ordinance, of a certificate referred to in that section.

Fees payable

“80F. (1) Where a determined fee is payable under this Ordinance, the determined fee shall be paid to the Registrar.

“(2) Where a determined fee is payable to the Registrar under sub-section (1) for or in respect of the lodgement of a document with the Registrar and the document is submitted for lodgement without payment of the fee, the document shall be deemed not to have been lodged until the fee has been paid.

“(3) Notwithstanding any other provision of this Ordinance, where a determined fee is payable to the Registrar under sub-section (1) for or in respect of any matter involving the doing of any act or thing by the Registrar, the Registrar shall not do that act or thing until the fee has been paid.”.

Regulations

18. Section 81 of the Principal Ordinance is amended by omitting paragraph (b).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 20 August 1985.
2. No. 9, 1939 as amended to date. For previous amendments *see* Note 2 to No. 4, 1985 and *see also* No. 4, 1985.