



New South Wales

# Co-operative Housing and Starr-Bowkett Societies Regulation 2000

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

JOHN WATKINS, M.P.,  
Minister for Fair Trading  
On Behalf of the Treasurer

## Explanatory note

The object of this Regulation is to provide for a number of matters under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including the following:

- (a) inspection of documents relating to co-operative housing societies and Starr-Bowkett societies (*societies*),
- (b) registers to be kept by societies,
- (c) modification of certain provisions of the Corporations Law applying to societies in relation to the registration of charges, the external administration of societies, and the winding up of societies,
- (d) the functions, formation and registration of associations of societies,
- (e) statements, information and returns about the accounts and audit of societies that must be lodged with the Department of Fair Trading,
- (f) forms.

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Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Explanatory note

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This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including section 225 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

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## Co-operative Housing and Starr-Bowkett Societies Regulation 2000

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Co-operative Housing and Starr-Bowkett Societies Regulation 2000*.

#### 2 Commencement

This Regulation commences on 1 September 2000.

#### 3 Definitions

(1) In this Regulation:

*the Act* means the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

#### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 2 Associates

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## Part 2 Associates

### 5 Preliminary

This Part has effect for the purposes of section 4 (2) (g) of the Act.

### 6 Associate of a body corporate

An *associate* of a body corporate includes a director or secretary of a related body corporate.

### 7 General

- (1) An *associate* of a person includes any other person in concert with whom the person is acting or proposes to act.
- (2) If a person has entered, or proposes to enter, into a transaction, or has done, or proposes to do, any act or thing, in order to become associated with another person as mentioned in this Regulation or in section 4 of the Act, a reference to an associate of the person includes a reference to that other person.
- (3) However, a person is not an associate of another person by virtue of this clause merely because of one or more of the following:
  - (a) one gives advice to the other, or acts on the other's behalf, in the proper performance of the functions attaching to a professional capacity or a business relationship,
  - (b) one, a client, gives specific instructions to the other, whose ordinary business includes dealing in securities, to acquire shares on the client's behalf in the ordinary course of that business,
  - (c) one has appointed the other, otherwise than for valuable consideration given by the other or by an associate of the other, to vote as a proxy or representative at a meeting of members, or of a class of members, of a body corporate.

## **Part 3 Inspection of documents**

### **8 Inspection of documents**

For the purposes of section 23 (1) of the Act, the prescribed documents are as follows:

- (a) documents lodged with the Registrar under section 50 (2) (Registration) of the Act that result in the registration of the society concerned,
- (b) rules registered by the Registrar under section 50 (4) (Registration) of the Act,
- (c) rules of a merged society registered by the Registrar under section 154 (Registrar may register merged society) of the Act,
- (d) documents lodged with the Registrar under section 184 (2) (Registration) of the Act and clause 23 of this Regulation that result in the registration of the association concerned,
- (e) rules of an association registered by the Registrar under section 184 (4) (Registration) of the Act,
- (f) documents lodged with the Registrar under section 87 (Registered office) of the Act,
- (g) statements approved by the Registrar under section 153 (3) (Application for registration of merger or transfer of engagements between societies of the same type) of the Act,
- (h) copies of certificates of incorporation issued by the Registrar under section 51 (Certificate of incorporation), 154 (Registrar may register merged society) or 185 (Certificate of incorporation) of the Act,
- (i) copies of certificates of confirmation issued by the Registrar under section 155 (Certificate of confirmation (voluntary transfer)) or 158 (Certificate of confirmation (transfer by direction)) of the Act,
- (j) alterations of rules registered under section 67 (Registration of alteration of rules) of the Act,
- (k) special resolutions registered under section 115 (Special resolutions) of the Act,

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Part 3 Inspection of documents

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- (l) documents evidencing exemptions granted by the Registrar under section 84 (4) (Use of words “co-operative housing society” or “Starr-Bowkett”) or 153 (5) (Application for registration of merger or transfer of engagements between societies of the same type) of the Act,
- (m) copies of orders by the Registrar granting relief under section 149 (Relief from requirements as to accounts and audit) of the Act,
- (n) documents evidencing approvals by the Registrar under section 53 (1) (d) (Powers of societies), 80 (4) (Registration of name and change of name), 105 (2) (Management contracts), 122 (1) (c) (Form and evidentiary value of registers) or 178 (3) (Voluntary winding-up) of the Act,
- (o) documents evidencing approvals by the Registrar under section 66 (3) (Alteration of rules by board of directors), 68 (5) (Power of Registrar to require modification of rules) or 69 (5) (Power of Registrar to modify rules to facilitate transfer of engagements) of the Act,
- (p) determinations by the Registrar under section 153 (2) (Application for registration of merger or transfer of engagements between societies of the same type) of the Act,
- (q) written notices given by the Registrar under section 68 (3) (Power of Registrar to require modification of rules) or 69 (3) (Power of Registrar to modify rules to facilitate transfer of engagements) of the Act,
- (r) returns lodged with the Registrar under section 100 (11) (Declaration of interest), 118 (10) (Register of directors), 137 (5) (e) (Qualifications of auditors) or 148 (1) (Returns) of the Act,
- (s) copies of orders of the Court issued under section 106 (Duties of directors and officers), 209 (Powers of Court), 215 (Power of Court to assess damages against certain persons), 223 (Injunctions) or 224 (Power to grant relief) of the Act, or any other orders of the Court relating to a co-operative housing body, or to a register required to be kept by the Registrar, that are required by the Court to be lodged or filed with the Registrar,



- (t) documents lodged with the Registrar under section 263, 264, 268 or 269 of the *Corporations Law* as applied by section 88 (Registration of charges) of the Act,
- (u) documents relating to a court approved scheme of arrangement or reconstruction lodged or filed with the Registrar under Part 5.1 of the *Corporations Law*, as applied by section 173 (Schemes of arrangement and reconstruction) of the Act,
- (v) documents lodged or filed with the Registrar under Part 5.2 of the *Corporations Law* as applied by section 174 (Receivers and managers) of the Act (other than reports under section 422 of the *Corporations Law*),
- (w) documents lodged or filed with the Registrar under Part 5.4A, 5.4B, 5.5 or 5.6 of the *Corporations Law* as applied by section 177 (Application of Corporations Law to winding-up) of the Act (other than reports under section 533 of the *Corporations Law*).

## 9 Fees for inspection of documents

- (1) For the purposes of section 23 (1) (a) of the Act, the prescribed fee for inspection of a document referred to in clause 8 is the fee set out in Schedule 2.
- (2) For the purposes of section 23 (1) (b) of the Act, the prescribed fee for obtaining a certified copy of a document referred to in clause 8 is the fee set out in Schedule 2.

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Part 4 Registers

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### Part 4 Registers

#### 10 Prescribed registers: sec 117

- (1) For the purposes of section 117 of the Act, the following registers are prescribed:
  - (a) a register of loans made to members and securities taken, containing the following information:
    - (i) the name of each member to whom a loan is made,
    - (ii) the amount of the loan,
    - (iii) the date on which the loan was approved,
    - (iv) the folio reference to the minute evidencing the board's decision to make the loan,
    - (v) a reference identifying the account created in relation to the loan,
    - (vi) the date of each advance made in relation to the loan and the amount of each advance so made,
    - (vii) where the loan is secured by way of mortgage of real property—the address and the particulars of title of the property and a reference identifying the mortgage agreement,
    - (viii) where the loan is secured otherwise than by way of a mortgage of real property—particulars of the security taken and a reference identifying the agreement that evidences that security,
    - (ix) the location of the documents relating to the security taken in respect of the loan,
    - (x) particulars of any movement of those documents from that location,
    - (xi) the date of the final repayment made in relation to the loan,
  - (b) a register of loans raised and securities given, in a form approved by the Registrar,
  - (c) in the case of a Starr-Bowkett society, a register of deposits received, in a form approved by the Registrar,
  - (d) a register of loans guaranteed, in a form approved by the Registrar.

- (2) A Starr-Bowkett society which by its rules provides that the order in which loans are to be made may be determined by ballot or sale is to keep a register of appropriations in a form approved by the Registrar.

**11 Register of members: sec 119**

For the purposes of section 119 (1) (c) of the Act, the following information is prescribed:

- (a) the occupation (if any) of each member,
- (b) the shares (if any) held by each member and the date on which those shares were allotted,
- (c) the amount paid on the shares (if any) of each member,
- (d) the date of and circumstances under which a person's membership terminated.

**12 Currency of information in registers**

The information contained in a written instrument prepared for the purposes of section 122 (4) of the Act must be current as at a date that is no earlier than 7 days before the day on which the instrument is made available.

## 2000 No 515

Clause 13 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 5 Registration of charges

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## Part 5 Registration of charges

### 13 Preliminary

This Part has effect for the purposes of section 88 of the Act.

**Note.** Section 88 of the Act refers to Part 3.5 of the *Corporations Law*. That Part has been repealed and re-enacted as Chapter 2K of the *Corporations Law*. By virtue of clause 7 of Schedule 1 to the Act, the reference to Part 3.5 is read as a reference to Chapter 2K.

### 14 Modifications of Corporations Law

- (1) Section 265 of the *Corporations Law* is modified by replacing the reference to the Australian Register of Company Charges with a reference to the Register of Co-operative Housing Society Charges.
- (2) Section 266 of the *Corporations Law* is modified by replacing sections 266 (1) (a)–(ba) and 266 (3) (a)–(ba) with:
  - (a) an order is made, or a resolution is passed, for the winding-up of the co-operative housing body, or
  - (aa) the Registrar gives a certificate under section 176 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* for the winding-up of the co-operative housing body, or
  - (b) an administrator of a co-operative housing body is appointed by the Registrar under section 43 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (3) Section 266 (6) of the *Corporations Law* is modified by replacing section 266 (6) (c) and (d) with:
  - (c) an administrator of the co-operative housing body being appointed under section 43 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, or
  - (d) the Registrar giving a certificate for the winding-up of the co-operative housing body under section 176 of that Act.

### 15 Forms

- (1) A form prescribed for the purposes of a provision of the *Corporations Law* that by virtue of section 88 of the Act applies to co-operative housing bodies is the form prescribed by the *Corporations Regulations* in relation to that provision, with any necessary modifications.

- (2) For the purposes of section 263 (1) (a) (ix) of the *Corporations Law* as applied by section 88 of the Act, the following information is prescribed:

The amount, or rate per cent, of the commission, allowance or discount paid or made either directly or indirectly by the co-operative housing body to a person in consideration of the person's subscribing or agreeing to subscribe, whether absolutely or conditionally, or procuring or agreeing to procure, subscriptions, whether absolute or conditional, for any of the debentures concerned.

## **2000 No 515**

Clause 16 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 6 Arrangements, reconstructions, receivers and managers

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## **Part 6 Arrangements, reconstructions, receivers and managers**

### **16 Schemes of arrangement and reconstruction—forms**

A form prescribed for the purposes of a provision of the *Corporations Law* that by virtue of section 173 of the Act applies to co-operative housing bodies is the form prescribed by the *Corporations Regulations* in relation to that provision, with any necessary modifications.

### **17 Prescribed information as to compromise with creditors or members**

For the purposes of section 412 (1) (a) (ii) of the *Corporations Law* (as applied by section 173 of the Act), unless the Registrar otherwise allows, the explanatory statement must:

- (a) in respect of a proposed arrangement between a co-operative housing body and its creditors or a co-operative housing body and a class of its creditors, state the matters set out, and have annexed to it the reports and copies of documents referred to, in clause 2 of Schedule 3, and
- (b) in respect of a proposed arrangement between a co-operative housing body and its members or a co-operative housing body and a class of its members, state the matters set out, and have annexed to it the reports and copies of documents referred to, in clause 3 of Schedule 3.

### **18 Receivers and managers—forms**

A form prescribed for the purposes of a provision of the *Corporations Law* that by virtue of section 174 of the Act applies to co-operative housing bodies is the form prescribed by the *Corporations Regulations* in relation to that provision, with any necessary modifications.

## Part 7 Winding-up

### 19 Preliminary

This Part has effect for the purposes of section 177 of the Act.

### 20 Modifications of Corporations Law

- (1) A reference to ASIC in the provisions of the *Corporations Law* applied by section 177 of the Act is a reference to the Registrar.
- (2) Section 461 of the *Corporations Law* is modified by replacing section 461 (1) (h) and (j) with:
  - (h) the Registrar has, because of an investigation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998* into the affairs of the society, stated that:
    - (i) the society cannot pay its debts and should be wound up, or
    - (ii) it is in the interests of the public or of members or creditors that the society should be wound up,
  - (j) if the application was made by the Registrar—the Court is of opinion that it is in the interests of the public, of the members or of the creditors that society should be wound up, or
- (3) Section 464 of the *Corporations Law* is modified:
  - (a) by omitting “Where the Commission is investigating, or has investigated, under Division 1 of Part 3 of the ASC Law:”, and
  - (b) by inserting instead “If the Registrar is conducting or has conducted an investigation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*:”.

### 21 Forms

A form prescribed for the purposes of a provision of the *Corporations Law* that by virtue of section 177 of the Act applies to co-operative housing bodies is the form prescribed by the *Corporations Regulations* in relation to that provision, with any necessary modifications.

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Clause 22 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 8 Associations

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## Part 8 Associations

### 22 Additional functions of associations

- (1) For the purposes of section 183 of the Act, the following functions are prescribed:
  - (a) to guarantee the payment of any amount that a society that is a member of the association is or will be liable to pay,
  - (b) to make a secured loan to a person who is a member of a society that is a member of the association for purposes connected with the support by the members of the objects of the component society,
  - (c) to make a secured loan to any corporation or other body corporate if shares in it can be purchased by a society that is a member of the association under section 53 (1) (c) of the Act.
- (2) In this clause, *secured loan* means a loan secured by mortgage (including debenture, lien or charge) given by the person, corporation or other body corporate to whom the loan is made which makes any property of the person, corporation or other body corporate liable specifically or otherwise.

### 23 Formation of associations: sec 184 (1)

- (1) A proposed association may be formed only if there has been a meeting for the purpose of forming the association held by at least 2 societies.
- (2) At the formation meeting, there must be presented:
  - (a) a written statement showing:
    - (i) the objects of the association, and
    - (ii) the reasons for believing:
      - (A) that an application for registration of the association should be granted, and
      - (B) that, if registered, the association will be able to carry out its objects successfully, and
  - (b) a copy of the proposed rules of the association.



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- (3) If, at the formation meeting or any subsequent or adjourned meeting, 2 or more societies, after considering the statement and the rules, approve the rules (with or without amendment) and sign an application for membership (or for membership and shares), they may proceed to elect the first directors of the association under the rules as so approved.
- (4) An application for shares in a proposed association, made before the registration of the association, may not be withdrawn, and a society that makes such an application is, on the registration of the association, liable to pay the association:
- (a) the value of the shares for which the society applied, or
  - (b) the value of the minimum number of shares for which a member is entitled to subscribe,
- whichever is the greater.
- (5) The expenses of, and incidental to, the formation of the association may be paid out of the capital or income of the association.
- (6) A person must not, before an association is registered:
- (a) make an offer to societies in order to raise funds for the proposed association, whether by allotting a share or interest in the proposed association or accepting amounts on loan, or
  - (b) take an amount in consideration of the allotment of a share or interest in, or providing financial accommodation by, the proposed association.

Maximum penalty (subclause (6)): 50 penalty units.

#### **24 Registration of associations: sec 184 (2)**

- (1) For the purposes of section 184 (2) (b) of the Act, an application to register an association must:
- (a) be made in the form approved by the Registrar, and
  - (b) be signed by at least 2 directors of the proposed association, and
  - (c) be accompanied by:
    - (i) a copy of the written statement presented to the formation meeting, and signed and certified by the person presiding at the formation meeting and the secretary of meeting, and

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Clause 24            Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 8                Associations

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- (ii) a statement listing the name, address and occupation and place and date of birth of each director, and
  - (iii) any other particulars that the Registrar may require in a particular case.
- (2) The application must be lodged with the Registrar within 2 months after closure of the formation meeting for the proposed association or within such extended period as the Registrar may allow.

### **25 Application of Act to associations: sec 190**

For the purposes of section 190 of the Act, the whole of the Act (except Divisions 1 and 2 of Part 3) apply to an association as if the association were a society.

## Part 9 Audit and returns

### 26 Prescribed statements and information: sec 145

For the purposes of section 145 (1) of the Act, the prescribed statements and information are the statements and information specified in section 143 (2) of the Act.

### 27 Annual returns: sec 148

- (1) A society must, within 3 months of the close of each financial year for the society, provide the Registrar with the following returns:
  - (a) a list specifying the directors and principal executive officers of the society and of each subsidiary body corporate of the society, as at the date of the return,
  - (b) the accounts of the society made out in accordance with section 128 of the Act for the last financial year of the society,
  - (c) if the society is a holding society, the group accounts made out in accordance with section 129 of the Act for the last financial year of the society,
  - (d) a copy of:
    - (i) the directors' statement prepared under section 133 of the Act, and
    - (ii) the directors' report prepared under section 134 of the Act, and
    - (iii) the auditor's report prepared under section 143 of the Act,for the last financial year of the society.
- (2) The annual returns specified in subclause (1) (b) and (c) for a Starr-Bowkett Society are to be in Form 5.
- (3) The annual returns specified in subclause (1) (b) and (c) for a co-operative housing society are to be in Form 6.

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Clause 28                    Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 10                    General

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### **Part 10 General**

#### **28 Scale of allowances**

For the purposes of section 29 (5) of the Act, a person required to attend before an officer of the Department of Fair Trading is entitled to allowances and expenses on the same scale as a witness attending and giving evidence in criminal proceedings before the District Court.

#### **29 Entry and search—prescribed documents: sec 32**

For the purposes of section 32 (2) (c) of the Act, any documents concerned with the management or administration of a co-operative housing body are prescribed.

#### **30 Voting by postal ballot**

For the purposes of sections 115 (1) (b) and 153 (4) (b) of the Act, any postal ballot must be conducted in accordance with Schedule 4.

#### **31 Powers of Court—prescribed persons: sec 209**

For the purposes of section 209 (1) of the Act, any liquidator or administrator appointed under the Act or the *Corporations Law* as applied by this Act may apply to the Court for a declaration.

#### **32 Prescribed forms**

- (1) For the purposes of section 118 (10 ) of the Act, the prescribed form is Form 1.
- (2) For the purposes of section 137 (5) (e) of the Act, the prescribed form is Form 2.
- (3) For the purposes of section 138 (3) of the Act, the prescribed form is Form 3.
- (4) For the purposes of section 140 (12) of the Act, the prescribed form of notice is Form 4.

### 33 Securitisation arrangements

- (1) For the purposes of item 27 of Schedule 2 to the Act, the following matter is prescribed as a matter to be provided for in rules of co-operative housing societies:

Whether the society intends to raise money by a securitisation arrangement.

- (2) For the purposes of item 29 of Schedule 3 to the Act, the following matter is prescribed as a matter to be provided for in rules of Starr-Bowkett Societies:

Whether the society intends to raise money by a securitisation arrangement.

- (3) In this clause:

*securitisation arrangement* means an arrangement:

- (a) involving the funding of:
- (i) loans that are provided by a society, or
  - (ii) the purchase of loans by a society,
- by issuing instruments or entitlements to investors, and
- (b) under which payments to investors in respect of such instruments or entitlements are principally derived, directly or indirectly, from such loans.

## 2000 No 515

Clause 34 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 11 Savings and transitional

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## Part 11 Savings and transitional

### 34 Preliminary

In this Part:

*1923 Act* means the *Co-operation Act 1923*.

*1998 Act* means the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

*transferred society* means a body that becomes a co-operative housing society, a Starr-Bowkett society or an association under the 1998 Act by the operation of clause 3 or 5 of Schedule 5 to the 1998 Act.

### 35 General savings

- (1) Except as otherwise provided by this Schedule, anything done under a provision of the 1923 Act in respect of a transferred society that had an effect immediately before the commencement of a corresponding provision of the 1998 Act is taken to have been done under that corresponding provision.
- (2) Subclause (1) applies even if when done under the corresponding provision of the 1998 Act, the thing can be done only by a different person or body and in such a case is taken to have been done by that person or body.

### 36 Restrictions on borrowings by co-operatives

A society that, before the commencement of section 55 of the Act, raised money:

- (a) by means of a loan of a kind specified in section 55 (1) (a)–(d), and
- (b) by means of a kind of loan not so specified,

is not in breach of section 55, and those loans are not affected by section 55.

### 37 Registration of charges

- (1) Any charge registered under the provisions of:
  - (a) the *Companies (New South Wales) Code* applied by section 65 (3) of the 1923 Act, or
  - (b) the *Corporations Law* superseding that Code,

is, to the extent that it affects property of a transferred society, to be considered to be registered under the *Corporations Law* as applied by the 1998 Act.

- (2) The register kept under the 1923 Act for the purpose of registering charges is, to the extent that it relates to charges affecting property of a transferred society, taken to be part of the Register of Co-operative Housing Society Charges kept under the 1998 Act.

### 38 References to societies registered under the 1923 Act

- (1) A reference in any instrument to a society under, or registered under, or within the meaning of, the 1923 Act is to be construed as including a reference to a co-operative housing body registered under the 1998 Act.
- (2) A reference in any instrument to a corporation subject to control under the 1923 Act is to be construed as including a reference to a co-operative housing body registered under the 1998 Act.
- (3) In this clause:  
*instrument* means any Act (other than the 1998 Act or the 1923 Act), any instrument made under an Act (other than the 1998 Act or the 1923 Act) and any instrument of any other kind.

### 39 Other references

- (1) Clause 5 of the *Financial Sector Reform (Savings and Transitional) Regulation 1999* extends to references in the following provisions:
- (a) section 57 (1) of the *Anti-Discrimination Act 1977* as amended by Schedule 6.1 [2] to the 1998 Act,
  - (b) the definition of *statutory body* in section 3 (2) of the *Hunter Water Act 1991* as amended by Schedule 6.12 to the 1998 Act,
  - (c) the definition of *statutory body* in section 3 (2) of the *Sydney Water Act 1994* as amended by Schedule 6.23 to the 1998 Act,
  - (d) the definition of *statutory body* in section 3 (1) of the *Water Supply Authorities Act 1987* as amended by Schedule 6.24 to the 1998 Act.

**Note.** The *Financial Sector Reform (Savings and Transitional) Regulation 1999* contains transitional provisions applying to other amendments made by Schedule 6 to the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

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Clause 39 Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Part 11 Savings and transitional

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- (2) The reference to the *Co-operation Act 1923* in section 54 (3) (a) of the *Anti-Discrimination Act 1977* is to be construed as a reference to the 1998 Act.
- (3) The reference in section 5 (a) of the *Moratorium Act 1932* to a building society included in the Second Schedule to the *Co-operation Act 1923* is to be construed as a reference to a building society listed in that Schedule as in force immediately before the repeal of the 1923 Act by the 1998 Act.

### 40 Classes of shares

If a transferred society issued different classes of shares having different rights attached to them before the commencement of section 71 (4) of the 1998 Act, those rights continue to have effect despite that subsection.

### 41 Financial accommodation to directors and associates

Section 103 (Financial accommodation to directors and associates) of the 1998 Act does not apply to financial accommodation provided before the commencement of that section.

### 42 Applicable accounting standards

- (1) An accounting standard applying to a transferred society under the 1923 Act is taken to be an applicable accounting standard under section 132 of the 1998 Act.
- (2) An applicable accounting standard applying under subclause (1) may be varied, revoked or replaced by the Standards Committee under section 132 of the 1998 Act.



**Schedule 1 Forms**

**Form 1 Notice of appointment or cessation of appointment of director or officer**

(Clause 32)

(Co-operative Housing and Starr-Bowkett Societies Act 1998, section 118 (10))

Name of society .....

I, .....  
being \*a director/\*the principal executive officer/\*a secretary of the above society,  
give notice that the following persons \*were appointed/\*ceased to be directors/\*the  
principal executive officer/\*a secretary of the above society as indicated below.

Mr/ Mrs/ Ms	Surname (and former surname)	Given names (in full) (and former given names)	Date and place of birth	Occupation	Residential address	Office held	Date of	
							Appointment	Cessation

The principal executive officer of the society as at the date of this return is . . . .  
.....

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Has the address of the registered office changed? \*Yes/\*No

If yes, specify new address .....

and new telephone number .....

.....  
(signature)

.....  
(date)

To the Registrar of Co-operatives

154 Russell Street

BATHURST

NSW 2795

\* Strike out words that are not applicable

**Form 2 Return of members of firm of auditors**

(Clause 32)

(Co-operative Housing and Starr-Bowkett Societies Act 1998, section 137  
(5) (e))

Name of firm .....

Principal address of firm .....

.....

Other addresses of firm .....

.....

.....

.....

The full names and addresses of all of the members of the firm are:

Surname	Given names	Residential address

.....  
(signature)\*

.....  
(date)

\* To be signed by one of the members of the firm

**Note.** The completion of this form does not relieve members of the firm from any obligation under the law relating to business names.

**Form 3 Appointment of auditor**

(Clause 32)

(Co-operative Housing and Starr-Bowkett Societies Act 1998, section 138 (3))

Name of society .....

I, .....  
being \*a director/\*the principal executive officer/\*a secretary of the above society,  
give notice that the following person(s) or firm(s) \*was/\*were appointed as auditors  
of the society on ..... (insert date).



**Form 4 Resignation, retirement or withdrawal of auditor**

(Clause 32)

(Co-operative Housing and Starr-Bowkett Societies Act 1998, section 140 (12))

Name of society .....

I, .....  
being \*a director/\*the principal executive officer/\*a secretary of the above society,  
give notice that the following person(s) or firm(s) ceased to be auditors of the  
society for the reason(s) indicated below.

**Details of auditors**

Name .....  
(surname) (given names)

(OR) if a firm, business name .....

Office, level, building name .....

Street number and name .....

Suburb/city and postcode .....

Name .....  
(surname) (given names)

(OR) if a firm, business name .....

Office, level, building name .....

Street number and name .....

Suburb/city and postcode .....

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**Details of resignation, retirement or withdrawal**

- Notice was received of the resignation of the auditor (s)  
Date of receipt of notice of resignation . . . . .
- The auditor, being a person, has retired or withdrawn from the firm of auditors  
Date of retirement or withdrawal . . . . .

.....  
(signature)

.....  
(date)

\* Strike out words that are not applicable

**Form 5 Annual return—Starr-Bowkett Society**

(Clause 27)

(Co-operative Housing and Starr-Bowkett Societies Act 1998, section 148)

(This return, with a copy of the auditor's report, is required to be sent to the Registrar of Co-operatives within 3 months after the close of the financial year.)

Name of society . . . . .

Registered office . . . . .

Date . . . . .  
(Secretary's signature)

Annual return for the year ended . . . . .

	Number of:			Share Capital		Forfeited shares	Advances
	Members	Shares	Shares Appropriated	Issued	Paid-Up		
				\$	\$	\$	\$
Balance as per last return . . . . .							
Additions for year . . . . .							
Total . . . . .							
Less Reductions and Withdrawals							
Forfeitures . .							
Repayments .							
Balance at close of year . . . . .							
Total . . . . .							

**Particulars of advances made during year**

		Purpose of advance			
		To purchase newly constructed homes	To purchase previously occupied homes	For other purposes	Total
Under \$1,000	Number				
	Amount				
\$1,001 to \$2,000	Number				
	Amount				

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		Purpose of advance			
		To purchase newly constructed homes	To purchase previously occupied homes	For other purposes	Total
\$2,001 to \$4,000	Number				
	Amount				
\$4,001 to \$6,000	Number				
	Amount				
Over \$6,000	Number				
	Amount				
Total	Number				
	Amount				

State usual rate of interest charged on "Sale" loans .....

**Profit and loss account for year ended** .....  
 (final day of financial year)

**Part 1 Management account**

	\$		\$
Salaries .....		Working expenses on:	
Long service leave provision .....		..... shares at .....	
Superannuation .....		each .....	
		Charge on withdrawals ..	



Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Forms

Schedule 1

	\$		\$
Fees:		Sales of subscription books and rules .....	
Directors .....		Entrance fees .....	
Auditors .....		Transfer fees .....	
Rent .....		Insurance commission ...	
Printing and stationery ..		Other management income (specify):	
Advertising .....		.....	
Depreciation .....		.....	
Income tax .....		.....	
Other charges (specify):		.....	
.....			
.....			
.....			
Surplus for year on management account ....		Deficiency for year on management account ....	

**Part 2 Interest account**

	\$		\$
Interest paid .....		Premiums collected for period or interest charged	
Other charges (specify):		Fines .....	
.....		Interest received from Bank	

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	\$		\$
.....		Other income (specify):	
Surplus for year on interest account .....		Deficiency for year on interest account .....	

**Balance sheet as at** .....  
(final day of financial year)

<b>Liabilities</b>	\$	<b>Assets</b>	\$
Share Capital: .. Shares at .....		Appropriations: Ballot .....	
Subscriptions paid-up		Sale .....	
Subscriptions on shares forfeited		Sub-total .....	
Profit and loss account—Surplus			
Deficiency B/F*		Less Sums to be advanced .....	
Surplus for year—management account .....			
Deficiency*		Total sum advanced—	
Sub-total .....		comprising:	
Surplus for year—interest account .....		Advances (secured by mortgage)	
Deficiency*		\$	
Accumulated surplus as at .....		Advances (not yet secured by mortgage)	
Deficiency*			
Total .....		.....	

Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Forms

Schedule 1

Overdraft at . . . . .		Less Repayments . . . . .
Bank (secured by . . . )		
Sundry creditors . . . . .		Sub-total . . . . .
Expenses accrued . . . . .		Amount outstanding on loan to members . . . . .
Other liabilities (specify) . . . . .		
Sub-total . . . . .		
Total liabilities . . . . .		
* If deficiency indicate thus (—)		Due from members for working expenses
<b>Bank reconciliation statement</b>	\$	Sundry debtors . . . . .
Balance* per bank cert. as at . . .		Office furniture and fittings . . .
Unpresented cheques _____		Sub-total . . . . .
Sub-total . . . . . _____		Cash in hand . . . . .
		Cash at . . . . . Bank
Deposits in transit banked on . .		
Other adjustments (specify):		Other assets (specify):
. . . . .		. . . . .
. . . . .		. . . . .
Balance per cash book . . . . .		Sub-total . . . . .
* If overdrawn indicate thus (—)		Total assets . . . . .



Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Forms

Schedule 1

Name of society .....

**1 Management Account for the year ended** .....  
 (final day of financial year)

	Note	This year \$	Last year \$
<b>Income</b>			
Management fees	2		
Insurance commission			
Other income	3	_____	_____
<b>Total income</b>		_____	_____
<b>Expenses</b>			
Secretarial fees	4		
Contingency fund levy	5		
HomeFund commissioner's determinations	6		
Provisions for doubtful loans and other matters	7		
Salaries			
Computer service fees			
Directors' fees	8		
Audit fees			
Other expenses	9	_____	_____
<b>Total expenses</b>		_____	_____

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	Note	This year \$	Last year \$
<b>Surplus/(Deficit) before income tax</b>			
less/(plus): income tax expense		_____	_____
<b>Surplus/(Deficit) transferred to Management reserve</b>		<u>          </u>	<u>          </u>

The Management Account is to be read in conjunction with the Balance Sheet and the Notes to and forming part of the financial statements

Name of society .....

**2 Interest Account for the year ended** .....  
(final day of financial year)

	Note	This year \$	Last year \$
<b>Income</b>			
Interest on loans to members			
Other interest received			
Other		_____	_____
<b>Total income</b>		<u>          </u>	<u>          </u>

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Forms

Schedule 1

	Note	This year \$	Last year \$
<b>Expenses</b>			
Interest on loans from			
Banks			
Other			
<b>Total expenses</b>			
<b>Surplus/(Deficit) transferred to Interest reserve 10</b>			

The Interest Account is to be read in conjunction with the Balance Sheet and the Notes to and forming part of the financial statements

Name of society .....

**3 Balance sheet as at** .....  
(final day of financial year)

	Note	This year \$	Last year \$
<b>Current assets</b>			
Cash			
Receivables—loans to members	11		
Investments	12		
Other	13		
<b>Total current assets</b>			
<b>Non-current assets</b>			

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	Note	This year \$	Last year \$
Receivables—loans to members	11		
Investments	12		
Property, plant and equipment	14		
Other	13		
<b>Total non-current assets</b>		_____	_____
<b>Total assets</b>		_____	_____
<b>Current liabilities</b>		_____	_____
Creditors and borrowings	15		
Provisions	7	_____	_____
<b>Total current liabilities</b>		_____	_____
<b>Non-current liabilities</b>			
Creditors and borrowings	15		
Provisions	7	_____	_____
<b>Total non-current liabilities</b>		_____	_____
<b>Total liabilities</b>		_____	_____
<b>Net assets</b>		=====	=====
<b>Members' funds</b>			
Shares	16		
Interest reserve	10		
Management reserve		_____	_____
<b>Total members' funds</b>		=====	=====

---



The Balance Sheet is to be read in conjunction with the Notes to and forming part of the financial statements

Name of society .....

**4 Notes to and forming part of the financial statements for the year ended** .....  
 (final day of financial year)

**4.1 Statement of significant accounting policies**

(Describe all material accounting policies which have been applied in the preparation and presentation of the financial statements.

Policies should include at least the following:

- (a) basis of accounting
- (b) investment policy
- (c) property, plant and equipment: depreciation and leasing policy
- (d) taxation status
- (e) employee entitlements (if any)
- (f) secretarial arrangement
- (g) loan security policy, such as:
  - indemnity or government guarantee
  - mortgage insurance
  - other
- (h) provisioning policy)

	This year	Last year
	\$	\$

**4.2 Management fees**

Direct lending

Agency lending

**Total management fees**


**4.3 Other income**

Service fees

Interest from investments

Other income

**Total other income**


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### 4.4 Secretarial fees

(Provide general details of any management contract the society has entered into under which a third party is to provide secretarial services, and include any significant terms and conditions.)

### 4.5 Contingency fund levy

(If applicable, include comment that the society has entered into an agreement with the Home Purchase Assistance Authority under which, for a percentage of the Society's income from HomeFund loans, all losses assessed as the Society's liability will be met from the Contingency Fund.)

### 4.6 HomeFund Commissioner's determinations

(If applicable, include comment that the HomeFund Commissioner has determined in accordance with the relevant legislation that the Society has been assessed as liable to pay compensation to some of its members. The Society should also detail the total amount paid to meet those determinations.)

Number of determinations      \_\_\_\_\_

Assessed liability                      \$ \_\_\_\_\_

Determinations paid                      \$ \_\_\_\_\_

	This Year	Last Year
	\$	\$

### 4.7 Provisions for doubtful loans and other matters

#### Current

(Details of provisions)

\_\_\_\_\_

#### Non-Current

(Details of provisions)

\_\_\_\_\_

#### Total Provisions

(Specify details of provisions, such as doubtful debts (loans), long service leave, taxation etc.)

=====

### 4.8 Directors' fees

Total fees received, or due and receivable, by all directors of the society

=====

(Note. Directors' fees should be determined in accordance with the Home Purchase Assistance Authority Guidelines and the society rules.)

**4.9 Other expenses**

Depreciation

Rent

Other expenses

**Total other expenses**

(Detail other operating expenses such as rent, depreciation etc, if the society is not covered by a management agreement.)

**4.10 Interest reserve**

Undistributed surplus/(deficit) as at .....  
(start of year)

less distribution of opening surplus  
plus allocation of opening deficit

Surplus/(Deficit) for year ended .....  
(current year)

Balance of interest reserve as at .....  
(year end)

(If the Board has resolved not to distribute or allocate the balance of the interest reserve, a comment should be included.)

**4.11 Receivables—loans to members**

**Current**

Loans to members

less: provision for doubtful loans

**Non-current**

Loans to members

less: provision for doubtful loans

**Total loans to members**

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**4.12 Investments**

<b>Current</b> (Details of investments)	_____	_____
<b>Non-current</b> (Details of investments)	_____	_____
<b>Total investments</b>	=====	=====

**4.13 Other assets**

<b>Current</b> (Details of other current assets)	_____	_____
<b>Non-current</b> (Details of other non-current assets)	_____	_____
<b>Total other assets</b>	=====	=====
(Specify break-up of sundry debtors, prepayments and other current and non-current assets.)		

**4.14 Property, plant and equipment**

Land and buildings—at (Specify basis of valuation: ie market or cost value)	_____	_____
Accumulated depreciation	_____	_____
Plant and equipment—at cost	_____	_____
Accumulated depreciation	_____	_____
<b>Total property, plant and equipment</b>	=====	=====

**4.15 Creditors and borrowings**

**Current**

Loans—(Details of lending institutions and amounts)

Bank overdraft

Sundry creditors and accruals

\_\_\_\_\_

**Non-current**

Loans—(Details of lending institutions and amounts)

\_\_\_\_\_

**Total creditors and borrowings**

=====

(Describe the security over borrowings from the lending institution:

Guarantee provided by the Treasurer of New South Wales under three party agreement

Equitable mortgage over the assets of the society

Other security)

**4.16 Shares**

Balance as at .....  
(start of year)

Plus: allotment

Less: discharge

\_\_\_\_\_

Balance as at .....  
(end of year)

=====

(Give particulars of the kinds of shares—eg ordinary shares of \$1 each.)

**4.17 Related parties**

(Give particulars of the relationship between the society and related parties (within the meaning of Australian Accounting Standard AAS 22 issued in May 1993 by the Australian Accounting Research Foundation) where transactions are with related parties, including:

the names and shareholdings of directors and other officers of the society who are involved

transactions between the society and director or director-related entities

transactions between the society and secretary or secretary-related entities

Refer to Australian Accounting Standard AAS 22 for required disclosure.)

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Schedule 1

Forms

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### 4.18 Agency lending

	Number of loans	This year \$	Last year \$
(Agency)	_____	_____	_____
(Detail the agency, the balance of funds managed on behalf of each financier and the number of loans managed at the end of the financial period.)	=====	=====	=====

### 4.19 Contingent liabilities

(Provide general details of any contingent liabilities for which the Society may be assessed as liable.)

## Statement by directors

(A directors' statement made under section 133 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* should be included and form part of the Annual Return.)

## Director's report

(A directors' report made under section 134 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* should be included and form part of the Annual Return.)

## Auditor's report

(An auditor's report made under section 143 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* should be included and form part of the Annual Return.)

Co-operative Housing and Starr-Bowkett Societies Regulation 2000

Fees

Schedule 2

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## Schedule 2 Fees

(Clause 9)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Section of Act</b>	<b>Type of fee</b>	<b>Amount</b>
23 (1) (a)	Inspection of prescribed document	\$10
23 (1) (b)	Certified copy of documents	\$21 and \$2 for each page after first page to a maximum of \$40

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Schedule 3 Prescribed information relating to proposed compromise or arrangement

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**Schedule 3 Prescribed information relating to proposed compromise or arrangement**

(Clause 17)

**1 Definitions**

In this Schedule:

*internal creditor* means a creditor who is:

- (a) a member of the society, or
- (b) a relative of a member, or
- (c) a relative of a spouse of a member.

*marketable securities* has the same meaning as it has in the *Corporations Law*.

*relative* has the same meaning as it has in the *Corporations Law*.

*Scheme* means the proposed compromise or arrangement.

*scheme creditors* means the creditors or class of creditors of a society to whom the Scheme would apply.

*scheme members* means the members or class of members of a society to whom the Scheme would apply.

**2 Prescribed information relating to proposed compromise or arrangement with creditors or class of creditors**

- (1) The prescribed information that must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a society and any of its creditors is:
  - (a) the expected dividend that would be available to scheme creditors if the society were to be wound up within 6 months after the date of the hearing of the application to the Court for an order under section 411 (1) of the *Corporations Law*, and
  - (b) if a composition of debts is proposed, the expected dividend that would be paid to scheme creditors if the Scheme were put into effect as proposed, and
  - (c) a list of the names of all known scheme creditors and the debts owed to those creditors, and



- 
- (d) if a scheme creditor is known to be an internal creditor, the name of the creditor and the amount of the debt owed.
  - (2) The statement referred to in subclause (1) must contain a statement that an order under section 411 (1) of the *Corporations Law* is not an endorsement of, or any other expression of opinion on, the Scheme.
  - (3) The statement referred to in subclause (1) must contain or include:
    - (a) a report on the affairs of the society in or to the effect of the form approved by the Registrar, showing the financial position of the society as at a day within one month of the date on which it is intended to apply to the Court for an order under section 411 (1) of the *Corporations Law*, and
    - (b) a copy, certified by a director or by the principal executive officer or a secretary of the society to be a true copy, of all accounts and group accounts (if any) required to be laid before the society at the annual general meeting, together with a copy of every document required by law to be annexed to the accounts, and
    - (c) if the society the subject of the Scheme is a trustee, a statement:
      - (i) of the number of trusts administered by the trustee, and
      - (ii) whether the trustee carries on any business separate from that of the trust, and
      - (iii) how the scheme creditors may obtain a copy of the relevant trust deed, free of charge, before the date of the meeting, and
    - (d) if the person (if any) who would be appointed to manage the Scheme proposes to charge for his or her services and for the services of his or her staff in accordance with a particular scale of charges, that scale of charges.

**3 Prescribed information relating to proposed compromise or arrangement with members or a class of members**

- (1) The prescribed information that must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a society and any of its members is:
  - (a) unless the society the subject of the Scheme is in the course of being wound up or is under official management, in relation to each director of the society:

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Schedule 3

Prescribed information relating to proposed compromise or arrangement

---

- (i) whether the director recommends the acceptance of the Scheme or recommends against acceptance and, in either case, his or her reasons for so recommending, or
    - (ii) if the director is not available to consider the Scheme, that the director is not so available and the cause of his or her not being available, or
    - (iii) in any other case, that the director does not desire to make, or does not consider himself or herself justified in making, a recommendation and, if the director so requires, his or her reasons for not wishing to do so, or
  - (b) if the society is in the course of being wound up or is under official management, in relation to each liquidator or each official manager:
    - (i) whether he or she recommends acceptance of the Scheme or recommends against acceptance and, in either case his or her reasons for so recommending, or
    - (ii) in any other case, that the liquidator or official manager does not wish to make a recommendation and his or her reasons for not wishing to do so.
- (2) The statement referred to in subclause (1) must set out:
- (a) the number, description and amount of marketable securities of the society the subject of the Scheme held by or on behalf of each director of the society or, if none are held by or on behalf of a director, a statement to that effect, and
  - (b) for each director of the society by whom or on whose behalf shares in that society are held, whether:
    - (i) the director intends to vote in favour of, or against, the Scheme, or
    - (ii) the director has not decided whether he or she will vote in favour of, or against, the Scheme, and
  - (c) particulars of any payment or other benefit that is proposed to:
    - (i) be made or given to any director, secretary or executive officer of the society the subject of the Scheme as compensation for loss of, or as consideration for or in connection with his or her retirement from, office in that society or in a related body corporate, or

- 
- (ii) be made or given to any director, secretary or executive officer of any related body corporate as compensation for the loss of, or as consideration for or in connection with his or her retirement from, office in that body corporate or in the society the subject of the Scheme, and
  - (d) if there is any other agreement or arrangement made between a director of the society the subject of the Scheme and another person in connection with or conditional on the outcome of the Scheme, particulars of the agreement or arrangement, and
  - (e) if the object of the Scheme is for a corporation to acquire control of a society, particulars of the nature and extent of any interest of a director of that society in any contract entered into by the corporation seeking control, and
  - (f) all the information that the society the subject of the Scheme has as to the number of any shares of the society that have been allotted or transferred in the 6 months immediately preceding the date on which the statement is lodged with the Registrar for registration and the amount of those shares and prices at which they were allotted or transferred, and
  - (g) whether, within the knowledge of the directors of the society the subject of the Scheme or, if the society is in liquidation or under official management, the knowledge of the liquidator or the official manager, the financial position of the society has materially changed since the date of the last balance sheet laid before the society in general meeting and, if so, full particulars of any change, and
  - (h) any other information material to the making of a decision in relation to the Scheme, being information that is within the knowledge of any director, liquidator or official manager of a society the subject of the Scheme or of a related body corporate and that has not previously been disclosed to the scheme members.
- (3) The statement must set out particulars of the intentions of the directors of the society the subject of the Scheme regarding:
- (a) the continuation of the business of the society or, if the undertaking, or any part of the undertaking, or the society is to be transferred, how that undertaking or part is to be conducted in the future, and

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Schedule 3

Prescribed information relating to proposed compromise or arrangement

---

- (b) any major changes to be made to the business of the society, including any redeployment of the fixed assets of the society, and
- (c) the future employment of the present employees of the society.

---

## Schedule 4 Postal ballots

(Clause 30)

### 1 Ballots

- (1) The co-operative housing society must:
  - (a) fix the dates for:
    - (i) the forwarding of ballots to members, and
    - (ii) the closing of the ballot, and
  - (b) appoint a returning officer for the ballot.
- (2) Every ballot must be conducted by the returning officer appointed by the society.

**Note.** Section 53 (3) of the Act requires a society to send to each member a statement approved by the Registrar specifying a number of matters relevant to the proposed merger or transfer of engagements. That statement may be sent to members with the ballot papers.

### 2 Returning officers

- (1) A director of the co-operative housing society may not be appointed as a returning officer.
- (2) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

### 3 Preparation of voting roll

- (1) Subject to this clause, the returning officer must prepare a roll of the full names and addresses of the members of the co-operative housing society, as disclosed by the register of members.
- (2) The roll must not include any member who is a minor.
- (3) In the case of joint members, only the name of the primary joint member (as referred to in section 73 of the Act) is to be included on the roll.
- (4) A person whose name is on the roll is entitled to one vote in the ballot, and no person is otherwise so entitled.

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### 4 Preparation of ballot papers

- (1) The returning officer must cause ballot papers to be prepared in or to the effect of Form A in this Schedule.
- (2) Each ballot paper must be initialled by the returning officer or an appointed assistant.
- (3) The returning officer must send by post or otherwise deliver to every member entitled to vote in the ballot one set of the following material so that it will, in the ordinary course of post, reach the member at least 21 days before the date fixed for the closing of the ballot:
  - (a) one ballot paper,
  - (b) an envelope (in this Schedule referred to as *the outer envelope*) addressed to the returning officer,
  - (c) a smaller envelope (in this Schedule referred to as *the middle envelope*), the reverse side of which must be printed in or to the effect of Form B in this Schedule,
  - (d) a small envelope (in this Schedule referred to as *the inner envelope*) in which the ballot paper is to be enclosed.

### 5 Duplicate ballot papers

The returning officer may send a duplicate ballot paper to any voter if the returning officer is satisfied:

- (a) that the voter has not received a ballot paper, or
- (b) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.

### 6 Voting

A member casts a vote in the ballot by:

- (a) completing the details on the reverse side of the middle envelope, and
- (b) marking his or her vote on the ballot paper according to the instructions on the ballot paper, and
- (c) sending the ballot paper, in the envelopes provided, to the returning officer.

**7 Safe keeping of ballot papers**

- (1) The returning officer must provide a ballot box that must be locked immediately before the ballot papers are delivered to members in accordance with clause 4 and must remain locked until the close of the ballot.
- (2) The returning officer must place the outer envelopes in the ballot box not later than noon on the date fixed for the closing of the ballot.

**8 Counting of the votes**

- (1) Ballot papers received after noon on the date fixed for the closing of the ballot must not be taken into account at the ballot.
  - (2) As soon as practicable after noon on the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers as may be appointed by the co-operative housing society, open the ballot box and deal with the contents in accordance with subclause (3).
  - (3) The returning officer must:
    - (a) remove the middle envelope from the outer envelope, and
    - (b) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it “rejected”, and
    - (c) according to the information on the middle envelope, for each set of voting papers returned, mark the voter’s name on the roll by drawing a line through the name, and
    - (d) if a member’s name has already been crossed out on the roll, reject the postal vote and mark it “rejected”, and
    - (e) if the middle envelope has not been signed, or if the details shown on the envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope and mark it “rejected”, and
    - (f) extract the inner envelopes containing the ballot papers from all unrejected middle envelopes, separating the contents from the middle envelopes in such a way that no inner envelope could subsequently be identified with any particular voter, and
    - (g) when all the middle envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.
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- (4) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that:
- (a) is not duly initialled by the returning officer or appointed assistant, or
  - (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
  - (c) has any mark or writing not authorised by this Schedule that, in the opinion of the returning officer, will enable the voter to be identified, or
  - (d) has not been marked as prescribed on the ballot paper itself.

### 9 Statement by returning officer

- (1) The returning officer must count all votes cast and make out and sign a statement of:
- (a) the number of formal votes cast in favour of the proposal, and
  - (b) the number of formal votes cast against the proposal, and
  - (c) the number of informal votes cast, and
  - (d) the number of middle envelopes marked “rejected”, and
  - (e) the proportion of the formal votes cast in favour of the proposal.
- (2) As soon as practicable after signing the statement, the returning officer must declare the result of the ballot to the society and give the statement to the society.
- (3) If two-thirds of the members who were entitled to vote in the ballot voted in favour of the proposal, the special resolution is taken to be passed on the day that the returning officer declares the result of the ballot.
- (4) On the declaration of the returning officer of the result of the postal ballot, the co-operative housing society must cause an entry to be made in the minutes kept under section 116 of the Act showing the particulars referred to in subclause (1) (a)–(c) and noting whether the special resolution was passed.
- (5) The society must cause the result of the ballot to be notified in writing to its members as soon as practicable after the returning officer has declared the result.



**10 Retention of ballot papers**

- (1) The returning officer must retain:
  - (a) all ballot papers (whether formal or otherwise), and
  - (b) all rejected outer envelopes, and
  - (c) all rolls,
 used in connection with the conduct of the postal ballot, locked in the ballot box, in accordance with this clause.
- (2) The returning officer must retain those items for a period of not less than 8 weeks after the date fixed for the closing of the ballot unless directed in writing by the society to retain those items for a longer period specified in the society’s direction.

**Form A Postal ballot paper**

(Co-operative Housing and Starr-Bowkett Societies Regulation 2000, Schedule 4, clause 4 (1))

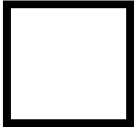
**Note.** Before completing this ballot paper, please read the “How to vote” section below.

Name of Co-operative Housing Society: .....

Ballot of members to vote on a special resolution to approve the following proposal:

.....  
.....  
.....

**Do you support the above proposal?** (Please write YES or NO in the box)



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The ballot will close at noon on .....

**How to vote**

- 1 Read these directions and the ballot paper carefully.
- 2 Complete and sign the details on the reverse side of the envelope that has appropriate spaces for the insertion of your name, address and signature (in this paper referred to as *the middle envelope*).
- 3 If:
  - (a) you are in favour of the proposal—write the word “YES” in the box provided above, or
  - (b) you are not in favour of the proposal—write the word “NO” in the box provided above.
- 4 After marking the ballot paper, fold it and place it in the small envelope provided and seal the envelope. Then place the small envelope in the completed middle envelope and place the middle envelope in the envelope addressed to the returning officer. Forward this envelope either by post or personal delivery so as to reach the returning officer not later than noon on
- 5 Unless the ballot paper is marked as indicated in 3 above and the details referred to in 2 above are completed in full and the middle envelope signed, your vote may be rejected as informal.

.....  
(Initials of returning officer)

**Form B Middle envelope (member details)**

(Co-operative Housing and Starr-Bowkett Societies Regulation 2000, Schedule 4, clause 4 (3) (c))

**Note.** Please use capital letters for your name and address.

.....  
(Full name of member)

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.....  
 (Address of member)

.....  
 (Full name of person casting vote if vote is being cast on  
 behalf of a body corporate that is a member)

.....  
 (Address of person casting vote if vote is being cast on  
 behalf of a body corporate that is a member)

.....  
 (Signature of person casting vote)

BY AUTHORITY