

1992—No. 285

CO-OPERATION ACT 1923—REGULATION

(Relating to amalgamations of local and foreign societies)

NEW SOUTH WALES



[Published in Gazette No. 68 of 12 June 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Co-operation Act 1923, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Acting Minister for Co-operatives.

Commencement

1. This Regulation takes effect on 12th June, 1992.

Amendment of Co-operatives Regulations 1961

2. The Co-operatives Regulations 1961 are amended:
(a) by inserting after Part 5 the following Part:

**PART 5A—AMALGAMATION WITH SOCIETIES OR
ASSOCIATIONS FROM OTHER STATES OR
TERRITORIES**

Prescribed laws under section 43B of the Act

25A. The Primary Producers' Co-operative Associations Act 1923 of Queensland is prescribed for the purposes of section 43B of the Act.

**Prescribed form and particulars for amalgamation under
section 43B of the Act**

25B. An application under section 43B of the Act for amalgamation must be made in duplicate in the form of Form

14A, and must be accompanied by the particulars specified in that Form and Form 14B.

Form of certificate of incorporation

25C. The certificate of incorporation of a society which is formed by the amalgamation of societies under section 43B of the Act and which is registered under the Act is to be in the form of Form 15A.

Form of notice of incorporation

25D. The notice required by section 43B (4) of the Act is to be in the form of Form 16A.

(b) by inserting in appropriate order in Schedule 1 the following Forms:

Form 14A
Regulation 25B

CO-OPERATION ACT 1923

Application for Amalgamation of Local and Foreign Societies

We the Chairmen of directors and secretaries of the undermentioned societies apply for the amalgamation of one or more societies registered under the Co-operation Act 1923 with one or more foreign societies, each registered under a law prescribed for the purposes of section 43B of the Co-operation Act 1923 (a “prescribed law”).

1.
registered under.....
2.
registered under
3.
registered under.....

The amalgamated society is to be incorporated in
(*State or Territory*)

and, in the case of an amalgamated society to be incorporated in New South Wales, we apply for its registration.

1. Attached are the following particulars for the purposes of section 43B of the Act:

(a) in relation to each foreign society:

- (i) particulars of the society’s registration under the relevant prescribed law;

- (ii) a certified copy of the society's certificate of registration or similar document issued by the public officer (or by a person authorised by that officer) responsible for issuing such documents under the relevant prescribed law;
- (iii) a copy of the society's rules;
- (iv) a copy of the special resolution by which the society approves of the amalgamation, being a special resolution which is registered under the relevant prescribed law; and
- (v) particulars in the form of Form 14B, being a certificate to the effect that the society has complied with the relevant prescribed law in relation to the proposed amalgamation, signed by the public officer (or by a person authorised by that officer) who is responsible for the administration of the relevant prescribed law; and

(b) in relation to each local society:

- (i) an application for registration of the special resolution by which the society approves of the amalgamation; and
- (ii) a certified copy of the society's certificate of registration.

2. The name of the amalgamated society is to be
.....

3. The registered office of the amalgamated society is to be at
.....

Dated this day of 19

Chairman Secretary
Society

Chairman Secretary
Society

Chairman Secretary
Society

[For Registrar's use in the case of an amalgamated society to be incorporated in New South Wales]

The amalgamated society is hereby registered this
day of 19

Registrar of Co-operative Societies.

Form 14B
Regulation 25B

CO-OPERATION ACT 1923

Certificate of Compliance

I , a public officer duly responsible for the
administration of
(name of Act)

certify that
(foreign society)

registered under the
(name of Act)

has complied with the provisions of that Act in relation to the proposed
amalgamation of that society with
(society)

Dated this day of 19

.....
(signed)

.....
(title)

CO-OPERATION ACT 1923

*Certificate of Incorporation in New South Wales of a Society formed
by the Amalgamation of Local and Foreign Societies*

I CERTIFY that the
(name of society)

is incorporated as a society under the Co-operation Act 1923 and was formed by the amalgamation of the following societies:

1. registered under
2. registered under
3. registered under

Dated this day of 19

Registrar of Co-operative Societies.

CO-OPERATION ACT 1923

*Amalgamation of Local and Foreign Societies resulting in a New
South Wales Society—Gazette Notice*

.....
(society)

NOTICE is given that today I have registered this society as a society under the Co-operation Act 1923 with limited liability and have issued to it a certificate of incorporation.

The Society has been formed by the amalgamation of the following societies:

- 1
 registered under
2.
 registered under
3.
 registered under

Dated this day of 19

Registrar of Co-operative Societies.

EXPLANATORY NOTE

The object of this Regulation is to amend the Co-operatives Regulations 1961 in connection with the operation of new provisions of the Co-operation Act 1923 that provide for the amalgamation of local and foreign co-operative societies:

- (a) to prescribe forms and procedures to facilitate the operation of the new provisions; and
- (b) to prescribe the Primary Producers' Co-operative Associations Act 1923 of Queensland as a law which provides for the registration of foreign societies which may amalgamate with New South Wales societies.
