



Financial Corporations (Initial Returns) Regulations

Statutory Rules 1974 No. 196 as amended

made under the

Financial Corporations Act 1974

This compilation was prepared on 4 July 2003
taking into account amendments up to SR 1989 No. 83

**[Note: The enabling legislation for these Regulations were repealed
by Act No. 121 of 2001]**

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1 Citation [see Note 1]

These Regulations may be cited as the Financial Corporations (Initial Returns) Regulations.

2 Interpretation

In these Regulations, *the Act* means the *Financial Corporations Act 1974*.

3 Registered corporations to furnish statements of assets and liabilities

- (1) A registered corporation shall, before the expiration of the prescribed period, furnish to the Reserve Bank a statement of assets and liabilities in accordance with the form in the Schedule.
- (2) For the purposes of subregulation (1), the prescribed period is, in the case of a registered corporation which has furnished to the Reserve Bank the documents referred to in subsection 9 (6) of the Act before the date of commencement of these Regulations, the period of 45 days commencing on the date of commencement of these Regulations.

- (3) For the purposes of subregulation (1), the prescribed period is, in the case of a registered corporation which furnishes to the Reserve Bank the documents mentioned in subsection 9 (6) of the Act on or after the date of commencement of these Regulations, the period of 45 days commencing on the date on which the corporation furnishes those documents to the Reserve Bank.

The Schedule

(regulation 3)

AUSTRALIA

Financial Corporations Act 1974

STATEMENT OF SELECTED LIABILITIES AND ASSETS IN AUSTRALIA AS AT

/ /19 .

Name of Registered

Corporation:.....

.....

PART I

Australian Acts, State Acts and Territory Ordinances under which the corporation is registered or licensed for the purposes of borrowing money or providing finance.

[illegible]

PART II

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 1959-1973*;
 - (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 which may or may not happen, become an asset of the corporation making this statement;
 - (c) a reference to a co-operative company is to be read as a reference to a company the rules of which limit the number of shares which may be

held by, or by and on behalf of, any one shareholder and prohibit the quotation of the shares for sale or purchase on any stock exchange or in any public manner whatever and includes a company which has no share capital, and which in either case is established for the primary purpose of obtaining funds from its members for the purpose of making loans to its members;

- (d) a reference to a marketable instrument is to be read as a reference to an instrument of title commonly exchanged on the financial markets in Australia; and
 - (e) a reference to a related corporation of the corporation making this statement is to be read as a reference to any corporation that is, by sub-section 6 (5) of the *Companies Ordinance 1962-1974* of the Australian Capital Territory, deemed to be a corporation that is related to the corporation making this statement.
2. The value of the assets and liabilities of the corporation specified in an item in Part II or Part III is to be the value of those assets or liabilities as at the balance date of the last balance sheet furnished to the Reserve Bank in pursuance of Section 9 of the Act and to be calculated on the basis of the valuations used for the purposes of preparing that balance sheet.
3. (a) Amounts are to be shown in this statement to the nearest one thousand dollars.
- (b) Where a corporation has no assets or liabilities of the types specified in an item or sub-item in Part II of this form, or the amounts in respect of the item or sub-item are less than \$500, the space provided for the insertion of an amount in respect of the item or sub-item, as the case may be, is to be left blank.

Division 1 — Borrowings by the Corporation repayable in Australia

(See Direction 4)

\$ *Special Directions*

- | | | |
|---|-------|--|
| 1. Borrowings from related corporations which are not banks | | 4. (1) Include borrowings made by amounts due to trade creditors for the purchase of goods or services.
(2) Include only those bills of exchange payable by contra claims on customers. |
| 2. Borrowings from Banks | ..... | (3) Do not include interest which has not yet become payable. |
| 3. Borrowings from Governments (See Direction 5) | ..... | 5. Include only advances made to the Government under an Australian Act, State Act or a Territory Act for specified purposes authorized by that Act or Territory Act. |

		\$	
4.	Borrowings from members (<i>See</i> Direction 6)		6. (1) This item is to be completed by companies.
(1)	by shares	.....	(2) Building societies with fixed share capital shall include in this item so much of their paid up capital as is not available for individual withdrawal by them.
(2)	by deposits and other means	.....	(3) Building societies which do not have a fixed share capital shall not include the amounts to the credit of share accounts in this item: these amounts shall be included in item 13.
5.	Borrowings from others (<i>See</i> Direction 7)		7. (1) These borrowings are to be included in this item for the respective periods remaining to their maturity or for the periods of notice which are required before the borrowings become payable.
(1)	repayable at call (<i>See</i> Direction 8)	.....	(2) Borrowings which become repayable on a specific term are to be classified according to the term remaining until they become payable at call.
(2)	repayable in six months or less but not at call	.....	8. Include borrowings with no fixed term or with borrowings repayable on up to seven days call.
(3)	repayable in twelve months or less but not in six months or less	.....
(4)	repayable after twelve months	.....
	<i>Division 2—Acceptances in Australia</i>	\$	<i>Special Directions</i>
6.	Bills of exchange accepted on behalf of customers (<i>See</i> Directions 9)	.....	9. (1) Include only the values of bills accepted on behalf of customers in respect of which the corporation is to recover from the customers any amounts for which the bills are held by the corporation and which are to be included in this form.
	<i>Division 3—Assets in Australia (See Direction 10)</i>		(2) Do not include bills accepted which are held by the corporation and which are to be included in this form.
7.	Cash and bank deposits (<i>See</i> Direction 11)	.....	10. (1) No sum shall be included in this item in any amount entered in respect of an asset in any amount entered in respect of an asset in Part II of this form.
8.	Loans to authorized dealers in the short term money market.	.....	(2) Exclude contra claims on customer accounts on exchange in calculating the amounts to be included in this form.
		\$	11. Include all deposits with banks and other financial institutions for which certificates of deposit are issued by the corporation.
9.	Other short term placements (<i>See</i> Direction 12)	.....	12. (1) Include only money repayable on demand with an original term of 90 days or less held on short term financial markets.
			(2) Do not include moneys placed with authorized dealers in the short term money market, with banks, with relations of the Australian Government, or money placed on bills of exchange.
10.	Government and public authority securities (<i>See</i> Direction 13)	.....	13. Include securities issued by the Australian Government, local government and semi-government authorities.

11.	Company securities (<i>See</i> Direction 14)	.....	14. (1) Include all forms of market issued by companies. (2) Do not include securities issued amounts are to be included in item 14. (3) Do not includes securities, the va in the amount entered in item 9.
12.	Bills of exchange and promissory notes discounted (<i>See</i> Direction 15)	.....	15. Include only bills of exchange a meaning of the <i>Bills of Exchange Act 1909-1</i> by and are held by the registered corporat drawn on or promissory notes issued by statu
13.	Other assets arising from the provision of finance (<i>See</i> Direction 16)	.....	\$ 16. (1) Do not include unmatured ir in their accounts interest accrued but not yet in item 14. (2) In the case of permanent building money on a credit foncier basis, show the t less the total amount to the credit of borrowir
	(1) Loans and advances to finance housing (<i>See</i> Direction 17)	.....	17. (1) Include loans and advance: houses, flats and home units, for the construe alterations to existing housing and for the p land. (2) Do not include loans or advances land for the purpose of sub-division: these ar item 13 (7). (3) If the registered corporation is, in separate moneys lent or advanced to indiv other moneys lent or advanced to individual made by the corporation are made on the san total of all loans and advances made by the c included in sub-item 13 (9).
	(a) made to members of the registered corporation where the registered corporation is a co-operative company	.....	\$
	(b) other	.....	18. Do not include loans and advan corporations which are banks or authorized market. 19. (1) Include loans and advance agricultural and pastoral production. (2) Do not include loans to rural pro farm housing or domestic consumer goods unrelated to agricultural or pastoral productio
	(2) Loans and advances to and deposits with related corporations (<i>See</i> Direction 18)	.....	20. Include only finance provided to acquisition of trading stock under bailment o
	(3) Loans and advances to rural producers (<i>See</i> Direction 19)	.....	21. Include only the purchase of bo other debts) due to others.
	(4) Wholesale financing agreements (<i>See</i> Direction 20)	.....
	(5) Factored accounts receivable (<i>See</i> Direction 21)	.....

(6)	Leasing agreements (<i>See</i> Direction 22)	.....	<p>22. (1) Include only leasing agreements in which the registered corporation has a financial participation of the registered corporation in the finance.</p> <p>(2) Do not include leasing agreements in which the registered corporation is not the lessor supplied by the registered corporation from its own funds.</p> <p>(3) Do not include charges not yet incurred by the registered corporation.</p>
(7)	Other business loans, advances and deposits (<i>See</i> Direction 23)	.....	<p>23. Include all other loans and advances to and from the registered corporation, enterprises and loans and advances to statutory corporations and amounts due from trade debtors as a consequence of the provision of services; these amounts are to be included in the balance sheet.</p>
(8)	Instalment credit to finance retail sales (<i>See</i> Direction 24)	.....	<p>24. (1) Include hire purchase transactions and other arrangements under which finance is provided to the registered corporation for retail transactions and where payment for the goods is made by regular instalments.</p>
(a)	made to finance retail sales made by the registered corporation (<i>See</i> Direction 25)	.....	<p>(2) Do not include leasing scheme transactions, the purchase of land or buildings, property, business plant or business equipment, the provision of services or the provision of vehicles.</p>
(b)	made to members of the registered corporation where the registered corporation is a co-operative company	.....
(c)	other	.....
(9)	Loans to individuals not included in any preceding sub-item in item 13	.....	<p>25. (1) Where the registered corporation is specified in paragraph 8 (1)(c) of the Act, (i) amounts due on the sale of goods by retail (other than lay-by sale agreements) include in respect of goods by retail (other than lay-by sale agreements) outstanding on instalment credit agreements supplied by the registered corporation on terms under which the payment for the goods is not required to be made before the day on which the agreement for the sale of the goods is required to be made by regular instalments.</p> <p>(2) Amounts due on customer charges excluded from sub-item 13 (8) shall be included in the balance sheet.</p>
(a)	made to members of the registered corporation where the registered corporation is a co-operative company	.....
(b)	other	.....
(10)	Other loans, advances and deposits (<i>See</i> Direction 26)	.....	<p>26. (1) Include all loans, advances and deposits to and from the registered corporation elsewhere.</p> <p>(2) Include loans to non-business organizations and religious organizations.</p>
14.	Other assets in Australia (<i>See</i> Direction 27)	.....	<p>27. Include all assets the values of which are entered in Division 3 of Part 3 of the balance sheet, other than any other amount entered in Division 3 of Part 3 of the balance sheet, value of land, premises and other fixed assets, shares; amounts due from trade debtors as a consequence of the provision of goods by retail, amounts due on customer charges excluded from sub-item 13 (8).</p>
15.	Total assets in Australia other than contra claims on customers for acceptances of bills of exchange	.....

PART III

AGGREGATE VALUE OF ASSETS IN AUSTRALIA

1. If a registered corporation engages in the provision of finance in the course of selling goods by retail, state the total value of outstanding credit arising from the sale of goods (being credit granted on terms under which payment is required to be made within three months from the day on which the agreement for sale was made) granted by the registered corporation and by any related corporation or corporations being a financial corporation or financial corporations engaged in the provision of finance in the course of selling goods by retail.
2. If a registered corporation is not a corporation of the type specified in item 1 of this Part, state the total value of assets in Australia (other than contra claims on customers for acceptances of bills of exchange) of the corporation and any related corporation or corporations being a financial corporation or financial corporations engaged in the provision of finance in the course of selling goods by retail.

STATUTORY DECLARATION

I..... of
in the..... (*Name of Officer*) (*Residential Address of*
Officer) (*State or Territory*)

..... do solemnly and sincerely declare that:
(*Occupation*)

1. I am the.....of.....
.....
(*Description of office*)
(*Name of registered corporation*)

2. The information set out above is to the best of my knowledge and belief a true and correct statement prepared in accordance with the directions contained in this form of the assets and liabilities of the corporation as appearing from the books, accounts and records of the corporation.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959-1966* and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

.....
(*Signature of Declarant*)

Declared at..... the day of
.....19.....

Before me.....

Title.....

(A Justice of the Peace or other person before whom a statutory
declaration may be made under Section 8 of the *Statutory*
Declarations Act 1959-1966).

Table of Statutory Rules

Notes to the Financial Corporations (Initial Returns) Regulations

Note 1

The Financial Corporations (Initial Returns) Regulations (in force under the *Financial Corporations Act 1974*) as shown in this compilation comprise Statutory Rules 1974 No. 196 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1974 No. 196	16 Oct 1974	16 Oct 1974	
1989 No. 83	4 May 1989	4 May 1989	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 3	am. 1989 No. 83