

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 29 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1976.

An Act to amend the Friendly Societies Act, 1912.

BE

*Friendly Societies (Amendment).*

**B**E it enacted by the Queen'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 :—

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1976". Short title.

2. (1) This section and sections 1, 3 and 5 shall commence on the date of assent to this Act. Commencement.

10 (2) Section 4 shall, in its application to a provision of Schedules 1–12, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–12 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 3.—INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT, 1912.

**SCHEDULE**



*Friendly Societies (Amendment).*

SCHEDULE 6.—AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT, 1912.

5 SCHEDULE 8.—AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES ACT, 1912.

10 SCHEDULE 10.—AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 11.—AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 12.—AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY SOCIETIES ACT, 1912.

15 4. The Friendly Societies Act, 1912, is amended in the manner set forth in Schedules 1–12. Amend-  
ment of  
Act No. 46,  
1912.

5. (1) A society formed before the commencement of Schedule 2 (4) may be registered under the Friendly Societies Act, 1912, in accordance with the provisions of that Act in Savings  
and tran-  
sitional  
provisions.  
20 force immediately before that commencement.

(2) An acknowledgment of the establishment of a new branch issued by the Registrar under section 22 (2) of the Friendly Societies Act, 1912, before the commencement of Schedule 2 (12) shall, after that commencement, be  
25 deemed to be an acknowledgment of the registry of that branch issued under that section, as amended by Schedule 2 (12).

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 1—

- 5                   From the matter relating to Part II, omit “19”,  
insert instead “19A”.

(b) Section 1—

After the matter relating to Part II, insert :—

- 10                   PART IIA.—ADVISORY COMMITTEE—  
ss. 25B, 25C.

(c) Section 1—

From the matter relating to Part III, omit  
“Accounts”, insert instead “Accounts, registers”.

(d) Section 1—

- 15                   From the matter relating to Part III, omit  
“Contributions to other societies, and subscrip-  
tions to hospitals—ss. 43, 44.” insert instead :—  
Contributions to other societies, and subscrip-  
tions to charity—ss. 43, 44.
- 20                   Power to join association under Co-operation  
Act, 1923—s. 44A.
- Power to raise loans—s. 44B.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 1—

- 5           At the end of the matter relating to Part IV,  
insert :—

*Assignment of certain benefits—s. 59A.*

*Charge over certain benefits—s. 59B.*

(f) Section 1—

- 10           Omit the matter relating to Part VI, insert  
instead :—

PART VI.—INSPECTION AND SUSPENSION OF  
BUSINESS—ss. 69–71A.

(g) Section 1—

- 15           After “*Registered office—s. 107.*” in the matter  
relating to Part X, insert :—

*Notice of membership of committees of  
societies—s. 107A.*

- 20           (2) (a) Section 4, definition of “Advisory Committee”—  
Before the definition of “Amendment of rule”,  
insert :—

“Advisory Committee” means the Friendly  
Societies Advisory Committee constituted  
under this Act.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) Section 4, definition of “Books”—

5           After the definition of “Amendment of rule”,  
insert :—

10                   “Books” includes registers, accounting records,  
documents or other records of informa-  
tion however compiled, recorded or stored  
whether in written or printed form or  
on microfilm or by electronic process or  
otherwise.

(c) Section 4, definition of “Branch”—

Omit “of the rules or establishment”.

15           (d) Section 4, definition of “Regulation”—

After the definition of “Registrar”, insert :—

“Regulation” means regulation made under  
this Act.



*Friendly Societies (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Section 6—

- 5 Omit "The office of the Registrar shall, with the approval of the Governor", insert instead "The Registrar may".

(2) (a) Section 10 (4)—

- 10 Omit "one hundred dollars", insert instead "\$100".

(b) Section 10 (5) (a)—

Omit ", or any Act amending or replacing that Act".

(3) Sections 11, 12—

- 15 Omit "—1963" wherever occurring.

(4) Section 13—

Omit the section, insert instead :—

- 20 13. (1) No society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall be registered under this Act unless—

(a) a meeting was held for the purpose of forming the society;

(b) at that meeting there were presented—

- 25 (i) a written statement showing the objects of the proposed society and the reasons for believing that, if registered, it would be able to carry out its objects successfully; and

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (ii) a copy of the rules which it was proposed would be tendered for registration; and
- (c) at the meeting or any subsequent meeting or adjourned meeting 100 or more persons of or above the age of 18 years—
- 10 (i) approved the rules with or without amendment;
- (ii) were qualified to be members under the rules as so approved;
- 15 (iii) signed duly completed applications for membership; and
- (iv) elected the first committee and the trustees of the society.
- 20 (2) Notwithstanding subsection (1) (c), a society formed with less than 100 members of or above the age of 18 years may, if the Registrar so approves, be registered under this Act.
- (5) (a) Section 14 (1), (1A)—
- Omit section 14 (1), insert instead :—
- 25 (1) An application to register a society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall—
- (a) be made in the prescribed manner to the Registrar;

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 2—continued.**

**AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

- 5 (b) be made within 2 months after the  
meeting referred to in section 13 (1)  
(c) or within such further period as the  
Registrar may allow; and
- (c) be accompanied by—
- 10 (i) a statutory declaration by the  
chairman and the secretary of  
the meeting referred to in  
section 13 (1) (c) as to com-  
pliance with the requirements  
of section 13;
- 15 (ii) a copy of the statement pre-  
sented to that meeting signed  
by the chairman and secretary  
of that meeting;
- 20 (iii) 2 copies of the rules signed by  
the chairman and secretary of  
that meeting and certified by  
them as being the rules  
approved in accordance with  
section 13 (1) (c);
- 25 (iv) a list containing the full name  
and address of each person who  
attended that meeting and who  
signed an application for mem-  
bership and containing a  
30 description of the benefits to be  
subscribed for by each such  
person;

**SCHEDULE**

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (v) a list containing the full name,  
occupation and address of each  
committee member, trustee and  
other officer (if any) autho-  
rised to sue and be sued on  
behalf of the society; and

10 (vi) such other particulars as may  
be prescribed.

(1A) The statutory declaration mentioned in  
subsection (1) (c) (i) may be accepted by the  
Registrar as sufficient evidence of compliance  
15 with the requirements of section 13.

(b) Section 14 (2)—

20 Omit "the society so sent shall", insert instead "a  
society in respect of which an application for  
registry is made under subsection (1) shall, in  
addition to rules otherwise required by this Act  
or the regulations to be included,".

(c) Section 14 (3)—

25 Omit "is signed by the secretary and every trustee  
and other officer", insert instead "referred to in  
subsection (1) (c) (v) is signed by each  
committee member, trustee and other officer".

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Section 15—

5 Omit the section, insert instead :—

15. (1) If the Registrar is satisfied—

Registration.

- 10 (a) that a society in respect of which an application for registry is made under section 14 (1) has complied with the provisions of this Act and the regulations in so far as they are applicable;
- (b) that the rules of the society are not contrary to this Act or the regulations and are such as may reasonably be approved by him;
- 15 (c) that there are reasonable grounds for believing that the society, if registered, will be able to carry out its objects successfully; and
- 20 (d) that there is no reasonable cause why the society and its rules should not be registered,

25 the Registrar shall register the society and its rules and issue to the society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designation of those branches.

30 (2) An acknowledgment of registry issued under subsection (1) shall, unless it is proved that the registry of the society has been suspended or cancelled, be conclusive evidence that the society and its rules are duly registered.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) The Registrar may refer any application  
5 for registry made under section 14 (1) to the Advisory  
Committee.

(4) The Advisory Committee may recommend  
to the Registrar that a society whose application for registry  
is referred to the Committee under subsection (3) should  
10 not be registered if the Committee is of the opinion—

(a) that in the area in which the society  
proposes to operate, the benefits which it is  
designed to provide are capable of being  
provided by an existing registered society  
or branch;  
15

(b) that the society is not a bona fide friendly  
society; or

(c) that the society is not designed or intended  
to serve equitably the interests of its  
members and prospective members.  
20

(5) Notwithstanding subsection (1), upon the  
receipt within the time specified by the Registrar of a recom-  
mendation under subsection (4), the Registrar shall refuse  
to register the society.

25 (7) Section 18 (2)—

After “Act”, insert “or the regulations and is such as  
may reasonably be approved by him and that there  
is no reasonable cause why the amendment should  
not be registered”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 19A—

5 After section 19, insert :—

19A. (1) A registered society or branch shall not, without the approval of the Advisory Committee, commence to advertise for membership after it is registered under this Act. Commence-  
ment of  
advertising  
by society  
or branch.

10 (2) The Registrar may refuse to register a  
society or branch formed after the commencement of  
Schedule 2 (8) to the Friendly Societies (Amend-  
ment) Act, 1976, which did not obtain the approval  
15 of the Registrar to the contents of any advertisement  
seeking members for the society or branch that was  
published before it is registered under this Act.

(9) Section 20A—

After section 20, insert :—

20 20A. No society with branches which is formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall be registered under this Act unless— Formation  
of societies  
with  
branches.

- (a) the provisions of section 13 are complied with; and
- 25 (b) each branch of the society has elected delegates to the central body of the society and a committee of the branch and, where the rules of the society so provide, trustees of the branch.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(10) (a) Section 21 (b)—

5           After “names”, insert “, occupations and  
addresses”.

(b) Section 21 (b1)—

After section 21 (b), insert :—

10           (b1) a list of the names, occupations and  
addresses of the delegates from each  
branch to the central body of the society  
and of the members of the committee of  
each branch; and

(11) Section 22 (1) (c)—

15           After “names”, insert “, occupations and addresses”.

(12) Section 22 (2), (3)—

Omit section 22 (2), insert instead :—

(2) If the Registrar is satisfied—

20           (a) that the establishment of the new branch  
and its rules are not contrary to this Act  
or the regulations;

(b) that the rules of the new branch are such  
as may reasonably be approved by him; and

25           (c) that there is no reasonable cause why the  
new branch and its rules should not be  
registered,

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar shall register the branch and its rules and  
issue to the society of which the branch forms part an  
acknowledgment of registry.

10 (3) An acknowledgment of registry issued under  
subsection (2) shall, unless it is proved that the  
registry of the branch has been suspended or cancelled,  
be conclusive evidence that the branch and its rules  
are duly registered.

(13) Section 23—

Omit “acknowledge the establishment of a new branch  
or to register the rules of”, insert instead “register”.

15 (14) (a) Section 25 (1) (a)—

Omit “or”.

(b) Section 25 (1) (b)—

20 Omit “, or of any Act hereby repealed, or  
has ceased to exist; or”, insert instead “the  
regulations or its rules;”.

(c) Section 25 (1) (c), (d), (e), (f), (g)—

Omit section 25 (1) (c), insert instead :—

25 (c) with the approval of the Governor, in  
any case where he may award the  
dissolution of a society or branch under  
section 66 (4);

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (d) if a society or branch has terminated or  
been dissolved under section 64 or has  
otherwise ceased to exist;
- 10 (e) if a society or branch has not commenced  
business within a year of registry or  
has suspended business for more than 6  
months;
- 15 (f) if there are, and have been for a period  
of one month immediately before the date  
of the cancellation of the registry of a  
society or branch, insufficient members  
to form a quorum of the committee of  
the society or branch; or
- 20 (g) if, in the case of a society formed after  
the commencement of Schedule 2 (4) to  
the Friendly Societies (Amendment) Act,  
1976, the number of members of the  
society is reduced to less than the mini-  
mum number of members required at the  
time of its registry, or if, in any other  
25 case, the number of members of the  
society is reduced to less than 7,

(d) Section 25 (1)—

After “cancel”, insert “, or suspend for any term  
not exceeding 3 months,”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 25 (2)—

5 Omit the subsection, insert instead :—

(2) The Registrar may, with the approval  
of the Governor in the case of a suspension of  
registry under subsection (1) (b) or (c), renew  
the suspension of the registry of a society or  
10 branch for any term not exceeding 3 months.

(f) Section 25 (3)—

Omit “except at its request”, insert instead  
“except pursuant to subsection (1) (a) or (d)”.

(g) Section 25 (3), proviso—

15 Omit “in pursuance of subsection two of this  
section the Registrar with the approval of the  
Governor”, insert instead “the Registrar”.

(h) Section 25 (7)—

Omit “forty dollars”, insert instead “\$100”.

20 SCHEDULE 3.

Sec. 4.

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912.

Part IIA—

After Part II, insert :—

25 PART IIA.

ADVISORY COMMITTEE.

25B. (1) There shall be a Friendly Societies Constitu-  
Advisory Committee consisting of such number of tion of  
members as may be determined by the Minister, being Advisory  
Committee.



*Friendly Societies (Amendment).*

SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 not less than five and not exceeding nine or, where  
some other maximum number is prescribed, not  
exceeding the prescribed maximum number.

10 (2) One of the members of the Advisory  
Committee shall be the person who for the time being  
holds the office of Registrar and he shall, by virtue  
of that office, be the chairman and executive member  
of the Advisory Committee.

(3) A majority of the members of the  
Advisory Committee shall be officers of a registered  
society or of registered societies.

15 (4) A deputy or alternate member may be  
appointed to attend any meeting of the Advisory  
Committee at which a member is unable to be present.

20 (5) The members (other than the chairman)  
and deputy or alternate members of the Advisory  
Committee shall be appointed by the Minister and  
shall hold office for such period as he may deem fit  
and may be removed from office by him.

(6) Meetings of the Advisory Committee may  
be convened by the chairman or by any 2 members.

25 (7) Each member and deputy or alternate  
member of the Advisory Committee shall, unless he  
is an officer of the Public Service or a member of the  
Legislative Council or the Legislative Assembly of  
New South Wales, be entitled to receive such  
30 remuneration (including travelling and subsistence  
allowances) as the Minister may from time to time  
determine in respect of him.

SCHEDULE



**SCHEDULE 3—continued.**

25c. It shall be the duty of the Advisory Committee—

(a) to submit recommendations to the Minister for the more effective operation of friendly societies and in respect of proposed regulations;

(b) to report on such other matters relating to friendly societies and the provision of benefits as may be referred to it by the Minister;

(c) to tender advice to the Registrar on such matters as may be referred to it by him; and

(d) to perform such other functions as are prescribed by this Act or the regulations.

**Sec. 4.**

(1) (a) Section 26 (2) (a) (iii)—

After section 26 (2) (a) (ii), insert :—

25 (iii) which is governed solely by delegates from other registered societies or branches pursuant to section 43 (1), by those delegates;

(b) Section 26 (3)—

Omit "as amended by subsequent Acts,".

## SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(c) Section 26 (6)—

- 5           After “thereof”, insert “and in the case of a  
registered society governed solely by delegates  
pursuant to section 43 (1) to those delegates”.

(d) Section 26 (7)—

- 10           After “branch” where secondly occurring, insert  
“, and in the case of a registered society governed  
solely by delegates pursuant to section 43 (1),  
be transmitted to those delegates”.

(2) Section 27 (2) (b)—

Omit “, as amended by subsequent Acts”.

15 (3) Section 29—

Omit the section.

(4) (a) Section 32 (3)—

- 20           Omit “in the form prescribed by regulations made  
under this Act”, insert instead “in the prescribed  
form”.

(b) Section 32 (4)—

Omit the subsection.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(5) Sections 32A, 32B—

5       After section 32, insert :—

32A. (1) A person shall not be qualified to be a trustee of a registered society or a branch of that society— Qualifications of trustees.

- 10           (a) unless he is a member of that society or of any branch of that society;
- (b) if he is the secretary, treasurer or employee of that society or of that branch; or
- 15           (c) if he, his partner, a person in his employment or his employer acts as solicitor or auditor to that society or to that branch.

20           (2) A person who, immediately before the commencement of Schedule 4 (5) to the Friendly Societies (Amendment) Act, 1976, was a trustee of a registered society or branch and who, after that commencement, was not qualified under subsection (1) to be such a trustee shall, unless he sooner dies or resigns or is removed from his office, be deemed to have vacated his office on the expiry of the period of 12 months after that commencement.

25       32B. (1) Where a trustee of a registered society or branch— Delegation.

- (a) is absent from New South Wales or is about to depart therefrom; or

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is by reason of illness or of any other cause  
unable to perform his duties as trustee,

he may, by an instrument in writing sent to and  
registered by the Registrar, delegate his duties as  
trustee.

10 (2) A trustee may not delegate his duties  
under subsection (1) unless—

(a) his co-trustees and the committee of the  
registered society or branch consent to the  
delegation; and

15 (b) the delegation is to a person residing in New  
South Wales who is a co-trustee or is capable  
of being appointed a trustee of the registered  
society or branch.

20 (3) A delegation may be made under sub-  
section (1) in respect of the whole or any part of the  
duties of the trustee.

25 (4) A delegation under subsection (1) shall  
operate until revoked by the trustee who made the  
delegation or by the committee of the registered society  
or branch by a notice of revocation sent to and  
registered by the Registrar.

30 (5) A delegation shall not be made under  
subsection (1) unless there will be remaining in New  
South Wales to perform the duties of trustee of the  
registered society or branch 3 persons whether as  
trustee or delegate.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5           (6) Two or more trustees may delegate their  
duties under subsection (1) concurrently.

10           (7) A trustee of a registered society or  
branch shall remain answerable for all acts and  
omissions of his delegate within the scope of the  
delegation as if they were the acts or omissions of the  
trustee and the delegate shall be subject to the pro-  
visions of this Act so far as it relates to the  
performance of the duties delegated in the same  
manner as if he were the trustee.

(6) (a) Section 36 (1) (a)—

15           Omit “or”.

(b) Section 36 (1) (b), (c)—

Omit the paragraphs, insert instead :—

20           (b) becomes bankrupt, applies to take the  
benefit of any law for the relief of bank-  
rupt or insolvent debtors, compounds  
with his creditors or makes an assignment  
of his remuneration for their benefit;

25           (c) becomes a temporary patient, a continued  
treatment patient, a protected person or  
an incapable person within the meaning  
of the Mental Health Act, 1958, or a  
person under detention under Part VII  
of that Act;

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- (c) Section 36 (1) (d)—  
5       After “trustee;”, insert “or”.

- (7) (a) Section 38, short heading—  
      After “*Accounts*”, insert “, *registers*”.

- (b) Section 38 (3)—  
      Omit “forty dollars”, insert instead “\$100”.

- 10 (8) Section 38A—  
      After section 38, insert :—

*Registers and accounts.*

38A. (1) A registered society or branch shall keep such registers and accounts as may be prescribed. Registers and accounts.

- 15       (2) The registers shall include—  
          (a) a register of members;  
          (b) a register of trustees and of committee members;  
          (c) in the case of a society, a register of loans raised and securities given by the society;  
20       (d) a register of the investments made by the society or branch;  
          (e) a register of lands held by the society or branch;  
25       (f) a register of nominations made under section 49; and

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (g) a register of loans made and of securities  
taken by the society or branch.

(3) The registers shall be kept in such  
manner and shall contain such particulars as may be  
prescribed.

10 (9) (a) Section 39 (1) (c)—  
Omit the paragraph.

(b) Section 39 (1) (d)—  
Omit “fund.”, insert instead “fund; or”.

(c) Section 39 (1) (e)—  
After section 39 (1) (d), insert :—  
15 (e) subject to subsection (1A), in shares in,  
or deposits with, any permanent building  
society registered under the Permanent  
Building Societies Act, 1967.

(d) Section 39 (1A)—  
20 After section 39 (1), insert :—  
(1A) The total nominal value of shares in, or  
deposits with, permanent building societies that  
may be acquired or made pursuant to subsection  
(1) (e)—

25 (a) in the case of a registered society with-  
out branches—by the trustees of that  
society; or

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (b) in the case of a registered society with  
branches—by the trustees of that  
society or any of those branches,  
shall not exceed \$50,000, or where some other  
amount is prescribed, the prescribed amount.
- (10) Section 40—
- 10 Omit “in the form in the Schedule Three hereto”,  
insert instead “in the prescribed form”.
- (11) Section 43, short heading—  
Omit “*hospitals*”, insert instead “*charity*”.
- (12) Section 44—
- 15 Omit the section, insert instead :—
44. If authorised by its rules, a registered society Subscriptions  
or, with the approval of the central body, a branch to charity.  
may, out of any surplus which has arisen in its  
management or benevolent fund, make contributions  
20 for charitable purposes that do not exceed an amount  
specified in the rules for the purposes of this section.
- (13) Sections 44A, 44B—
- After section 44, insert :—
- 25 *Power to join association under Co-operation Act,*  
1923.
- 44A. (1) A registered society may join an associa- Power to  
tion of societies registered under the Co-operation Act, join  
1923. association  
under Co-  
operation  
Act, 1923.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5           (2) Nothing in subsection (1) shall  
authorise a registered society to subscribe by any  
means to the funds of any such association a sum  
which exceeds \$2,000 or such greater amount as may  
be approved by the Advisory Committee.

*Power to raise loans.*

- 10           44B. (1) Subject to this section, a registered society may, if authorised by its rules and within the  
limits provided in this section, raise money on loan to  
be applied to the purposes of the society. <sup>Raising  
loans.</sup>

- 15           (2) Where a registered society is authorised  
by its rules to raise money on loan, the society may  
raise the money in such manner as the trustees may,  
with the consent of the committee of the society, think  
fit and in particular by mortgage of all or any part of  
20           the property and rights (both present and future) of  
the society, including subscriptions, loan payments and  
other money.

- 25           (3) Subject to subsection (4), a registered  
society shall not in any financial year raise a loan of an  
amount that, if added to the amount owing as at the  
last day of the next preceding financial year in respect  
of all loans made to it, would produce an amount  
greater than twenty per centum, or where some other  
percentage is prescribed, the prescribed percentage of  
the amount of the assets of the society as at that day.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (4) Where the Registrar so approves upon the recommendation of the Advisory Committee, a registered society may, in accordance with such limits, terms and conditions as the Registrar may impose, raise a loan of an amount in excess of that prescribed by subsection (3).
- 10 (5) The provisions of sections 70 and 73 and Division 7 of Part IV of the Companies Act, 1961, shall, subject to such modifications (if any) as may be prescribed, apply to and in respect of any mortgage or charge created by a registered society, not being a mortgage, charge or encumbrance of specific lands
- 15 duly registered under the Real Property Act, 1900, or the Registration of Deeds Act, 1897, in the same way as they apply to and in respect of debentures and charges.
- 20 (6) For the purposes of subsection (5), a reference in any of the provisions of the Companies Act, 1961, referred to in that subsection to the Corporate Affairs Commission shall be construed as a reference to the Registrar.
- 25 (7) An acknowledgment or security of any kind given by a registered society for a loan shall have printed or written thereon a statement that the society is only entitled to receive loans within the limits provided in this Act.
- 30 (8) No person lending money to a registered society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that the society, in borrowing that money, has contravened the provisions of this Act, the regulations or the rules
- 35 of the society.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(14) Section 46 (2)—

5 Omit “police or”.

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SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 49 (1)—

10 Omit “book”, insert instead “register”.

(b) Section 49 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

15 (2) Section 50 (1)—

Omit “, not exceeding the said sum of one thousand  
dollars”.

(3) (a) Section 51 (1)—

20 Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

(b) Section 51 (2), (2A), (2B), (2C)—

5 Omit section 51 (2), insert instead :—

(2) If any member of a registered society or  
branch entitled from the funds thereof to a sum  
not exceeding that referred to in subsection (1)  
dies testate and without having made any nomina-  
10 tion thereof then subsisting, the society or branch  
may distribute that sum among such persons as  
appear to a majority of the trustees, upon such  
evidence, supported by statutory declaration, as  
they may deem satisfactory, to be entitled to  
15 receive that sum under the will of the deceased  
member.

(2A) The provisions of this section shall  
extend to any surplus, not exceeding the sum  
referred to in subsection (1), arising on the sale  
20 by the registered society or branch as mortgagee  
of any property mortgaged by the deceased to the  
society or branch.

(2B) The provisions of this section are subject  
to section 122 of the Stamp Duties Act, 1920.

25 (2C) No payment shall be made by a regis-  
tered society or branch under this section after  
evidence has been produced to that society or  
branch that letters of administration of the estate,  
or probate of the will, of the deceased member  
30 have or has been granted.

(4) Section 55—

Omit “, containing the particulars mentioned in this  
Act”.

(5) Sections 56, 57, 58—

35 Omit the sections.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Sections 59A, 59B—

5 After section 59, insert :—

*Assignment of certain benefits.*

59A. (1) In this section, “contract” means a con- Assignment  
tract by which a registered society or branch has of certain  
contracted to provide a benefit under section 10 (1) benefits.  
10 (c) or (d).

(2) A contract shall not, after the commence-  
ment of Schedule 5 (6) to the Friendly Societies  
(Amendment) Act, 1976, be assigned except—

15 (a) by way of mortgage for a term which, except  
where the rules of the registered society or  
branch liable under the contract otherwise  
provide, does not exceed 10 years;

20 (b) to a registered society or branch, a bank  
referred to in section 39 (1) (a), a credit  
union registered under the Credit Union  
Act, 1969, a co-operative society registered  
under the Co-operation Act, 1923, a  
25 building society registered under the  
Permanent Building Societies Act, 1967, or  
the spouse, or a dependant within the  
meaning of section 10 (6), of the  
transferor; and

30 (c) by memorandum of transfer in or to the  
effect of the prescribed form and signed by  
the transferor and by the transferee.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5           (3) An assignment made under subsection  
            (2) is not valid until registered in accordance with  
            this section by the registered society or branch liable  
            under the contract.

10           (4) The transferor of an assignment made  
            under subsection (2) shall deliver at or send to the  
            registered office of the registered society or branch  
            liable under the contract 2 copies of the memorandum  
            of transfer.

15           (5) Upon the receipt of a memorandum of  
            transfer under subsection (4), the registered society  
            or branch shall—

- (a) register the assignment in a register provided  
            by the society or branch for that purpose;
- (b) insert the date of registration in both copies  
            of the memorandum;
- 20           (c) cause both copies of the memorandum to be  
            signed by the secretary of the society or  
            branch or a person authorised by him in  
            writing to do so; and
- 25           (d) retain one copy of the memorandum and  
            send the other copy to the transferee.

(6) A copy of a memorandum of transfer  
signed as provided by subsection (5) (c)—

- (a) is conclusive evidence of the registration of  
            the assignment and of the date of registra-  
30           tion; and

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is, as between the registered society or  
branch liable under the contract and any  
person claiming any benefit under the  
contract, conclusive evidence for all  
10 purposes that the transferee was at the time  
of registration the person legally entitled to  
receive and give a discharge for the benefit  
provided by the contract free from all trusts,  
rights, equities and interests (except any  
charge that the society or branch has upon  
that benefit).

15 (7) The transferee under a duly registered  
assignment under this section has all the powers and  
is subject to all the liabilities of the transferor under  
the contract and may sue in his own name on the  
contract but, except as provided in the rules of the  
20 registered society or branch liable under the contract,  
nothing in this section shall be construed to admit the  
transferee to membership of the society or branch or  
to deprive the transferor of his membership in respect  
of his subscription to the benefit provided under the  
25 contract.

(8) The receipt of the transferee is a  
discharge to the registered society or branch liable  
under a contract for all money paid by the society or  
branch under the contract.

30 (9) A discharge or surrender of or security  
over the contract given to the registered society or  
branch by the transferee is valid and effectual notwith-  
standing the existence of any trust, right, equity or  
interest of any other person.



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (10) A registered society or branch taking a  
discharge, surrender or security under subsection (9)  
is not required or concerned to inquire or ascertain  
the circumstances in which or the consideration for  
which the transferee or any previous transferee became  
10 a transferee, or, except as provided in subsection (12),  
be affected by express, implied or constructive notice  
of any trust, right, equity or interest of any other  
person.

15 (11) Section 48 does not apply to a  
transferee under a duly registered assignment under  
this section.

20 (12) Notwithstanding anything contained in  
this section, a registered society or branch liable under  
a contract shall not be entitled to any protection under  
this section or to rely upon any of the provisions of  
this section if the society or branch has not acted in  
good faith or has received express notice in writing of  
any trust, right, equity or interest of any person.

25 (13) The rights and liabilities arising under  
a contract shall not be deemed, either at law or in  
equity, to be merged or extinguished by reason only  
of an assignment of the contract under this section to  
the registered society or branch liable under the  
contract.

*Charge over certain benefits.*

30 59B. A registered society or branch shall have a  
charge over any benefit provided under section 10  
(1) (c) or (d) which a person is legally entitled  
to receive in respect of any debt due to the society or  
Society or  
branch to  
have  
charge  
over  
certain  
benefits.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5       branch by that person arising from any unpaid sub-  
scriptions for that benefit or the assignment of that  
benefit by that person to the society or branch by way  
of mortgage and the society or branch may set off  
any money payable to that person in or towards  
payment of the debt.

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10

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

- (1) (a) Section 64 (1A)—

After section 64 (1), insert :—

- 15       (1A) In the case of the termination of the  
branch of a registered society under subsection  
(1) (a), the secretary of that society shall, within  
14 days of the termination, send notice of the  
20       termination to the Registrar in the prescribed  
form.

- (b) Section 64 (5)—

Omit “of the district within which the chief or  
any other place of business of the society is  
situate”.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(2) (a) Section 66 (2) (a), (b)—

5 Omit the paragraphs, insert instead :—

- (a) the grounds on which it is alleged that the Registrar may award the dissolution of the society or branch; and

(b) Section 66 (3A)—

10 After section 66 (3), insert :—

- (3A) The Registrar may, on his own motion and without any application, by himself or by his deputy whom he may appoint in writing under his hand, investigate the affairs of a registered society or branch.
- 15

(c) Section 66 (4)—

Omit the subsection, insert instead :—

- (4) If, upon an investigation under subsection (1) or (3A), it appears—

20 (a) that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution are insufficient to cover the benefits assured or that the society or branch is unable to pay its debts as they fall due; or

25

(b) that, in view of the funds of the society or branch and the rates of contribution, the benefits provided by the society or branch are inadequate,

30

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved and its affairs wound up and shall direct the manner in which the assets of the society or branch shall be divided or appropriated.

10 (3) Section 66A—

After section 66, insert :—

66A. (1) A registered society may be dissolved and its affairs wound up by an award of the Registrar upon application by the society.

Award of  
dissolution  
by Registrar  
upon  
application  
by society.

15 (2) An application under subsection (1) may not be made unless confirmed by a special resolution of the members of the society or, in the case of a society with branches, by a special resolution of the central body of the society.

20 (3) Section 66 applies to and in respect of an award of the Registrar under this section in the same way as it applies to and in respect of an award of the Registrar under section 66.

(4) Section 67—

25 After “societies”, insert “other than dissolution by the award of the Registrar under section 66”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Part VI, heading—

5 After “INSPECTION”, insert “AND SUSPENSION OF  
BUSINESS”.

(2) Sections 71, 71A—

Omit section 71, insert instead :—

10 71. A registered society and branch shall at all Inspection  
reasonable hours produce for the inspection of any by member  
member or person having an interest in the funds of of annual  
the society or branch— returns,  
valuations,  
etc.

(a) a copy of the last annual return of the  
society or branch;

15 (b) a copy of the last quinquennial valuation of  
the society or branch;

(c) the books of the society or branch relating  
to the account of that member or person at  
the society or branch; and

20 (d) a copy of the rules of the society or branch.

25 71A. (1) If, with respect to any registered society Suspension  
or branch, the Registrar considers it expedient to do of business  
so in the interests of members of, persons having an of society  
interest in the funds of, or persons who may become or branch.  
members of, the society or branch he may, by notice  
in writing served on the society or branch with the  
approval of the Minister, direct that the society or  
branch shall not accept any new members or enter  
into a new contract with any member of the society  
30 or branch until the expiration of such time as may  
be specified in the notice or until the direction is with-  
drawn under subsection (4), whichever is the  
earlier.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

5           (2) The Registrar may, with the approval of  
the Minister and by a further notice, extend the time  
specified in any notice served under subsection (1).

10           (3) A registered society or branch to which  
subsection (1) applies may make representations to  
the Advisory Committee with respect to the direction  
within one month of the direction being given and the  
Advisory Committee shall report thereon to the  
Minister.

15           (4) Upon receipt of a report under subsec-  
tion (3), the Minister may direct the Registrar to  
withdraw the direction and the Registrar shall there-  
upon withdraw the direction.

(5) A registered society or branch shall not  
contravene a direction given to it and in force under  
subsection (1).

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**SCHEDULE 8.**

**Sec. 4.**

**AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**Section 72—**

25           Omit "a judge of a District Court", insert instead  
"the District Court".

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**SCHEDULE**

*Friendly Societies (Amendment).*

**SCHEDULE 9.**

Sec. 4.

**AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES ACT, 1912.**

(1) (a) Section 81 (1)—

5 Omit "There", insert instead "Subject to sections 81B, 81C and 81D, there".

(b) Section 81 (1) (a), (b)—

10 Omit "to provide" wherever occurring, insert instead "to assure the payment of sickness benefits and funeral donations and to provide".

(c) Section 81 (5)—

Omit the subsection, insert instead :—

15 (5) The regulations may prescribe an amount for the purposes of subsection (1) (a) by reference to a determination of the Minister or of the Registrar and may prescribe the manner in which any such determination shall be made.

(2) Sections 81B, 81C, 81D—

After section 81A, insert :—

20 81B. No payments shall be made, or be deemed to have been authorised to be made, under section 81 (1) for any year subsequent to that ending on 30th June, 1975, in respect of contributions chargeable under the rules of a registered society to provide the benefits of medical attendance and reimbursement for medical attendance.

Cessation of subvention payments in respect of medical attendance.

30 81C. (1) No payments shall be made under section 81 (1) for any year subsequent to that ending on the appointed day in respect of contributions chargeable under the rules of a registered society to provide the benefits of medicine and reimbursement for medicine.

Cessation of subvention payments in respect of medicine.

35 (2) In subsection (1), "appointed day" means a day (being 30th June, 1977, or 30th June in any subsequent year) appointed for the purposes of this section by the Governor by proclamation published in the Gazette.

**SCHEDULE**

*Friendly Societies (Amendment).*

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

5 81D. (1) A registered society which elects to be paid, or which the Minister directs shall be entitled to be paid, a terminating payment under this section shall not be entitled to any payment under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

Terminating  
subvention  
payments in  
respect of  
sickness  
benefits  
and funeral  
donations.

10 (2) For the purposes of subsection (1), the terminating payment which a registered society shall be paid under this section shall be an amount which the Minister determines, with the concurrence of the  
15 Treasurer, to be the value of all future payments that that society would be entitled to be paid under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

20 (3) A terminating payment under this section may be paid in a lump sum or by instalments of such amounts and over such period as the Minister, with the concurrence of the Treasurer, may approve.

25 (4) An election or a direction under subsection (1) in respect of a registered society shall not take effect until the end of a financial year of that society.

(3) Section 89—

Omit "two hundred dollars", insert instead "\$200".

30 (4) Sections 90, 91—

Omit the sections.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 10.

Sec. 4.

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) Section 93A—

5 After section 93, insert :—

10 93A. (1) A person who, being an undischarged bankrupt, acts as a committee member or trustee of, or directly or indirectly takes part in or is concerned in the management of, a registered society or branch except with the leave of the Supreme Court shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

Leave of Court required before certain persons may act as member of a committee or as trustee.

15 (2) Where a person is convicted whether within or without the State—

20 (a) on indictment of any offence in connection with the promotion, formation or management of a society, company or other corporation;

(b) of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;

25 (c) of any offence and sentenced to any period of imprisonment without the option of a fine; or

30 (d) of an offence under section 124 of the Companies Act, 1961, or any other provision of that Act that may be prescribed,

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 and that person, within a period of 5 years after his  
conviction, or if he is sentenced to imprisonment, after  
his release from prison, without the leave of the  
Supreme Court is a committee member or trustee or  
promoter of, or is in any way, whether directly or  
10 indirectly, concerned or takes part in the management  
of, a registered society or branch, he shall be guilty of  
an offence against this Act and, upon summary con-  
viction, liable to a penalty of \$1,000 or to imprison-  
ment for a period of 6 months or to both such penalty  
and imprisonment.

15 (3) A person intending to apply for the leave  
of the Court under this section shall give to the  
Minister not less than ten days' notice of his intention  
so to apply.

20 (4) On the hearing of any application under  
this section the Minister may be represented at the  
hearing of, and may oppose the granting of, the  
application.

(2) (a) Section 96 (3)—

25 Omit "forty dollars and costs", insert instead  
"\$100".

(b) Section 96 (3)—

Omit "and costs" where secondly occurring.

(c) Section 96 (3)—

Omit ", with or without hard labour,".

30 (3) Section 97—

Omit "one hundred dollars", insert instead "\$100".

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(4) Sections 97A, 97B—

5 After section 97, insert :—

97A. (1) If any person—

10 (a) seeks, claims or receives any commission, fee or reward, whether pecuniary or otherwise, from any person as a consideration or charge for procuring or obtaining, or offering or attempting to procure or obtain, for any person a loan from any registered society or branch; or

15 (b) advertises or otherwise holds himself out as being able to arrange or obtain finance for any persons through or from any registered society or branch,

he shall be guilty of an offence and shall be liable to a penalty not exceeding \$200.

20 (2) Any sum received in contravention of this section may be recovered by the person who paid it from the person by whom it was received in an action for debt in any court of competent jurisdiction.

25 97B. (1) If any officer of a registered society or branch accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction had or to be had by that person with the society or branch, he shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding 3 months or to a penalty not exceeding \$200.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (2) An officer who is guilty of any offence under subsection (1) shall further be liable to pay to the society or branch double the value or amount of the commission, fee or reward.

(5) Section 98—

10 Omit “of not less than two dollars and not more than ten dollars”, insert instead “not exceeding \$50”.

(6) Section 99—

Omit “with hard labour”.

(7) Section 100—

Omit the section, insert instead : —

15 100. (1) A penalty imposed by this Act or by any regulation or by any rule of a registered society or branch shall, except where otherwise expressly provided in this Act, be recoverable summarily before a stipendiary magistrate or any two justices of the peace.

20 (2) Any penalty recoverable summarily under subsection (1) shall, if imposed by this Act or by any regulation, be recoverable at the suit of the Registrar or a member of the police force and, if imposed by any rule of a registered society or branch, shall be recoverable at the suit of the society or branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (3) Notwithstanding anything in any Act,  
summary proceedings for any offence punishable  
under this Act and committed—
- (a) after the commencement of this subsection;  
or
- 10 (b) before the commencement of this sub-  
section, where the time for commencing  
summary proceedings under the law, as in  
force before the commencement of this  
subsection, had not, as at that commence-  
ment, expired in respect of that offence,
- 15 may be brought within 3 years after the commission  
of the offence.

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SCHEDULE 11.

Sec. 4.

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912.

20 (1) Sections 104, 104A—

Omit section 104, insert instead :—

- 25 104. (1) Except with the consent of the Minister, Name of  
a society shall not be registered by a name that, society.  
in the opinion of the Registrar, is undesirable, or is  
a name, or a name of a kind, that the Minister has  
directed the Registrar not to accept for registry.

(2) The Minister shall cause a direction  
given by him under subsection (1) to be published in  
the Gazette.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 104A. (1) No registered society or branch shall use any name or title other than its registered name or any abbreviation or elaboration of that name approved in writing by the Registrar to be used for any specified purpose. Publication of name.

10 (2) A registered society or branch shall cause its name to appear in legible characters on all business letters, notices, advertisements and other official publications of the society or branch and on all bills of exchange, cheques, promissory notes, endorsements, orders for money or goods, invoices, receipts and other documents required in the business of the society or branch.

15 (3) A registered society or branch shall paint or affix and keep painted or affixed on the outside of its registered office in a conspicuous position in letters easily legible its name and the words "Registered under the Friendly Societies Act, 1912".

(2) Section 106 (1)—

25 After "name" where firstly occurring, insert "to a name by which it could be registered without contravening this Act".

(3) Section 107A—

After section 107, insert :—

*Notice of membership of committees of societies.*

30 107A. The secretary of a registered society shall, within 14 days after the re-election of the committee of the society or of the appointment of any member of the committee, send to the Registrar a list of the names of the members of the committee. Secretary to send list of new members of committee of society to Registrar.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 to fill a casual vacancy in the committee, send to the Registrar a list of the full name, occupation and address of each member elected to the committee or of the member appointed to fill the casual vacancy, as the case may be.
- (4) (a) Section 113—
- 10 Omit “, or produce for his inspection.”.
- (b) Section 113 (b)—
- Omit “receipts”, insert instead “income”.
- (5) Section 114 (2)—
- Omit “police or”.
- 15 (6) (a) Section 115 (1)—
- Omit “The Governor may determine”, insert instead “The regulations may prescribe”.
- (b) Section 115 (3)—
- 20 After “Treasury”, insert “to be carried to the Consolidated Revenue Fund”.
- (7) (a) Section 117 (1)—
- Omit the subsection, insert instead :—
- (1) Acknowledgments of registry issued by the Registrar under this Act shall be in or to the effect of the prescribed form.
- 25 (b) Section 117 (3)—
- Omit the subsection.

SCHEDULE

---

*Friendly Societies (Amendment).*

---

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 118 (2A)—

5       After section 118 (2), insert :—

(2A) A regulation may impose a penalty not  
exceeding \$50 for any breach thereof.

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SCHEDULE 12.

Sec. 4.

10       AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY  
SOCIETIES ACT, 1912.

(1) (a) Schedule Two, paragraph 6—

Omit “receipts”, insert instead “income”.

(b) Schedule Two, paragraph 7—

Omit the paragraph.

15 (2) Schedule Three—

Omit the Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[56c]





No. , 1976.

# A BILL

To amend the Friendly Societies Act, 1912.

[MR EINFELD—8 September, 1976.]

BE

*Friendly Societies (Amendment).*

**B**E it enacted by the Queen'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:—

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1976". Short title.

2. (1) This section and sections 1, 3 and 5 shall commence on the date of assent to this Act. Commencement.

10 (2) Section 4 shall, in its application to a provision of Schedules 1–12, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–12 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 3.—INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 6.—AMENDMENTS TO PART V OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE  
FRIENDLY SOCIETIES ACT, 1912.

5 SCHEDULE 8.—AMENDMENT TO PART VII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

10 SCHEDULE 10.—AMENDMENTS TO PART IX OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 11.—AMENDMENTS TO PART X OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 12.—AMENDMENTS TO THE SCHEDULES  
TO THE FRIENDLY SOCIETIES ACT, 1912.

15 4. The Friendly Societies Act, 1912, is amended in the  
manner set forth in Schedules 1–12. Amend-  
ment of  
Act No. 46,  
1912.

5. (1) A society formed before the commencement of  
Schedule 2 (4) may be registered under the Friendly Societies  
Act, 1912, in accordance with the provisions of that Act in  
20 force immediately before that commencement. Savings  
and tran-  
sitional  
provisions.

(2) An acknowledgment of the establishment of a  
new branch issued by the Registrar under section 22 (2) of  
the Friendly Societies Act, 1912, before the commencement  
of Schedule 2 (12) shall, after that commencement, be  
25 deemed to be an acknowledgment of the registry of that  
branch issued under that section, as amended by Schedule  
2 (12).

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SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 1—

- 5           From the matter relating to Part II, omit "19",  
insert instead "19A".

(b) Section 1—

After the matter relating to Part II, insert :—

- 10           PART IIA.—ADVISORY COMMITTEE—  
ss. 25B, 25C.

(c) Section 1—

From the matter relating to Part III, omit  
"Accounts", insert instead "Accounts, registers".

(d) Section 1—

- 15           From the matter relating to Part III, omit  
"Contributions to other societies, and subscrip-  
tions to hospitals—ss. 43, 44." insert instead :—

*Contributions to other societies, and subscrip-  
tions to charity—ss. 43, 44.*

- 20           *Power to join association under Co-operation  
Act, 1923—s. 44A.*

*Power to raise loans—s. 44B.*

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 1—

- 5           At the end of the matter relating to Part IV,  
insert :—

*Assignment of certain benefits—s. 59A.*

*Charge over certain benefits—s. 59B.*

(f) Section 1—

- 10           Omit the matter relating to Part VI, insert  
instead :—

PART VI.—INSPECTION AND SUSPENSION OF  
BUSINESS—ss. 69–71A.

(g) Section 1—

- 15           After “*Registered office—s. 107.*” in the matter  
relating to Part X, insert :—

*Notice of membership of committees of  
societies—s. 107A.*

- 20   (2) (a) Section 4, definition of “Advisory Committee”—  
Before the definition of “Amendment of rule”,  
insert :—

“Advisory Committee” means the Friendly  
Societies Advisory Committee constituted  
under this Act.

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) Section 4, definition of “Books”—

5       After the definition of “Amendment of rule”,  
insert :—

10       “Books” includes registers, accounting records,  
documents or other records of information however compiled, recorded or stored  
whether in written or printed form or  
on microfilm or by electronic process or  
otherwise.

(c) Section 4, definition of “Branch”—

Omit “of the rules or establishment”.

15       (d) Section 4, definition of “Regulation”—

After the definition of “Registrar”, insert :—

“Regulation” means regulation made under  
this Act.

*Friendly Societies (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Section 6—

- 5 Omit "The office of the Registrar shall, with the approval of the Governor", insert instead "The Registrar may".

(2) (a) Section 10 (4)—

- 10 Omit "one hundred dollars", insert instead "\$100".

(b) Section 10 (5) (a)—

Omit ", or any Act amending or replacing that Act".

(3) Sections 11, 12—

- 15 Omit "-1963" wherever occurring.

(4) Section 13—

Omit the section, insert instead :—

- 20 13. (1) No society formed after the commence- Formation.  
ment of Schedule 2 (4) to the Friendly Societies  
(Amendment) Act, 1976, shall be registered under  
this Act unless—

(a) a meeting was held for the purpose of forming the society;

(b) at that meeting there were presented—

- 25 (i) a written statement showing the objects of the proposed society and the reasons for believing that, if registered, it would be able to carry out its objects successfully; and

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (ii) a copy of the rules which it was  
proposed would be tendered for  
registration; and

(c) at the meeting or any subsequent meeting or  
adjourned meeting 100 or more persons of  
or above the age of 18 years—

10 (i) approved the rules with or without  
amendment;

(ii) were qualified to be members under  
the rules as so approved;

15 (iii) signed duly completed applications  
for membership; and

(iv) elected the first committee and the  
trustees of the society.

20 (2) Notwithstanding subsection (1) (c), a  
society formed with less than 100 members of or above  
the age of 18 years may, if the Registrar so approves,  
be registered under this Act.

(5) (a) Section 14 (1), (1A)—

Omit section 14 (1), insert instead :—

25 (1) An application to register a society  
formed after the commencement of Schedule 2  
(4) to the Friendly Societies (Amendment) Act,  
1976, shall—

(a) be made in the prescribed manner to  
the Registrar;

SCHEDULE



---

*Friendly Societies (Amendment).*

---

**SCHEDULE 2—continued.**

**AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

- 5                   (b) be made within 2 months after the  
                    meeting referred to in section 13 (1)  
                    (c) or within such further period as the  
                    Registrar may allow; and
- (c) be accompanied by—
- 10                   (i) a statutory declaration by the  
                    chairman and the secretary of  
                    the meeting referred to in  
                    section 13 (1) (c) as to com-  
                    pliance with the requirements  
                    of section 13;
- 15                   (ii) a copy of the statement pre-  
                    sented to that meeting signed  
                    by the chairman and secretary  
                    of that meeting;
- 20                   (iii) 2 copies of the rules signed by  
                    the chairman and secretary of  
                    that meeting and certified by  
                    them as being the rules  
                    approved in accordance with  
                    section 13 (1) (c);
- 25                   (iv) a list containing the full name  
                    and address of each person who  
                    attended that meeting and who  
                    signed an application for mem-  
                    bership and containing a  
30                   description of the benefits to be  
                    subscribed for by each such  
                    person;

**SCHEDULE**

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*Friendly Societies (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (v) a list containing the full name,  
occupation and address of each  
committee member, trustee and  
other officer (if any) autho-  
rised to sue and be sued on  
behalf of the society; and

10 (vi) such other particulars as may  
be prescribed.

15 (1A) The statutory declaration mentioned in  
subsection (1) (c) (i) may be accepted by the  
Registrar as sufficient evidence of compliance  
with the requirements of section 13.

(b) Section 14 (2)—

20 Omit “the society so sent shall”, insert instead “a  
society in respect of which an application for  
registry is made under subsection (1) shall, in  
addition to rules otherwise required by this Act  
or the regulations to be included,”.

(c) Section 14 (3)—

25 Omit “is signed by the secretary and every trustee  
and other officer”, insert instead “referred to in  
subsection (1) (c) (v) is signed by each  
committee member, trustee and other officer”.

SCHEDULE

---

*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (6) Section 15—

5 Omit the section, insert instead :—

15. (1) If the Registrar is satisfied—

Registration.

10 (a) that a society in respect of which an application for registry is made under section 14 (1) has complied with the provisions of this Act and the regulations in so far as they are applicable;

(b) that the rules of the society are not contrary to this Act or the regulations and are such as may reasonably be approved by him;

15 (c) that there are reasonable grounds for believing that the society, if registered, will be able to carry out its objects successfully; and

20 (d) that there is no reasonable cause why the society and its rules should not be registered,

25 the Registrar shall register the society and its rules and issue to the society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designation of those branches.

30 (2) An acknowledgment of registry issued under subsection (1) shall, unless it is proved that the registry of the society has been suspended or cancelled, be conclusive evidence that the society and its rules are duly registered.

SCHEDULE

---

*Friendly Societies (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) The Registrar may refer any application  
5 for registry made under section 14 (1) to the Advisory  
Committee.

(4) The Advisory Committee may recommend  
to the Registrar that a society whose application for registry  
is referred to the Committee under subsection (3) should  
10 not be registered if the Committee is of the opinion—

(a) that in the area in which the society  
proposes to operate, the benefits which it is  
designed to provide are capable of being  
provided by an existing registered society  
or branch;  
15

(b) that the society is not a bona fide friendly  
society; or

(c) that the society is not designed or intended  
to serve equitably the interests of its  
members and prospective members.  
20

(5) Notwithstanding subsection (1), upon the  
receipt within the time specified by the Registrar of a recom-  
mendation under subsection (4), the Registrar shall refuse  
to register the society.

25 (7) Section 18 (2)—

After “Act”, insert “or the regulations and is such as  
may reasonably be approved by him and that there  
is no reasonable cause why the amendment should  
not be registered”.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 19A—

5 After section 19, insert :—

19A. (1) A registered society or branch shall not, Commence-  
ment of  
advertising  
by society  
or branch.  
without the approval of the Advisory Committee,  
commence to advertise for membership after it is  
registered under this Act.

10 (2) The Registrar may refuse to register a  
society or branch formed after the commencement of  
Schedule 2 (8) to the Friendly Societies (Amend-  
ment) Act, 1976, which did not obtain the approval  
15 of the Registrar to the contents of any advertisement  
seeking members for the society or branch that was  
published before it is registered under this Act.

(9) Section 20A—

After section 20, insert :—

20 20A. No society with branches which is formed Formation  
of societies  
with  
branches.  
after the commencement of Schedule 2 (4) to the  
Friendly Societies (Amendment) Act, 1976, shall be  
registered under this Act unless—

- (a) the provisions of section 13 are complied with; and
- 25 (b) each branch of the society has elected delegates to the central body of the society and a committee of the branch and, where the rules of the society so provide, trustees of the branch.

SCHEDULE

---

*Friendly Societies (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(10) (a) Section 21 (b)—

- 5           After “names”, insert “, occupations and  
addresses”.

(b) Section 21 (b1)—

After section 21 (b), insert :—

- 10           (b1) a list of the names, occupations and  
addresses of the delegates from each  
branch to the central body of the society  
and of the members of the committee of  
each branch; and

(11) Section 22 (1) (c)—

- 15           After “names”, insert “, occupations and addresses”.

(12) Section 22 (2), (3)—

Omit section 22 (2), insert instead :—

(2) If the Registrar is satisfied—

- 20           (a) that the establishment of the new branch  
and its rules are not contrary to this Act  
or the regulations;
- (b) that the rules of the new branch are such  
as may reasonably be approved by him; and
- 25           (c) that there is no reasonable cause why the  
new branch and its rules should not be  
registered,

SCHEDULE

---

*Friendly Societies (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar shall register the branch and its rules and  
issue to the society of which the branch forms part an  
acknowledgment of registry.

10 (3) An acknowledgment of registry issued under  
subsection (2) shall, unless it is proved that the  
registry of the branch has been suspended or cancelled,  
be conclusive evidence that the branch and its rules  
are duly registered.

(13) Section 23—

Omit “acknowledge the establishment of a new branch  
or to register the rules of”, insert instead “register”.

15 (14) (a) Section 25 (1) (a)—

Omit “or”.

(b) Section 25 (1) (b)—

20 Omit “, or of any Act hereby repealed, or  
has ceased to exist; or”, insert instead “the  
regulations or its rules;”.

(c) Section 25 (1) (c), (d), (e), (f), (g)—

Omit section 25 (1) (c), insert instead :—

25 (c) with the approval of the Governor, in  
any case where he may award the  
dissolution of a society or branch under  
section 66 (4);

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (d) if a society or branch has terminated or  
been dissolved under section 64 or has  
otherwise ceased to exist;
- 10 (e) if a society or branch has not commenced  
business within a year of registry or  
has suspended business for more than 6  
months;
- 15 (f) if there are, and have been for a period  
of one month immediately before the date  
of the cancellation of the registry of a  
society or branch, insufficient members  
to form a quorum of the committee of  
the society or branch; or
- 20 (g) if, in the case of a society formed after  
the commencement of Schedule 2 (4) to  
the Friendly Societies (Amendment) Act,  
1976, the number of members of the  
society is reduced to less than the mini-  
mum number of members required at the  
time of its registry, or if, in any other  
25 case, the number of members of the  
society is reduced to less than 7,

(d) Section 25 (1)—

After “cancel”, insert “, or suspend for any term  
not exceeding 3 months.”.

[56c]

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 25 (2)—

5 Omit the subsection, insert instead :—

(2) The Registrar may, with the approval  
of the Governor in the case of a suspension of  
registry under subsection (1) (b) or (c), renew  
the suspension of the registry of a society or  
10 branch for any term not exceeding 3 months.

(f) Section 25 (3)—

Omit “except at its request”, insert instead  
“except pursuant to subsection (1) (a) or (d)”.

(g) Section 25 (3), proviso—

15 Omit “in pursuance of subsection two of this  
section the Registrar with the approval of the  
Governor”, insert instead “the Registrar”.

(h) Section 25 (7)—

Omit “forty dollars”, insert instead “\$100”.

20 SCHEDULE 3.

Sec. 4.

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912.

Part IIA—

After Part II, insert :—

25 PART IIA.

ADVISORY COMMITTEE.

25B. (1) There shall be a Friendly Societies Constitu-  
Advisory Committee consisting of such number of tion of  
members as may be determined by the Minister, being Advisory  
Committee.

---

*Friendly Societies (Amendment).*

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SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 not less than five and not exceeding nine or, where  
some other maximum number is prescribed, not  
exceeding the prescribed maximum number.

10 (2) One of the members of the Advisory  
Committee shall be the person who for the time being  
holds the office of Registrar and he shall, by virtue  
of that office, be the chairman and executive member  
of the Advisory Committee.

(3) A majority of the members of the  
Advisory Committee shall be officers of a registered  
society or of registered societies.

15 (4) A deputy or alternate member may be  
appointed to attend any meeting of the Advisory  
Committee at which a member is unable to be present.

20 (5) The members (other than the chairman)  
and deputy or alternate members of the Advisory  
Committee shall be appointed by the Minister and  
shall hold office for such period as he may deem fit  
and may be removed from office by him.

(6) Meetings of the Advisory Committee may  
be convened by the chairman or by any 2 members.

25 (7) Each member and deputy or alternate  
member of the Advisory Committee shall, unless he  
is an officer of the Public Service or a member of the  
Legislative Council or the Legislative Assembly of  
New South Wales, be entitled to receive such  
30 remuneration (including travelling and subsistence  
allowances) as the Minister may from time to time  
determine in respect of him.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5           25c. It shall be the duty of the Advisory Com- Functions  
of Advisory  
Committee.  
mittee—
- (a) to submit recommendations to the Minister  
              for the more effective operation of friendly  
              societies and in respect of proposed regula-  
              tions;
- 10           (b) to report on such other matters relating to  
              friendly societies and the provision of  
              benefits as may be referred to it by the  
              Minister;
- (c) to tender advice to the Registrar on such  
15           matters as may be referred to it by him; and
- (d) to perform such other functions as are  
              prescribed by this Act or the regulations.

SCHEDULE 4.

Sec. 4.

20           AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
              1912.

(1) (a) Section 26 (2) (a) (iii)—

After section 26 (2) (a) (ii), insert :—

- (iii) which is governed solely by delegates  
              from other registered societies or  
25           branches pursuant to section 43 (1), by  
              those delegates;

(b) Section 26 (3)—

Omit "as amended by subsequent Acts,".

SCHEDULE

---

*Friendly Societies (Amendment).*

---

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(c) Section 26 (6)—

- 5           After “thereof”, insert “and in the case of a  
registered society governed solely by delegates  
pursuant to section 43 (1) to those delegates”.

(d) Section 26 (7)—

- 10           After “branch” where secondly occurring, insert  
“, and in the case of a registered society governed  
solely by delegates pursuant to section 43 (1),  
be transmitted to those delegates”.

(2) Section 27 (2) (b)—

Omit “, as amended by subsequent Acts”.

15 (3) Section 29—

Omit the section.

(4) (a) Section 32 (3)—

- 20           Omit “in the form prescribed by regulations made  
under this Act”, insert instead “in the prescribed  
form”.

(b) Section 32 (4)—

Omit the subsection.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(5) Sections 32A, 32B—

5 After section 32, insert :—

32A. (1) A person shall not be qualified to be a trustee of a registered society or a branch of that society— Qualifica-  
tions of  
trustees.

10 (a) unless he is a member of that society or of any branch of that society;

(b) if he is the secretary, treasurer or employee of that society or of that branch; or

15 (c) if he, his partner, a person in his employment or his employer acts as solicitor or auditor to that society or to that branch.

20 (2) A person who, immediately before the commencement of Schedule 4 (5) to the Friendly Societies (Amendment) Act, 1976, was a trustee of a registered society or branch and who, after that commencement, was not qualified under subsection (1) to be such a trustee shall, unless he sooner dies or resigns or is removed from his office, be deemed to have vacated his office on the expiry of the period of 12 months after that commencement.

25 32B. (1) Where a trustee of a registered society or branch— Delegation.

(a) is absent from New South Wales or is about to depart therefrom; or

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is by reason of illness or of any other cause  
unable to perform his duties as trustee,  
he may, by an instrument in writing sent to and  
registered by the Registrar, delegate his duties as  
trustee.

10 (2) A trustee may not delegate his duties  
under subsection (1) unless—

(a) his co-trustees and the committee of the  
registered society or branch consent to the  
delegation; and

15 (b) the delegation is to a person residing in New  
South Wales who is a co-trustee or is capable  
of being appointed a trustee of the registered  
society or branch.

20 (3) A delegation may be made under sub-  
section (1) in respect of the whole or any part of the  
duties of the trustee.

25 (4) A delegation under subsection (1) shall  
operate until revoked by the trustee who made the  
delegation or by the committee of the registered society  
or branch by a notice of revocation sent to and  
registered by the Registrar.

30 (5) A delegation shall not be made under  
subsection (1) unless there will be remaining in New  
South Wales to perform the duties of trustee of the  
registered society or branch 3 persons whether as  
trustee or delegate.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (6) Two or more trustees may delegate their  
duties under subsection (1) concurrently.

10 (7) A trustee of a registered society or  
branch shall remain answerable for all acts and  
omissions of his delegate within the scope of the  
delegation as if they were the acts or omissions of the  
trustee and the delegate shall be subject to the pro-  
visions of this Act so far as it relates to the  
performance of the duties delegated in the same  
manner as if he were the trustee.

(6) (a) Section 36 (1) (a)—

15 Omit "or".

(b) Section 36 (1) (b), (c)—

Omit the paragraphs, insert instead :—

20 (b) becomes bankrupt, applies to take the  
benefit of any law for the relief of bank-  
rupt or insolvent debtors, compounds  
with his creditors or makes an assignment  
of his remuneration for their benefit;

25 (c) becomes a temporary patient, a continued  
treatment patient, a protected person or  
an incapable person within the meaning  
of the Mental Health Act, 1958, or a  
person under detention under Part VII  
of that Act;

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(c) Section 36 (1) (d)—

5 After “trustee;”, insert “or”.

(7) (a) Section 38, short heading—

After “*Accounts*”, insert “, *registers*”.

(b) Section 38 (3)—

Omit “forty dollars”, insert instead “\$100”.

10 (8) Section 38A—

After section 38, insert :—

*Registers and accounts.*

38A. (1) A registered society or branch shall keep <sup>Registers</sup> such registers and accounts as may be prescribed. <sub>and accounts.</sub>

15 (2) The registers shall include—

(a) a register of members;

(b) a register of trustees and of committee members;

20 (c) in the case of a society, a register of loans raised and securities given by the society;

(d) a register of the investments made by the society or branch;

(e) a register of lands held by the society or branch;

25 (f) a register of nominations made under section 49; and

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (g) a register of loans made and of securities  
taken by the society or branch.

(3) The registers shall be kept in such  
manner and shall contain such particulars as may be  
prescribed.

- (9) (a) Section 39 (1) (c)—  
10 Omit the paragraph.

- (b) Section 39 (1) (d)—  
Omit “fund.”, insert instead “fund; or”.

- (c) Section 39 (1) (e)—  
After section 39 (1) (d), insert :—  
15 (e) subject to subsection (1A), in shares in,  
or deposits with, any permanent building  
society registered under the Permanent  
Building Societies Act, 1967.

- (d) Section 39 (1A)—  
20 After section 39 (1), insert :—  
(1A) The total nominal value of shares in, or  
deposits with, permanent building societies that  
may be acquired or made pursuant to subsection  
(1) (e)—

- 25 (a) in the case of a registered society with-  
out branches—by the trustees of that  
society; or

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (b) in the case of a registered society with  
branches—by the trustees of that  
society or any of those branches,  
shall not exceed \$50,000, or where some other  
amount is prescribed, the prescribed amount.

(10) Section 40—

- 10 Omit “in the form in the Schedule Three hereto”,  
insert instead “in the prescribed form”.

(11) Section 43, short heading—

Omit “*hospitals*”, insert instead “*charity*”.

(12) Section 44—

- 15 Omit the section, insert instead :—

44. If authorised by its rules, a registered society Subscriptions  
or, with the approval of the central body, a branch to charity.  
may, out of any surplus which has arisen in its  
management or benevolent fund, make contributions  
20 for charitable purposes that do not exceed an amount  
specified in the rules for the purposes of this section.

(13) Sections 44A, 44B—

After section 44, insert :—

- 25 *Power to join association under Co-operation Act,*  
1923.

44A. (1) A registered society may join an associa- Power to  
tion of societies registered under the Co-operation Act, join  
1923. association  
under Co-  
operation  
Act, 1923.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5           (2) Nothing in subsection (1) shall  
authorise a registered society to subscribe by any  
means to the funds of any such association a sum  
which exceeds \$2,000 or such greater amount as may  
be approved by the Advisory Committee.

*Power to raise loans.*

- 10           44B. (1) Subject to this section, a registered society may, if authorised by its rules and within the limits provided in this section, raise money on loan to be applied to the purposes of the society. Raising  
loans.

- 15           (2) Where a registered society is authorised  
by its rules to raise money on loan, the society may,  
raise the money in such manner as the trustees may,  
with the consent of the committee of the society, think  
fit and in particular by mortgage of all or any part of  
20           the property and rights (both present and future) of  
the society, including subscriptions, loan payments and  
other money.

- 25           (3) Subject to subsection (4), a registered  
society shall not in any financial year raise a loan of an  
amount that, if added to the amount owing as at the  
last day of the next preceding financial year in respect  
of all loans made to it, would produce an amount  
greater than twenty per centum, or where some other  
percentage is prescribed, the prescribed percentage of  
the amount of the assets of the society as at that day.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (4) Where the Registrar so approves upon the recommendation of the Advisory Committee, a registered society may, in accordance with such limits, terms and conditions as the Registrar may impose, raise a loan of an amount in excess of that prescribed by subsection (3).

10 (5) The provisions of sections 70 and 73 and  
Division 7 of Part IV of the Companies Act, 1961,  
shall, subject to such modifications (if any) as may  
be prescribed, apply to and in respect of any mortgage  
15 or charge created by a registered society, not being a  
mortgage, charge or encumbrance of specific lands  
duly registered under the Real Property Act, 1900, or  
the Registration of Deeds Act, 1897, in the same way  
as they apply to and in respect of debentures and  
charges.

20 (6) For the purposes of subsection (5), a  
reference in any of the provisions of the Companies  
Act, 1961, referred to in that subsection to the  
Corporate Affairs Commission shall be construed as a  
reference to the Registrar.

25 (7) An acknowledgment or security of any  
kind given by a registered society for a loan shall have  
printed or written thereon a statement that the society  
is only entitled to receive loans within the limits  
provided in this Act.

30 (8) No person lending money to a registered  
society shall be bound to see to the application thereof  
or be in any way affected or prejudiced by the fact that  
the society, in borrowing that money, has contravened  
35 the provisions of this Act, the regulations or the rules  
of the society.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(14) Section 46 (2)—

5 Omit “police or”.

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SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 49 (1)—

10 Omit “book”, insert instead “register”.

(b) Section 49 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

15 (2) Section 50 (1)—

Omit “, not exceeding the said sum of one thousand  
dollars”.

(3) (a) Section 51 (1)—

20 Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

(b) Section 51 (2), (2A), (2B), (2C)—

5 Omit section 51 (2), insert instead :—

(2) If any member of a registered society or  
branch entitled from the funds thereof to a sum  
not exceeding that referred to in subsection (1)  
dies testate and without having made any nomina-  
10 tion thereof then subsisting, the society or branch  
may distribute that sum among such persons as  
appear to a majority of the trustees, upon such  
evidence, supported by statutory declaration, as  
they may deem satisfactory, to be entitled to  
15 receive that sum under the will of the deceased  
member.

(2A) The provisions of this section shall  
extend to any surplus, not exceeding the sum  
referred to in subsection (1), arising on the sale  
20 by the registered society or branch as mortgagee  
of any property mortgaged by the deceased to the  
society or branch.

(2B) The provisions of this section are subject  
to section 122 of the Stamp Duties Act, 1920.

25 (2C) No payment shall be made by a regis-  
tered society or branch under this section after  
evidence has been produced to that society or  
branch that letters of administration of the estate,  
or probate of the will, of the deceased member  
30 have or has been granted.

(4) Section 55—

Omit “, containing the particulars mentioned in this  
Act”.

(5) Sections 56, 57, 58—

35 Omit the sections.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Sections 59A, 59B—

5 After section 59, insert :—

*Assignment of certain benefits.*

59A. (1) In this section, “contract” means a con- Assignment  
tract by which a registered society or branch has of certain  
contracted to provide a benefit under section 10 (1) benefits.  
10 (c) or (d).

(2) A contract shall not, after the commence-  
ment of Schedule 5 (6) to the Friendly Societies  
(Amendment) Act, 1976, be assigned except—

- 15 (a) by way of mortgage for a term which, except  
where the rules of the registered society or  
branch liable under the contract otherwise  
provide, does not exceed 10 years;
- 20 (b) to a registered society or branch, a bank  
referred to in section 39 (1) (a), a credit  
union registered under the Credit Union  
Act, 1969, a co-operative society registered  
under the Co-operation Act, 1923, a  
25 building society registered under the  
Permanent Building Societies Act, 1967, or  
the spouse, or a dependant within the  
meaning of section 10 (6), of the  
transferor; and
- 30 (c) by memorandum of transfer in or to the  
effect of the prescribed form and signed by  
the transferor and by the transferee.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5           (3) An assignment made under subsection  
            (2) is not valid until registered in accordance with  
            this section by the registered society or branch liable  
            under the contract.

10           (4) The transferor of an assignment made  
            under subsection (2) shall deliver at or send to the  
            registered office of the registered society or branch  
            liable under the contract 2 copies of the memorandum  
            of transfer.

15           (5) Upon the receipt of a memorandum of  
            transfer under subsection (4), the registered society  
            or branch shall—

- (a) register the assignment in a register provided  
            by the society or branch for that purpose;
- (b) insert the date of registration in both copies  
            of the memorandum;
- 20       (c) cause both copies of the memorandum to be  
            signed by the secretary of the society or  
            branch or a person authorised by him in  
            writing to do so; and
- 25       (d) retain one copy of the memorandum and  
            send the other copy to the transferee.

(6) A copy of a memorandum of transfer  
signed as provided by subsection (5) (c)—

- (a) is conclusive evidence of the registration of  
30       the assignment and of the date of registra-  
            tion; and

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is, as between the registered society or  
branch liable under the contract and any  
person claiming any benefit under the  
contract, conclusive evidence for all  
10 purposes that the transferee was at the time  
of registration the person legally entitled to  
receive and give a discharge for the benefit  
provided by the contract free from all trusts,  
rights, equities and interests (except any  
charge that the society or branch has upon  
that benefit).

15 (7) The transferee under a duly registered  
assignment under this section has all the powers and  
is subject to all the liabilities of the transferor under  
the contract and may sue in his own name on the  
contract but, except as provided in the rules of the  
20 registered society or branch liable under the contract,  
nothing in this section shall be construed to admit the  
transferee to membership of the society or branch or  
to deprive the transferor of his membership in respect  
of his subscription to the benefit provided under the  
25 contract.

(8) The receipt of the transferee is a  
discharge to the registered society or branch liable  
under a contract for all money paid by the society or  
branch under the contract.

30 (9) A discharge or surrender of or security  
over the contract given to the registered society or  
branch by the transferee is valid and effectual notwith-  
standing the existence of any trust, right, equity or  
interest of any other person.

*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (10) A registered society or branch taking a  
discharge, surrender or security under subsection (9)  
is not required or concerned to inquire or ascertain  
the circumstances in which or the consideration for  
10 which the transferee or any previous transferee became  
a transferee, or, except as provided in subsection (12),  
be affected by express, implied or constructive notice  
of any trust, right, equity or interest of any other  
person.

15 (11) Section 48 does not apply to a  
transferee under a duly registered assignment under  
this section.

20 (12) Notwithstanding anything contained in  
this section, a registered society or branch liable under  
a contract shall not be entitled to any protection under  
this section or to rely upon any of the provisions of  
this section if the society or branch has not acted in  
good faith or has received express notice in writing of  
any trust, right, equity or interest of any person.

25 (13) The rights and liabilities arising under  
a contract shall not be deemed, either at law or in  
equity, to be merged or extinguished by reason only  
of an assignment of the contract under this section to  
the registered society or branch liable under the  
contract.

*Charge over certain benefits.*

30 59B. A registered society or branch shall have a Society or  
charge over any benefit provided under section 10 branch to  
(1) (c) or (d) which a person is legally entitled have  
to receive in respect of any debt due to the society or charge  
over certain  
benefits.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5       branch by that person arising from any unpaid sub-  
scriptions for that benefit or the assignment of that  
benefit by that person to the society or branch by way  
of mortgage and the society or branch may set off  
any money payable to that person in or towards  
payment of the debt.

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SCHEDULE 6.

**Sec. 4.**

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

- (1) (a) Section 64 (1A)—

After section 64 (1), insert :—

- 15       (1A) In the case of the termination of the  
branch of a registered society under subsection  
(1) (a), the secretary of that society shall, within  
14 days of the termination, send notice of the  
20       termination to the Registrar in the prescribed  
form.

- (b) Section 64 (5)—

Omit “of the district within which the chief or  
any other place of business of the society is  
situate”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(2) (a) Section 66 (2) (a), (b)—

5 Omit the paragraphs, insert instead :—

(a) the grounds on which it is alleged that the Registrar may award the dissolution of the society or branch; and

(b) Section 66 (3A)—

10 After section 66 (3), insert :—

(3A) The Registrar may, on his own motion and without any application, by himself or by his deputy whom he may appoint in writing under his hand, investigate the affairs of a registered society or branch.

(c) Section 66 (4)—

Omit the subsection, insert instead :—

(4) If, upon an investigation under subsection (1) or (3A), it appears—

20 (a) that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution are insufficient to cover the benefits assured or that the society  
25 or branch is unable to pay its debts as they fall due; or

(b) that, in view of the funds of the society or branch and the rates of contribution, the benefits provided by the society or  
30 branch are inadequate,

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved and its affairs wound up and shall direct the manner in which the assets of the society or branch shall be divided or appropriated.

10 (3) Section 66A—

After section 66, insert :—

66A. (1) A registered society may be dissolved and its affairs wound up by an award of the Registrar upon application by the society. **Award of dissolution by Registrar upon application by society.**

15 (2) An application under subsection (1) may not be made unless confirmed by a special resolution of the members of the society or, in the case of a society with branches, by a special resolution of the central body of the society.

20 (3) Section 66 applies to and in respect of an award of the Registrar under this section in the same way as it applies to and in respect of an award of the Registrar under section 66.

(4) Section 67—

25 After “societies”, insert “other than dissolution by the award of the Registrar under section 66”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Part VI, heading—

5       After “INSPECTION”, insert “AND SUSPENSION OF  
BUSINESS”.

(2) Sections 71, 71A—

Omit section 71, insert instead :—

10       71. A registered society and branch shall at all reasonable hours produce for the inspection of any member or person having an interest in the funds of the society or branch—  
Inspection  
by member  
of annual  
returns,  
valuations,  
etc.

(a) a copy of the last annual return of the society or branch;

15       (b) a copy of the last quinquennial valuation of the society or branch;

(c) the books of the society or branch relating to the account of that member or person at the society or branch; and

20       (d) a copy of the rules of the society or branch.

25       71A. (1) If, with respect to any registered society or branch, the Registrar considers it expedient to do so in the interests of members of, persons having an interest in the funds of, or persons who may become members of, the society or branch he may, by notice in writing served on the society or branch with the approval of the Minister, direct that the society or branch shall not accept any new members or enter into a new contract with any member of the society or branch until the expiration of such time as may be specified in the notice or until the direction is withdrawn under subsection (4), whichever is the earlier.

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

5           (2) The Registrar may, with the approval of  
the Minister and by a further notice, extend the time  
specified in any notice served under subsection (1).

10           (3) A registered society or branch to which  
subsection (1) applies may make representations to  
the Advisory Committee with respect to the direction  
within one month of the direction being given and the  
Advisory Committee shall report thereon to the  
Minister.

15           (4) Upon receipt of a report under subsec-  
tion (3), the Minister may direct the Registrar to  
withdraw the direction and the Registrar shall there-  
upon withdraw the direction.

            (5) A registered society or branch shall not  
contravene a direction given to it and in force under  
subsection (1).

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**SCHEDULE 8.**

**Sec. 4.**

**AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**Section 72—**

25           Omit "a judge of a District Court", insert instead  
"the District Court".

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**SCHEDULE**



*Friendly Societies (Amendment).*

SCHEDULE 9.

Sec. 4.

AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 81 (1)—

5 Omit "There", insert instead "Subject to sections  
81B, 81C and 81D, there".

(b) Section 81 (1) (a), (b)—

10 Omit "to provide" wherever occurring, insert  
instead "to assure the payment of sickness  
benefits and funeral donations and to provide".

(c) Section 81 (5)—

Omit the subsection, insert instead :—

15 (5) The regulations may prescribe an amount  
for the purposes of subsection (1) (a) by  
reference to a determination of the Minister or  
of the Registrar and may prescribe the manner  
in which any such determination shall be made.

(2) Sections 81B, 81C, 81D—

After section 81A, insert :—

20 81B. No payments shall be made, or be deemed to  
have been authorised to be made, under section 81  
(1) for any year subsequent to that ending on 30th  
June, 1975, in respect of contributions chargeable  
under the rules of a registered society to provide  
25 the benefits of medical attendance and reimbursement  
for medical attendance.

Cessation  
of subven-  
tion  
payments  
in respect  
of medical  
attendance.

30 81C. (1) No payments shall be made under section  
81 (1) for any year subsequent to that ending on the  
appointed day in respect of contributions chargeable  
under the rules of a registered society to provide the  
benefits of medicine and reimbursement for medicine.

Cessation  
of subven-  
tion  
payments  
in respect  
of medicine.

35 (2) In subsection (1), "appointed day"  
means a day (being 30th June, 1977, or 30th June  
in any subsequent year) appointed for the purposes  
of this section by the Governor by proclamation  
published in the Gazette.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 9—*continued.*

AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

5 81D. (1) A registered society which elects to be paid, or which the Minister directs shall be entitled to be paid, a terminating payment under this section shall not be entitled to any payment under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

Terminating  
subvention  
payments in  
respect of  
sickness  
benefits  
and funeral  
donations.

10 (2) For the purposes of subsection (1), the terminating payment which a registered society shall be paid under this section shall be an amount which the Minister determines, with the concurrence of the  
15 Treasurer, to be the value of all future payments that that society would be entitled to be paid under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

20 (3) A terminating payment under this section may be paid in a lump sum or by instalments of such amounts and over such period as the Minister, with the concurrence of the Treasurer, may approve.

25 (4) An election or a direction under subsection (1) in respect of a registered society shall not take effect until the end of a financial year of that society.

(3) Section 89—

Omit "two hundred dollars", insert instead "\$200".

30 (4) Sections 90, 91—

Omit the sections.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10.

Sec. 4.

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES  
Act, 1912.

(1) Section 93A—

5 After section 93, insert :—

10 93A. (1) A person who, being an undischarged bankrupt, acts as a committee member or trustee of, or directly or indirectly takes part in or is concerned in the management of, a registered society or branch except with the leave of the Supreme Court shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

Leave of Court required before certain persons may act as member of a committee or as trustee.

15 (2) Where a person is convicted whether within or without the State—

- 20 (a) on indictment of any offence in connection with the promotion, formation or management of a society, company or other corporation;
- (b) of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;
- 25 (c) of any offence and sentenced to any period of imprisonment without the option of a fine; or
- 30 (d) of an offence under section 124 of the Companies Act, 1961, or any other provision of that Act that may be prescribed,

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 and that person, within a period of 5 years after his  
conviction, or if he is sentenced to imprisonment, after  
his release from prison, without the leave of the  
Supreme Court is a committee member or trustee or  
promoter of, or is in any way, whether directly or  
10 indirectly, concerned or takes part in the management  
of, a registered society or branch, he shall be guilty of  
an offence against this Act and, upon summary con-  
viction, liable to a penalty of \$1,000 or to imprison-  
ment for a period of 6 months or to both such penalty  
and imprisonment.

15 (3) A person intending to apply for the leave  
of the Court under this section shall give to the  
Minister not less than ten days' notice of his intention  
so to apply.

20 (4) On the hearing of any application under  
this section the Minister may be represented at the  
hearing of, and may oppose the granting of, the  
application.

(2) (a) Section 96 (3)—

25 Omit "forty dollars and costs", insert instead  
"\$100".

(b) Section 96 (3)—

Omit "and costs" where secondly occurring.

(c) Section 96 (3)—

Omit ", with or without hard labour,".

30 (3) Section 97—

Omit "one hundred dollars", insert instead "\$100".

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(4) Sections 97A, 97B—

5 After section 97, insert :—

97A. (1) If any person—

10 (a) seeks, claims or receives any commission, fee or reward, whether pecuniary or otherwise, from any person as a consideration or charge for procuring or obtaining, or offering or attempting to procure or obtain, for any person a loan from any registered society or branch; or

15 (b) advertises or otherwise holds himself out as being able to arrange or obtain finance for any persons through or from any registered society or branch,

he shall be guilty of an offence and shall be liable to a penalty not exceeding \$200.

20 (2) Any sum received in contravention of this section may be recovered by the person who paid it from the person by whom it was received in an action for debt in any court of competent jurisdiction.

25 97B. (1) If any officer of a registered society or branch accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction had or to be had by that person with the society or branch, he shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding 3 months or to a penalty not exceeding \$200.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (2) An officer who is guilty of any offence under subsection (1) shall further be liable to pay to the society or branch double the value or amount of the commission, fee or reward.

(5) Section 98—

10 Omit “of not less than two dollars and not more than ten dollars”, insert instead “not exceeding \$50”.

(6) Section 99—

Omit “with hard labour”.

(7) Section 100—

Omit the section, insert instead : —

15 100. (1) A penalty imposed by this Act or by any regulation or by any rule of a registered society or branch shall, except where otherwise expressly provided in this Act, be recoverable summarily before a stipendiary magistrate or any two justices of the  
20 peace.

(2) Any penalty recoverable summarily under subsection (1) shall, if imposed by this Act or by any regulation, be recoverable at the suit of the Registrar or a member of the police force and, if imposed by any rule of a registered society or branch,  
25 shall be recoverable at the suit of the society or branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (3) Notwithstanding anything in any Act,  
summary proceedings for any offence punishable  
under this Act and committed—
- (a) after the commencement of this subsection;  
or
- 10 (b) before the commencement of this sub-  
section, where the time for commencing  
summary proceedings under the law, as in  
force before the commencement of this  
subsection, had not, as at that commence-  
ment, expired in respect of that offence,
- 15 may be brought within 3 years after the commission  
of the offence.

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SCHEDULE 11.

Sec. 4.

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912.

20 (1) Sections 104, 104A—

Omit section 104, insert instead :—

- 25 104. (1) Except with the consent of the Minister, <sup>Name of</sup>  
a society shall not be registered by a name that, <sup>society.</sup>  
in the opinion of the Registrar, is undesirable, or is  
a name, or a name of a kind, that the Minister has  
directed the Registrar not to accept for registry.

(2) The Minister shall cause a direction  
given by him under subsection (1) to be published in  
the Gazette.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 104A. (1) No registered society or branch shall use any name or title other than its registered name or any abbreviation or elaboration of that name approved in writing by the Registrar to be used for any specified purpose. Publication of name.

10 (2) A registered society or branch shall cause its name to appear in legible characters on all business letters, notices, advertisements and other official publications of the society or branch and on all bills of exchange, cheques, promissory notes, endorsements, orders for money or goods, invoices, receipts and other documents required in the business of the society or branch.

20 (3) A registered society or branch shall paint or affix and keep painted or affixed on the outside of its registered office in a conspicuous position in letters easily legible its name and the words "Registered under the Friendly Societies Act, 1912".

(2) Section 106 (1)—

25 After "name" where firstly occurring, insert "to a name by which it could be registered without contravening this Act".

(3) Section 107A—

After section 107, insert :—

*Notice of membership of committees of societies.*

30 107A. The secretary of a registered society shall, within 14 days after the re-election of the committee of the society or of the appointment of any member Secretary to send list of new members of committee of society to Registrar.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5       to fill a casual vacancy in the committee, send to  
the Registrar a list of the full name, occupation and  
address of each member elected to the committee or  
of the member appointed to fill the casual vacancy,  
as the case may be.

(4) (a) Section 113—

10       Omit “, or produce for his inspection,”.

(b) Section 113 (b)—

Omit “receipts”, insert instead “income”.

(5) Section 114 (2)—

Omit “police or”.

15 (6) (a) Section 115 (1)—

Omit “The Governor may determine”, insert  
instead “The regulations may prescribe”.

(b) Section 115 (3)—

20       After “Treasury”, insert “to be carried to the  
Consolidated Revenue Fund”.

(7) (a) Section 117 (1)—

Omit the subsection, insert instead :—

25       (1) Acknowledgments of registry issued by  
the Registrar under this Act shall be in or to the  
effect of the prescribed form.

(b) Section 117 (3)—

Omit the subsection.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 118 (2A)—

5       After section 118 (2), insert :—

(2A) A regulation may impose a penalty not  
exceeding \$50 for any breach thereof.

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SCHEDULE 12.

Sec. 4.

10       AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY  
SOCIETIES ACT, 1912.

(1) (a) Schedule Two, paragraph 6—

Omit “receipts”, insert instead “income”.

(b) Schedule Two, paragraph 7—

Omit the paragraph.

15 (2) Schedule Three—

Omit the Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[56c]



## FRIENDLY SOCIETIES (AMENDMENT) BILL, 1976

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that the circulation of certain statistical and other information relating to friendly societies by the Registrar of Friendly Societies shall be discretionary and not obligatory (Schedule 2 (1));
- (b) to increase certain penalties under the Principal Act (Schedules 2 (14) (h), 4 (7), 10 (2) and 10 (5));
- (c) to impose conditions, similar to those applying to credit unions and permanent building societies, on the registration of friendly societies and branches thereof formed after the commencement of the proposed Act, and in particular—
  - (i) to require a friendly society to hold a formation meeting;
  - (ii) to require that at least 100 members or such lesser number as the Registrar of Friendly Societies may approve, attend the formation meeting and become members, instead of a friendly society being required to consist of at least 7 persons; and
  - (iii) to require extra particulars of formation members and of members of the committee of management and of the trustees of the society or branch (Schedule 2 (4), (5), (9), (10) and (11));
- (d) to require the Registrar of Friendly Societies to register a friendly society or branch thereof and its rules only if he is satisfied that, inter alia—
  - (i) the rules of the society or branch are such as may reasonably be approved by him;
  - (ii) there are reasonable grounds for believing that the society will be able to carry out its objects successfully; and
  - (iii) there is no reasonable cause why the society and its rules should not be registered (Schedule 2 (6) and (12));
- (e) to empower the Registrar of Friendly Societies to refer an application for the registration of a friendly society or branch thereof to the Friendly Societies Advisory Committee and to require him to refuse to register that society or branch if the Committee so recommends (Schedule 2 (6));



- (f) to impose the same restrictions on the registration of amendments of rules of a friendly society or branches thereof as are applicable under the proposed Act to the registration of the rules of a society or branch which applies to be registered (Schedule 2 (7));
- (g) to control the commencement of advertising for membership by a friendly society or branch which is registered or which is to be registered (Schedule 2 (8));
- (h) to extend the circumstances in which the Registrar of Friendly Societies may cancel or suspend the registration of a friendly society or branch, and in particular where—
  - (i) the society or branch has not commenced business within a year of registration or has suspended business for more than 6 months;
  - (ii) there are insufficient members of the committee of management of the society or branch to form a quorum; or
  - (iii) the membership of the society or branch falls below the number which was required at the time of the registration of the society or branch (Schedule 2 (14));
- (i) to constitute a Friendly Societies Advisory Committee comprising a majority of officers of friendly societies to advise the Minister on matters relating to friendly societies and to carry out other duties prescribed by the Principal Act or the regulations thereunder (Schedule 3);
- (j) to provide that auditors of friendly societies governed solely by delegates from other societies or branches shall be appointed by, and shall report to, those delegates (Schedule 4 (1));
- (k) to make a consolidated provision relating to the inspection by a member of a friendly society or branch of the last annual return and quinquennial report of the society or branch and of the account of the member instead of all books of the society or branch (Schedules 4 (3), 7 (2), 11 (4));
- (l) to provide that certain persons, including persons who act as solicitors or auditors to friendly societies or branches or who are not members thereof, are not qualified to be trustees of those friendly societies or branches (Schedule 4 (4) and (5));
- (m) to empower a trustee of a friendly society or branch to delegate the whole or any part of his duties if he is absent from New South Wales or if he is unable to perform his duties by reason of illness or of any other cause (Schedule 4 (5));
- (n) to require a friendly society or branch to keep certain registers and accounts (Schedule 4 (8));
- (o) to remove the power of a friendly society or branch to purchase land and erect buildings for any purpose other than for the holding of its meetings and the transaction of its business (Schedule 4 (9) (a));



- (p) to empower the trustees of a friendly society or branch to invest, within certain specified limits, the funds of the society or branch in shares in, and deposits with, permanent building societies (Schedule 4 (9) (c) and (d));
- (q) to restrict the amount of money that a friendly society or branch may subscribe to any charity out of certain surplus funds to an amount specified in its rules (Schedule 4 (12));
- (r) to enable a friendly society to join an association of societies registered under the Co-operation Act, 1923 (Schedule 4 (13));
- (s) to authorise a friendly society to raise loans, within certain specified limits, on the security of its present and future assets (Schedule 4 (13));
- (t) to increase from \$1,000 to \$1,200, or such greater amount as may be prescribed, the amount of money payable on the death of a member that—
  - (i) the member may nominate to be paid to a particular person; or
  - (ii) may be paid, where the member dies intestate, prior to the grant of letters of administration (Schedule 5 (1), (2) and (3) (a));
- (u) to extend the concession referred to in paragraph (t) (ii) to payments of money, where the member dies testate, prior to the grant of probate (Schedule 5 (3) (b));
- (v) to repeal certain provisions that no longer serve any useful purpose (Schedule 5 (5));
- (w) to make special provision for the assignment of certain life assurance policies and endowment policies provided by friendly societies or branches and to restrict such assignments to assignments by way of mortgage to certain financial institutions and persons (Schedule 5 (6));
- (x) to provide that a friendly society or branch shall have a charge over any policy referred to in paragraph (w) in respect of certain debts due to the society or branch by the holder of the policy (Schedule 5 (6));
- (y) to require the secretary of a friendly society to send notice to the Registrar of Friendly Societies of the termination of any branch of the society arising from the rules of the society or branch (Schedule 6 (1) (a));
- (z) to extend the circumstances in which the Registrar of Friendly Societies may award the dissolution of a friendly society or branch to include—
  - (i) a finding by the Registrar, after an investigation instituted by the complaint of members or on his own motion, that the society or branch is unable to pay its debts as they fall due or that its benefits are inadequate;
  - (ii) dissolution by award of the Registrar upon application made by the society or branch in the form of a special resolution (Schedule 6 (2), (3) and (4));

- (aa) to empower the Registrar of Friendly Societies with the approval of the Minister and in certain circumstances, to suspend that part of the business of a friendly society or branch as relates to the acceptance of new members or the entering into of new contracts with existing members (Schedule 7 (2));
  - (bb) to provide for the cessation of subvention payments to friendly societies in respect of medical attendance and medicine and for terminating payments in respect of sickness benefits and funeral donations (Schedule 9 (1) and (2));
  - (cc) to make it an offence for undischarged bankrupts and persons convicted of certain offences to take part in the management of a friendly society or branch without the leave of the Supreme Court (Schedule 10 (1));
  - (dd) to make it an offence for any person to procure or attempt to procure a loan from a friendly society or branch for a fee or commission and for an officer of a friendly society or branch to accept any fee or commission in respect of a transaction with the society or branch (Schedule 10 (4));
  - (ee) to enable summary proceedings for offences under the proposed Act to be brought within 3 years of the commission of the offence instead of 6 months (Schedule 10 (7));
  - (ff) to enable the Registrar of Friendly Societies to refuse to register the name of a friendly society that he considers undesirable (instead of one that is likely only to deceive the public) and to require him to refuse to do so where the name is a name, or a name of a kind, that the Minister has directed him not to accept for registration (Schedule 11 (1));
  - (gg) to make provision with respect to the publication by a registered society or branch of its name (Schedule 11 (1));
  - (hh) to require the secretary of a friendly society to send to the Registrar of Friendly Societies particulars of any members re-elected to the committee of management of the society or appointed to fill a casual vacancy therein (Schedule 11 (3));
  - (ii) to enable certain forms used for the purposes of the Principal Act to be prescribed by regulation instead of being prescribed by the Act (Schedules 11 (7) and 12 (2));
  - (jj) to authorise the imposition of a penalty not exceeding \$50 for any breach of the regulations made under the Principal Act (Schedule 11 (8)); and
  - (kk) to make other provisions of a minor, consequential or transitional nature and by way of statute law revision.
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PROOF

No. , 1976.

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# A BILL

To amend the Friendly Societies Act, 1912.

[MR EINFELD—8 September, 1976.]

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BE



*Friendly Societies (Amendment).*

**B**E it enacted by the Queen'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:—

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1976". Short title.

2. (1) This section and sections 1, 3 and 5 shall commence on the date of assent to this Act. Commencement.

10 (2) Section 4 shall, in its application to a provision of Schedules 1–12, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–12 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 3.—INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 6.—AMENDMENTS TO PART V OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE  
FRIENDLY SOCIETIES ACT, 1912.

5 SCHEDULE 8.—AMENDMENT TO PART VII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

10 SCHEDULE 10.—AMENDMENTS TO PART IX OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 11.—AMENDMENTS TO PART X OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 12.—AMENDMENTS TO THE SCHEDULES  
TO THE FRIENDLY SOCIETIES ACT, 1912.

15 4. The Friendly Societies Act, 1912, is amended in the  
manner set forth in Schedules 1–12. Amend-  
ment of  
Act No. 46,  
1912.

5. (1) A society formed before the commencement of Savings  
Schedule 2 (4) may be registered under the Friendly Societies and tran-  
sitional  
Act, 1912, in accordance with the provisions of that Act in provisions.  
20 force immediately before that commencement.

(2) An acknowledgment of the establishment of a  
new branch issued by the Registrar under section 22 (2) of  
the Friendly Societies Act, 1912, before the commencement  
of Schedule 2 (12) shall, after that commencement, be  
25 deemed to be an acknowledgment of the registry of that  
branch issued under that section, as amended by Schedule  
2 (12).

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SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 1—

- 5 From the matter relating to Part II, omit "19",  
insert instead "19A".

(b) Section 1—

After the matter relating to Part II, insert :—

- 10 PART IIA.—ADVISORY COMMITTEE—  
ss. 25B, 25C.

(c) Section 1—

From the matter relating to Part III, omit  
"Accounts", insert instead "Accounts, registers".

(d) Section 1—

- 15 From the matter relating to Part III, omit  
"Contributions to other societies, and subscrip-  
tions to hospitals—ss. 43, 44." insert instead :—

*Contributions to other societies, and subscrip-  
tions to charity—ss. 43, 44.*

- 20 *Power to join association under Co-operation  
Act, 1923—s. 44A.*

*Power to raise loans—s. 44B.*

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 1—

- 5       At the end of the matter relating to Part IV,  
insert :—

*Assignment of certain benefits—s. 59A.*

*Charge over certain benefits—s. 59B.*

(f) Section 1—

- 10       Omit the matter relating to Part VI, insert  
instead :—

PART VI.—INSPECTION AND SUSPENSION OF  
BUSINESS—*ss. 69–71A.*

(g) Section 1—

- 15       After “*Registered office—s. 107.*” in the matter  
relating to Part X, insert :—

*Notice of membership of committees of  
societies—s. 107A.*

- 20       (2) (a) Section 4, definition of “Advisory Committee”—  
Before the definition of “Amendment of rule”,  
insert :—

“Advisory Committee” means the Friendly  
Societies Advisory Committee constituted  
under this Act.

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) Section 4, definition of “Books”—

5       After the definition of “Amendment of rule”,  
insert :—

10       “Books” includes registers, accounting records,  
documents or other records of informa-  
tion however compiled, recorded or stored  
whether in written or printed form or  
on microfilm or by electronic process or  
otherwise.

(c) Section 4, definition of “Branch”—

Omit “of the rules or establishment”.

15       (d) Section 4, definition of “Regulation”—

After the definition of “Registrar”, insert :—

“Regulation” means regulation made under  
this Act.



*Friendly Societies (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Section 6—

- 5 Omit "The office of the Registrar shall, with the approval of the Governor", insert instead "The Registrar may".

(2) (a) Section 10 (4)—

- 10 Omit "one hundred dollars", insert instead "\$100".

(b) Section 10 (5) (a)—

Omit " , or any Act amending or replacing that Act".

(3) Sections 11, 12—

- 15 Omit "—1963" wherever occurring.

(4) Section 13—

Omit the section, insert instead :—

- 20 13. (1) No society formed after the commence- Formation.  
ment of Schedule 2 (4) to the Friendly Societies  
(Amendment) Act, 1976, shall be registered under  
this Act unless—

(a) a meeting was held for the purpose of  
forming the society;

(b) at that meeting there were presented—

- 25 (i) a written statement showing the  
objects of the proposed society and  
the reasons for believing that, if  
registered, it would be able to carry  
out its objects successfully; and

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (ii) a copy of the rules which it was  
proposed would be tendered for  
registration; and

(c) at the meeting or any subsequent meeting or  
adjourned meeting 100 or more persons of  
or above the age of 18 years—

10 (i) approved the rules with or without  
amendment;

(ii) were qualified to be members under  
the rules as so approved;

15 (iii) signed duly completed applications  
for membership; and

(iv) elected the first committee and the  
trustees of the society.

20 (2) Notwithstanding subsection (1) (c), a  
society formed with less than 100 members of or above  
the age of 18 years may, if the Registrar so approves,  
be registered under this Act.

(5) (a) Section 14 (1), (1A)—

Omit section 14 (1), insert instead :—

25 (1) An application to register a society  
formed after the commencement of Schedule 2  
(4) to the Friendly Societies (Amendment) Act,  
1976, shall—

(a) be made in the prescribed manner to  
the Registrar;

SCHEDULE

---

*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (b) be made within 2 months after the  
meeting referred to in section 13 (1)  
(c) or within such further period as the  
Registrar may allow; and
- (c) be accompanied by—
- 10 (i) a statutory declaration by the  
chairman and the secretary of  
the meeting referred to in  
section 13 (1) (c) as to com-  
pliance with the requirements  
of section 13;
- 15 (ii) a copy of the statement pre-  
sented to that meeting signed  
by the chairman and secretary  
of that meeting;
- 20 (iii) 2 copies of the rules signed by  
the chairman and secretary of  
that meeting and certified by  
them as being the rules  
approved in accordance with  
section 13 (1) (c);
- 25 (iv) a list containing the full name  
and address of each person who  
attended that meeting and who  
signed an application for mem-  
bership and containing a  
30 description of the benefits to be  
subscribed for by each such  
person;

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (v) a list containing the full name,  
occupation and address of each  
committee member, trustee and  
other officer (if any) autho-  
rised to sue and be sued on  
behalf of the society; and

10 (vi) such other particulars as may  
be prescribed.

15 (1A) The statutory declaration mentioned in  
subsection (1) (c) (i) may be accepted by the  
Registrar as sufficient evidence of compliance  
with the requirements of section 13.

(b) Section 14 (2)—

20 Omit “the society so sent shall”, insert instead “a  
society in respect of which an application for  
registry is made under subsection (1) shall, in  
addition to rules otherwise required by this Act  
or the regulations to be included.”.

(c) Section 14 (3)—

25 Omit “is signed by the secretary and every trustee  
and other officer”, insert instead “referred to in  
subsection (1) (c) (v) is signed by each  
committee member, trustee and other officer”.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (6) Section 15—

5 Omit the section, insert instead :—

15. (1) If the Registrar is satisfied—

Registration.

- 10 (a) that a society in respect of which an application for registry is made under section 14 (1) has complied with the provisions of this Act and the regulations in so far as they are applicable;
- (b) that the rules of the society are not contrary to this Act or the regulations and are such as may reasonably be approved by him;
- 15 (c) that there are reasonable grounds for believing that the society, if registered, will be able to carry out its objects successfully; and
- 20 (d) that there is no reasonable cause why the society and its rules should not be registered,

the Registrar shall register the society and its rules and issue to the society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designation of those branches.

25

(2) An acknowledgment of registry issued under subsection (1) shall, unless it is proved that the registry of the society has been suspended or cancelled, be conclusive evidence that the society and its rules are duly registered.

30

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (3) The Registrar may refer any application for registry made under section 14 (1) to the Advisory Committee.

(4) The Advisory Committee may recommend to the Registrar that a society whose application for registry is referred to the Committee under subsection (3) should  
10 not be registered if the Committee is of the opinion—

(a) that in the area in which the society proposes to operate, the benefits which it is designed to provide are capable of being provided by an existing registered society or branch;  
15

(b) that the society is not a bona fide friendly society; or

(c) that the society is not designed or intended to serve equitably the interests of its members and prospective members.  
20

(5) Notwithstanding subsection (1), upon the receipt within the time specified by the Registrar of a recommendation under subsection (4), the Registrar shall refuse to register the society.

25 (7) Section 18 (2)—

After "Act", insert "or the regulations and is such as may reasonably be approved by him and that there is no reasonable cause why the amendment should not be registered".

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 19A—

5 After section 19, insert :—

19A. (1) A registered society or branch shall not, without the approval of the Advisory Committee, commence to advertise for membership after it is registered under this Act. Commence-  
ment of  
advertising  
by society  
or branch.

10 (2) The Registrar may refuse to register a  
society or branch formed after the commencement of  
Schedule 2 (8) to the Friendly Societies (Amend-  
ment) Act, 1976, which did not obtain the approval  
15 of the Registrar to the contents of any advertisement  
seeking members for the society or branch that was  
published before it is registered under this Act.

(9) Section 20A—

After section 20, insert :—

20 20A. No society with branches which is formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall be registered under this Act unless— Formation  
of societies  
with  
branches.

- (a) the provisions of section 13 are complied with; and
- 25 (b) each branch of the society has elected delegates to the central body of the society and a committee of the branch and, where the rules of the society so provide, trustees of the branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(10) (a) Section 21 (b)—

- 5           After “names”, insert “, occupations and  
addresses”.

(b) Section 21 (b1)—

After section 21 (b), insert :—

- 10           (b1) a list of the names, occupations and  
addresses of the delegates from each  
branch to the central body of the society  
and of the members of the committee of  
each branch; and

(11) Section 22 (1) (c)—

- 15           After “names”, insert “, occupations and addresses”.

(12) Section 22 (2), (3)—

Omit section 22 (2), insert instead :—

(2) If the Registrar is satisfied—

- 20           (a) that the establishment of the new branch  
and its rules are not contrary to this Act  
or the regulations;
- (b) that the rules of the new branch are such  
as may reasonably be approved by him; and
- 25           (c) that there is no reasonable cause why the  
new branch and its rules should not be  
registered,

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar shall register the branch and its rules and  
issue to the society of which the branch forms part an  
acknowledgment of registry.

10 (3) An acknowledgment of registry issued under  
subsection (2) shall, unless it is proved that the  
registry of the branch has been suspended or cancelled,  
be conclusive evidence that the branch and its rules  
are duly registered.

(13) Section 23—

Omit “acknowledge the establishment of a new branch  
or to register the rules of”, insert instead “register”.

15 (14) (a) Section 25 (1) (a)—

Omit “or”.

(b) Section 25 (1) (b)—

20 Omit “, or of any Act hereby repealed, or  
has ceased to exist; or”, insert instead “the  
regulations or its rules;”.

(c) Section 25 (1) (c), (d), (e), (f), (g)—

Omit section 25 (1) (c), insert instead :—

25 (c) with the approval of the Governor, in  
any case where he may award the  
dissolution of a society or branch under  
section 66 (4);

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (d) if a society or branch has terminated or  
been dissolved under section 64 or has  
otherwise ceased to exist;
- 10 (e) if a society or branch has not commenced  
business within a year of registry or  
has suspended business for more than 6  
months;
- 15 (f) if there are, and have been for a period  
of one month immediately before the date  
of the cancellation of the registry of a  
society or branch, insufficient members  
to form a quorum of the committee of  
the society or branch; or
- 20 (g) if, in the case of a society formed after  
the commencement of Schedule 2 (4) to  
the Friendly Societies (Amendment) Act,  
1976, the number of members of the  
society is reduced to less than the mini-  
mum number of members required at the  
time of its registry, or if, in any other  
25 case, the number of members of the  
society is reduced to less than 7,

(d) Section 25 (1)—

After "cancel", insert " , or suspend for any term  
not exceeding 3 months,".

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 25 (2)—

5 Omit the subsection, insert instead :—

(2) The Registrar may, with the approval of the Governor in the case of a suspension of registry under subsection (1) (b) or (c), renew the suspension of the registry of a society or  
10 branch for any term not exceeding 3 months.

(f) Section 25 (3)—

Omit “except at its request”, insert instead “except pursuant to subsection (1) (a) or (d)”.

(g) Section 25 (3), proviso—

15 Omit “in pursuance of subsection two of this section the Registrar with the approval of the Governor”, insert instead “the Registrar”.

(h) Section 25 (7)—

Omit “forty dollars”, insert instead “\$100”.

20 SCHEDULE 3.

Sec. 4.

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912.

Part IIA—

After Part II, insert :—

25 PART IIA.

ADVISORY COMMITTEE.

25B. (1) There shall be a Friendly Societies  
Advisory Committee consisting of such number of  
members as may be determined by the Minister, being  
Constitu-  
tion of  
Advisory  
Committee.



*Friendly Societies (Amendment).*

SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 not less than five and not exceeding nine or, where  
some other maximum number is prescribed, not  
exceeding the prescribed maximum number.

10 (2) One of the members of the Advisory  
Committee shall be the person who for the time being  
holds the office of Registrar and he shall, by virtue  
of that office, be the chairman and executive member  
of the Advisory Committee.

(3) A majority of the members of the  
Advisory Committee shall be officers of a registered  
society or of registered societies.

15 (4) A deputy or alternate member may be  
appointed to attend any meeting of the Advisory  
Committee at which a member is unable to be present.

20 (5) The members (other than the chairman)  
and deputy or alternate members of the Advisory  
Committee shall be appointed by the Minister and  
shall hold office for such period as he may deem fit  
and may be removed from office by him.

(6) Meetings of the Advisory Committee may  
be convened by the chairman or by any 2 members.

25 (7) Each member and deputy or alternate  
member of the Advisory Committee shall, unless he  
is an officer of the Public Service or a member of the  
Legislative Council or the Legislative Assembly of  
New South Wales, be entitled to receive such  
30 remuneration (including travelling and subsistence  
allowances) as the Minister may from time to time  
determine in respect of him.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5           25c. It shall be the duty of the Advisory Com- Functions  
of Advisory  
Committee.  
mittee—
- (a) to submit recommendations to the Minister  
              for the more effective operation of friendly  
              societies and in respect of proposed regula-  
              tions;
- 10           (b) to report on such other matters relating to  
              friendly societies and the provision of  
              benefits as may be referred to it by the  
              Minister;
- 15           (c) to tender advice to the Registrar on such  
              matters as may be referred to it by him; and
- (d) to perform such other functions as are  
              prescribed by this Act or the regulations.

SCHEDULE 4.

Sec. 4.

20           AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
              1912.

(1) (a) Section 26 (2) (a) (iii)—

After section 26 (2) (a) (ii), insert :—

- 25           (iii) which is governed solely by delegates  
              from other registered societies or  
              branches pursuant to section 43 (1), by  
              those delegates;

(b) Section 26 (3)—

Omit “as amended by subsequent Acts.”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(c) Section 26 (6)—

- 5       After “thereof”, insert “and in the case of a  
registered society governed solely by delegates  
pursuant to section 43 (1) to those delegates”.

(d) Section 26 (7)—

- 10       After “branch” where secondly occurring, insert  
“, and in the case of a registered society governed  
solely by delegates pursuant to section 43 (1),  
be transmitted to those delegates”.

(2) Section 27 (2) (b)—

Omit “, as amended by subsequent Acts”.

15 (3) Section 29—

Omit the section.

(4) (a) Section 32 (3)—

- 20       Omit “in the form prescribed by regulations made  
under this Act”, insert instead “in the prescribed  
form”.

(b) Section 32 (4)—

Omit the subsection.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(5) Sections 32A, 32B—

5 After section 32, insert :—

32A. (1) A person shall not be qualified to be a trustee of a registered society or a branch of that society— Qualifica-  
tions of  
trustees.

10 (a) unless he is a member of that society or of any branch of that society;

(b) if he is the secretary, treasurer or employee of that society or of that branch; or

15 (c) if he, his partner, a person in his employment or his employer acts as solicitor or auditor to that society or to that branch.

20 (2) A person who, immediately before the commencement of Schedule 4 (5) to the Friendly Societies (Amendment) Act, 1976, was a trustee of a registered society or branch and who, after that commencement, was not qualified under subsection (1) to be such a trustee shall, unless he sooner dies or resigns or is removed from his office, be deemed to have vacated his office on the expiry of the period of 12 months after that commencement.

25 32B. (1) Where a trustee of a registered society or branch— Delegation.

(a) is absent from New South Wales or is about to depart therefrom; or

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is by reason of illness or of any other cause  
unable to perform his duties as trustee,

he may, by an instrument in writing sent to and  
registered by the Registrar, delegate his duties as  
trustee.

10 (2) A trustee may not delegate his duties  
under subsection (1) unless—

(a) his co-trustees and the committee of the  
registered society or branch consent to the  
delegation; and

15 (b) the delegation is to a person residing in New  
South Wales who is a co-trustee or is capable  
of being appointed a trustee of the registered  
society or branch.

20 (3) A delegation may be made under sub-  
section (1) in respect of the whole or any part of the  
duties of the trustee.

25 (4) A delegation under subsection (1) shall  
operate until revoked by the trustee who made the  
delegation or by the committee of the registered society  
or branch by a notice of revocation sent to and  
registered by the Registrar.

30 (5) A delegation shall not be made under  
subsection (1) unless there will be remaining in New  
South Wales to perform the duties of trustee of the  
registered society or branch 3 persons whether as  
trustee or delegate.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (6) Two or more trustees may delegate their  
duties under subsection (1) concurrently.

10 (7) A trustee of a registered society or  
branch shall remain answerable for all acts and  
omissions of his delegate within the scope of the  
delegation as if they were the acts or omissions of the  
trustee and the delegate shall be subject to the pro-  
visions of this Act so far as it relates to the  
performance of the duties delegated in the same  
manner as if he were the trustee.

(6) (a) Section 36 (1) (a)—

15 Omit "or".

(b) Section 36 (1) (b), (c)—

Omit the paragraphs, insert instead :—

20 (b) becomes bankrupt, applies to take the  
benefit of any law for the relief of bank-  
rupt or insolvent debtors, compounds  
with his creditors or makes an assignment  
of his remuneration for their benefit;

25 (c) becomes a temporary patient, a continued  
treatment patient, a protected person or  
an incapable person within the meaning  
of the Mental Health Act, 1958, or a  
person under detention under Part VII  
of that Act;

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(c) Section 36 (1) (d)—

5 After “trustee;”, insert “or”.

(7) (a) Section 38, short heading—

After “Accounts”, insert “, registers”.

(b) Section 38 (3)—

Omit “forty dollars”, insert instead “\$100”.

10 (8) Section 38A—

After section 38, insert :—

*Registers and accounts.*

38A. (1) A registered society or branch shall keep Registers  
such registers and accounts as may be prescribed. and  
accounts.

15 (2) The registers shall include—

(a) a register of members;

(b) a register of trustees and of committee  
members;

20 (c) in the case of a society, a register of loans  
raised and securities given by the society;

(d) a register of the investments made by the  
society or branch;

(e) a register of lands held by the society or  
branch;

25 (f) a register of nominations made under  
section 49; and

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (g) a register of loans made and of securities  
taken by the society or branch.

(3) The registers shall be kept in such  
manner and shall contain such particulars as may be  
prescribed.

10 (9) (a) Section 39 (1) (c)—  
Omit the paragraph.

(b) Section 39 (1) (d)—  
Omit "fund.", insert instead "fund; or".

(c) Section 39 (1) (e)—  
After section 39 (1) (d), insert :—  
15 (e) subject to subsection (1A), in shares in,  
or deposits with, any permanent building  
society registered under the Permanent  
Building Societies Act, 1967.

(d) Section 39 (1A)—  
20 After section 39 (1), insert :—  
(1A) The total nominal value of shares in, or  
deposits with, permanent building societies that  
may be acquired or made pursuant to subsection  
(1) (e)—

25 (a) in the case of a registered society with-  
out branches—by the trustees of that  
society; or

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (b) in the case of a registered society with  
branches—by the trustees of that  
society or any of those branches,

shall not exceed \$50,000, or where some other  
amount is prescribed, the prescribed amount.

(10) Section 40—

- 10 Omit “in the form in the Schedule Three hereto”,  
insert instead “in the prescribed form”.

(11) Section 43, short heading—

Omit “*hospitals*”, insert instead “*charity*”.

(12) Section 44—

- 15 Omit the section, insert instead :—

44. If authorised by its rules, a registered society Subscriptions  
or, with the approval of the central body, a branch to charity.  
may, out of any surplus which has arisen in its  
management or benevolent fund, make contributions  
20 for charitable purposes that do not exceed an amount  
specified in the rules for the purposes of this section.

(13) Sections 44A, 44B—

After section 44, insert :—

- 25 *Power to join association under Co-operation Act,*  
1923.

44A. (1) A registered society may join an associa- Power to  
tion of societies registered under the Co-operation Act, join  
1923. association  
under Co-  
operation  
Act, 1923.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (2) Nothing in subsection (1) shall authorise a registered society to subscribe by any means to the funds of any such association a sum which exceeds \$2,000 or such greater amount as may be approved by the Advisory Committee.

*Power to raise loans.*

- 10 44B. (1) Subject to this section, a registered society may, if authorised by its rules and within the limits provided in this section, raise money on loan to be applied to the purposes of the society. Raising loans.

- 15 (2) Where a registered society is authorised by its rules to raise money on loan, the society may raise the money in such manner as the trustees may, with the consent of the committee of the society, think fit and in particular by mortgage of all or any part of the property and rights (both present and future) of the society, including subscriptions, loan payments and other money.
- 20

- 25 (3) Subject to subsection (4), a registered society shall not in any financial year raise a loan of an amount that, if added to the amount owing as at the last day of the next preceding financial year in respect of all loans made to it, would produce an amount greater than twenty per centum, or where some other percentage is prescribed, the prescribed percentage of the amount of the assets of the society as at that day.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (4) Where the Registrar so approves upon the recommendation of the Advisory Committee, a registered society may, in accordance with such limits, terms and conditions as the Registrar may impose, raise a loan of an amount in excess of that prescribed by subsection (3).

10 (5) The provisions of sections 70 and 73 and Division 7 of Part IV of the Companies Act, 1961, shall, subject to such modifications (if any) as may be prescribed, apply to and in respect of any mortgage or charge created by a registered society, not being a  
15 mortgage, charge or encumbrance of specific lands duly registered under the Real Property Act, 1900, or the Registration of Deeds Act, 1897, in the same way as they apply to and in respect of debentures and charges.

20 (6) For the purposes of subsection (5), a reference in any of the provisions of the Companies Act, 1961, referred to in that subsection to the Corporate Affairs Commission shall be construed as a reference to the Registrar.

25 (7) An acknowledgment or security of any kind given by a registered society for a loan shall have printed or written thereon a statement that the society is only entitled to receive loans within the limits provided in this Act.

30 (8) No person lending money to a registered society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that the society, in borrowing that money, has contravened the provisions of this Act, the regulations or the rules  
35 of the society.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(14) Section 46 (2)—

5 Omit “police or”.

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SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 49 (1)—

10 Omit “book”, insert instead “register”.

(b) Section 49 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

15 (2) Section 50 (1)—

Omit “, not exceeding the said sum of one thousand  
dollars”.

(3) (a) Section 51 (1)—

20 Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

(b) Section 51 (2), (2A), (2B), (2C)—

5 Omit section 51 (2), insert instead :—

(2) If any member of a registered society or  
branch entitled from the funds thereof to a sum  
not exceeding that referred to in subsection (1)  
dies testate and without having made any nomina-  
10 tion thereof then subsisting, the society or branch  
may distribute that sum among such persons as  
appear to a majority of the trustees, upon such  
evidence, supported by statutory declaration, as  
they may deem satisfactory, to be entitled to  
15 receive that sum under the will of the deceased  
member.

(2A) The provisions of this section shall  
extend to any surplus, not exceeding the sum  
referred to in subsection (1), arising on the sale  
20 by the registered society or branch as mortgagee  
of any property mortgaged by the deceased to the  
society or branch.

(2B) The provisions of this section are subject  
to section 122 of the Stamp Duties Act, 1920.

25 (2C) No payment shall be made by a regis-  
tered society or branch under this section after  
evidence has been produced to that society or  
branch that letters of administration of the estate,  
or probate of the will, of the deceased member  
30 have or has been granted.

(4) Section 55—

Omit “, containing the particulars mentioned in this  
Act”.

(5) Sections 56, 57, 58—

35 Omit the sections.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Sections 59A, 59B—

5 After section 59, insert :—

*Assignment of certain benefits.*

59A. (1) In this section, “contract” means a con- Assignment  
tract by which a registered society or branch has of certain  
contracted to provide a benefit under section 10 (1) benefits.  
10 (c) or (d).

(2) A contract shall not, after the commence-  
ment of Schedule 5 (6) to the Friendly Societies  
(Amendment) Act, 1976, be assigned except—

15 (a) by way of mortgage for a term which, except  
where the rules of the registered society or  
branch liable under the contract otherwise  
provide, does not exceed 10 years;

20 (b) to a registered society or branch, a bank  
referred to in section 39 (1) (a), a credit  
union registered under the Credit Union  
Act, 1969, a co-operative society registered  
under the Co-operation Act, 1923, a  
25 building society registered under the  
Permanent Building Societies Act, 1967, or  
the spouse, or a dependant within the  
meaning of section 10 (6), of the  
transferor; and

30 (c) by memorandum of transfer in or to the  
effect of the prescribed form and signed by  
the transferor and by the transferee.

SCHEDULE

*Friendly Societies (Amendment).*

## SCHEDULE 5—continued.

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.

5 (3) An assignment made under subsection  
(2) is not valid until registered in accordance with  
this section by the registered society or branch liable  
under the contract.

10 (4) The transferor of an assignment made  
under subsection (2) shall deliver at or send to the  
registered office of the registered society or branch  
liable under the contract 2 copies of the memorandum  
of transfer.

15 (5) Upon the receipt of a memorandum of  
transfer under subsection (4), the registered society  
or branch shall—

- (a) register the assignment in a register provided  
by the society or branch for that purpose;
- (b) insert the date of registration in both copies  
of the memorandum;
- 20 (c) cause both copies of the memorandum to be  
signed by the secretary of the society or  
branch or a person authorised by him in  
writing to do so; and
- 25 (d) retain one copy of the memorandum and  
send the other copy to the transferee.

(6) A copy of a memorandum of transfer  
signed as provided by subsection (5) (c)—

- 30 (a) is conclusive evidence of the registration of  
the assignment and of the date of registra-  
tion; and

## SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (b) is, as between the registered society or  
branch liable under the contract and any  
person claiming any benefit under the  
contract, conclusive evidence for all  
10 purposes that the transferee was at the time  
of registration the person legally entitled to  
receive and give a discharge for the benefit  
provided by the contract free from all trusts,  
rights, equities and interests (except any  
charge that the society or branch has upon  
that benefit).

15 (7) The transferee under a duly registered  
assignment under this section has all the powers and  
is subject to all the liabilities of the transferor under  
the contract and may sue in his own name on the  
contract but, except as provided in the rules of the  
20 registered society or branch liable under the contract,  
nothing in this section shall be construed to admit the  
transferee to membership of the society or branch or  
to deprive the transferor of his membership in respect  
of his subscription to the benefit provided under the  
25 contract.

(8) The receipt of the transferee is a  
discharge to the registered society or branch liable  
under a contract for all money paid by the society or  
branch under the contract.

30 (9) A discharge or surrender of or security  
over the contract given to the registered society or  
branch by the transferee is valid and effectual notwith-  
standing the existence of any trust, right, equity or  
interest of any other person.



*Friendly Societies (Amendment).*

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (10) A registered society or branch taking a  
discharge, surrender or security under subsection (9)  
is not required or concerned to inquire or ascertain  
the circumstances in which or the consideration for  
which the transferee or any previous transferee became  
10 a transferee, or, except as provided in subsection (12),  
be affected by express, implied or constructive notice  
of any trust, right, equity or interest of any other  
person.

15 (11) Section 48 does not apply to a  
transferee under a duly registered assignment under  
this section.

20 (12) Notwithstanding anything contained in  
this section, a registered society or branch liable under  
a contract shall not be entitled to any protection under  
this section or to rely upon any of the provisions of  
this section if the society or branch has not acted in  
good faith or has received express notice in writing of  
any trust, right, equity or interest of any person.

25 (13) The rights and liabilities arising under  
a contract shall not be deemed, either at law or in  
equity, to be merged or extinguished by reason only  
of an assignment of the contract under this section to  
the registered society or branch liable under the  
contract.

*Charge over certain benefits.*

30 59B. A registered society or branch shall have a  
charge over any benefit provided under section 10  
(1) (c) or (d) which a person is legally entitled  
to receive in respect of any debt due to the society or  
Society or  
branch to  
have  
charge  
over  
certain  
benefits.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5       branch by that person arising from any unpaid sub-  
scriptions for that benefit or the assignment of that  
benefit by that person to the society or branch by way  
of mortgage and the society or branch may set off  
any money payable to that person in or towards  
payment of the debt.

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10

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 64 (1A)—

After section 64 (1), insert:—

- 15       (1A) In the case of the termination of the  
branch of a registered society under subsection  
(1) (a), the secretary of that society shall, within  
14 days of the termination, send notice of the  
20       termination to the Registrar in the prescribed  
form.

(b) Section 64 (5)—

Omit “of the district within which the chief or  
any other place of business of the society is  
situate”.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(2) (a) Section 66 (2) (a), (b)—

5 Omit the paragraphs, insert instead :—

- (a) the grounds on which it is alleged that the Registrar may award the dissolution of the society or branch; and

(b) Section 66 (3A)—

10 After section 66 (3), insert :—

- (3A) The Registrar may, on his own motion and without any application, by himself or by his deputy whom he may appoint in writing under his hand, investigate the affairs of a registered society or branch.

(c) Section 66 (4)—

Omit the subsection, insert instead :—

- (4) If, upon an investigation under subsection (1) or (3A), it appears—

- 20 (a) that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution are insufficient to cover the benefits assured or that the society  
25 or branch is unable to pay its debts as they fall due; or

- (b) that, in view of the funds of the society or branch and the rates of contribution, the benefits provided by the society or  
30 branch are inadequate,

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 6—*continued.*

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved and its affairs wound up and shall direct the manner in which the assets of the society or branch shall be divided or appropriated.

10 (3) Section 66A—

After section 66, insert :—

66A. (1) A registered society may be dissolved and its affairs wound up by an award of the Registrar upon application by the society.

Award of dissolution by Registrar upon application by society.

15 (2) An application under subsection (1) may not be made unless confirmed by a special resolution of the members of the society or, in the case of a society with branches, by a special resolution of the central body of the society.

20 (3) Section 66 applies to and in respect of an award of the Registrar under this section in the same way as it applies to and in respect of an award of the Registrar under section 66.

(4) Section 67—

25 After “societies”, insert “other than dissolution by the award of the Registrar under section 66”.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Part VI, heading—

- 5 After “INSPECTION”, insert “AND SUSPENSION OF BUSINESS”.

(2) Sections 71, 71A—

Omit section 71, insert instead :—

- 10 71. A registered society and branch shall at all reasonable hours produce for the inspection of any member or person having an interest in the funds of the society or branch—

Inspection  
by member  
of annual  
returns,  
valuations,  
etc.

- (a) a copy of the last annual return of the society or branch;
- 15 (b) a copy of the last quinquennial valuation of the society or branch;
- (c) the books of the society or branch relating to the account of that member or person at the society or branch; and
- 20 (d) a copy of the rules of the society or branch.

- 25 71A. (1) If, with respect to any registered society or branch, the Registrar considers it expedient to do so in the interests of members of, persons having an interest in the funds of, or persons who may become members of, the society or branch he may, by notice in writing served on the society or branch with the approval of the Minister, direct that the society or branch shall not accept any new members or enter into a new contract with any member of the society
- 30 or branch until the expiration of such time as may be specified in the notice or until the direction is withdrawn under subsection (4), whichever is the earlier.

Suspension  
of business  
of society  
or branch.

SCHEDULE

*Friendly Societies (Amendment).*

**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

5 (2) The Registrar may, with the approval of  
the Minister and by a further notice, extend the time  
specified in any notice served under subsection (1).

10 (3) A registered society or branch to which  
subsection (1) applies may make representations to  
the Advisory Committee with respect to the direction  
within one month of the direction being given and the  
Advisory Committee shall report thereon to the  
Minister.

15 (4) Upon receipt of a report under subsec-  
tion (3), the Minister may direct the Registrar to  
withdraw the direction and the Registrar shall there-  
upon withdraw the direction.

(5) A registered society or branch shall not  
contravene a direction given to it and in force under  
subsection (1).

20 **SCHEDULE 8.**

**Sec. 4.**

**AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**Section 72—**

25 Omit "a judge of a District Court", insert instead  
"the District Court".

**SCHEDULE**

*Friendly Societies (Amendment).*

## SCHEDULE 9.

Sec. 4.

AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
Act, 1912.

## (1) (a) Section 81 (1)—

5 Omit "There", insert instead "Subject to sections 81B, 81C and 81D, there".

## (b) Section 81 (1) (a), (b)—

10 Omit "to provide" wherever occurring, insert instead "to assure the payment of sickness benefits and funeral donations and to provide".

## (c) Section 81 (5)—

Omit the subsection, insert instead :—

15 (5) The regulations may prescribe an amount for the purposes of subsection (1) (a) by reference to a determination of the Minister or of the Registrar and may prescribe the manner in which any such determination shall be made.

## (2) Sections 81B, 81C, 81D—

After section 81A, insert :—

20 81B. No payments shall be made, or be deemed to have been authorised to be made, under section 81 (1) for any year subsequent to that ending on 30th June, 1975, in respect of contributions chargeable under the rules of a registered society to provide the benefits of medical attendance and reimbursement for medical attendance.

Cessation of subvention payments in respect of medical attendance.

30 81C. (1) No payments shall be made under section 81 (1) for any year subsequent to that ending on the appointed day in respect of contributions chargeable under the rules of a registered society to provide the benefits of medicine and reimbursement for medicine.

Cessation of subvention payments in respect of medicine.

35 (2) In subsection (1), "appointed day" means a day (being 30th June, 1977, or 30th June in any subsequent year) appointed for the purposes of this section by the Governor by proclamation published in the Gazette.

## SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 9—continued.****AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

5 81D. (1) A registered society which elects to be paid, or which the Minister directs shall be entitled to be paid, a terminating payment under this section shall not be entitled to any payment under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

Terminating  
subvention  
payments in  
respect of  
sickness  
benefits  
and funeral  
donations.

10 (2) For the purposes of subsection (1), the terminating payment which a registered society shall be paid under this section shall be an amount which the Minister determines, with the concurrence of the  
15 Treasurer, to be the value of all future payments that that society would be entitled to be paid under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

20 (3) A terminating payment under this section may be paid in a lump sum or by instalments of such amounts and over such period as the Minister, with the concurrence of the Treasurer, may approve.

25 (4) An election or a direction under subsection (1) in respect of a registered society shall not take effect until the end of a financial year of that society.

(3) Section 89—

Omit "two hundred dollars", insert instead "\$200".

30 (4) Sections 90, 91—

Omit the sections.

*Friendly Societies (Amendment).*

SCHEDULE 10.

Sec. 4.

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) Section 93A—

5 After section 93, insert :—

10 93A. (1) A person who, being an undischarged bankrupt, acts as a committee member or trustee of, or directly or indirectly takes part in or is concerned in the management of, a registered society or branch except with the leave of the Supreme Court shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

Leave of Court required before certain persons may act as member of a committee or as trustee.

15 (2) Where a person is convicted whether within or without the State—

- 20 (a) on indictment of any offence in connection with the promotion, formation or management of a society, company or other corporation;
- (b) of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;
- 25 (c) of any offence and sentenced to any period of imprisonment without the option of a fine; or
- 30 (d) of an offence under section 124 of the Companies Act, 1961, or any other provision of that Act that may be prescribed,

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 and that person, within a period of 5 years after his  
conviction, or if he is sentenced to imprisonment, after  
his release from prison, without the leave of the  
Supreme Court is a committee member or trustee or  
promoter of, or is in any way, whether directly or  
10 indirectly, concerned or takes part in the management  
of, a registered society or branch, he shall be guilty of  
an offence against this Act and, upon summary con-  
viction, liable to a penalty of \$1,000 or to imprison-  
ment for a period of 6 months or to both such penalty  
and imprisonment.

15 (3) A person intending to apply for the leave  
of the Court under this section shall give to the  
Minister not less than ten days' notice of his intention  
so to apply.

20 (4) On the hearing of any application under  
this section the Minister may be represented at the  
hearing of, and may oppose the granting of, the  
application.

## (2) (a) Section 96 (3)—

25 Omit "forty dollars and costs", insert instead  
"\$100".

## (b) Section 96 (3)—

Omit "and costs" where secondly occurring.

## (c) Section 96 (3)—

Omit " , with or without hard labour,".

## 30 (3) Section 97—

Omit "one hundred dollars", insert instead "\$100".

## SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(4) Sections 97A, 97B—

5 After section 97, insert :—

97A. (1) If any person—

- 10 (a) seeks, claims or receives any commission, fee or reward, whether pecuniary or otherwise, from any person as a consideration or charge for procuring or obtaining, or offering or attempting to procure or obtain, for any person a loan from any registered society or branch; or
- 15 (b) advertises or otherwise holds himself out as being able to arrange or obtain finance for any persons through or from any registered society or branch,

Certain  
acts  
prohibited  
in relation  
to loans.

he shall be guilty of an offence and shall be liable to a penalty not exceeding \$200.

20 (2) Any sum received in contravention of this section may be recovered by the person who paid it from the person by whom it was received in an action for debt in any court of competent jurisdiction.

25 97B. (1) If any officer of a registered society or branch accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction had or to be had by that person with the society or branch, he shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding 3 months or to a penalty not exceeding \$200.

30

Commission.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 (2) An officer who is guilty of any offence  
under subsection (1) shall further be liable to pay  
to the society or branch double the value or amount  
of the commission, fee or reward.

(5) Section 98—

10 Omit “of not less than two dollars and not more than  
ten dollars”, insert instead “not exceeding \$50”.

(6) Section 99—

Omit “with hard labour”.

(7) Section 100—

Omit the section, insert instead :—

15 100. (1) A penalty imposed by this Act or by any <sup>Recovery</sup>  
regulation or by any rule of a registered society or <sup>of penalty.</sup>  
branch shall, except where otherwise expressly  
provided in this Act, be recoverable summarily before  
20 a stipendiary magistrate or any two justices of the  
peace.

(2) Any penalty recoverable summarily  
under subsection (1) shall, if imposed by this Act or  
by any regulation, be recoverable at the suit of the  
Registrar or a member of the police force and, if  
25 imposed by any rule of a registered society or branch,  
shall be recoverable at the suit of the society or  
branch.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- 5 (3) Notwithstanding anything in any Act,  
summary proceedings for any offence punishable  
under this Act and committed—
- (a) after the commencement of this subsection;  
or
- 10 (b) before the commencement of this sub-  
section, where the time for commencing  
summary proceedings under the law, as in  
force before the commencement of this  
subsection, had not, as at that commence-  
ment, expired in respect of that offence,
- 15 may be brought within 3 years after the commission  
of the offence.

SCHEDULE 11.

Sec. 4.

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912.

- 20 (1) Sections 104, 104A—

Omit section 104, insert instead :—

- 25 104. (1) Except with the consent of the Minister, <sup>Name of</sup>  
a society shall not be registered by a name that, <sup>society.</sup>  
in the opinion of the Registrar, is undesirable, or is  
a name, or a name of a kind, that the Minister has  
directed the Registrar not to accept for registry.

(2) The Minister shall cause a direction  
given by him under subsection (1) to be published in  
the Gazette.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 104A. (1) No registered society or branch shall use any name or title other than its registered name or any abbreviation or elaboration of that name approved in writing by the Registrar to be used for any specified purpose. Publica-  
tion of  
name.

10 (2) A registered society or branch shall cause its name to appear in legible characters on all business letters, notices, advertisements and other official publications of the society or branch and on all bills of exchange, cheques, promissory notes, endorsements, orders for money or goods, invoices, receipts and other documents required in the business of the society or branch.

20 (3) A registered society or branch shall paint or affix and keep painted or affixed on the outside of its registered office in a conspicuous position in letters easily legible its name and the words "Registered under the Friendly Societies Act, 1912".

(2) Section 106 (1)—

25 After "name" where firstly occurring, insert "to a name by which it could be registered without contravening this Act".

(3) Section 107A—

After section 107, insert :—

*Notice of membership of committees of societies.*

30 107A. The secretary of a registered society shall, within 14 days after the re-election of the committee of the society or of the appointment of any member Secretary  
to send list  
of new  
members of  
committee  
of society  
to Registrar.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

5 to fill a casual vacancy in the committee, send to the Registrar a list of the full name, occupation and address of each member elected to the committee or of the member appointed to fill the casual vacancy, as the case may be.

(4) (a) Section 113—

10 Omit “, or produce for his inspection,”.

(b) Section 113 (b)—

Omit “receipts”, insert instead “income”.

(5) Section 114 (2)—

Omit “police or”.

15 (6) (a) Section 115 (1)—

Omit “The Governor may determine”, insert instead “The regulations may prescribe”.

(b) Section 115 (3)—

20 After “Treasury”, insert “to be carried to the Consolidated Revenue Fund”.

(7) (a) Section 117 (1)—

Omit the subsection, insert instead :—

25 (1) Acknowledgments of registry issued by the Registrar under this Act shall be in or to the effect of the prescribed form.

(b) Section 117 (3)—

Omit the subsection.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 118 (2A)—

5       After section 118 (2), insert :—

(2A) A regulation may impose a penalty not  
exceeding \$50 for any breach thereof.

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SCHEDULE 12.

Sec. 4.

10       AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY  
SOCIETIES ACT, 1912.

(1) (a) Schedule Two, paragraph 6—

Omit “receipts”, insert instead “income”.

(b) Schedule Two, paragraph 7—

Omit the paragraph.

15 (2) Schedule Three—

Omit the Schedule.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976





# New South Wales



ANNO VICESIMO QUINTO

## ELIZABETHÆ II REGINÆ

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### Act No. 64, 1976.

An Act to amend the Friendly Societies Act, 1912.  
[Assented to, 15th November, 1976.]

BE

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*Friendly Societies (Amendment).*

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**B**E it enacted by the Queen'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:—

**Short title.**

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1976".

**Commencement.**

2. (1) This section and sections 1, 3 and 5 shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–12, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–12 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 3.—INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 4.—AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT, 1912.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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SCHEDULE 6.—AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 8.—AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 10.—AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 11.—AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 12.—AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY SOCIETIES ACT, 1912.

4. The Friendly Societies Act, 1912, is amended in the manner set forth in Schedules 1–12.

Amendment of Act No. 46, 1912.

5. (1) A society formed before the commencement of Schedule 2 (4) may be registered under the Friendly Societies Act, 1912, in accordance with the provisions of that Act in force immediately before that commencement.

Savings and transitional provisions.

(2) An acknowledgment of the establishment of a new branch issued by the Registrar under section 22 (2) of the Friendly Societies Act, 1912, before the commencement of Schedule 2 (12) shall, after that commencement, be deemed to be an acknowledgment of the registry of that branch issued under that section, as amended by Schedule 2 (12).

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SCHEDULE

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*Friendly Societies (Amendment).*

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## Sec. 4.

## SCHEDULE 1.

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912.

## (1) (a) Section 1—

From the matter relating to Part II, omit “19”,  
insert instead “19A”.

## (b) Section 1—

After the matter relating to Part II, insert :—

PART IIA.—ADVISORY COMMITTEE—  
ss. 25B, 25C.

## (c) Section 1—

From the matter relating to Part III, omit  
“Accounts”, insert instead “Accounts, registers”.

## (d) Section 1—

From the matter relating to Part III, omit  
“Contributions to other societies, and subscrip-  
tions to hospitals—ss. 43, 44.” insert instead :—

*Contributions to other societies, and subscrip-  
tions to charity—ss. 43, 44.*

*Power to join association under Co-operation  
Act, 1923—s. 44A.*

*Power to raise loans—s. 44B.*

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 1—

At the end of the matter relating to Part IV,  
insert :—

*Assignment of certain benefits—s. 59A.*

*Charge over certain benefits—s. 59B.*

(f) Section 1—

Omit the matter relating to Part VI, insert  
instead :—

PART VI.—INSPECTION AND SUSPENSION OF  
BUSINESS—ss. 69–71A.

(g) Section 1—

After “*Registered office—s. 107.*” in the matter  
relating to Part X, insert :—

*Notice of membership of committees of  
societies—s. 107A.*

- (2) (a) Section 4, definition of “Advisory Committee”—  
Before the definition of “Amendment of rule”,  
insert :—

“Advisory Committee” means the Friendly  
Societies Advisory Committee constituted  
under this Act.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (b) Section 4, definition of “Books”—

After the definition of “Amendment of rule”,  
insert :—

“Books” includes registers, accounting records,  
documents or other records of information  
however compiled, recorded or stored  
whether in written or printed form or  
on microfilm or by electronic process or  
otherwise.

## (c) Section 4, definition of “Branch”—

Omit “of the rules or establishment”.

## (d) Section 4, definition of “Regulation”—

After the definition of “Registrar”, insert :—

“Regulation” means regulation made under  
this Act.

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*Friendly Societies (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Section 6—

Omit "The office of the Registrar shall, with the approval of the Governor", insert instead "The Registrar may".

(2) (a) Section 10 (4)—

Omit "one hundred dollars", insert instead "\$100".

(b) Section 10 (5) (a)—

Omit ", or any Act amending or replacing that Act".

(3) Sections 11, 12—

Omit "—1963" wherever occurring.

(4) Section 13—

Omit the section, insert instead :—

13. (1) No society formed after the commence- Formation.  
ment of Schedule 2 (4) to the Friendly Societies  
(Amendment) Act, 1976, shall be registered under  
this Act unless—

(a) a meeting was held for the purpose of  
forming the society;

(b) at that meeting there were presented—

(i) a written statement showing the  
objects of the proposed society and  
the reasons for believing that, if  
registered, it would be able to carry  
out its objects successfully ; and

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 2—continued.****AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

- (ii) a copy of the rules which it was proposed would be tendered for registration; and
- (c) at the meeting or any subsequent meeting or adjourned meeting 100 or more persons of or above the age of 18 years—
  - (i) approved the rules with or without amendment;
  - (ii) were qualified to be members under the rules as so approved;
  - (iii) signed duly completed applications for membership; and
  - (iv) elected the first committee and the trustees of the society.

(2) Notwithstanding subsection (1) (c), a society formed with less than 100 members of or above the age of 18 years may, if the Registrar so approves, be registered under this Act.

(5) (a) Section 14 (1), (1A)—

Omit section 14 (1), insert instead :—

(1) An application to register a society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall—

- (a) be made in the prescribed manner to the Registrar;

**SCHEDULE**



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*Friendly Societies (Amendment).*

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**SCHEDULE 2—*continued.***

**AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.***

- (b) be made within 2 months after the meeting referred to in section 13 (1) (c) or within such further period as the Registrar may allow; and

- (c) be accompanied by—

- (i) a statutory declaration by the chairman and the secretary of the meeting referred to in section 13 (1) (c) as to compliance with the requirements of section 13;
- (ii) a copy of the statement presented to that meeting signed by the chairman and secretary of that meeting;
- (iii) 2 copies of the rules signed by the chairman and secretary of that meeting and certified by them as being the rules approved in accordance with section 13 (1) (c);
- (iv) a list containing the full name and address of each person who attended that meeting and who signed an application for membership and containing a description of the benefits to be subscribed for by each such person;

**SCHEDULE**

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(v) a list containing the full name, occupation and address of each committee member, trustee and other officer (if any) authorised to sue and be sued on behalf of the society; and

(vi) such other particulars as may be prescribed.

(1A) The statutory declaration mentioned in subsection (1) (c) (i) may be accepted by the Registrar as sufficient evidence of compliance with the requirements of section 13.

(b) Section 14 (2)—

Omit “the society so sent shall”, insert instead “a society in respect of which an application for registry is made under subsection (1) shall, in addition to rules otherwise required by this Act or the regulations to be included,”.

(c) Section 14 (3)—

Omit “is signed by the secretary and every trustee and other officer”, insert instead “referred to in subsection (1) (c) (v) is signed by each committee member, trustee and other officer”.

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Section 15—

Omit the section, insert instead :—

15. (1) If the Registrar is satisfied—

**Registration.**

- (a) that a society in respect of which an application for registry is made under section 14 (1) has complied with the provisions of this Act and the regulations in so far as they are applicable;
- (b) that the rules of the society are not contrary to this Act or the regulations and are such as may reasonably be approved by him;
- (c) that there are reasonable grounds for believing that the society, if registered, will be able to carry out its objects successfully; and
- (d) that there is no reasonable cause why the society and its rules should not be registered,

the Registrar shall register the society and its rules and issue to the society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designation of those branches.

(2) An acknowledgment of registry issued under subsection (1) shall, unless it is proved that the registry of the society has been suspended or cancelled, be conclusive evidence that the society and its rules are duly registered.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) The Registrar may refer any application for registry made under section 14 (1) to the Advisory Committee.

(4) The Advisory Committee may recommend to the Registrar that a society whose application for registry is referred to the Committee under subsection (3) should not be registered if the Committee is of the opinion—

- (a) that in the area in which the society proposes to operate, the benefits which it is designed to provide are capable of being provided by an existing registered society or branch;
- (b) that the society is not a bona fide friendly society; or
- (c) that the society is not designed or intended to serve equitably the interests of its members and prospective members.

(5) Notwithstanding subsection (1), upon the receipt within the time specified by the Registrar of a recommendation under subsection (4), the Registrar shall refuse to register the society.

(7) Section 18 (2)—

After “Act”, insert “or the regulations and is such as may reasonably be approved by him and that there is no reasonable cause why the amendment should not be registered”.

## SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 19A—

After section 19, insert :—

19A. (1) A registered society or branch shall not, without the approval of the Advisory Committee, commence to advertise for membership after it is registered under this Act. Commencement of advertising by society or branch.

(2) The Registrar may refuse to register a society or branch formed after the commencement of Schedule 2 (8) to the Friendly Societies (Amendment) Act, 1976, which did not obtain the approval of the Registrar to the contents of any advertisement seeking members for the society or branch that was published before it is registered under this Act.

(9) Section 20A—

After section 20, insert :—

20A. No society with branches which is formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall be registered under this Act unless— Formation of societies with branches.

- (a) the provisions of section 13 are complied with; and
- (b) each branch of the society has elected delegates to the central body of the society and a committee of the branch and, where the rules of the society so provide, trustees of the branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (10) (a) Section 21 (b)—

After “names”, insert “, occupations and addresses”.

## (b) Section 21 (b1)—

After section 21 (b), insert :—

- (b1) a list of the names, occupations and addresses of the delegates from each branch to the central body of the society and of the members of the committee of each branch; and

## (11) Section 22 (1) (c)—

After “names”, insert “, occupations and addresses”.

## (12) Section 22 (2), (3)—

Omit section 22 (2), insert instead :—

## (2) If the Registrar is satisfied—

- (a) that the establishment of the new branch and its rules are not contrary to this Act or the regulations;
- (b) that the rules of the new branch are such as may reasonably be approved by him; and
- (c) that there is no reasonable cause why the new branch and its rules should not be registered,

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

the Registrar shall register the branch and its rules and issue to the society of which the branch forms part an acknowledgment of registry.

(3) An acknowledgment of registry issued under subsection (2) shall, unless it is proved that the registry of the branch has been suspended or cancelled, be conclusive evidence that the branch and its rules are duly registered.

(13) Section 23—

Omit “acknowledge the establishment of a new branch or to register the rules of”, insert instead “register”.

(14) (a) Section 25 (1) (a)—

Omit “or”.

(b) Section 25 (1) (b)—

Omit “, or of any Act hereby repealed, or has ceased to exist; or”, insert instead “the regulations or its rules;”.

(c) Section 25 (1) (c), (d), (e), (f), (g)—

Omit section 25 (1) (c), insert instead :—

(c) with the approval of the Governor, in any case where he may award the dissolution of a society or branch under section 66 (4);

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- (d) if a society or branch has terminated or been dissolved under section 64 or has otherwise ceased to exist;
- (e) if a society or branch has not commenced business within a year of registry or has suspended business for more than 6 months;
- (f) if there are, and have been for a period of one month immediately before the date of the cancellation of the registry of a society or branch, insufficient members to form a quorum of the committee of the society or branch; or
- (g) if, in the case of a society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, the number of members of the society is reduced to less than the minimum number of members required at the time of its registry, or if, in any other case, the number of members of the society is reduced to less than 7,

## (d) Section 25 (1)—

After “cancel”, insert “, or suspend for any term not exceeding 3 months,”.

## SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 2—continued.**

**AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

(e) Section 25 (2)—

Omit the subsection, insert instead :—

(2) The Registrar may, with the approval of the Governor in the case of a suspension of registry under subsection (1) (b) or (c), renew the suspension of the registry of a society or branch for any term not exceeding 3 months.

(f) Section 25 (3)—

Omit “except at its request”, insert instead “except pursuant to subsection (1) (a) or (d)”.

(g) Section 25 (3), proviso—

Omit “in pursuance of subsection two of this section the Registrar with the approval of the Governor”, insert instead “the Registrar”.

(h) Section 25 (7)—

Omit “forty dollars”, insert instead “\$100”.

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**SCHEDULE 3.**

**Sec. 4.**

**INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912.**

**Part IIA—**

After Part II, insert :—

**PART IIA.**

**ADVISORY COMMITTEE.**

25B. (1) There shall be a Friendly Societies Advisory Committee consisting of such number of members as may be determined by the Minister, being

Constitu-  
tion of  
Advisory  
Committee.

**SCHEDULE**

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*Friendly Societies (Amendment).*

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**SCHEDULE 3—*continued.*****INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.***

not less than five and not exceeding nine or, where some other maximum number is prescribed, not exceeding the prescribed maximum number.

(2) One of the members of the Advisory Committee shall be the person who for the time being holds the office of Registrar and he shall, by virtue of that office, be the chairman and executive member of the Advisory Committee.

(3) A majority of the members of the Advisory Committee shall be officers of a registered society or of registered societies.

(4) A deputy or alternate member may be appointed to attend any meeting of the Advisory Committee at which a member is unable to be present.

(5) The members (other than the chairman) and deputy or alternate members of the Advisory Committee shall be appointed by the Minister and shall hold office for such period as he may deem fit and may be removed from office by him.

(6) Meetings of the Advisory Committee may be convened by the chairman or by any 2 members.

(7) Each member and deputy or alternate member of the Advisory Committee shall, unless he is an officer of the Public Service or a member of the Legislative Council or the Legislative Assembly of New South Wales, be entitled to receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

25c. It shall be the duty of the Advisory Com- Functions  
of Advisory  
Committee.  
mittee—

- (a) to submit recommendations to the Minister for the more effective operation of friendly societies and in respect of proposed regulations;
- (b) to report on such other matters relating to friendly societies and the provision of benefits as may be referred to it by the Minister;
- (c) to tender advice to the Registrar on such matters as may be referred to it by him; and
- (d) to perform such other functions as are prescribed by this Act or the regulations.

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SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 26 (2) (a) (iii)—

After section 26 (2) (a) (ii), insert :—

- (iii) which is governed solely by delegates from other registered societies or branches pursuant to section 43 (1), by those delegates;

(b) Section 26 (3)—

Omit “as amended by subsequent Acts.”.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (c) Section 26 (6)—

After “thereof”, insert “and in the case of a registered society governed solely by delegates pursuant to section 43 (1) to those delegates”.

## (d) Section 26 (7)—

After “branch” where secondly occurring, insert “; and in the case of a registered society governed solely by delegates pursuant to section 43 (1), be transmitted to those delegates”.

## (2) Section 27 (2) (b)—

Omit “, as amended by subsequent Acts”.

## (3) Section 29—

Omit the section.

## (4) (a) Section 32 (3)—

Omit “in the form prescribed by regulations made under this Act”, insert instead “in the prescribed form”.

## (b) Section 32 (4)—

Omit the subsection.

SCHEDULE

*Friendly Societies (Amendment).*

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(5) Sections 32A, 32B—

After section 32, insert :—

32A. (1) A person shall not be qualified to be a trustee of a registered society or a branch of that society— Qualifications of trustees.

- (a) unless he is a member of that society or of any branch of that society;
- (b) if he is the secretary, treasurer or employee of that society or of that branch; or
- (c) if he, his partner, a person in his employment or his employer acts as solicitor or auditor to that society or to that branch.

(2) A person who, immediately before the commencement of Schedule 4 (5) to the Friendly Societies (Amendment) Act, 1976, was a trustee of a registered society or branch and who, after that commencement, was not qualified under subsection (1) to be such a trustee shall, unless he sooner dies or resigns or is removed from his office, be deemed to have vacated his office on the expiry of the period of 12 months after that commencement.

32B. (1) Where a trustee of a registered society or branch— Delegation.

- (a) is absent from New South Wales or is about to depart therefrom; or

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 4—continued.****AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

- (b) is by reason of illness or of any other cause  
unable to perform his duties as trustee,

he may, by an instrument in writing sent to and  
registered by the Registrar, delegate his duties as  
trustee.

(2) A trustee may not delegate his duties  
under subsection (1) unless—

- (a) his co-trustees and the committee of the  
registered society or branch consent to the  
delegation; and
- (b) the delegation is to a person residing in New  
South Wales who is a co-trustee or is capable  
of being appointed a trustee of the registered  
society or branch.

(3) A delegation may be made under sub-  
section (1) in respect of the whole or any part of the  
duties of the trustee.

(4) A delegation under subsection (1) shall  
operate until revoked by the trustee who made the  
delegation or by the committee of the registered society  
or branch by a notice of revocation sent to and  
registered by the Registrar.

(5) A delegation shall not be made under  
subsection (1) unless there will be remaining in New  
South Wales to perform the duties of trustee of the  
registered society or branch 3 persons whether as  
trustee or delegate.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Two or more trustees may delegate their duties under subsection (1) concurrently.

(7) A trustee of a registered society or branch shall remain answerable for all acts and omissions of his delegate within the scope of the delegation as if they were the acts or omissions of the trustee and the delegate shall be subject to the provisions of this Act so far as it relates to the performance of the duties delegated in the same manner as if he were the trustee.

(6) (a) Section 36 (1) (a)—

Omit “or”.

(b) Section 36 (1) (b), (c)—

Omit the paragraphs, insert instead :—

- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (c) Section 36 (1) (d)—

After “trustee;”, insert “or”.

## (7) (a) Section 38, short heading—

After “*Accounts*”, insert “, *registers*”.

## (b) Section 38 (3)—

Omit “forty dollars”, insert instead “\$100”.

## (8) Section 38A—

After section 38, insert :—

*Registers and accounts.*Registers  
and  
accounts.

38A. (1) A registered society or branch shall keep such registers and accounts as may be prescribed.

## (2) The registers shall include—

- (a) a register of members;
- (b) a register of trustees and of committee members;
- (c) in the case of a society, a register of loans raised and securities given by the society;
- (d) a register of the investments made by the society or branch;
- (e) a register of lands held by the society or branch;
- (f) a register of nominations made under section 49; and

## SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(g) a register of loans made and of securities taken by the society or branch.

(3) The registers shall be kept in such manner and shall contain such particulars as may be prescribed.

(9) (a) Section 39 (1) (c)—

Omit the paragraph.

(b) Section 39 (1) (d)—

Omit “fund.”, insert instead “fund; or”.

(c) Section 39 (1) (e)—

After section 39 (1) (d), insert :—

(e) subject to subsection (1A), in shares in, or deposits with, any permanent building society registered under the Permanent Building Societies Act, 1967.

(d) Section 39 (1A)—

After section 39 (1), insert :—

(1A) The total nominal value of shares in, or deposits with, permanent building societies that may be acquired or made pursuant to subsection (1) (e)—

(a) in the case of a registered society without branches—by the trustees of that society; or

SCHEDULE

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*Friendly Societies (Amendment).*

---

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- (b) in the case of a registered society with branches—by the trustees of that society or any of those branches,

shall not exceed \$50,000, or where some other amount is prescribed, the prescribed amount.

(10) Section 40—

Omit “in the form in the Schedule Three hereto”, insert instead “in the prescribed form”.

(11) Section 43, short heading—

Omit “*hospitals*”, insert instead “*charity*”.

(12) Section 44—

Omit the section, insert instead :—

Subscriptions  
to charity.

44. If authorised by its rules, a registered society or, with the approval of the central body, a branch may, out of any surplus which has arisen in its management or benevolent fund, make contributions for charitable purposes that do not exceed an amount specified in the rules for the purposes of this section.

(13) Sections 44A, 44B—

After section 44, insert :—

*Power to join association under Co-operation Act,*  
1923.

Power to  
join  
association  
under Co-  
operation  
Act, 1923.

44A. (1) A registered society may join an association of societies registered under the Co-operation Act, 1923.

SCHEDULE



*Friendly Societies (Amendment).*

**SCHEDULE 4—continued.**

**AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

(2) Nothing in subsection (1) shall authorise a registered society to subscribe by any means to the funds of any such association a sum which exceeds \$2,000 or such greater amount as may be approved by the Advisory Committee.

***Power to raise loans.***

44B. (1) Subject to this section, a registered society may, if authorised by its rules and within the limits provided in this section, raise money on loan to be applied to the purposes of the society. **Raising loans.**

(2) Where a registered society is authorised by its rules to raise money on loan, the society may raise the money in such manner as the trustees may, with the consent of the committee of the society, think fit and in particular by mortgage of all or any part of the property and rights (both present and future) of the society, including subscriptions, loan payments and other money.

(3) Subject to subsection (4), a registered society shall not in any financial year raise a loan of an amount that, if added to the amount owing as at the last day of the next preceding financial year in respect of all loans made to it, would produce an amount greater than twenty per centum, or where some other percentage is prescribed, the prescribed percentage of the amount of the assets of the society as at that day.

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*Friendly Societies (Amendment).*

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**SCHEDULE 4—continued.****AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

(4) Where the Registrar so approves upon the recommendation of the Advisory Committee, a registered society may, in accordance with such limits, terms and conditions as the Registrar may impose, raise a loan of an amount in excess of that prescribed by subsection (3).

(5) The provisions of sections 70 and 73 and Division 7 of Part IV of the Companies Act, 1961, shall, subject to such modifications (if any) as may be prescribed, apply to and in respect of any mortgage or charge created by a registered society, not being a mortgage, charge or encumbrance of specific lands duly registered under the Real Property Act, 1900, or the Registration of Deeds Act, 1897, in the same way as they apply to and in respect of debentures and charges.

(6) For the purposes of subsection (5), a reference in any of the provisions of the Companies Act, 1961, referred to in that subsection to the Corporate Affairs Commission shall be construed as a reference to the Registrar.

(7) An acknowledgment or security of any kind given by a registered society for a loan shall have printed or written thereon a statement that the society is only entitled to receive loans within the limits provided in this Act.

(8) No person lending money to a registered society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that the society, in borrowing that money, has contravened the provisions of this Act, the regulations or the rules of the society.

**SCHEDULE**

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*Friendly Societies (Amendment).*

---

SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(14) Section 46 (2)—

Omit “police or”.

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SCHEDULE 5.

**Sec. 4.**

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 49 (1)—

Omit “book”, insert instead “register”.

(b) Section 49 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

(2) Section 50 (1)—

Omit “, not exceeding the said sum of one thousand  
dollars”.

(3) (a) Section 51 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

SCHEDULE

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*Friendly Societies (Amendment).*

---

SCHEDULE 5—*continued.*AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912—*continued.*

## (b) Section 51 (2), (2A), (2B), (2C)—

Omit section 51 (2), insert instead :—

(2) If any member of a registered society or branch entitled from the funds thereof to a sum not exceeding that referred to in subsection (1) dies testate and without having made any nomination thereof then subsisting, the society or branch may distribute that sum among such persons as appear to a majority of the trustees, upon such evidence, supported by statutory declaration, as they may deem satisfactory, to be entitled to receive that sum under the will of the deceased member.

(2A) The provisions of this section shall extend to any surplus, not exceeding the sum referred to in subsection (1), arising on the sale by the registered society or branch as mortgagee of any property mortgaged by the deceased to the society or branch.

(2B) The provisions of this section are subject to section 122 of the Stamp Duties Act, 1920.

(2C) No payment shall be made by a registered society or branch under this section after evidence has been produced to that society or branch that letters of administration of the estate, or probate of the will, of the deceased member have or has been granted.

## (4) Section 55—

Omit “, containing the particulars mentioned in this Act”.

## (5) Sections 56, 57, 58—

Omit the sections.

SCHEDULE



---

*Friendly Societies (Amendment).*

---

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Sections 59A, 59B—

After section 59, insert :—

*Assignment of certain benefits.*

59A. (1) In this section, “contract” means a contract by which a registered society or branch has contracted to provide a benefit under section 10 (1) (c) or (d). Assignment of certain benefits.

(2) A contract shall not, after the commencement of Schedule 5 (6) to the Friendly Societies (Amendment) Act, 1976, be assigned except—

- (a) by way of mortgage for a term which, except where the rules of the registered society or branch liable under the contract otherwise provide, does not exceed 10 years;
- (b) to a registered society or branch, a bank referred to in section 39 (1) (a), a credit union registered under the Credit Union Act, 1969, a co-operative society registered under the Co-operation Act, 1923, a building society registered under the Permanent Building Societies Act, 1967, or the spouse, or a dependant within the meaning of section 10 (6), of the transferor; and
- (c) by memorandum of transfer in or to the effect of the prescribed form and signed by the transferor and by the transferee.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) An assignment made under subsection (2) is not valid until registered in accordance with this section by the registered society or branch liable under the contract.

(4) The transferor of an assignment made under subsection (2) shall deliver at or send to the registered office of the registered society or branch liable under the contract 2 copies of the memorandum of transfer.

(5) Upon the receipt of a memorandum of transfer under subsection (4), the registered society or branch shall—

- (a) register the assignment in a register provided by the society or branch for that purpose;
- (b) insert the date of registration in both copies of the memorandum;
- (c) cause both copies of the memorandum to be signed by the secretary of the society or branch or a person authorised by him in writing to do so; and
- (d) retain one copy of the memorandum and send the other copy to the transferee.

(6) A copy of a memorandum of transfer signed as provided by subsection (5) (c)—

- (a) is conclusive evidence of the registration of the assignment and of the date of registration; and

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) is, as between the registered society or branch liable under the contract and any person claiming any benefit under the contract, conclusive evidence for all purposes that the transferee was at the time of registration the person legally entitled to receive and give a discharge for the benefit provided by the contract free from all trusts, rights, equities and interests (except any charge that the society or branch has upon that benefit).

(7) The transferee under a duly registered assignment under this section has all the powers and is subject to all the liabilities of the transferor under the contract and may sue in his own name on the contract but, except as provided in the rules of the registered society or branch liable under the contract, nothing in this section shall be construed to admit the transferee to membership of the society or branch or to deprive the transferor of his membership in respect of his subscription to the benefit provided under the contract.

(8) The receipt of the transferee is a discharge to the registered society or branch liable under a contract for all money paid by the society or branch under the contract.

(9) A discharge or surrender of or security over the contract given to the registered society or branch by the transferee is valid and effectual notwithstanding the existence of any trust, right, equity or interest of any other person.

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(10) A registered society or branch taking a discharge, surrender or security under subsection (9) is not required or concerned to inquire or ascertain the circumstances in which or the consideration for which the transferee or any previous transferee became a transferee, or, except as provided in subsection (12), be affected by express, implied or constructive notice of any trust, right, equity or interest of any other person.

(11) Section 48 does not apply to a transferee under a duly registered assignment under this section.

(12) Notwithstanding anything contained in this section, a registered society or branch liable under a contract shall not be entitled to any protection under this section or to rely upon any of the provisions of this section if the society or branch has not acted in good faith or has received express notice in writing of any trust, right, equity or interest of any person.

(13) The rights and liabilities arising under a contract shall not be deemed, either at law or in equity, to be merged or extinguished by reason only of an assignment of the contract under this section to the registered society or branch liable under the contract.

*Charge over certain benefits.*

59B. A registered society or branch shall have a charge over any benefit provided under section 10 (1) (c) or (d) which a person is legally entitled to receive in respect of any debt due to the society or

Society or  
branch to  
have  
charge  
over  
certain  
benefits.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

branch by that person arising from any unpaid subscriptions for that benefit or the assignment of that benefit by that person to the society or branch by way of mortgage and the society or branch may set off any money payable to that person in or towards payment of the debt.

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SCHEDULE 6.

**Sec. 4.**

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 64 (1A)—

After section 64 (1), insert :—

(1A) In the case of the termination of the branch of a registered society under subsection (1) (a), the secretary of that society shall, within 14 days of the termination, send notice of the termination to the Registrar in the prescribed form.

(b) Section 64 (5)—

Omit “of the district within which the chief or any other place of business of the society is situate”.

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 6—continued.****AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—continued****(2) (a) Section 66 (2) (a), (b)—**

Omit the paragraphs, insert instead :—

- (a) the grounds on which it is alleged that the Registrar may award the dissolution of the society or branch; and

**(b) Section 66 (3A)—**

After section 66 (3), insert :—

(3A) The Registrar may, on his own motion and without any application, by himself or by his deputy whom he may appoint in writing under his hand, investigate the affairs of a registered society or branch.

**(c) Section 66 (4)—**

Omit the subsection, insert instead :—

- (4) If, upon an investigation under subsection (1) or (3A), it appears—

- (a) that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution are insufficient to cover the benefits assured or that the society or branch is unable to pay its debts as they fall due; or
- (b) that, in view of the funds of the society or branch and the rates of contribution, the benefits provided by the society or branch are inadequate,

*Friendly Societies (Amendment).*

**SCHEDULE 6—continued.**

**AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved and its affairs wound up and shall direct the manner in which the assets of the society or branch shall be divided or appropriated.

**(3) Section 66A—**

After section 66, insert :—

66A. (1) A registered society may be dissolved and its affairs wound up by an award of the Registrar upon application by the society.

**Award of  
dissolution  
by Registrar  
upon  
application  
by society.**

(2) An application under subsection (1) may not be made unless confirmed by a special resolution of the members of the society or, in the case of a society with branches, by a special resolution of the central body of the society.

(3) Section 66 applies to and in respect of an award of the Registrar under this section in the same way as it applies to and in respect of an award of the Registrar under section 66.

**(4) Section 67—**

After “societies”, insert “other than dissolution by the award of the Registrar under section 66”.

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*Friendly Societies (Amendment).*

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**Sec. 4.****SCHEDULE 7.**

AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT,  
1912.

## (1) Part VI, heading—

After “INSPECTION”, insert “AND SUSPENSION OF BUSINESS”.

## (2) Sections 71, 71A—

Omit section 71, insert instead :—

**Inspection  
by member  
of annual  
returns,  
valuations,  
etc.**

71. A registered society and branch shall at all reasonable hours produce for the inspection of any member or person having an interest in the funds of the society or branch—

- (a) a copy of the last annual return of the society or branch;
- (b) a copy of the last quinquennial valuation of the society or branch;
- (c) the books of the society or branch relating to the account of that member or person at the society or branch; and
- (d) a copy of the rules of the society or branch.

**Suspension  
of business  
of society  
or branch.**

71A. (1) If, with respect to any registered society or branch, the Registrar considers it expedient to do so in the interests of members of, persons having an interest in the funds of, or persons who may become members of, the society or branch he may, by notice in writing served on the society or branch with the approval of the Minister, direct that the society or branch shall not accept any new members or enter into a new contract with any member of the society or branch until the expiration of such time as may be specified in the notice or until the direction is withdrawn under subsection (4), whichever is the earlier.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

(2) The Registrar may, with the approval of the Minister and by a further notice, extend the time specified in any notice served under subsection (1).

(3) A registered society or branch to which subsection (1) applies may make representations to the Advisory Committee with respect to the direction within one month of the direction being given and the Advisory Committee shall report thereon to the Minister.

(4) Upon receipt of a report under subsection (3), the Minister may direct the Registrar to withdraw the direction and the Registrar shall thereupon withdraw the direction.

(5) A registered society or branch shall not contravene a direction given to it and in force under subsection (1).

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**SCHEDULE 8.**

**Sec. 4.**

**AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**Section 72—**

Omit "a judge of a District Court", insert instead  
"the District Court".

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**SCHEDULE**

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*Friendly Societies (Amendment).*

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**Sec. 4.****SCHEDULE 9.**

**AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**(1) (a) Section 81 (1)—**

Omit "There", insert instead "Subject to sections 81B, 81C and 81D, there".

**(b) Section 81 (1) (a), (b)—**

Omit "to provide" wherever occurring, insert instead "to assure the payment of sickness benefits and funeral donations and to provide".

**(c) Section 81 (5)—**

Omit the subsection, insert instead :—

(5) The regulations may prescribe an amount for the purposes of subsection (1) (a) by reference to a determination of the Minister or of the Registrar and may prescribe the manner in which any such determination shall be made.

**(2) Sections 81B, 81C, 81D—**

After section 81A, insert :—

Cessation  
of subven-  
tion  
payments  
in respect  
of medical  
attendance.

81B. No payments shall be made, or be deemed to have been authorised to be made, under section 81 (1) for any year subsequent to that ending on 30th June, 1975, in respect of contributions chargeable under the rules of a registered society to provide the benefits of medical attendance and reimbursement for medical attendance.

Cessation  
of subven-  
tion  
payments  
in respect  
of medicine.

81C. (1) No payments shall be made under section 81 (1) for any year subsequent to that ending on the appointed day in respect of contributions chargeable under the rules of a registered society to provide the benefits of medicine and reimbursement for medicine.

(2) In subsection (1), "appointed day" means a day (being 30th June, 1977, or 30th June in any subsequent year) appointed for the purposes of this section by the Governor by proclamation published in the Gazette.

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 9—continued.**

**AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

81D. (1) A registered society which elects to be paid, or which the Minister directs shall be entitled to be paid, a terminating payment under this section shall not be entitled to any payment under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

Terminating  
subvention  
payments in  
respect of  
sickness  
benefits  
and funeral  
donations.

(2) For the purposes of subsection (1), the terminating payment which a registered society shall be paid under this section shall be an amount which the Minister determines, with the concurrence of the Treasurer, to be the value of all future payments that that society would be entitled to be paid under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

(3) A terminating payment under this section may be paid in a lump sum or by instalments of such amounts and over such period as the Minister, with the concurrence of the Treasurer, may approve.

(4) An election or a direction under subsection (1) in respect of a registered society shall not take effect until the end of a financial year of that society.

**(3) Section 89—**

Omit "two hundred dollars", insert instead "\$200".

**(4) Sections 90, 91—**

Omit the sections.



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*Friendly Societies (Amendment).*

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Sec. 4.

**SCHEDULE 10.****AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES  
ACT, 1912.****(1) Section 93A—**

After section 93, insert :—

Leave of  
Court  
required  
before  
certain  
persons  
may act  
as member  
of a com-  
mittee or as  
trustees.

93A. (1) A person who, being an undischarged bankrupt, acts as a committee member or trustee of, or directly or indirectly takes part in or is concerned in the management of, a registered society or branch except with the leave of the Supreme Court shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

(2) Where a person is convicted whether within or without the State—

- (a) on indictment of any offence in connection with the promotion, formation or management of a society, company or other corporation;
- (b) of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;
- (c) of any offence and sentenced to any period of imprisonment without the option of a fine; or
- (d) of an offence under section 124 of the Companies Act, 1961, or any other provision of that Act that may be prescribed,

**SCHEDULE**



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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

and that person, within a period of 5 years after his conviction, or if he is sentenced to imprisonment, after his release from prison, without the leave of the Supreme Court is a committee member or trustee or promoter of, or is in any way, whether directly or indirectly, concerned or takes part in the management of, a registered society or branch, he shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

(3) A person intending to apply for the leave of the Court under this section shall give to the Minister not less than ten days' notice of his intention so to apply.

(4) On the hearing of any application under this section the Minister may be represented at the hearing of, and may oppose the granting of, the application.

(2) (a) Section 96 (3)—

Omit "forty dollars and costs", insert instead "\$100".

(b) Section 96 (3)—

Omit "and costs" where secondly occurring.

(c) Section 96 (3)—

Omit ", with or without hard labour,".

(3) Section 97—

Omit "one hundred dollars", insert instead "\$100".

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(4) Sections 97A, 97B—

After section 97, insert :—

97A. (1) If any person—

- (a) seeks, claims or receives any commission, fee or reward, whether pecuniary or otherwise, from any person as a consideration or charge for procuring or obtaining, or offering or attempting to procure or obtain, for any person a loan from any registered society or branch; or
- (b) advertises or otherwise holds himself out as being able to arrange or obtain finance for any persons through or from any registered society or branch,

he shall be guilty of an offence and shall be liable to a penalty not exceeding \$200.

(2) Any sum received in contravention of this section may be recovered by the person who paid it from the person by whom it was received in an action for debt in any court of competent jurisdiction.

Certain  
acts  
prohibited  
in relation  
to loans.

Commission.

97B. (1) If any officer of a registered society or branch accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction had or to be had by that person with the society or branch, he shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding 3 months or to a penalty not exceeding \$200.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(2) An officer who is guilty of any offence under subsection (1) shall further be liable to pay to the society or branch double the value or amount of the commission, fee or reward.

(5) Section 98—

Omit “of not less than two dollars and not more than ten dollars”, insert instead “not exceeding \$50”.

(6) Section 99—

Omit “with hard labour”.

(7) Section 100—

Omit the section, insert instead : —

100. (1) A penalty imposed by this Act or by any regulation or by any rule of a registered society or branch shall, except where otherwise expressly provided in this Act, be recoverable summarily before a stipendiary magistrate or any two justices of the peace. <sup>Recovery of penalty.</sup>

(2) Any penalty recoverable summarily under subsection (1) shall, if imposed by this Act or by any regulation, be recoverable at the suit of the Registrar or a member of the police force. and, if imposed by any rule of a registered society or branch, shall be recoverable at the suit of the society or branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) Notwithstanding anything in any Act, summary proceedings for any offence punishable under this Act and committed—

(a) after the commencement of this subsection;  
or

(b) before the commencement of this subsection, where the time for commencing summary proceedings under the law, as in force before the commencement of this subsection, had not, as at that commencement, expired in respect of that offence,

may be brought within 3 years after the commission of the offence.

Sec. 4.

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SCHEDULE 11.

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Sections 104, 104A—

Omit section 104, insert instead :—

Name of  
society.

104. (1) Except with the consent of the Minister, a society shall not be registered by a name that, in the opinion of the Registrar, is undesirable, or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registry.

(2) The Minister shall cause a direction given by him under subsection (1) to be published in the Gazette.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

104A. (1) No registered society or branch shall use any name or title other than its registered name or any abbreviation or elaboration of that name approved in writing by the Registrar to be used for any specified purpose. Publica-  
tion of  
name.

(2) A registered society or branch shall cause its name to appear in legible characters on all business letters, notices, advertisements and other official publications of the society or branch and on all bills of exchange, cheques, promissory notes, endorsements, orders for money or goods, invoices, receipts and other documents required in the business of the society or branch.

(3) A registered society or branch shall paint or affix and keep painted or affixed on the outside of its registered office in a conspicuous position in letters easily legible its name and the words "Registered under the Friendly Societies Act, 1912".

(2) Section 106 (1)—

After "name" where firstly occurring, insert "to a name by which it could be registered without contravening this Act".

(3) Section 107A—

After section 107, insert :—

*Notice of membership of committees of societies.*

107A. The secretary of a registered society shall, within 14 days after the re-election of the committee of the society or of the appointment of any member Secretary  
to send list  
of new  
members of  
committee  
of society  
to Registrar.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

to fill a casual vacancy in the committee, send to the Registrar a list of the full name, occupation and address of each member elected to the committee or of the member appointed to fill the casual vacancy, as the case may be.

## (4) (a) Section 113—

Omit “, or produce for his inspection,”.

## (b) Section 113 (b)—

Omit “receipts”, insert instead “income”.

## (5) Section 114 (2)—

Omit “police or”.

## (6) (a) Section 115 (1)—

Omit “The Governor may determine”, insert instead “The regulations may prescribe”.

## (b) Section 115 (3)—

After “Treasury”, insert “to be carried to the Consolidated Revenue Fund”.

## (7) (a) Section 117 (1)—

Omit the subsection, insert instead :—

(1) Acknowledgments of registry issued by the Registrar under this Act shall be in or to the effect of the prescribed form.

## (b) Section 117 (3)—

Omit the subsection.

SCHEDULE

---

*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 118 (2A)—

After section 118 (2), insert :—

(2A) A regulation may impose a penalty not exceeding \$50 for any breach thereof.

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SCHEDULE 12.

**Sec. 4.**

AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY  
SOCIETIES ACT, 1912.

(1) (a) Schedule Two, paragraph 6—

Omit “receipts”, insert instead “income”.

(b) Schedule Two, paragraph 7—

Omit the paragraph.

(2) Schedule Three—

Omit the Schedule.

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977





*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 October, 1976.*

## **New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 64, 1976.**

An Act to amend the Friendly Societies Act, 1912.  
[Assented to, 15th November, 1976.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

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*Friendly Societies (Amendment).*

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**B**E it enacted by the Queen'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:—

Short  
title.

1. This Act may be cited as the "Friendly Societies (Amendment) Act, 1976".

Commence-  
ment.

2. (1) This section and sections 1, 3 and 5 shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–12, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–12 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 3.—INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 4.—AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 5.—AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT, 1912.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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SCHEDULE 6.—AMENDMENTS TO PART V OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 7.—AMENDMENTS TO PART VI OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 8.—AMENDMENT TO PART VII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 9.—AMENDMENTS TO PART VIII OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 10.—AMENDMENTS TO PART IX OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 11.—AMENDMENTS TO PART X OF THE  
FRIENDLY SOCIETIES ACT, 1912.

SCHEDULE 12.—AMENDMENTS TO THE SCHEDULES  
TO THE FRIENDLY SOCIETIES ACT, 1912.

4. The Friendly Societies Act, 1912, is amended in the manner set forth in Schedules 1–12.

Amend-  
ment of  
Act No. 46,  
1912.

5. (1) A society formed before the commencement of Schedule 2 (4) may be registered under the Friendly Societies Act, 1912, in accordance with the provisions of that Act in force immediately before that commencement.

Savings  
and tran-  
sitional  
provisions.

(2) An acknowledgment of the establishment of a new branch issued by the Registrar under section 22 (2) of the Friendly Societies Act, 1912, before the commencement of Schedule 2 (12) shall, after that commencement, be deemed to be an acknowledgment of the registry of that branch issued under that section, as amended by Schedule 2 (12).

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SCHEDULE

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*Friendly Societies (Amendment).*

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## Sec. 4.

## SCHEDULE 1.

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912.

## (1) (a) Section 1—

From the matter relating to Part II, omit "19",  
insert instead "19A".

## (b) Section 1—

After the matter relating to Part II, insert :—

PART IIA.—ADVISORY COMMITTEE—  
ss. 25B, 25C.

## (c) Section 1—

From the matter relating to Part III, omit  
"Accounts", insert instead "Accounts, registers".

## (d) Section 1—

From the matter relating to Part III, omit  
"Contributions to other societies, and subscrip-  
tions to hospitals—ss. 43, 44." insert instead :—

*Contributions to other societies, and subscrip-  
tions to charity—ss. 43, 44.*

*Power to join association under Co-operation  
Act, 1923—s. 44A.*

*Power to raise loans—s. 44B.*

## SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 1—

At the end of the matter relating to Part IV,  
insert :—

*Assignment of certain benefits—s. 59A.*

*Charge over certain benefits—s. 59B.*

(f) Section 1—

Omit the matter relating to Part VI, insert  
instead :—

PART VI.—INSPECTION AND SUSPENSION OF  
BUSINESS—ss. 69–71A.

(g) Section 1—

After “*Registered office—s. 107.*” in the matter  
relating to Part X, insert :—

*Notice of membership of committees of  
societies—s. 107A.*

(2) (a) Section 4, definition of “Advisory Committee”—

Before the definition of “Amendment of rule”,  
insert :—

“Advisory Committee” means the Friendly  
Societies Advisory Committee constituted  
under this Act.

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*Friendly Societies (Amendment).*

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**SCHEDULE 1—*continued.*****AMENDMENTS TO PART I OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*****(b) Section 4, definition of “Books”—**

After the definition of “Amendment of rule”,  
insert :—

“Books” includes registers, accounting records,  
documents or other records of informa-  
tion however compiled, recorded or stored  
whether in written or printed form or  
on microfilm or by electronic process or  
otherwise.

**(c) Section 4, definition of “Branch”—**

Omit “of the rules or establishment”.

**(d) Section 4, definition of “Regulation”—**

After the definition of “Registrar”, insert :—

“Regulation” means regulation made under  
this Act.



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*Friendly Societies (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Section 6—

Omit "The office of the Registrar shall, with the approval of the Governor", insert instead "The Registrar may".

(2) (a) Section 10 (4)—

Omit "one hundred dollars", insert instead "\$100".

(b) Section 10 (5) (a)—

Omit " , or any Act amending or replacing that Act".

(3) Sections 11, 12—

Omit "-1963" wherever occurring.

(4) Section 13—

Omit the section, insert instead :—

13. (1) No society formed after the commence- Formation.  
ment of Schedule 2 (4) to the Friendly Societies  
(Amendment) Act, 1976, shall be registered under  
this Act unless—

(a) a meeting was held for the purpose of  
forming the society;

(b) at that meeting there were presented—

(i) a written statement showing the  
objects of the proposed society and  
the reasons for believing that, if  
registered, it would be able to carry  
out its objects successfully ; and

SCHEDULE

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*Friendly Societies (Amendment).*

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**SCHEDULE 2—continued.****AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

- (ii) a copy of the rules which it was proposed would be tendered for registration; and
- (c) at the meeting or any subsequent meeting or adjourned meeting 100 or more persons of or above the age of 18 years—
  - (i) approved the rules with or without amendment;
  - (ii) were qualified to be members under the rules as so approved;
  - (iii) signed duly completed applications for membership; and
  - (iv) elected the first committee and the trustees of the society.

(2) Notwithstanding subsection (1) (c), a society formed with less than 100 members of or above the age of 18 years may, if the Registrar so approves, be registered under this Act.

**(5) (a) Section 14 (1), (1A)—**

Omit section 14 (1), insert instead :—

(1) An application to register a society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall—

- (a) be made in the prescribed manner to the Registrar;

**SCHEDULE**



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*Friendly Societies (Amendment).*

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**SCHEDULE 2—continued.**

**AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

(b) be made within 2 months after the meeting referred to in section 13 (1) (c) or within such further period as the Registrar may allow; and

(c) be accompanied by—

(i) a statutory declaration by the chairman and the secretary of the meeting referred to in section 13 (1) (c) as to compliance with the requirements of section 13;

(ii) a copy of the statement presented to that meeting signed by the chairman and secretary of that meeting;

(iii) 2 copies of the rules signed by the chairman and secretary of that meeting and certified by them as being the rules approved in accordance with section 13 (1) (c);

(iv) a list containing the full name and address of each person who attended that meeting and who signed an application for membership and containing a description of the benefits to be subscribed for by each such person;

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(v) a list containing the full name, occupation and address of each committee member, trustee and other officer (if any) authorised to sue and be sued on behalf of the society; and

(vi) such other particulars as may be prescribed.

(1A) The statutory declaration mentioned in subsection (1) (c) (i) may be accepted by the Registrar as sufficient evidence of compliance with the requirements of section 13.

(b) Section 14 (2)—

Omit "the society so sent shall", insert instead "a society in respect of which an application for registry is made under subsection (1) shall, in addition to rules otherwise required by this Act or the regulations to be included,".

(c) Section 14 (3)—

Omit "is signed by the secretary and every trustee and other officer", insert instead "referred to in subsection (1) (c) (v) is signed by each committee member, trustee and other officer".

## SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Section 15—

Omit the section, insert instead :—

15. (1) If the Registrar is satisfied—

**Registration.**

- (a) that a society in respect of which an application for registry is made under section 14 (1) has complied with the provisions of this Act and the regulations in so far as they are applicable;
- (b) that the rules of the society are not contrary to this Act or the regulations and are such as may reasonably be approved by him;
- (c) that there are reasonable grounds for believing that the society, if registered, will be able to carry out its objects successfully; and
- (d) that there is no reasonable cause why the society and its rules should not be registered,

the Registrar shall register the society and its rules and issue to the society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designation of those branches.

(2) An acknowledgment of registry issued under subsection (1) shall, unless it is proved that the registry of the society has been suspended or cancelled, be conclusive evidence that the society and its rules are duly registered.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) The Registrar may refer any application for registry made under section 14 (1) to the Advisory Committee.

(4) The Advisory Committee may recommend to the Registrar that a society whose application for registry is referred to the Committee under subsection (3) should not be registered if the Committee is of the opinion—

(a) that in the area in which the society proposes to operate, the benefits which it is designed to provide are capable of being provided by an existing registered society or branch;

(b) that the society is not a bona fide friendly society; or

(c) that the society is not designed or intended to serve equitably the interests of its members and prospective members.

(5) Notwithstanding subsection (1), upon the receipt within the time specified by the Registrar of a recommendation under subsection (4), the Registrar shall refuse to register the society.

(7) Section 18 (2)—

After “Act”, insert “or the regulations and is such as may reasonably be approved by him and that there is no reasonable cause why the amendment should not be registered”.

SCHEDULE



*Friendly Societies (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 19A—

After section 19, insert :—

19A. (1) A registered society or branch shall not, without the approval of the Advisory Committee, commence to advertise for membership after it is registered under this Act. Commence-  
ment of  
advertising  
by society  
or branch.

(2) The Registrar may refuse to register a society or branch formed after the commencement of Schedule 2 (8) to the Friendly Societies (Amendment) Act, 1976, which did not obtain the approval of the Registrar to the contents of any advertisement seeking members for the society or branch that was published before it is registered under this Act.

(9) Section 20A—

After section 20, insert :—

20A. No society with branches which is formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, shall be registered under this Act unless— Formation  
of societies  
with  
branches.

- (a) the provisions of section 13 are complied with; and
- (b) each branch of the society has elected delegates to the central body of the society and a committee of the branch and, where the rules of the society so provide, trustees of the branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (10) (a) Section 21 (b)—

After “names”, insert “, occupations and addresses”.

## (b) Section 21 (b1)—

After section 21 (b), insert :—

- (b1) a list of the names, occupations and addresses of the delegates from each branch to the central body of the society and of the members of the committee of each branch; and

## (11) Section 22 (1) (c)—

After “names”, insert “, occupations and addresses”.

## (12) Section 22 (2), (3)—

Omit section 22 (2), insert instead :—

## (2) If the Registrar is satisfied—

- (a) that the establishment of the new branch and its rules are not contrary to this Act or the regulations;
- (b) that the rules of the new branch are such as may reasonably be approved by him; and
- (c) that there is no reasonable cause why the new branch and its rules should not be registered,

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

the Registrar shall register the branch and its rules and issue to the society of which the branch forms part an acknowledgment of registry.

(3) An acknowledgment of registry issued under subsection (2) shall, unless it is proved that the registry of the branch has been suspended or cancelled, be conclusive evidence that the branch and its rules are duly registered.

(13) Section 23—

Omit “acknowledge the establishment of a new branch or to register the rules of”, insert instead “register”.

(14) (a) Section 25 (1) (a)—

Omit “or”.

(b) Section 25 (1) (b)—

Omit “, or of any Act hereby repealed, or has ceased to exist; or”, insert instead “the regulations or its rules;”.

(c) Section 25 (1) (c), (d), (e), (f), (g)—

Omit section 25 (1) (c), insert instead :—

(c) with the approval of the Governor, in any case where he may award the dissolution of a society or branch under section 66 (4);

SCHEDULE

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*Friendly Societies (Amendment).*

---

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- (d) if a society or branch has terminated or been dissolved under section 64 or has otherwise ceased to exist;
- (e) if a society or branch has not commenced business within a year of registry or has suspended business for more than 6 months;
- (f) if there are, and have been for a period of one month immediately before the date of the cancellation of the registry of a society or branch, insufficient members to form a quorum of the committee of the society or branch; or
- (g) if, in the case of a society formed after the commencement of Schedule 2 (4) to the Friendly Societies (Amendment) Act, 1976, the number of members of the society is reduced to less than the minimum number of members required at the time of its registry, or if, in any other case, the number of members of the society is reduced to less than 7,

## (d) Section 25 (1)—

After “cancel”, insert “, or suspend for any term not exceeding 3 months,”.

## SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(e) Section 25 (2)—

Omit the subsection, insert instead :—

(2) The Registrar may, with the approval of the Governor in the case of a suspension of registry under subsection (1) (b) or (c), renew the suspension of the registry of a society or branch for any term not exceeding 3 months.

(f) Section 25 (3)—

Omit “except at its request”, insert instead “except pursuant to subsection (1) (a) or (d)”.

(g) Section 25 (3), proviso—

Omit “in pursuance of subsection two of this section the Registrar with the approval of the Governor”, insert instead “the Registrar”.

(h) Section 25 (7)—

Omit “forty dollars”, insert instead “\$100”.

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SCHEDULE 3.

Sec. 4.

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912.

Part IIA—

After Part II, insert :—

PART IIA.

ADVISORY COMMITTEE.

25B. (1) There shall be a Friendly Societies Constitution of Advisory Committee consisting of such number of members as may be determined by the Minister, being Advisory Committee.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 3—continued.****INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

not less than five and not exceeding nine or, where some other maximum number is prescribed, not exceeding the prescribed maximum number.

(2) One of the members of the Advisory Committee shall be the person who for the time being holds the office of Registrar and he shall, by virtue of that office, be the chairman and executive member of the Advisory Committee.

(3) A majority of the members of the Advisory Committee shall be officers of a registered society or of registered societies.

(4) A deputy or alternate member may be appointed to attend any meeting of the Advisory Committee at which a member is unable to be present.

(5) The members (other than the chairman) and deputy or alternate members of the Advisory Committee shall be appointed by the Minister and shall hold office for such period as he may deem fit and may be removed from office by him.

(6) Meetings of the Advisory Committee may be convened by the chairman or by any 2 members.

(7) Each member and deputy or alternate member of the Advisory Committee shall, unless he is an officer of the Public Service or a member of the Legislative Council or the Legislative Assembly of New South Wales, be entitled to receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

**SCHEDULE**

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*Friendly Societies (Amendment).*

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SCHEDULE 3—*continued.*

INSERTION OF PART IIA INTO THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

25c. It shall be the duty of the Advisory Committee—

Functions  
of Advisory  
Committee.

- (a) to submit recommendations to the Minister for the more effective operation of friendly societies and in respect of proposed regulations;
- (b) to report on such other matters relating to friendly societies and the provision of benefits as may be referred to it by the Minister;
- (c) to tender advice to the Registrar on such matters as may be referred to it by him; and
- (d) to perform such other functions as are prescribed by this Act or the regulations.

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SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 26 (2) (a) (iii)—

After section 26 (2) (a) (ii), insert :—

- (iii) which is governed solely by delegates from other registered societies or branches pursuant to section 43 (1), by those delegates;

(b) Section 26 (3)—

Omit "as amended by subsequent Acts,".

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (c) Section 26 (6)—

After “thereof”, insert “and in the case of a registered society governed solely by delegates pursuant to section 43 (1) to those delegates”.

## (d) Section 26 (7)—

After “branch” where secondly occurring, insert “, and in the case of a registered society governed solely by delegates pursuant to section 43 (1), be transmitted to those delegates”.

## (2) Section 27 (2) (b)—

Omit “, as amended by subsequent Acts”.

## (3) Section 29—

Omit the section.

## (4) (a) Section 32 (3)—

Omit “in the form prescribed by regulations made under this Act”, insert instead “in the prescribed form”.

## (b) Section 32 (4)—

Omit the subsection.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(5) Sections 32A, 32B—

After section 32, insert :—

32A. (1) A person shall not be qualified to be a trustee of a registered society or a branch of that society—

Qualifica-  
tions of  
trustees.

- (a) unless he is a member of that society or of any branch of that society;
- (b) if he is the secretary, treasurer or employee of that society or of that branch; or
- (c) if he, his partner, a person in his employment or his employer acts as solicitor or auditor to that society or to that branch.

(2) A person who, immediately before the commencement of Schedule 4 (5) to the Friendly Societies (Amendment) Act, 1976, was a trustee of a registered society or branch and who, after that commencement, was not qualified under subsection (1) to be such a trustee shall, unless he sooner dies or resigns or is removed from his office, be deemed to have vacated his office on the expiry of the period of 12 months after that commencement.

32B. (1) Where a trustee of a registered society or branch—

Delegation.

- (a) is absent from New South Wales or is about to depart therefrom; or

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) is by reason of illness or of any other cause unable to perform his duties as trustee, he may, by an instrument in writing sent to and registered by the Registrar, delegate his duties as trustee.

(2) A trustee may not delegate his duties under subsection (1) unless—

(a) his co-trustees and the committee of the registered society or branch consent to the delegation; and

(b) the delegation is to a person residing in New South Wales who is a co-trustee or is capable of being appointed a trustee of the registered society or branch.

(3) A delegation may be made under subsection (1) in respect of the whole or any part of the duties of the trustee.

(4) A delegation under subsection (1) shall operate until revoked by the trustee who made the delegation or by the committee of the registered society or branch by a notice of revocation sent to and registered by the Registrar.

(5) A delegation shall not be made under subsection (1) unless there will be remaining in New South Wales to perform the duties of trustee of the registered society or branch 3 persons whether as trustee or delegate.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Two or more trustees may delegate their duties under subsection (1) concurrently.

(7) A trustee of a registered society or branch shall remain answerable for all acts and omissions of his delegate within the scope of the delegation as if they were the acts or omissions of the trustee and the delegate shall be subject to the provisions of this Act so far as it relates to the performance of the duties delegated in the same manner as if he were the trustee.

(6) (a) Section 36 (1) (a)—

Omit “or”.

(b) Section 36 (1) (b), (c)—

Omit the paragraphs, insert instead :—

- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

## (c) Section 36 (1) (d)—

After “trustee;”, insert “or”.

## (7) (a) Section 38, short heading—

After “Accounts”, insert “, registers”.

## (b) Section 38 (3)—

Omit “forty dollars”, insert instead “\$100”.

## (8) Section 38A—

After section 38, insert :—

*Registers and accounts.*Registers  
and  
accounts.38A. (1) A registered society or branch shall keep  
such registers and accounts as may be prescribed.

## (2) The registers shall include—

- (a) a register of members;
- (b) a register of trustees and of committee members;
- (c) in the case of a society, a register of loans raised and securities given by the society;
- (d) a register of the investments made by the society or branch;
- (e) a register of lands held by the society or branch;
- (f) a register of nominations made under section 49; and

## SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(g) a register of loans made and of securities taken by the society or branch.

(3) The registers shall be kept in such manner and shall contain such particulars as may be prescribed.

(9) (a) Section 39 (1) (c)—

Omit the paragraph.

(b) Section 39 (1) (d)—

Omit “fund.”, insert instead “fund; or”.

(c) Section 39 (1) (e)—

After section 39 (1) (d), insert :—

(e) subject to subsection (1A), in shares in, or deposits with, any permanent building society registered under the Permanent Building Societies Act, 1967.

(d) Section 39 (1A)—

After section 39 (1), insert :—

(1A) The total nominal value of shares in, or deposits with, permanent building societies that may be acquired or made pursuant to subsection (1) (e)—

(a) in the case of a registered society without branches—by the trustees of that society; or

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

- (b) in the case of a registered society with branches—by the trustees of that society or any of those branches,

shall not exceed \$50,000, or where some other amount is prescribed, the prescribed amount.

(10) Section 40—

Omit “in the form in the Schedule Three hereto”, insert instead “in the prescribed form”.

(11) Section 43, short heading—

Omit “*hospitals*”, insert instead “*charity*”.

(12) Section 44—

Omit the section, insert instead :—

Subscriptions  
to charity.

44. If authorised by its rules, a registered society or, with the approval of the central body, a branch may, out of any surplus which has arisen in its management or benevolent fund, make contributions for charitable purposes that do not exceed an amount specified in the rules for the purposes of this section.

(13) Sections 44A, 44B—

After section 44, insert :—

*Power to join association under Co-operation Act, 1923.*

Power to  
join  
association  
under Co-  
operation  
Act, 1923.

44A. (1) A registered society may join an association of societies registered under the Co-operation Act, 1923.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 4—*continued.***

**AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.***

(2) Nothing in subsection (1) shall authorise a registered society to subscribe by any means to the funds of any such association a sum which exceeds \$2,000 or such greater amount as may be approved by the Advisory Committee.

*Power to raise loans.*

44B. (1) Subject to this section, a registered society may, if authorised by its rules and within the limits provided in this section, raise money on loan to be applied to the purposes of the society. <sup>Raising loans.</sup>

(2) Where a registered society is authorised by its rules to raise money on loan, the society may raise the money in such manner as the trustees may, with the consent of the committee of the society, think fit and in particular by mortgage of all or any part of the property and rights (both present and future) of the society, including subscriptions, loan payments and other money.

(3) Subject to subsection (4), a registered society shall not in any financial year raise a loan of an amount that, if added to the amount owing as at the last day of the next preceding financial year in respect of all loans made to it, would produce an amount greater than twenty per centum, or where some other percentage is prescribed, the prescribed percentage of the amount of the assets of the society as at that day.

**SCHEDULE**

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*Friendly Societies (Amendment).*

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**SCHEDULE 4—*continued.***

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**AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.***

(4) Where the Registrar so approves upon the recommendation of the Advisory Committee, a registered society may, in accordance with such limits, terms and conditions as the Registrar may impose, raise a loan of an amount in excess of that prescribed by subsection (3).

(5) The provisions of sections 70 and 73 and Division 7 of Part IV of the Companies Act, 1961, shall, subject to such modifications (if any) as may be prescribed, apply to and in respect of any mortgage or charge created by a registered society, not being a mortgage, charge or encumbrance of specific lands duly registered under the Real Property Act, 1900, or the Registration of Deeds Act, 1897, in the same way as they apply to and in respect of debentures and charges.

(6) For the purposes of subsection (5), a reference in any of the provisions of the Companies Act, 1961, referred to in that subsection to the Corporate Affairs Commission shall be construed as a reference to the Registrar.

(7) An acknowledgment or security of any kind given by a registered society for a loan shall have printed or written thereon a statement that the society is only entitled to receive loans within the limits provided in this Act.

(8) No person lending money to a registered society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that the society, in borrowing that money, has contravened the provisions of this Act, the regulations or the rules of the society.

**SCHEDULE**

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*Friendly Societies (Amendment).*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART III OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(14) Section 46 (2)—

Omit “police or”.

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SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912.

(1) (a) Section 49 (1)—

Omit “book”, insert instead “register”.

(b) Section 49 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

(2) Section 50 (1)—

Omit “, not exceeding the said sum of one thousand  
dollars”.

(3) (a) Section 51 (1)—

Omit “one thousand dollars”, insert instead  
“\$1,200 or, where a greater sum is prescribed,  
that prescribed sum”.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 5—continued.****AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.****(b) Section 51 (2), (2A), (2B), (2C)—**

Omit section 51 (2), insert instead :—

(2) If any member of a registered society or branch entitled from the funds thereof to a sum not exceeding that referred to in subsection (1) dies testate and without having made any nomination thereof then subsisting, the society or branch may distribute that sum among such persons as appear to a majority of the trustees, upon such evidence, supported by statutory declaration, as they may deem satisfactory, to be entitled to receive that sum under the will of the deceased member.

(2A) The provisions of this section shall extend to any surplus, not exceeding the sum referred to in subsection (1), arising on the sale by the registered society or branch as mortgagee of any property mortgaged by the deceased to the society or branch.

(2B) The provisions of this section are subject to section 122 of the Stamp Duties Act, 1920.

(2C) No payment shall be made by a registered society or branch under this section after evidence has been produced to that society or branch that letters of administration of the estate, or probate of the will, of the deceased member have or has been granted.

**(4) Section 55—**

Omit “, containing the particulars mentioned in this Act”.

**(5) Sections 56, 57, 58—**

Omit the sections.

**SCHEDULE**

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(6) Sections 59A, 59B—

After section 59, insert :—

*Assignment of certain benefits.*

59A. (1) In this section, “contract” means a contract by which a registered society or branch has contracted to provide a benefit under section 10 (1) (c) or (d). Assignment of certain benefits.

(2) A contract shall not, after the commencement of Schedule 5 (6) to the Friendly Societies (Amendment) Act, 1976, be assigned except—

- (a) by way of mortgage for a term which, except where the rules of the registered society or branch liable under the contract otherwise provide, does not exceed 10 years;
- (b) to a registered society or branch, a bank referred to in section 39 (1) (a), a credit union registered under the Credit Union Act, 1969, a co-operative society registered under the Co-operation Act, 1923, a building society registered under the Permanent Building Societies Act, 1967, or the spouse, or a dependant within the meaning of section 10 (6), of the transferor; and
- (c) by memorandum of transfer in or to the effect of the prescribed form and signed by the transferor and by the transferee.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) An assignment made under subsection (2) is not valid until registered in accordance with this section by the registered society or branch liable under the contract.

(4) The transferor of an assignment made under subsection (2) shall deliver at or send to the registered office of the registered society or branch liable under the contract 2 copies of the memorandum of transfer.

(5) Upon the receipt of a memorandum of transfer under subsection (4), the registered society or branch shall—

- (a) register the assignment in a register provided by the society or branch for that purpose;
- (b) insert the date of registration in both copies of the memorandum;
- (c) cause both copies of the memorandum to be signed by the secretary of the society or branch or a person authorised by him in writing to do so; and
- (d) retain one copy of the memorandum and send the other copy to the transferee.

(6) A copy of a memorandum of transfer signed as provided by subsection (5) (c)—

- (a) is conclusive evidence of the registration of the assignment and of the date of registration; and

## SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(b) is, as between the registered society or branch liable under the contract and any person claiming any benefit under the contract, conclusive evidence for all purposes that the transferee was at the time of registration the person legally entitled to receive and give a discharge for the benefit provided by the contract free from all trusts, rights, equities and interests (except any charge that the society or branch has upon that benefit).

(7) The transferee under a duly registered assignment under this section has all the powers and is subject to all the liabilities of the transferor under the contract and may sue in his own name on the contract but, except as provided in the rules of the registered society or branch liable under the contract, nothing in this section shall be construed to admit the transferee to membership of the society or branch or to deprive the transferor of his membership in respect of his subscription to the benefit provided under the contract.

(8) The receipt of the transferee is a discharge to the registered society or branch liable under a contract for all money paid by the society or branch under the contract.

(9) A discharge or surrender of or security over the contract given to the registered society or branch by the transferee is valid and effectual notwithstanding the existence of any trust, right, equity or interest of any other person.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(10) A registered society or branch taking a discharge, surrender or security under subsection (9) is not required or concerned to inquire or ascertain the circumstances in which or the consideration for which the transferee or any previous transferee became a transferee, or, except as provided in subsection (12), be affected by express, implied or constructive notice of any trust, right, equity or interest of any other person.

(11) Section 48 does not apply to a transferee under a duly registered assignment under this section.

(12) Notwithstanding anything contained in this section, a registered society or branch liable under a contract shall not be entitled to any protection under this section or to rely upon any of the provisions of this section if the society or branch has not acted in good faith or has received express notice in writing of any trust, right, equity or interest of any person.

(13) The rights and liabilities arising under a contract shall not be deemed, either at law or in equity, to be merged or extinguished by reason only of an assignment of the contract under this section to the registered society or branch liable under the contract.

*Charge over certain benefits.*

59B. A registered society or branch shall have a charge over any benefit provided under section 10 (1) (c) or (d) which a person is legally entitled to receive in respect of any debt due to the society or

Society or  
branch to  
have  
charge  
over  
certain  
benefits.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART IV OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

branch by that person arising from any unpaid subscriptions for that benefit or the assignment of that benefit by that person to the society or branch by way of mortgage and the society or branch may set off any money payable to that person in or towards payment of the debt.

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SCHEDULE 6.

**Sec. 4.**

AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) (a) Section 64 (1A)—

After section 64 (1), insert :—

(1A) In the case of the termination of the branch of a registered society under subsection (1) (a), the secretary of that society shall, within 14 days of the termination, send notice of the termination to the Registrar in the prescribed form.

(b) Section 64 (5)—

Omit “of the district within which the chief or any other place of business of the society is situate”.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 6—continued.****AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—continued****(2) (a) Section 66 (2) (a), (b)—**

Omit the paragraphs, insert instead :—

- (a) the grounds on which it is alleged that the Registrar may award the dissolution of the society or branch; and

**(b) Section 66 (3A)—**

After section 66 (3), insert :—

(3A) The Registrar may, on his own motion and without any application, by himself or by his deputy whom he may appoint in writing under his hand, investigate the affairs of a registered society or branch.

**(c) Section 66 (4)—**

Omit the subsection, insert instead :—

- (4) If, upon an investigation under subsection (1) or (3A), it appears—

- (a) that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution are insufficient to cover the benefits assured or that the society or branch is unable to pay its debts as they fall due; or
- (b) that, in view of the funds of the society or branch and the rates of contribution, the benefits provided by the society or branch are inadequate,

**SCHEDULE**

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*Friendly Societies (Amendment).*

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**SCHEDULE 6—continued.**

**AMENDMENTS TO PART V OF THE FRIENDLY SOCIETIES ACT,  
1912—continued.**

the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved and its affairs wound up and shall direct the manner in which the assets of the society or branch shall be divided or appropriated.

**(3) Section 66A—**

After section 66, insert :—

66A. (1) A registered society may be dissolved and its affairs wound up by an award of the Registrar upon application by the society.

Award of  
dissolution  
by Registrar  
upon  
application  
by society.

(2) An application under subsection (1) may not be made unless confirmed by a special resolution of the members of the society or, in the case of a society with branches, by a special resolution of the central body of the society.

(3) Section 66 applies to and in respect of an award of the Registrar under this section in the same way as it applies to and in respect of an award of the Registrar under section 66.

**(4) Section 67—**

After “societies”, insert “other than dissolution by the award of the Registrar under section 66”.

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**SCHEDULE**



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*Friendly Societies (Amendment).*

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## Sec. 4.

## SCHEDULE 7.

AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES ACT,  
1912.

## (1) Part VI, heading—

After "INSPECTION", insert "AND SUSPENSION OF BUSINESS".

## (2) Sections 71, 71A—

Omit section 71, insert instead :—

Inspection  
by member  
of annual  
returns,  
valuations,  
etc.

71. A registered society and branch shall at all reasonable hours produce for the inspection of any member or person having an interest in the funds of the society or branch—

- (a) a copy of the last annual return of the society or branch;
- (b) a copy of the last quinquennial valuation of the society or branch;
- (c) the books of the society or branch relating to the account of that member or person at the society or branch; and
- (d) a copy of the rules of the society or branch.

Suspension  
of business  
of society  
or branch.

71A. (1) If, with respect to any registered society or branch, the Registrar considers it expedient to do so in the interests of members of, persons having an interest in the funds of, or persons who may become members of, the society or branch he may, by notice in writing served on the society or branch with the approval of the Minister, direct that the society or branch shall not accept any new members or enter into a new contract with any member of the society or branch until the expiration of such time as may be specified in the notice or until the direction is withdrawn under subsection (4), whichever is the earlier.

SCHEDULE



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*Friendly Societies (Amendment).*

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**SCHEDULE 7—continued.**

**AMENDMENTS TO PART VI OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

(2) The Registrar may, with the approval of the Minister and by a further notice, extend the time specified in any notice served under subsection (1).

(3) A registered society or branch to which subsection (1) applies may make representations to the Advisory Committee with respect to the direction within one month of the direction being given and the Advisory Committee shall report thereon to the Minister.

(4) Upon receipt of a report under subsection (3), the Minister may direct the Registrar to withdraw the direction and the Registrar shall thereupon withdraw the direction.

(5) A registered society or branch shall not contravene a direction given to it and in force under subsection (1).

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**SCHEDULE 8.**

**Sec. 4.**

**AMENDMENT TO PART VII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**Section 72—**

Omit "a judge of a District Court", insert instead  
"the District Court".

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**SCHEDULE**

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*Friendly Societies (Amendment).*

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**Sec. 4.****SCHEDULE 9.**

**AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912.**

**(1) (a) Section 81 (1)—**

Omit "There", insert instead "Subject to sections 81B, 81C and 81D, there".

**(b) Section 81 (1) (a), (b)—**

Omit "to provide" wherever occurring, insert instead "to assure the payment of sickness benefits and funeral donations and to provide".

**(c) Section 81 (5)—**

Omit the subsection, insert instead :—

(5) The regulations may prescribe an amount for the purposes of subsection (1) (a) by reference to a determination of the Minister or of the Registrar and may prescribe the manner in which any such determination shall be made.

**(2) Sections 81B, 81C, 81D—**

After section 81A, insert :—

Cessation  
of subven-  
tion  
payments  
in respect  
of medical  
attendance.

81B. No payments shall be made, or be deemed to have been authorised to be made, under section 81 (1) for any year subsequent to that ending on 30th June, 1975, in respect of contributions chargeable under the rules of a registered society to provide the benefits of medical attendance and reimbursement for medical attendance.

Cessation  
of subven-  
tion  
payments  
in respect  
of medicine.

81C. (1) No payments shall be made under section 81 (1) for any year subsequent to that ending on the appointed day in respect of contributions chargeable under the rules of a registered society to provide the benefits of medicine and reimbursement for medicine.

(2) In subsection (1), "appointed day" means a day (being 30th June, 1977, or 30th June in any subsequent year) appointed for the purposes of this section by the Governor by proclamation published in the Gazette.

**SCHEDULE**



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*Friendly Societies (Amendment).*

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**SCHEDULE 9—continued.**

**AMENDMENTS TO PART VIII OF THE FRIENDLY SOCIETIES  
ACT, 1912—continued.**

81D. (1) A registered society which elects to be paid, or which the Minister directs shall be entitled to be paid, a terminating payment under this section shall not be entitled to any payment under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

Terminating  
subvention  
payments in  
respect of  
sickness  
benefits  
and funeral  
donations.

(2) For the purposes of subsection (1), the terminating payment which a registered society shall be paid under this section shall be an amount which the Minister determines, with the concurrence of the Treasurer, to be the value of all future payments that that society would be entitled to be paid under section 81 (1) in respect of contributions chargeable under the rules of that society to assure the payment of sickness benefits and funeral donations.

(3) A terminating payment under this section may be paid in a lump sum or by instalments of such amounts and over such period as the Minister, with the concurrence of the Treasurer, may approve.

(4) An election or a direction under subsection (1) in respect of a registered society shall not take effect until the end of a financial year of that society.

(3) Section 89—

Omit "two hundred dollars", insert instead "\$200".

(4) Sections 90, 91—

Omit the sections.



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*Friendly Societies (Amendment).*

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Sec. 4.

## SCHEDULE 10.

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES  
ACT, 1912.

## (1) Section 93A—

After section 93, insert :—

Leave of  
Court  
required  
before  
certain  
persons  
may act  
as member  
of a com-  
mittee or as  
trustee.

93A. (1) A person who, being an undischarged bankrupt, acts as a committee member or trustee of, or directly or indirectly takes part in or is concerned in the management of, a registered society or branch except with the leave of the Supreme Court shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

(2) Where a person is convicted whether within or without the State—

- (a) on indictment of any offence in connection with the promotion, formation or management of a society, company or other corporation;
- (b) of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more;
- (c) of any offence and sentenced to any period of imprisonment without the option of a fine; or
- (d) of an offence under section 124 of the Companies Act, 1961, or any other provision of that Act that may be prescribed,

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

and that person, within a period of 5 years after his conviction, or if he is sentenced to imprisonment, after his release from prison, without the leave of the Supreme Court is a committee member or trustee or promoter of, or is in any way, whether directly or indirectly, concerned or takes part in the management of, a registered society or branch, he shall be guilty of an offence against this Act and, upon summary conviction, liable to a penalty of \$1,000 or to imprisonment for a period of 6 months or to both such penalty and imprisonment.

(3) A person intending to apply for the leave of the Court under this section shall give to the Minister not less than ten days' notice of his intention so to apply.

(4) On the hearing of any application under this section the Minister may be represented at the hearing of, and may oppose the granting of, the application.

(2) (a) Section 96 (3)—

Omit "forty dollars and costs", insert instead "\$100".

(b) Section 96 (3)—

Omit "and costs" where secondly occurring.

(c) Section 96 (3)—

Omit " , with or without hard labour ,".

(3) Section 97—

Omit "one hundred dollars", insert instead "\$100".

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(4) Sections 97A, 97B—

After section 97, insert :—

97A. (1) If any person—

Certain  
acts  
prohibited  
in relation  
to loans.

(a) seeks, claims or receives any commission, fee or reward, whether pecuniary or otherwise, from any person as a consideration or charge for procuring or obtaining, or offering or attempting to procure or obtain, for any person a loan from any registered society or branch; or

(b) advertises or otherwise holds himself out as being able to arrange or obtain finance for any persons through or from any registered society or branch,

he shall be guilty of an offence and shall be liable to a penalty not exceeding \$200.

(2) Any sum received in contravention of this section may be recovered by the person who paid it from the person by whom it was received in an action for debt in any court of competent jurisdiction.

Commission.

97B. (1) If any officer of a registered society or branch accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction had or to be had by that person with the society or branch, he shall be guilty of an offence and shall, upon summary conviction, be liable to imprisonment for any term not exceeding 3 months or to a penalty not exceeding \$200.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(2) An officer who is guilty of any offence under subsection (1) shall further be liable to pay to the society or branch double the value or amount of the commission, fee or reward.

(5) Section 98—

Omit “of not less than two dollars and not more than ten dollars”, insert instead “not exceeding \$50”.

(6) Section 99—

Omit “with hard labour”.

(7) Section 100—

Omit the section, insert instead : —

100. (1) A penalty imposed by this Act or by any regulation or by any rule of a registered society or branch shall, except where otherwise expressly provided in this Act, be recoverable summarily before a stipendiary magistrate or any two justices of the peace. <sup>Recovery of penalty.</sup>

(2) Any penalty recoverable summarily under subsection (1) shall, if imposed by this Act or by any regulation, be recoverable at the suit of the Registrar or a member of the police force and, if imposed by any rule of a registered society or branch, shall be recoverable at the suit of the society or branch.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 10—*continued.*

AMENDMENTS TO PART IX OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(3) Notwithstanding anything in any Act, summary proceedings for any offence punishable under this Act and committed—

- (a) after the commencement of this subsection;  
or
- (b) before the commencement of this subsection, where the time for commencing summary proceedings under the law, as in force before the commencement of this subsection, had not, as at that commencement, expired in respect of that offence,

may be brought within 3 years after the commission of the offence.

Sec. 4.

SCHEDULE 11.

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912.

(1) Sections 104, 104A—

Omit section 104, insert instead :—

Name of  
society.

104. (1) Except with the consent of the Minister, a society shall not be registered by a name that, in the opinion of the Registrar, is undesirable, or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registry.

(2) The Minister shall cause a direction given by him under subsection (1) to be published in the Gazette.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

104A. (1) No registered society or branch shall use any name or title other than its registered name or any abbreviation or elaboration of that name approved in writing by the Registrar to be used for any specified purpose. Publica-  
tion of  
name.

(2) A registered society or branch shall cause its name to appear in legible characters on all business letters, notices, advertisements and other official publications of the society or branch and on all bills of exchange, cheques, promissory notes, endorsements, orders for money or goods, invoices, receipts and other documents required in the business of the society or branch.

(3) A registered society or branch shall paint or affix and keep painted or affixed on the outside of its registered office in a conspicuous position in letters easily legible its name and the words "Registered under the Friendly Societies Act, 1912".

(2) Section 106 (1)—

After "name" where firstly occurring, insert "to a name by which it could be registered without contravening this Act".

(3) Section 107A—

After section 107, insert :—

*Notice of membership of committees of societies.*

107A. The secretary of a registered society shall, within 14 days after the re-election of the committee of the society or of the appointment of any member

Secretary  
to send list  
of new  
members of  
committee  
of society  
to Registrar.

SCHEDULE



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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

to fill a casual vacancy in the committee, send to the Registrar a list of the full name, occupation and address of each member elected to the committee or of the member appointed to fill the casual vacancy, as the case may be.

## (4) (a) Section 113—

Omit “, or produce for his inspection,”.

## (b) Section 113 (b)—

Omit “receipts”, insert instead “income”.

## (5) Section 114 (2)—

Omit “police or”.

## (6) (a) Section 115 (1)—

Omit “The Governor may determine”, insert instead “The regulations may prescribe”.

## (b) Section 115 (3)—

After “Treasury”, insert “to be carried to the Consolidated Revenue Fund”.

## (7) (a) Section 117 (1)—

Omit the subsection, insert instead :—

(1) Acknowledgments of registry issued by the Registrar under this Act shall be in or to the effect of the prescribed form.

## (b) Section 117 (3)—

Omit the subsection.

SCHEDULE

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*Friendly Societies (Amendment).*

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SCHEDULE 11—*continued.*

AMENDMENTS TO PART X OF THE FRIENDLY SOCIETIES ACT,  
1912—*continued.*

(8) Section 118 (2A)—

After section 118 (2), insert :—

(2A) A regulation may impose a penalty not exceeding \$50 for any breach thereof.

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SCHEDULE 12.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE FRIENDLY  
SOCIETIES ACT, 1912.

(1) (a) Schedule Two, paragraph 6—

Omit "receipts", insert instead "income".

(b) Schedule Two, paragraph 7—

Omit the paragraph.

(2) Schedule Three—

Omit the Schedule.

*In the name and on behalf of Her Majesty I assent to this  
Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 15th November, 1976.*

1912-1913

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