

CO-OPERATION (RURAL SOCIETIES) AMENDMENT ACT.

Act No. 33, 1961.

An Act to make further provisions relating to rural societies; for this and other purposes to amend the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 14th November, 1961.]

Elizabeth II,
No. 33, 1961

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : —

1. (1) This Act may be cited as the "Co-operation (Rural Societies) Amendment Act, 1961".

(2) Short title,
citation and
commence-
ment.

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(2) The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1961.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment
of Act No.
1, 1924.**

2. The Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, is amended—

**Sec. 64.
(Property.)**

(a) by inserting at the end of section sixty-four the following new subsection :—

(2) Notwithstanding the provisions of subsection one of this section any sale or lease of the undertaking, or any part of the undertaking, as a going concern, of a rural society shall be invalid unless at a postal ballot of the members of the society held in the manner prescribed at least three-quarters of the formal votes cast at such ballot are in favour, and the Minister, on the recommendation of the advisory council constituted pursuant to section one hundred and fourteen of this Act, approves, of the sale or lease, as the case may be :

Provided that the provisions of this subsection shall not apply in the case of the sale or lease of part only of the undertaking, as a going concern, of a rural society where the Minister has granted to the society an exemption in respect of the sale or lease of such part from the provisions of this subsection.

**Sec. 70.
(Registration
of
society as
company.)**

(b) (i) by inserting in subsection one of section seventy after the word "society" where firstly occurring the words ", not being a rural society,";

(ii) by omitting from subsections one, four, five, seven, eight, twelve and fourteen of the same section the figures "1899" wherever occurring and by inserting in lieu thereof the figures "1936";

(iii)

- (iii) by inserting next after subsection one of the No. 33, 1961 same section the following new subsection : —

(1A) (a) A rural society may apply to be registered as a company under the Companies Act, 1936, if, at a postal ballot of the members of the society held in the manner prescribed, at least three-quarters of the formal votes cast at such ballot are in favour, and the Minister, on the recommendation of the advisory council constituted pursuant to section one hundred and fourteen of this Act, approves, of the application being made.

(b) Upon the declaration by the returning officer of the result of the postal ballot, the secretary of the society shall make an entry in the minute book of the society showing the number of formal votes cast in favour of, and the number of formal votes cast against, the application being made, and the number of informal votes cast. If at least three-quarters of the formal votes cast are in favour of the application being made the secretary of the society shall within ten days after the declaration of the result of the ballot file with the registrar a copy, under the hand of the secretary of the society, of the entry so made.

- (iv) by omitting from paragraph (b) of subsection five of the same section the words "Second Schedule" and by inserting in lieu thereof the words "Schedule Two";
- (v) by omitting from paragraph (a) of subsection seven of the same section the words "the society shall register with the Registrar of Co-operative Societies" and by inserting in lieu thereof the words "in the case of a society other than a rural society, the society shall register with the registrar";

(vi)

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- (vi) by inserting at the end of the same paragraph the words "and in the case of a rural society, the society shall file with the registrar a copy of the entry made in the minute book of the society pursuant to paragraph (b) of subsection (1A) of this section and register with the registrar a copy of the special resolution passed by the society pursuant to subsection two of this section";
- (vii) by omitting from paragraph (b) of subsection seven and from subsections eight and nine of the same section the words "Registrar of Joint Stock Companies" wherever occurring and by inserting in lieu thereof the word "Registrar-General";
- (viii) by omitting from subparagraph (ii) of paragraph (b) of subsection seven of the same section the words "a copy" and by inserting in lieu thereof the words "in the case of a society other than a rural society, a copy";
- (ix) by omitting from the same subparagraph the word "Registrar" and by inserting in lieu thereof the words "registrar and in the case of a rural society, a copy of the special resolution passed by the society pursuant to subsection two of this section, a copy of the said entry, both verified under the hand of the registrar and evidence, to the satisfaction of the Registrar-General, of the Minister's approval of the application being made";
- (x) by omitting from subsection twelve of the same section the words "registrar or by any assistant registrar of Joint Stock Companies" and by inserting in lieu thereof the words "Registrar-General or by any Deputy Registrar-General";

(c)

- (c) by inserting next after subsection four of section No. 33, 1961 eighty-six the following new subsection :—

Sec. 86.
(Votes of
members.)

(4A) Notwithstanding any other provision of this Act or of the rules of the society, a member of a rural society, not being a supplier-member, shall be entitled to one vote only on any question for decision by a meeting of the society or at any ballot of the members of the society.

A member of a rural society, being a supplier-member, shall be entitled to the same number of votes at a ballot of the members of the society as he is entitled to on a poll held at a meeting of the society.

In this subsection, "supplier-member" means any member who has, within the period of twelve months next preceding the meeting concerned or the issue of the ballot papers for the ballot concerned, supplied to the society any agricultural products or live stock to be dealt with by the society in accordance with its objects.

- (d) by inserting at the end of section ninety-two the following new subsection :—

Sec. 92.
(Winding-up.)

(7) (a) Notwithstanding any other provision of this Act, in the case of a voluntary winding-up of a rural society (other than a voluntary winding-up upon a certificate of the registrar or a creditors' voluntary winding-up), a special resolution, within the meaning of this Act, for the voluntary winding-up of the society shall be deemed to have been passed by the society only if, at a postal ballot of the members of the society held in the manner prescribed, at least three-quarters of the formal votes cast at such ballot are in favour, and the Minister, on the recommendation of the advisory council constituted pursuant to section one hundred and fourteen of this Act, approves, of the voluntary winding-up of the society.

(b)

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(b) Upon the **declaration** by the returning officer of the result of the postal ballot, the secretary of the society shall make an entry in the minute book of the society showing the number of formal votes cast in favour of, and the number of formal votes cast against, the voluntary winding-up of the society, and the number of informal votes cast. If at least three-quarters of the formal votes cast are in favour of the voluntary winding-up of the society, the secretary of the society shall within ten days after the declaration of the result of the ballot file with the registrar a copy, under the hand of the secretary of the society, of the entry so made.

(c) A voluntary winding-up of a rural society pursuant to any such postal ballot shall be deemed to commence at the time the secretary of the society makes the entry in the minute book of the society in accordance with the provisions of paragraph (b) of this subsection.

(d) The provisions of this subsection shall not apply in any case where the Minister approves of a postal ballot being dispensed with upon the voluntary winding-up of a rural society.
