



Statutory Rules

1976 No. 101

REGULATIONS UNDER THE FINANCIAL CORPORATIONS ACT 1974.*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Financial Corporations Act* 1974.

Dated this twenty-seventh day of May, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

ERIC ROBINSON
Minister of State for Post and Telecommunications
for and on behalf of the Treasurer.

FINANCIAL CORPORATIONS (STATISTICS) REGULATIONS

- Citation. 1. These Regulations may be cited as the Financial Corporations (Statistics) Regulations.
- Application. 2. (1) These Regulations apply to a registered corporation—
(a) the sum of the values of all the assets of which in Australia exceeds \$5,000,000; and
(b) that is not included in the category for retailers.
(2) For the purposes of determining whether a registered corporation is a registered corporation to which these Regulations apply, the values of the assets of the corporation at any time are the values of those assets as determined in accordance with the methods by which the values of assets were ascertained for the purposes of the audited balance sheet of the corporation that was at that time the most recent audited balance sheet of the corporation.
- Registered corporations to state that they are corporations to which these Regulations apply. 3. For the purposes of section 11 of the Act—
(a) if, at the commencement of these Regulations, a corporation is a corporation to which these Regulations apply, the corporation shall, before the expiration of the period of 30 days after the date of the commencement of these Regulations furnish to the Reserve Bank a statement in accordance with Form 1 in the Schedule; and
(b) where, after the commencement of these Regulations, a corporation becomes a corporation to which these Regulations apply, whether at the time of its incorporation or at a later time and whether or not the corporation has previously been a corporation to which these

* Notified in the *Australian Government Gazette* on 27 May 1976.

Financial Corporations (Statistics) Regulations

Regulations apply, the corporation shall, before the expiration of the period of 30 days after the day on which it becomes a corporation to which these Regulations apply, furnish to the Reserve Bank a statement in accordance with Form 1 in the Schedule.

4. (1) For the purposes of section 11 of the Act a corporation to which these Regulations apply shall—

Registered corporations to furnish Periodic Statements.

- (a) within the period of 21 days after the last day of the first statistical period after the corporation becomes such a corporation (whether or not that corporation has previously been such a corporation); and
- (b) within the period of 21 days after the last day of each successive statistical period,

furnish to the Reserve Bank and to the Statistician a Periodical Statement of Financial Operations, Assets and Selected Liabilities in accordance with Form 2 in the Schedule.

(2) The first statistical period after a corporation becomes a corporation to which these Regulations apply commences on a day specified by the Reserve Bank in relation to the corporation, being a day not later than 60 days after the day on which the corporation furnishes to the Reserve Bank the statement referred to in paragraph 3 (a) or (b) of these Regulations.

(3) A statistical period (other than a statistical period referred to in sub-regulation (2)) in relation to the corporation commences on the day next succeeding the last day of the immediately preceding statistical period in relation to the corporation.

(4) Each statistical period in relation to a corporation shall be of such duration, being not less than 28 days nor more than 42 days, as the Reserve Bank specifies in relation to the corporation.

5. (1) For the purposes of the application of these Regulations in relation to the furnishing of a statement referred to in sub-regulation 4 (1), any 2 or more corporations that are related to each other and are included in the same category may, with the consent in writing of the Reserve Bank or the Statistician, be treated as constituting a single corporation.

Related corporations in the same category may be treated as one.

(2) Where, in pursuance of sub-regulation (1), the Reserve Bank or the Statistician consents to 2 or more corporations being treated as constituting a single corporation, any transactions between those corporations shall be disregarded in the completion of a statement referred to in sub-regulation 4 (1) made jointly in respect of those corporations.

Financial Corporations (Statistics) Regulations

SCHEDULE

FORM 1

Regulation 3

COMMONWEALTH OF AUSTRALIA

Financial Corporations Act 1974

STATEMENT IN PURSUANCE OF REGULATION 3 OF THE FINANCIAL
CORPORATIONS (STATISTICS) REGULATIONS

In pursuance of regulation 3 of the Financial Corporations (Statistics) Regulations

..... states that on 19 it became
(name of corporation)

a corporation to which the Financial Corporations (Statistics) Regulations apply.

Dated this day of 19

(Signature of a senior officer of the Corporation)

SCHEDULE—continued

FORM 2

COMMONWEALTH OF AUSTRALIA

Financial Corporations Act 1974

Regulation 4

PERIODICAL STATEMENT OF FINANCIAL OPERATIONS, ASSETS AND SELECTED LIABILITIES AS AT / /19

Name of Registered Corporation

General Directions

1. For the purposes of preparing this statement—

- (a) a reference to a bank is to be read as a reference to—
 - (i) a bank within the meaning of the *Banking Act* 1959–1974; or
 - (ii) a bank constituted by a State Act;
- (b) a reference to a contingent asset is to be read as a reference to an asset which would, on the happening of a future event that may or may not happen, become an asset of the corporation making this statement;
- (c) a reference to a marketable security is to be read as a reference to an instrument of title commonly exchanged on the financial markets in Australia;
- (d) a reference to a statistical period shall be read as a reference to the first statistical period, or a successive statistical period, as the case requires, within the meaning of regulation 4;
- (e) a reference to a resident is to be read as a reference to—
 - (i) a person, not being a body corporate, who is ordinarily resident in Australia; or
 - (ii) a body corporate that is incorporated in Australia;
- (f) where a body corporate that is a resident has a place of business outside Australia, the body corporate shall be deemed not to be resident in relation to the affairs of the body corporate conducted by the body corporate at or through that place of business, including any business carried on, transactions entered into and acts and things done by the body corporate at or through that place of business;
- (g) where a body corporate that is not a resident has a place of business in Australia, the body corporate shall be deemed to be a resident in relation

to the affairs of the body corporate conducted by the body corporate at or through that place of business, including any business carried on, transactions entered into and acts and things done by the body corporate at or through that place of business;

- (h) the question whether corporations are related to each other shall be determined in the same manner as the question whether corporations are related to each other is determined under the *Companies Ordinance* 1962–1974 of the Australian Capital Territory or, if that Ordinance is amended, under that Ordinance as amended.
- 2. All amounts entered in this statement are to be expressed in Australian currency. If an amount in respect of an overseas line of credit or in respect of an asset or liability realizable or payable in a currency other than Australian currency is to constitute or be included in any amount entered in an item in the statement, the value of the line of credit, asset or liability is to be included in the statement at the equivalent in Australian currency calculated at the rate of exchange used in determining the value of the line of credit, asset or liability for the accounts of the corporation as those accounts stood at the end of the statistical period.
- 3. For the purpose of completing this statement—
 - (a) an amount that would, but for this direction, be shown as an amount of less than \$500, shall be disregarded;
 - (b) an amount that would, but for this direction, be shown as an odd multiple of \$500, shall be shown to the next succeeding multiple of \$1,000; and
 - (c) other amounts shall be shown to the nearest \$1,000.
- 4. A reference in Part I or II to a direction shall be read as a reference to a special direction.

PART I
FINANCIAL OPERATIONS

SCHEDULE—*continued*
FORM 2—*continued*

	\$'000	<i>Special Directions</i>
1. Lending commitments (<i>see</i> Direction 1)		<p>1. (1) Show the amount of credit facilities that involve commitments that bind the corporation to provide funds to customers or to other persons on behalf of customers including—</p> <p>(a) working lines of credit;</p> <p>(b) specific loan commitments not made under customers' lines of credit;</p> <p>(c) standby arrangements;</p> <p>(d) commitments to discount bills of exchange.</p> <p>(2) Include only the value of lending commitments to residents.</p> <p>(3) Do not include—</p> <p>(a) unmatured charges or unearned income;</p> <p>(b) the amounts of facilities made available for the acceptance or endorsement of bills of exchange by the corporation where the arrangements under which the facilities are made available do not involve the provision of finance by the corporation; or</p> <p>(c) the amounts of any specific loan commitments that are of a type where the moneys to be advanced under the commitments would normally be completely disbursed within 30 days of the making of the commitments.</p>
(1) Net increase or decrease in lending commitments during the statistical period (<i>see</i> Direction 2)	<p>2. (1) Show the sum of—</p> <p>(a) the amount of new lending commitments made during the statistical period; and</p> <p>(b) the amount by which existing lending commitments were increased during the statistical period;</p> <p>less the sum of—</p> <p>(c) the amount of lending commitments cancelled during the statistical period; and</p> <p>(d) the amount by which existing lending commitments not cancelled were reduced during the statistical period.</p> <p>(2) Indicate any net decrease by enclosing amount of decrease in brackets.</p>
(2) Amount of lending commitments remaining unused at the end of the statistical period (<i>see</i> Direction 3):		3. Include the amount of credit facilities provided to the extent that they have not been drawn upon and the amount of loan commitments to the extent to which the loan moneys have not been disbursed.
(a) commitments to related corporations	
(b) commitments to others	
2. Loan and advance moneys disbursed and book debts purchased by the corporation during statistical period (<i>see</i> Direction 4)	<p>4. (1) Include only loan and advance moneys disbursed to residents and book debts purchased from residents.</p> <p>(2) Adjust the amount of purchased book debts for any amounts payable to those from whom the debts were purchased after collection of the debts.</p> <p>(3) Include all loan and advance moneys disbursed during the statistical period whether or not there was a prior commitment by the corporation to make the loans and advances under which the moneys were disbursed and whether or not the moneys disbursed were repaid during the statistical period.</p>

- (4) Do not include unmatured charges or unearned income.
- (5) Include draw-downs made, and bills discounted, under lines of credit or standby arrangements.
- (6) Corporations included in the category for pastoral finance companies are to leave this item blank.
5. (1) Include all borrowing arrangements and standby facilities that involve commitments that bind the lender to provide funds to the corporation for use in its business in Australia.
- (2) Do not include the amounts of facilities made available to the corporation for the acceptance of bills of exchange drawn by the corporation or the endorsement of bills of exchange presented by the corporation unless the arrangements under which the facilities are made available make provision for discounting the bills.
3. Amount of borrowing lines and standby facilities available to the corporation unused at end of statistical period (*see* Direction 5)
- (1) Borrowing lines and standby facilities made available by residents:
- (a) borrowing lines and standby facilities made available by related corporations that are not banks
- (b) borrowing lines and standby facilities made available by banks
- (c) borrowing lines and standby facilities made available by persons other than related corporations and banks
- (2) Borrowing lines and standby facilities made available by persons other than residents
- PART II
- ASSETS AND SELECTED LIABILITIES
- Division 1—Paid up capital and borrowings at end of statistical period* \$'000
4. Paid up capital (*see* Direction 6)
5. Borrowings by the corporation from residents (*see* Direction 7)
6. Building societies with a fixed share capital are to include so much of their paid up capital as is not available to their shareholders for individual withdrawal by them. All other moneys received by building societies for the issue of shares and all moneys received by credit unions for the issue of shares are to be included in the amount entered in item 5.
7. (1) Include borrowings made by all means whatsoever, other than borrowings from the Reserve Bank.
- (2) Do not include interest that has accrued on borrowings but is not yet payable.
- (3) Credit unions are to include all moneys received for the issue of shares.
- (4) Building societies are to include all moneys received for the issue of shares, being moneys that are available to shareholders for individual withdrawal by them.
- (5) Building societies that do not advance funds on a *credit foncier* basis are not to include amounts to the credit of their borrowing members' share accounts in this item. The amounts to the credit of those accounts are to be set off against the amounts of loans included in item 13.

SCHEDULE—continued

FORM 2—continued

5.—continued

	\$'000	Special Directions
(1) Borrowings made by the acceptance of bills of exchange (<i>see</i> Direction 8)	8. Include all bills of exchange payable by the corporation except— (a) bills accepted by it that have been purchased by it and are being held by the corporation; and (b) bills that have been accepted on behalf of customers but where the acceptance has not resulted in the provision of finance by the corporation.
(2) Borrowings from related corporations that are not banks being borrowings not included in sub-item (1) (<i>see</i> Direction 9):		9. Do not include borrowings made by the issue of bills of exchange drawn by the corporation that have been—
(a) borrowings from related corporations that are registered corporations	(a) accepted by a related corporation; or
(b) borrowings from other related corporations	(b) accepted by a person other than the corporation and are payable to a related corporation.
(3) Borrowings from banks being borrowings not included in sub-item (1) (<i>see</i> Direction 10)	10. (1) Include deposits and other placements of funds made with the corporation by banks. (2) Do not include borrowings made by the issue of bills of exchange drawn by the corporation that have been—
		(a) accepted by a bank; or
		(b) accepted by a person other than the corporation and are payable to a bank.
(4) Other borrowings (<i>see</i> Direction 11)	11. Include the amounts of borrowings of the kinds referred to in directions 9 and 10 (2).
6. Borrowings by the corporation from persons other than residents	
<i>Division 2—Assets at end of statistical period (see Direction 12)</i>		
7. Cash and bank deposits		12. (1) Include only the value of assets in Australia in the amounts entered in items 7 to 15 (inclusive).
(1) Cash and current accounts	(2) Do not include the value of contingent assets in the amounts entered in items 7 to 17 (inclusive).
(2) Certificates of deposit	(3) Do not include unearned income in the amounts entered in items 7 to 13 (inclusive).
(3) Other deposits with banks	(4) Corporations that include in their accounts interest that has accrued but is not yet payable are to exclude that interest from the amounts entered in items 7 to 13 (inclusive) but are to include it in the amount entered in item 14.
8. Loans to authorized dealers in the short term money market	
9. Other short term placements (<i>see</i> Direction 13)		13. (1) Include only those moneys placed through short term financial markets that were, at the end of the statistical period, repayable at call or within 90 days.
(1) Loans, advances and deposits that are not marketable securities	(2) Do not include moneys placed with authorized dealers in the short term money market, with banks, with related corporations, or in securities issued by the Commonwealth, a State or an authority of the Commonwealth or of a State or moneys payable to the corporation on bills of exchange.
(2) Marketable securities	

10. Government and public authority securities

- (1) Treasury notes
- (2) Other Commonwealth securities classified by remaining term to maturity:
 - (a) securities not exceeding 1 year to maturity
 - (b) securities exceeding 1 year, but not exceeding 2 years, to maturity
 - (c) securities exceeding 2 years, but not exceeding 5 years, to maturity
 - (d) securities exceeding 5 years to maturity
- (3) Local and semi-government securities
- (4) Securities of other public authorities (*see* Direction 14)

11. Bills of exchange and promissory notes discounted and held (*see* Direction 15)12. Other financial investments (*see* Direction 16)

- (1) Investments in related corporations (*see* Direction 17)
- (2) Shares in other corporations
- (3) Other company securities

13. Other assets arising from the provision of finance (*see* Direction 18)

14. Include securities issued by an authority of the Commonwealth, a State or a Territory, for which neither the repayment of principal nor the payment of interest is guaranteed by the Commonwealth, a State or a Territory.

15. (1) Do not include the amount of bills in respect of which the corporation is the acceptor. The amount of these bills is also to be excluded in calculating the amount to be entered in sub-item 5 (1).

(2) Do not include the amounts of bills held where the corporation is also the drawer. The amounts of these bills are to be included in the amounts entered in item 13.

16. (1) Include all forms of marketable securities and shares of all kinds.

(2) Do not include securities the values of which are to be included in the amounts entered in items 7, 9, 10 and 11.

17. (1) Include the value of shares in, and marketable securities issued by, related corporations.

(2) Do not include the value of deposits with related corporations that are banks. The value of these deposits is to be included in item 7.

(3) Do not include loans to, or deposits with, related corporations in respect of which marketable securities are not issued. The amounts of these loans and deposits are to be included in the amount entered in sub-item 13 (1).

18. (1) Include in this item all assets arising from the provision of finance that are not included in any other item. The amounts of loans that have options that permit the loans to be refinanced by the borrowers issuing bills drawn by them on the corporation are to be included in this item whether or not the options have been exercised and the bills sold.

(2) In calculating the amounts to be entered in this item no allowance for doubtful debts is to be made. Any allowance for doubtful debts is to be deducted in calculating the amount to be entered in item 14.

(3) Building societies that do not advance money on a *credit foncier* basis are to include the total amount of loans outstanding less the total amount to the credit of borrowing members' share accounts.

SCHEDULE—continued

FORM 2—continued

13.—continued

	\$'000	Special Directions
(1) Loans to and deposits with related corporations (see Direction 19)	19. Do not include loans and advances to, or deposits with, related corporations that are banks or authorized dealers in the short term money market.
(2) Loans and advances to individuals to finance housing (see Direction 20)		20. (1) Include loans and advances made to individuals for the purchase or construction of houses, flats or home units intended for occupation by those individuals or for making alterations or additions to existing housing occupied by those individuals. (2) Do not include loans or advances made to individuals to finance the purchase of residential blocks of land. The amounts of these loans or advances are to be included in sub-item 13 (3). (3) Do not include loans or advances made to finance the purchase of land for the purpose of sub-division. The amounts of these loans or advances are to be included in sub-item 13 (4). (4) If the corporation is, in making this statement, unable to separate moneys lent or advanced to individuals to finance housing from other moneys lent or advanced to individuals because all loans and advances made by the corporation are made on the same terms and conditions, then the total of all loans and advances made by the corporation to individuals is to be included in sub-item 13 (3).
(3) Instalment credit to finance retail sales and other loans and advances to individuals (see Direction 21)	21. (1) Include hire purchase transactions, time-payment transactions and other arrangements under which finance is provided for goods sold to individuals in retail transactions. (2) Where the corporation is engaged in selling goods by retail, amounts due on customer accounts in respect of goods sold on terms under which payment in full for the goods is required to be made within 3 months after the date of sale are to be excluded from this item and included in item 14. (3) Do not include instalment credit, a loan or an advance granted to an individual for use in connection with a business carried on by him. The amounts of such credit, loans and advances are to be included in sub-item 13 (4).
(4) Other loans, advances and deposits and purchased book debts (see Direction 22)	22. (1) Include all loans, advances and deposits not included elsewhere. (2) Include amounts payable to the corporation under wholesale financing agreements that provide finance to wholesalers and retailers for the acquisition of trading stock under bailment or other floor plan schemes. (3) Include the outstanding balances of all book debts purchased by the corporation adjusted for amounts payable after collection of the debts to persons from whom the debts were purchased. (4) Include amounts payable to the corporation under agreements for the leasing of goods. In calculating the amount to be entered in this item include the gross amounts payable under the agreements together with the residual value of the goods leased where this value is specified in the agreements, and deduct unearned income. (5) Do not include amounts due from trade debtors for the sale of goods or the provision of services where payment in full for the goods or services is required before the expiration of 3 months from the day on which the contract for their sale or provision is entered into. These amounts are to be included in item 14.

14. All other assets in Australia (*see* Direction 23) 23. Include all assets in Australia the values of which have not been included in any other amount entered in Part II of this statement; include in particular the value of land, buildings, other fixed assets, amounts payable to the corporation under leases of real property, buildings or areas of buildings, goods on hand, amounts due from trade debtors for the sale of goods or the provision of services being amounts not included in sub-item 13 (4) and, in the case of corporations engaged in the sale of goods by retail, amounts due on customer charge accounts not included in sub-item 13 (3).
15. Total assets in Australia (being assets in items 7 to 14 inclusive)
16. Overseas assets including loans and advances to persons who are not residents
17. Total Australian and overseas assets

PART III

18. Revaluations during the statistical period \$
- Specify all revaluations of assets and liabilities made in the corporation's books of account during the statistical period where the value of the assets and liabilities revalued affect an amount entered in Part II. Include revaluations of assets and liabilities which have occurred due to changes in the methods of valuation used or due to changes in the exchange rates of foreign currencies.

Asset or Liability	Item or sub-item in which the amount or value of the asset or liability is included	Amount of change in valuation (indicate "plus " or "minus ") \$'000
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