

## BUILDING SOCIETIES.

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No. 22 of 1958.

### AN ACT to amend the *Building Societies Act* 1876. [ 3 July 1958. ]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Building Societies Act* 1958.

(2) The *Building Societies Act* 1876, as subsequently amended, is in this Act referred to as the Principal Act.

Interpre-  
tation.

**2** In this Act, unless the contrary intention appears—

“ building society ” means a society incorporated under the Principal Act;

“ Public Account ” has the meaning assigned to it by the *Public Account Act* 1957.

Borrowing  
by building  
societies of  
funds pro-  
vided by  
Common-  
wealth.

**3**—(1) In addition to any other powers which it has to borrow money, a building society may, in accordance with an agreement entered into with the Treasurer, borrow for any purpose specified in the agreement (being a purpose to which the funds of the society may be applied) any money provided by the Commonwealth which may be available in the Public Account for lending to the society for that purpose.

(2) Nothing in this section authorizes the lending of money to a building society for the purpose of making advances out of the money so lent to any members of the society unless the Treasurer is satisfied that there is available in the funds of the society, or that there has been paid to or deposited with the society by those members, a sum not less than one-ninth of the amount to be lent to the society for that purpose.

(3) Nothing in this section authorizes the lending to a building society of any money otherwise than in accordance with the terms and conditions on which it is available for so lending.

(4) For the purpose of giving effect to any agreement entered into under this section, a building society may—

(a) mortgage or charge any property or other assets of the society as security for the repayment of any money borrowed under this section; and

- (b) transfer to the Treasurer any mortgage made to the society as security for the repayment of any money advanced by the society out of any money borrowed by the society under this section.

(5) For the purposes of sections sixteen, twenty, and forty-one of the Principal Act, money borrowed by a building society under this section shall not be deemed to be a deposit or loan received by the society.

**4** No fees are payable under section one hundred and eight of the *Real Property Act* 1862 or under section forty-two of the *Registration of Deeds Act* 1935 in respect of the transfer of any mortgage pursuant to paragraph (b) of subsection (4) of section three. Exemption from registration fees.

**5**—(1) A society incorporated under the *Co-operative Industrial Societies Act* 1928 which has as its object, or one of its objects, the making of advances to its members upon security of freehold or leasehold estate by way of mortgage, and which has no other objects except those which are necessary for, or incidental to, the effecting of the first-mentioned object, may, unless it is being wound up, by a special resolution (in this section referred to as “the special resolution”) determine to convert itself into a building society. Conversion of co-operative societies into building societies.

(2) The special resolution shall specify the alterations and additions to the rules of the society which are to take effect on its conversion to a building society.

(3) If the society transmits to the Registrar two copies of the special resolution, each signed and countersigned in like manner as it is required to be signed and countersigned for registration under section fifty of the *Co-operative Industrial Societies Act* 1928, and a copy of its rules, the Registrar, on being satisfied that—

- (a) the society has not on loan or deposit an amount in excess of that which it could lawfully have on loan or deposit if it is converted into a building society in accordance with this section;
- (b) the rules of the society, if altered or added to in accordance with the special resolution, contain all the provisions set forth in section seventeen of the Principal Act and are in conformity with that Act; and
- (c) the name in which it is proposed to register the society as a building society is not a name in which, by virtue of section eighteen of the Principal Act, a society could not be registered under that Act,

shall return one copy of the special resolution to the society, with a certificate of incorporation in the form set out in the schedule, and shall retain and register the other copy and the

copy of the rules of the society in like manner as if those copies were a copy of the rules of a building society required to be registered by him under section eighteen of the Principal Act.

(4) On the receipt by the society of a certificate of incorporation under this section, the society shall be deemed to have become a building society, and the certificate of incorporation issued under this section shall be deemed to be a certificate of incorporation under the Principal Act and its rules shall be deemed to be rules registered by the Registrar under this section, altered and added to in accordance with the special resolution.

(5) When a society becomes a building society under this section, its registration under the *Co-operative Industrial Societies Act 1928* becomes void and shall be cancelled by the Registrar of the Supreme Court.

(6) All property, rights, and interests vested in a society immediately before its conversion to a building society under this section shall, on such conversion, continue to vest in that society without any conveyance or assignment.

(7) The conversion of a society to a building society under this section does not affect any right or claim subsisting against the society or any penalty incurred by the society, and, for the purpose of enforcing any such right, claim, or penalty, the society may be proceeded against in the same manner as if it had not been so converted, and any such right and claim, and the liability to any such penalty, have priority as against the property of the society over all other rights or claims against, or liabilities of, the society.

(8) Where, before its conversion to a building society, a society has borrowed any money provided by the Commonwealth which, at the time it was borrowed, was available in the Public Account for lending to the society for any of its objects, that money shall not, for the purposes of subsection (3) of this section, and of sections sixteen, twenty, and forty-one of the Principal Act, be deemed to be a deposit or loan received by the society, and the conversion of the society into a building society does not prejudice or affect the carrying out or enforcement of any agreement under which the money was borrowed.

Exemption  
from stamp  
duties.

**6** Section thirty-seven of the Principal Act is amended by inserting after the words "such appointment," the words "nor any transfer of a mortgage pursuant to paragraph (b) of subsection (4) of section three of the *Building Societies Act 1958*,".

Consequen-  
tial  
amendments.

**7**—(1) Section thirty-eight of the Principal Act is amended by inserting after the words "given to" the words "or vested in".

(2) Section forty-two of the Principal Act is amended by inserting in paragraph I, after the word "nineteen", the words "of this Act or under section five of the *Building Societies Act 1958*".

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## THE SCHEDULE.

(Section 5.)

### CERTIFICATE OF INCORPORATION.

The Registrar of Building Societies hereby certifies that the ..... Building Society, formerly registered under the *Co-operative Industrial Societies Act 1928* as the....., is incorporated under the *Building Societies Act 1876*.

This..... day of..... 19.....

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## LOAN FUND APPROPRIATION (No. 2).

No. 23 of 1958.

AN ACT to authorize the issue and application of moneys from the Loan Fund for certain purposes.

[ 3 July 1958. ]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Loan Fund Appropriation Act (No. 2) 1958*. Short title.

**2** In this Act, unless the contrary intention appears—

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;

Interpre-  
tation.

“Loan Fund” means the Loan Fund established under section six of the *Public Account Act 1957*.