

CREDIT UNION (AMENDMENT) ACT 1986 No. 183

NEW SOUTH WALES



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CREDIT UNION (AMENDMENT) ACT 1986 No. 183

NEW SOUTH WALES



Act No. 183, 1986

An Act to amend the Credit Union Act 1969 for the purpose of making further provision with respect to the Credit Union Savings Reserve Fund.
[Assented to 18 December 1986]

Credit Union (Amendment) 1986

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:

Short title

1. This Act may be cited as the "Credit Union (Amendment) Act 1986".

Amendment of Act No. 8, 1969

2. The Credit Union Act 1969 is amended in the manner set forth in Schedule 1.

Transitional provision

3. For the purposes of the Credit Union Act 1969 (as amended by this Act), a reference in that Act to an actuarial review of the Credit Union Savings Reserve Fund carried out under section 69PA of that Act (as inserted by this Act) shall be deemed to include a reference to a review of that Fund carried out by an actuary before the commencement of this Act.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION ACT 1969**(1) Section 69K (Annual report)—****Section 69K (2)—**

Omit "referred to in section 69P (1) (b)", insert instead "secondly referred to in section 69P (1E)".

(2) Section 69L (The Savings Reserve Fund)—**Section 69L (3)—**

After section 69L (2), insert:

(3) The Savings Reserve Board shall ensure that the amount held in the Savings Reserve Fund at no time falls below the prescribed amount or an amount calculated as prescribed.

Credit Union (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION
ACT 1969—*continued*

(3) Section 69N (Payments into the Savings Reserve Fund)—

Section 69N (1) (c)—

Omit “(1) (b)”, insert instead “(1E)”.

(4) Section 69P (Contribution to the Savings Reserve Fund)—

(a) Section 69P (1)–(1E)—

Omit section 69P (1), insert instead:

(1) This section does not apply to a credit union in respect of which a liquidator has been appointed under Part VII.

(1A) On or before 31 January 1987 and on or before 31 January in each subsequent year, a credit union shall forward to the Savings Reserve Board a statement, certified by a director and the secretary of the credit union, specifying the share capital of, and the amount held on deposit by, the credit union as at 31 December immediately preceding.

(1B) On or before 31 March 1987 and on or before 31 March in each subsequent year, the Savings Reserve Board shall—

(a) fix a percentage rate to enable the amounts of contributions payable under subsection (1E) to be calculated; and

(b) notify in writing each credit union of the rate so fixed.

(1C) The Savings Reserve Board shall fix a percentage rate under subsection (1B) in accordance with the regulations but shall not fix a percentage rate under that subsection that exceeds—

(a) 0.75 of 1 per cent; or

(b) if another percentage rate is prescribed, that other percentage rate.

(1D) In fixing a percentage rate under subsection (1B), the Savings Reserve Board shall have regard to the last actuarial review of the Savings Reserve Fund carried out under section 69PA.

*Credit Union (Amendment) 1986***SCHEDULE 1—*continued*****AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION
ACT 1969—*continued***

(1E) On or before 30 June 1987 and on or before 30 June in each subsequent year, a credit union shall contribute to the Savings Reserve Fund such amount (if any) as is necessary for the credit union to have on deposit with the Savings Reserve Board an amount calculated by applying the relevant percentage rate fixed under subsection (1B) to the aggregate of—

- (a) the share capital of the credit union; and
- (b) the amount held on deposit by the credit union,

as at 31 December immediately preceding.

(b) Section 69P (2)—

Omit “(1) (a)”, insert instead “(1A)”.

(c) Section 69P (3)—

Omit “(1) (b)”, insert instead “(1E)”.

(d) Section 69P (4)—

Omit “to have or keep on deposit with the Savings Reserve Fund under subsection (1) (b)”, insert instead “to have on deposit with the Savings Reserve Fund under subsection (1E)”.

(5) Section 69PA—

After section 69P, insert:

Actuarial review of Savings Reserve Fund

69PA. (1) For the purposes of determining the amount that ought properly to be held in the Savings Reserve Fund and of enabling the Savings Reserve Board to fix an appropriate percentage rate under section 69P (1B), the Savings Reserve Board shall cause actuarial reviews of that Fund to be carried out—

- (a) at such times or during such periods as are prescribed; and

*Credit Union (Amendment) 1986***SCHEDULE 1—*continued*****AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION
ACT 1969—*continued***

- (b) without limiting paragraph (a), as may be required for the purpose of subsection (3).
- (2) An actuarial review under subsection (1) shall be carried out—
 - (a) subject to paragraph (b), by an actuary or actuaries, appointed by the Savings Reserve Board, who holds or hold the qualifications prescribed for the purpose of this paragraph; or
 - (b) in the prescribed circumstances, by an actuary or actuaries, appointed by the Savings Reserve Board, who holds or hold the qualifications prescribed for the purpose of this paragraph and such number of other persons, appointed by the Savings Reserve Board, as that Board considers appropriate.
- (3) The Savings Reserve Board shall not fix a percentage rate under section 69P (1B) that is lower than the rate that was last so fixed unless an actuarial review of the Savings Reserve Fund has been carried out under this section since the fixing of the last-mentioned rate and a report of the review has been furnished to the Savings Reserve Board.
- (4) An actuarial review under this section shall be carried out as prescribed and, as soon as practicable after the completion of such a review, the person or persons who carried out the review shall furnish a report of the review to the Savings Reserve Board.
- (5) Within 1 month after receiving a report of an actuarial review furnished under subsection (4), the Savings Reserve Board shall forward a copy of the report to the Minister.
- (6) The cost of carrying out an actuarial review under this section shall be defrayed out of the Savings Reserve Fund.

*Credit Union (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION
ACT 1969—*continued*

(7) If the Savings Reserve Board fails to cause an actuarial review of the Savings Reserve Fund to be carried out as required by this section, the Minister may cause such a review to be carried out and, where carried out, the cost of such a review shall be recoverable from the Savings Reserve Board in a court of competent jurisdiction as a debt due to the Crown.

(6) Section 69Q (Levy)—

(a) Section 69Q (1)—

Omit “(1) (b)”, insert instead “(1E)”.

(b) Section 69Q (1)—

Omit “the preceding 31st March”, insert instead “31 December immediately preceding”.

(c) Section 69Q (2)—

Omit “1st April”, insert instead “1 January”.

(d) Section 69Q (5)—

Omit the subsection, insert instead:

(5) Where—

(a) the Savings Reserve Board proposes to impose a requirement on a credit union in accordance with subsection (1); and

(b) the credit union has not, as required by section 69P (1A), forwarded to the Savings Reserve Board a statement as at 31 December immediately preceding,

the credit union shall, if so required by the Savings Reserve Board, forward such a statement to it within such period, being not less than 21 days, as has been fixed by that Board and notified in writing to the credit union.

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SCHEDULE 1—*continued***AMENDMENTS TO PARTS VA AND VII OF THE CREDIT UNION
ACT 1969—*continued*****(e) Section 69Q (7)—**

Omit the subsection, insert instead:

(7) An amount paid by way of levy under subsection (1) shall not be taken into account in ascertaining the amount that the credit union is required to have on deposit with the Savings Reserve Board as contemplated by section 69P (1E).

(7) Section 69T (Dividends**)—**

(a) Omit “pursuant to section 69P (1) (b)”, insert instead “as contemplated by section 69P (1E)”.

(b) Omit “referred to in section 69P (1) (b)”, insert instead “secondly referred to in section 69P (1E)”.

(8) Section 72A (Repayment of amounts paid to the Savings Reserve Fund**)—**

Omit “pursuant to section 69P (1) (b)” wherever occurring, insert instead “under section 69P (1E)”.
