

Friendly Societies (Amendment).

Act No. 31, 1906.

An Act to amend the Friendly Societies Act, 1899, the Friendly Societies (Amendment) Act, 1900, and the Friendly Societies (Further Amendment) Act, 1901; to repeal the Friendly Societies (Amending) Act, 1903; and for other purposes. [12th December, 1906.]

FRIENDLY
SOCIETIES
(AMENDMENT).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1906." Short title.

2. This Act shall be construed with the Friendly Societies Act, 1899 (hereinafter called the Principal Act), the Friendly Societies (Amendment) Act, 1900, and the Friendly Societies (Further Amendment) Act, 1901. Incorporation.

Registration.

3. (1) All friendly societies established for any of the purposes mentioned in subsection one of section six of the Principal Act, and consisting of at least seven persons, and all branches thereof, shall be registered in accordance with the provisions of the Principal Act, and the said section is amended to that extent. Friendly societies and branches to be registered.

(2) Every such society or branch existing at the commencement of this Act, and then unregistered, shall be registered as aforesaid within six months from such commencement.

(3) Every such society or branch formed after the commencement of this Act shall be so registered within six months from the date on which it begins to carry on the business and perform the functions of a society or branch.

(4) Any member of the committee of management of any such society or branch not so registered who takes any money or valuable thing in consideration of the allotment of any shares or interest in that society after the expiration of the period fixed as above mentioned for the registration of the society or branch, shall be liable to a penalty not exceeding twenty pounds. Penalty.

(5) Section seventy-six of the Principal Act is repealed.

Repeal of section 76 of Principal Act.

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Dividing or levy societies.

(6) Dividing or levy societies, that is to say, societies formed for any of the purposes mentioned in subsection one of section six of the Principal Act, and closing their funds, discharging their liabilities, and dividing their assets (if any) annually, shall be exempt from the provisions of subsection one of this section.

Rules inoperative if unregistered.

4. (1) The rules of any registered society or branch thereof shall be inoperative and of no effect until such rules have been duly registered.

Unregistered society or branch.

(2) No society shall, in respect of any branch thereof, be entitled to any of the privileges of any statutes passed or to be passed relating to Friendly Societies until such branch has been registered.

Tables of contributions.

Rates of contribution in societies unregistered at commencement of this Act.

5. (1) The registrar may register any such society as is mentioned in section twelve of the Principal Act subsisting as an unregistered society at the commencement of this Act, notwithstanding that the provisions of that section have not been complied with if the rules of the society provide—

- (a) that the rates of contribution to be charged subsequent to the date of registration of the society in respect of persons who are members at such date shall not be lower than those chargeable at such date ;
- (b) that the members joining the society after such date shall contribute under a scale of contributions to be certified by an actuary who has exercised his profession for at least five years, or by a Government actuary.

(2) No amendment of the rules of any registered society or branch relating to contributions payable for any assurance by such society or branch susceptible of calculation by way of average, shall be entitled to be registered unless the table of contributions payable for such kind of assurance certified under the hand of an actuary who has exercised his profession for at least five years has been transmitted to the registrar, together with copies of the rules aforesaid.

(3) Section two of the Friendly Societies (Further Amendment) Act, 1901, and the whole of the Friendly Societies (Amending) Act, 1903, are repealed.

Accounts and funds.

Moneys received or paid to be entered in a separate account.
55 Vic. No. 1234
(Vict.), s. 6 (2).

6. (1) In every registered society or branch, all moneys received or paid on account of any particular fund or benefit provided by the rules shall be entered in a separate account distinct from the moneys received or paid on account of any other fund or benefit, and the moneys belonging to any one such fund or benefit shall not be used in any manner for the purposes of any other fund or benefit. The expenses of management or of renovation and maintenance of any property

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property in which the funds of a society may be invested may be borne out of the revenue derived from such property : Provided that, in the case of property in which moneys belonging to the funeral fund or the sick fund of any society or branch may be invested, such expenses shall be so borne only out of earnings in excess of the sum representing four per centum on such moneys belonging to the funeral fund or sick fund : Provided that it shall be lawful to apply any savings out of moneys applicable for management expenses in aid of any of the funds or benefits of the society or branch.

(2) Where the registrar is satisfied that any moneys of a registered society or branch have after the passing of this Act been appropriated from any fund or account for purposes other than those expressed or directed in the rules of such society or branch, he may, in writing, direct the trustees of such society or branch to restore such moneys to such fund or account within such time as he may notify in his direction.

Moneys misapplied to be restored to the proper fund.

Any trustees failing to comply with the terms of such direction within the time therein specified shall be liable to a penalty not exceeding twenty pounds.

Penalty.

Recommendations by registrar.

7. On valuation being made under the Principal Act of the assets and liabilities of a registered society or branch, the registrar may make such recommendations to the society or branch as he may deem to be authorised by such valuation.

Registrar may make recommendations.

If from a consideration of such valuation it appears to the registrar that it is necessary or desirable that steps be taken to improve the financial position of the society or branch, the registrar may, by writing under his hand, require the society or branch to submit to him proposals for improving its financial position, and the society or branch shall thereupon so submit such proposals.

Reference of disputes.

8. (1) Notwithstanding section sixty of the Principal Act, any party to a dispute in a registered society, or branch thereof, may, unless the rules of such society or branch expressly forbid it, refer the dispute to the registrar.

Any party to a dispute may refer to registrar.

(2) Subsection one of section four of the Friendly Societies (Amendment) Act, 1900, is repealed.

9. (1) Where the rules of a registered society or branch contain no direction as to referring disputes to the registrar, or where the arbitrators or other tribunal hearing disputes in accordance with such rules give no decision in regard to a dispute within forty days after application to such society or branch for a reference under its rules, the member or person aggrieved may apply to the registrar to hear and

Procedure where rules do not apply or where no decision is made.

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and determine the matter in dispute, and the registrar may hear and determine such matter, and his determination shall be final; in the case of a registered society with branches, the said forty days shall not begin to run until the application has been made in succession to all the bodies entitled under the rules of such society or branch to determine the dispute: Provided that no rules shall allow a greater delay than three months between each successive determination.

(2) Section five of the Friendly Societies (Amendment) Act, 1900, is repealed.

Amendments of Principal Act.

Amendment of
section 14 of
Principal Act.

10. (1) Subsection one of section fourteen of the Principal Act is amended by the addition after the word "sent" of the words "by and"

(2) Subsection two of the said section is repealed.

(3) Subsection three of the said section is amended by the addition of the following proviso:—

"Provided that where such rules are substantially identical with the rules of some other registered branch, it shall be sufficient, with respect to such rules, if the registrar record the fact in the register and notify the society thereof."

Amendment of
section 19 of
Principal Act.

11. Section nineteen of the Principal Act is amended—

(a) by omitting the words "sum not exceeding the amount of six months";

(b) by omitting the word "three" and substituting in lieu thereof the word "one."

Amendment of
section 21.

12. Section twenty-one of the Principal Act is amended by the addition of the following words "and any other particulars required by him to be furnished."

Amendments of
section 24.

13. (1) Subsection one of section twenty-four of the Principal Act is repealed, and the following is substituted in its place:—

"The secretary of every registered society or branch shall, once in each year, not later than the thirty-first day of March, send to the registrar a return (in this Act called the annual returns) of the receipts and expenditure, funds and effects, of the society or branch as audited:

Provided that the registrar may, on his being satisfied that there are reasonable grounds for so doing, extend the period to any date not later than the thirty-first day of May in the said year."

(2) Subsection two, paragraph (a), of the same section, is amended by inserting before the word "expenditure" the words "receipts and"; paragraph (b) of the same subsection is amended by omitting the words "with the approval of the Governor."

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(3) Subsection three of the said section is amended by inserting the words "secretary of the" before the words "society or branch."

(4) Subsection four of the same section is repealed.

14. Section thirty-three of the Principal Act is amended by omitting the words "according to its rules." Amendment of section 33.

15. Section forty-two, paragraph (d), of the Principal Act, is amended by omitting from the paragraph the words commencing with "and the amount so fixed" to the end of the paragraph. Amendment of section 42 (d).

16. Section forty-three of the Principal Act is amended by omitting the words "such land and buildings," and substituting therefor the words "such land or buildings." Amendment of section 43.

17. Subsection one of section forty-eight of the Principal Act is amended— Amendment of section 48 (1).

(a) by inserting after the words "or other effects" the words "belonging to such society or branch";

(b) by inserting after the words "give in his account" the words "of such money, securities, books, papers, or other effects";

(c) by inserting after the words "pay over all" the word "such"; and

(d) by inserting after the words "and deliver all" the word "such."

18. (1) Subsection one of section sixty-one of the Principal Act is amended by inserting after the words "a registered society" the words "or any registered branch thereof." Amendment of section 61, subsections (1) and (2) of Principal Act.

(2) Subsection two of the same section is amended by the addition after the word "society," wherever it occurs, of the words "or branch."

19. Subsection three, paragraph (b), of section sixty-two of the Principal Act, is amended by inserting after the words "at a general meeting duly convened for that purpose" the words "Provided that in the case of a society having a branch or branches, the vote of a majority of the members of the central body shall suffice." Amendment of section 62, subsection (3), paragraph (b).

20. Section sixty-six of the Principal Act is amended by omitting the word "and" at the end of paragraph (a), and by omitting paragraph (b). Amendment of section 66.

21. (1) Subsection one of section sixty-eight of the Principal Act is amended by the addition after paragraph (c) of the following paragraph— Amendment of section 68, subsection (1).

"or (d) the committee of a registered society."

(2) Subsection seven of the said section is amended by inserting the words "subsection one of this section" in place of the words "this section." Subsection (7).

George-street to Erskineville Tramway.

New subsection.

(3) The following subsection is added to the said section :—

(8) “The registrar may, on his own motion and without any application, appoint an inspector or inspectors to examine into and report to him on the affairs of a registered society or branch.

“The inspector or inspectors so appointed shall have all the powers mentioned in subsection five of this section.”

First Schedule.

(4) Paragraph twelve of the First Schedule to the Principal Act is amended by inserting the words “or of the committee of the society” after the words “ten thousand members.”

Amendment of section 69.

22. (1) Subsection one of section sixty-nine of the Principal Act is amended by substituting the words “such society or branch” for the words “a society” at the end of the subsection.

(2) Subsections two, three, four, five, and six of the said section are amended by the addition after the word “society,” wherever it occurs in those subsections, of the words “or branch.”

Amendment of section 80.

23. Subsection four (3), paragraph (c), of section eighty of the Principal Act is amended by omitting the words “member of the society or branch” and substituting therefor the word “person.”