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# A BILL

To consolidate and amend the Law relating to Friendly and other Mutual Benefit Societies.

[MR. SAMUEL;—22 April, 1873.]

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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:—

5       1. This Act shall come into operation on the *thirtieth day of June* one thousand eight hundred and seventy-three It may be cited as the "Friendly Societies Act of 1873" and is divided into the following parts viz. :—

PART I.—*Preliminary.*

10       PART II.—*Formation and Registration of Societies Provisions of general or extended application.*

PART III.—*Friendly Societies.*

PART IV.—*Benefit Building Loan and Investment Societies.*

PART V.—*Co-operative Trading and Industrial Societies.*

15       PART VI.—*Miscellaneous Provisions.*

2. The Acts mentioned in the First Schedule hereto to the extent therein expressed shall be and the same are hereby repealed but such repeal shall be subject to the following provisos exceptions and qualifications—

20       (1.) All offences committed and penalties or liabilities incurred under any of the said repealed Acts before the commencement of this Act shall be prosecuted and enforced under the provisions of the said repealed Acts respectively as if this Act had not been passed Provided that any offence under the twenty-third section of the Act seventeenth Victoria number

25       twenty-six committed within *five years* before the commencement of this Act may be prosecuted under the thirteenth section of this Act in every respect and for all purposes as if the said offence had been committed thereunder.

30       (2.) All bonds or securities given or proceedings taken all registrations certificates rules and alterations of rules completed all contracts engagements and appointments made all receipts given and all rights and exemptions conferred continued or preserved under any of the said repealed Acts before the commencement of this Act shall continue and be

35       as valid and have the same force and effect except as hereinafter excepted as if this Act had not been passed.

- (3.) Every existing Society established before the commencement of this Act under any of the said repealed Acts shall be deemed to have been established and registered under the provisions of this Act and shall possess and be subject to all the exemptions privileges and provisions of this Act applicable to Societies of the like class or character to the same extent as if such Society and the rules thereof had been registered under this Act. 5
- (4.) In case the rules of any such Society shall not have been certified in accordance with the provisions of any of the said repealed Acts before the commencement of this Act the same shall within *six months* thereafter be certified and registered under the provisions of this Act. 10
- (5.) No Society established under the provisions of any of the said repealed Acts relating to Friendly or Benefit Building Societies and whose rules shall have received a certificate of approval under the provisions in that behalf contained in the "Industrial and Provident Societies Act 1865" shall by such approval be deemed to have become a body corporate with limited liability under the said last-mentioned Act or to have been brought within the operation thereof anything in the said Act to the contrary notwithstanding Provided always that nothing herein contained shall extend to invalidate any acts or proceedings done taken or commenced by the committee of management or by any officer or member of any such Society and purporting so to be done taken or commenced under or by virtue of the provisions of the said Industrial and Provident Societies Act and no penalty or liability whatsoever shall be deemed to have been incurred by any such person or officer as aforesaid by reason of any such acts or proceedings. 25 30

Rules &c. to be transmitted to Registrar.

3. All copies of rules certificates and documents which are now filed or deposited in the office and under the custody of the Clerk of the Peace in pursuance of the provisions of any of the said repealed Acts shall be taken off the file and shall be transmitted on or before the *thirtieth day of June* one thousand eight hundred and seventy-three to the Registrar of Friendly Societies appointed under this Act to be by him kept in such manner as shall be directed by the Governor with the advice of the Executive Council. 35

Registrar to be appointed.

4. The Governor with the advice of the Executive Council shall appoint some public officer being a properly qualified person to be the Registrar of Friendly Societies for the purpose of carrying out the provisions of this Act and an office shall be provided for such Registrar wherein shall be kept and registered the rules and documents hereinafter mentioned And such Registrar may demand and take as fees the respective sums specified in the second Schedule hereto and may refuse to do any act matter or thing herein required and for which he is entitled to charge a fee until such fee shall have been paid. 40 45

Interpretation of terms.

5. In the interpretation of this Act the following words and expressions shall have the meanings hereby assigned to them unless inconsistent with or repugnant to the context (that is to say):— 50

"Registrar" shall mean the Registrar of Friendly Societies under this Act.

"Society" shall mean and include every branch of a Society by whatever name the same may be designated Provided that in the construction of Parts III IV and V the said word wheresoever occurring shall be taken to mean and include only such a Society or branch thereof as is within the respective purposes mentioned or referred to in such Parts. 55

"Trustees" shall include Trustee.

"Committee

“Committee of management” shall mean the body of persons appointed to manage and direct the affairs of the Society by whatever name such body may be designated.

5 “Secretary” shall mean the officer appointed by the Society to act in that capacity or the clerk or person who keeps the books and accounts of the Society.

PART II.—FORMATION AND REGISTRATION OF SOCIETIES—  
PROVISIONS OF GENERAL OR EXTENDED APPLICATION.

6. Every person being a member of the committee of manage-  
10 ment of any Society hereafter to be formed for any purpose within the meaning of this Act who shall take any money in consideration of the allotment of shares or any interest in such Society until the same shall be registered under this Act shall incur a penalty for every such offence not exceeding *twenty pounds*. Penalty on acting before registration.

15 7. *Two* printed or written copies of the rules of every Society hereafter to be formed for any such purpose as aforesaid signed by *three* of the intended members and the secretary or other officer shall where it is intended that such Society shall be registered under this Act be transmitted to the Registrar who shall advise with such secretary  
20 or officer of such Society if necessary for the purpose of ascertaining whether the said rules are in conformity with law and are calculated to carry into effect the intentions and object of the persons who desire to form such Society and if the Registrar shall find that such rules are in conformity with law and with the provisions of this Act he shall give a  
25 certificate in the form set forth in the third Schedule hereto and shall return one of the said copies to the said Society and shall keep the other in such manner as shall from time to time be directed by the Colonial Secretary and all rules when so certified as aforesaid shall be binding on the several members of the said Society Provided always  
30 that it shall not be lawful for the said Registrar to grant any such certificate to a Society assuring to any member thereof a certain annuity or certain superannuation deferred or immediate or any sum or sums payable as endowment or in case of sickness or death or other object authorized by this Act which is susceptible of calculation by  
35 way of average unless the tables of contributions payable for such kind of assurance shall have been certified under the hand of an actuary who has exercised his profession for at least *five* years and such certificate shall have been transmitted to the Registrar together with the copies of the rules aforesaid. Copies of rules to be sent to Registrar and his certificate obtained.

40 8. After the rules of any such Society shall have been so certified by the Registrar as aforesaid it shall be lawful for such Society by resolution at a meeting specially called for that purpose to alter amend or rescind the same or any of them or to make new rules and it shall be lawful for the members of any Society formed and established under any  
45 of the Acts hereby repealed to alter amend or rescind the rules by which their Society is governed regulated or managed or to make new rules Provided always that *two* copies of the proposed alterations or amendments and of such new rules signed by *three* members of such Society and such secretary or other officer shall be transmitted to the Registrar to one of which shall be attached a declaration by the secretary or  
50 one of such officers that in making the same the rules of such Society respecting the making altering amending and rescinding rules or the directions of the Act or Acts under which such Society was established have been duly complied with and if the Registrar shall find that such  
55 alterations amendments or new rules are in conformity with law he shall give to the Society a certificate in the form set forth in the Rules may be altered amended or rescinded or new rules made.

the said Third Schedule and return one of the copies to the Society and shall keep the other with the rules of such Society in his custody and as against such member or person such certificate shall be conclusive of the validity of any such rule and all rules alterations and amendments when so certified as aforesaid shall be binding on the several members of the said Society and all persons claiming on account of a member or under the said rules but unless and until the same shall be so certified such rules alterations and amendments shall have no force or validity whatsoever Provided that no registered Society shall be allowed to withdraw from the operation of this Act until a notice to that effect be sent to the Registrar signed by a majority of the members who shall have been summoned and been present at a meeting convened for that purpose.

Notice to be sent to Registrar of altering place of business.

9. Whenever any Society established under this Act or under any of the Acts hereby repealed shall change its place of business notice of such change under the hands of *two* of the Trustees or *three* members and the secretary or other officer of such Society shall within *fourteen* days thereafter be sent to the Registrar.

Circulating false copies of rules &c. a misdemeanor.

10. If any person shall give to any member of a Society established under this Act or any of the said repealed Acts or to any person intending or applying to become a member of such Society a copy of any rules or of any alterations or amendments of the same other than those respectively which have been enrolled with the Clerk of the Peace for the time being or certified by the Registrar with a copy of his certificate appended thereto under colour that the same are binding upon the members of such Society or shall make any alteration in or addition to any of the rules or tables of such Society after they shall have been enrolled or certified by the Registrar and shall circulate the same purporting that they have been duly enrolled or certified under this or any of the said repealed Acts when they have not been so duly enrolled or certified every person so offending shall be deemed guilty of a misdemeanor.

Rules how received in evidence.

11. All the rules and tables of any Society established under this Act or of any of the hereby repealed Acts and all alterations and amendments thereof and all copies thereof or extracts therefrom and all writings and documents relating to any such Society and purporting to be signed by the Registrar shall in the absence of any evidence to the contrary be received in all Courts of law and Equity and elsewhere without proof of the signature thereto.

Powers of attorney &c. not liable to stamp duty.

12. No copy of rules nor power warrant or letter of attorney granted by any person as Trustee of any Society established under this Act or any of the Acts hereby repealed for the transfer of any share in any Colonial funds or debentures standing in the name of such Trustee nor any order or receipt for money contributed to or received from the funds of any such Society by any person liable or entitled to pay or receive the same by virtue of the rules thereof or of this Act nor any bond to be given to or on account of any such Society or by the treasurer or any officer thereof nor any draft or order nor any form of policy nor any appointment of any agent nor any certificate or other instrument for the revocation of any such appointment nor any other document whatever required or authorized by or in pursuance of this Act or the rules of any Society shall be liable to stamp duty Provided that no exemption from any of the duties granted by any Act relating to stamp duties shall be deemed to extend to any Society which shall assure the payment of money exceeding *two hundred pounds* or which shall assure the payment of any money on the death of a member to any person except the executors administrators or assigns of said member or the husband wife father mother child brother sister nephew or niece of such member.

13. If any officer member or other person being or representing himself to be a member of any such Society as aforesaid or the nominee executor administrator or assignee of a member thereof or any person whatever by false representation or imposition shall obtain possession of any moneys securities books papers or other effects of such Society or having the same in his possession shall withhold or misapply the same or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such Society or any part thereof it shall be lawful for any Justice of the Peace upon complaint being made by any person on behalf of such Society to summon the person against whom such complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint in manner directed by the Act or Acts in force for the time being regulating summary proceedings before Justices and if the said Justices shall determine the said complaint to be proved against such person they shall adjudge and order him to deliver up all such moneys securities books papers or other effects to the Society or to repay the amount of money applied improperly and to pay if they think fit a further sum of money not exceeding *fifty pounds* together with costs and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs aforesaid the said Justices may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding *three months* Provided that nothing herein contained shall prevent the said Society from proceeding by indictment against any such offender Provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Punishment of fraud in withholding money &c.

14. Every dispute between any member of any Society established under this Act or any of the Acts hereby repealed or any person claiming through or under such member and the Trustees treasurer or other officer or committee of management thereof shall be decided in manner directed by the rules of such Society and the decision so made shall be binding and conclusive on all parties without appeal Provided that where the rules of any Society established under the said Act or any of the Acts hereby repealed shall direct disputes to be referred to Justices then it shall be lawful for any Justice of the Peace upon complaint made by any member his executors administrators nominee or assigns or by any person claiming under the rules of the Society of any matter of dispute between him or them and the Society to summon the person against whom the complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine such complaint in manner provided by the Act or Acts in force for the time being regulating summary proceedings before Justices and such Justices may make such order thereupon either for the payment of money or otherwise together with costs as they shall think fit and where the order made shall be for the doing of some act other than the payment of money the said Justices may order the payment of a sum of money in default of the doing of such act and any money which shall be paid by any officer of the Society so levied on his property under any order or warrant of the Justices shall be repaid with all damages accruing to him by the Society.

Settlement of disputes.

15. In all Societies established under this Act or any of the said repealed Acts all applications for the removal of Trustees or for any other relief order or direction or for the settlement of disputes that may arise or may have arisen in any Society the rules of which

In what cases by the District Court when the rules do not provide for settlement of disputes.

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do not prescribe any other mode of settling such disputes or to enforce the decision of any arbitrators or to hear or determine any dispute if no arbitrator shall have been appointed or if no decision shall be made by the arbitrators within *forty days* after application has been made by the member or person claiming through or under a member or under the rules of the Society shall be made to the District Court of the district within which the usual or principal place of business of the Society shall be situate and such Court shall upon the application of any person interested in the matter entertain such application and give such relief and make such orders and directions in relation to the matter of such application as hereinafter mentioned or as may now be given or made by the Supreme Court and the decision of such District Court upon and in relation to such application as aforesaid shall not be subject to any appeal.

Order of District Court how enforced.

16. In all cases where the order of such District Court shall be for the payment of money the same may be enforced in the same manner as the ordinary judgments of such Courts are enforced but where the order of the said Court shall be for the doing of some act not being for the payment of money it shall be lawful for the Judge of such District Court in his said order to order the party to do such act or that in default of his so doing it he shall pay a certain sum of money and in case he refuse or neglect to do the act required upon demand in that behalf the sum of money or penalty in the said order may then be recovered in the same manner as a judgment for debt or damages in such Court and it shall not be lawful to remove the same by *certiorari* or other writ or process before the Supreme Court Provided however that the Primary Judge may make such orders for regulating the proceedings by and before the Judges of District Courts under this Act as he may think fit and such Judges may regulate the proceedings before them respectively so as to render them as inexpensive and summary as conveniently may be.

Primary Judge may make order for regulating the proceedings.

Disputes between members of non-registered Societies to be settled in accordance with this Act.

17. In the case of any Society established for any of the purposes within the meaning of this Act or for any purpose which is not illegal having written or printed rules which have not been certified by the Registrar (provided a copy of such rules shall have been deposited with the Registrar) every dispute between any member of such Society his executors administrators nominees or assigns and the Trustees treasurer or other officer or the Committee of such Society shall be decided in manner hereinbefore mentioned or provided with respect to disputes and the decision thereof in the case of Societies to be established under this Act and the provisions of this Act relating to disputes and to the punishment of fraud or imposition shall be applicable to such uncertified Societies Provided always that nothing herein contained shall be construed to confer on any such Society whose rules shall not have been certified by the Registrar or any of the officers or members of such Society any of the powers exemptions or privileges of this Act save and except as in and by this section is expressly provided.

### PART III.—FRIENDLY SOCIETIES.

Friendly Societies how and for what purpose formed.

18. It shall be lawful for any number of persons to form and establish a Friendly Society under the provisions of this Act for the purpose of raising by voluntary subscriptions of the members thereof with or without the aid of donations a fund for any of the following objects (that is to say)—

(1.)

- (1.) For insuring a sum of money to be paid on the death of a member or for the funeral expenses of the husband wife or child of a member.
- 5 (2.) For the relief maintenance or endowment of a member or the husband wife child or kindred of a member in infancy old age sickness widowhood or any natural state of which the probability may be calculated by way of average.
- 10 (3.) For insuring a sum to be paid on the death of a member to the person nominated in a writing to be deposited with the secretary of the Society by such member being the husband wife father mother child brother sister nephew or niece of such member or in default of such nomination or in case of the death of such nominee to be paid to the executor or administrator or next of kin of such member.
- 15 (4.) For insuring or making good any loss or damage of live or dead stock goods implements of trade and tools sustained by any member by fire flood shipwreck or other contingency of which the probability may be calculated by way of average.
- 20 (5.) For the frugal investment of the savings of members for the better enabling them to purchase food firing clothes or other necessaries or to purchase or hire any implement material or article of use or necessity in their trade calling or business or to provide for the education of their children. Provided that the shares in any such Investment Society shall not be transferable and that the investments of each member shall
- 25 accumulate or be employed for the sole benefit of such member investing or of the husband wife children or kindred of such member and of no other person and that the whole amount of the balance due to such member according to the rules of such Society be paid to him on withdrawal therefrom.
- 30 (6.) For the purpose of enabling any member or the husband wife or children or nominee of such member to immigrate to New South Wales and of enabling the immigrants to purchase the tools implements materials or other necessaries of their trade calling or business and of advancing loans to them for any such purpose and taking security for the repayment thereof.
- 35 (7.) For any other purpose of mutual benefit and advantage to the members only and not being within the purposes mentioned in Part IV or V of this Act which the Governor with the advice of the Executive Council shall authorize as a purpose to which the powers and facilities provided by this Act in relation to Friendly Societies ought to be extended

45 Provided that no member shall subscribe or contract for an annuity exceeding *fifty-five pounds* per annum or a sum payable on death or other contingency as aforesaid exceeding *two hundred pounds*.

50 19. All existing Friendly Societies whose rules have been certified and registered under any of the said repealed Acts shall so long as they shall not hereafter effect an assurance to any member thereof or other person of any sum exceeding *two hundred pounds* or of an annuity exceeding *fifty-five pounds* per annum enjoy all the exemptions and privileges conferred on Societies to be established under the provisions of this Act as fully as if they had been registered thereunder.

Exemptions and privileges of existing Societies under this Act.

55 20. In any Society in which a sum of money may be insured payable on the death of a child for the funeral expenses of such child it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate signed by a legally qualified medical practitioner stating the probable cause of death of such child and if any Trustee or officer of such Society upon

How money is to be paid.

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an insurance of a sum payable on the death of any child shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one Society for the funeral expenses of a child under the age of *five years* to a sum exceeding *three pounds* or of a child between the ages of *five* and *ten years* to a sum exceeding *four pounds* or shall 5 pay any sum without indorsing the amount thereof at the back or at the foot of the medical certificate aforesaid or if any parent or other person who shall apply for such payment to more than one Society shall produce to the Trustees or officers of one Society any other or different certificate than that which he shall have produced to the 10 Trustees or officers of any other Society every such Trustee officer parent or other person shall be liable to a penalty not exceeding *ten pounds* for every such act upon conviction before two Justices of the Peace Provided always that if the said child shall have been attended immediately before its death by any such practitioner he shall deliver 15 to the parents or friends of the deceased child upon their application a certificate stating the probable cause of death of such child and shall not be entitled to receive any fee for the same and if such child shall not have been attended by any such practitioner the legally qualified medical practitioner furnishing such certificate shall receive 20 a fee of *ten shillings and sixpence* exclusive of travelling expenses Provided also that in places distant more than *ten miles* from the residence of a legally qualified medical practitioner such certificate may be given and signed by the Coroner of the district or a Justice of the Peace Provided always that the payment of any moneys under 25 this section may be withheld or suspended if in the opinion of the persons furnishing the certificate of the death of the child in respect of whose death the application is made has been caused directly or indirectly by wilful neglect or any improper conduct.

Societies how dissolved.

21. It shall be lawful for the members of any Society within 30 the meaning of this Part heretofore formed and established or hereafter to be formed and established at some meeting thereof to be specially called in that behalf to dissolve or determine the same by consent Provided that no such Society shall be dissolved or determined without obtaining the votes or consent of *five-sixths* in value of the then 35 existing members thereof including the honorary members (if any) to be ascertained in manner hereinafter mentioned nor without the consent of all persons (if any) then receiving or then entitled to receive any relief annuity or other benefit from the funds thereof to be testified under their hands individually and respectively unless the claim of 40 every such person be first duly satisfied or adequate provision made for satisfying such claim and for the purpose of ascertaining the votes of such *five-sixths* in value of the numbers as aforesaid every member shall be entitled to *one* vote and an additional vote for every *five years* 45 that he may have been a member but no one member shall have more than *five votes* on the whole and the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the agreement for dissolution prior to such consent being given and the agreement for such dissolution duly signed as aforesaid accompanied with a statutory declaration by one of the Trustees or by *three* members 50 and the secretary taken before a Justice of the Peace that the provisions of this Act have been complied with shall be forthwith transmitted to the Registrar to be by him deposited with the rules of the Society and such agreement shall thereupon be an effectual discharge at law and in equity to the Trustees treasurers and other officers of such 55 Society and shall operate as a release from all the members of the Society to such Trustees treasurers or other officers And it shall not be lawful in any Society to direct a division or appropriation of any part of the stock thereof except for the purpose of carrying into effect the general interests and objects declared in the rules as originally 60 certified unless the claim of every such member is first duly satisfied

or



or adequate provision be made for satisfying such claim and in case any member of such Society shall be dissatisfied with such provision it shall be lawful for such member to apply to the District Court Judge of the district within which the usual place of business of the Society is situated for relief or other order and the said Judge shall have the same powers to entertain such application and to make such order or direction in relation thereto as he may think the justice of the case may require as hereinbefore provided in regard to the settlement of disputes And in the event of the dissolution or determination of any Society or the division or appropriation of the funds thereof except in the way hereinbefore provided any Trustee or other officer or person aiding or abetting therein shall on conviction thereof before two Justices in a summary way be liable to be imprisoned with hard labor for any term not exceeding *three months*.

22. In case of the dissolution of any such Society as hereinbefore provided it shall not be necessary to state in the agreement the intended appropriation or division of the funds or other property but it shall be lawful for the members if they shall think fit to refer such appropriation or division to the award of the Registrar and in case application shall be made in writing by the members of any such Society not being less in number than five-eighths of the whole body thereof setting forth that the funds of such Society are insufficient to meet the claims thereon with the grounds upon which such insufficiency can be proved it shall be lawful for the Registrar to investigate the same and if upon such investigation he shall find that the Society is in an insolvent condition and that it would conduce to the interests of all parties concerned that the affairs of the Society should be wound up and brought to a termination he shall make an award to that effect and shall direct in what manner the funds and property of the Society shall be divided or appropriated Provided that previous to such investigation the Registrar shall give not less than *twenty-one days* notice in writing to be sent by post to the Trustees secretary or other officer of such Society at the place where such Society holds its meetings.

23. Every award so made as aforesaid by the Registrar shall be final and conclusive on all members and other persons having any claim on the funds of the said Society without appeal and shall be enforced in the same manner as is hereinbefore provided for enforcing the award of arbitrators and the expenses of such award and of publishing the notice of dissolution in the *Gazette* shall be paid out of the funds of the Society before any appropriation thereof shall be made.

24. When any such agreement for the dissolution of a Society shall be transmitted to the Registrar and when any such award to be made shall be made by the Registrar notice thereof shall within *two calendar months* after the same shall have been so transmitted or made respectively be advertised by the Registrar in the *Government Gazette* and unless within *three calendar months* from the date of the *Gazette* in which such advertisement shall appear a member or other person interested in or having any claim on the funds of the Society shall commence proceedings to set aside the dissolution of the Society consequent upon such agreement or award the Society shall be considered for all intents and purposes and in all Courts of law and Equity as legally dissolved and the requisite consents to such agreement or as the case may be to the application to the Registrar to have been duly obtained without proof of the signatures thereto.

25. The Registrar in the next annual report submitted to Parliament shall set forth the particulars of every award made under the provisions of this Act which he may have made during the preceding *twelve months*.

As to Societies dissolved before passing this Act.

26. In regard to Societies which have been dissolved before the commencement of this Act if notice of any agreement for the dissolution of such Society shall within *three months* after the said time be advertised in the *Gazette* as aforesaid the provisions of this Act shall apply in the same way as if such agreement had been transmitted 5 and made subsequent to the said time.

Societies may unite with or transfer engagements to another.

27. It shall be lawful for any *two* or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in one Society with or without any dissolution or division of the funds of such Societies or either of them or for a Society formed 10 or established under this Act or the said repealed Act to transfer its engagements to any other Friendly Society if any other Society shall undertake to fulfil the engagements of such Society upon such terms as shall be agreed upon by the committee of management of both Societies confirmed by the majority of the members of each of such 15 Societies at a general meeting convened for the purpose and afterwards approved of by the Registrar Provided also that any member who is absent from such meeting in consequence of sickness or other emergency may vote by writing under his hand attested by *two* persons.

Appointment of Trustees.

28. Every Society established hereunder for any of the pur- 20 poses hereinbefore in this Part specified or referred to shall at some meeting of its members and by a resolution of a majority of the members then present nominate and appoint one or more person or persons to be Trustee or Trustees for the said Society and the like in case of any vacancy in the same office and a copy of the resolution so appointing 25 such person or persons to the office of Trustee and signed by such Trustee or Trustees by the secretary and *three* members of the said Society shall be sent to the Registrar to be by him deposited with the rules of the said Society in his custody Provided always that where no Trustee shall have been appointed in any Society established under 30 the Act hereby repealed the treasurer thereof or other person who has custody of the moneys of such Society shall be taken to be a Trustee within the meaning of this Act.

Minors may be elected as members.

29. Any person under the age of *twenty-one* may be elected or admitted as a member of any Society established under this Act or any 35 of the Acts hereby repealed provided that the rules of such Society do not prohibit such election and may and he is hereby empowered to execute all necessary instruments and to give all necessary acquittances Provided always that during his minority such person shall not be competent to hold office as director trustee treasurer or manager of 40 such Society.

Agreement or declaration at admission.

30. Any declaration whether verbal or written made by any person becoming a member of any such Society at or after admission shall be binding on such person and any member found guilty of misstate- 45 ment or concealment may be deprived of all benefits and expelled from such Society by any vote or resolution of *three-fourths* of the members.

Societies to give correct lists of charges to intending members.

31. Every Friendly Society registered under this Act shall furnish to persons intending to become members thereof a list which shall state all the charges which are payable by members upon their admission to such Society and whether the same are compulsory or optional and 50 all persons upon becoming members of any such Society shall be liable to pay only such charges as are mentioned in such list.

Building for societies purpose may be purchased or leased.

32. It shall be lawful for the Trustees for the time being of any Friendly Society formed and established under this Act or under any 55 of the Acts hereby repealed with the consent of the majority of the members thereof present at a special meeting of the Society to purchase build hire or take upon lease any building for the purpose of holding such meetings and to adapt and furnish the same or to purchase or hold upon lease any land for the said purpose of erecting thereupon a building for holding the meetings of the Society and such Trustees 60 shall

shall thereupon hold the same in trust for the use of such Society and with the like consent as aforesaid such Trustees may mortgage sell exchange or let such building or any part thereof and the receipt in writing of such Trustees for the time-being shall be a legal discharge  
 5 for the money arising from such mortgage sale exchange or letting and no mortgagee purchaser tenant or assignee shall be bound to inquire into or ascertain or prove the consent aforesaid to verify his title Provided always that any building purchased or appropriated  
 10 such Society heretofore formed and established under any of the said repealed Acts may be holden and dealt with as if it had been acquired under this Act and the land or buildings which may be vested in the treasurer Trustees or other officer thereof for the time being shall thereupon vest in the Trustees for the time being of such Society for  
 15 the same estate and interest as the said treasurer Trustees or other officer may have therein without any conveyance or assignment whatever Provided nevertheless that all money spent in purchasing building hiring or taking upon lease any building for the purpose of holding such meetings and in adapting and furnishing the same be  
 20 raised according to the rules of the Society in such behalf inserted.

33. All real and personal estate whatsoever belonging to any such Society established under this Act or any of the Acts hereby repealed shall be vested in such Trustees for the time being for the use and benefit of such Society and the members thereof and the real  
 25 or personal estate of any branch of a Society shall be vested in the Trustees of such branch and be under the control of such Trustees their respective executors or administrators according to their respective claims and interests and upon the death or removal of any such Trustee the same shall vest in the succeeding Trustee or Trustees  
 30 for the same estate and interest as the former Trustee or Trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or indictments or summary proceedings before magistrates touching or concerning any such property the same shall be stated to be the property  
 35 of the person or persons for the time being holding the said office of Trustee or Trustees in his or their proper name or names as Trustee or Trustees of such Society without any further description.

Property of Societies vested in Trustees.

34. The Trustees of any such Societies are hereby authorized to bring or defend or cause to be brought or defended any action suit or  
 40 prosecution in any Court of law or Equity touching or concerning the property right or claim to property of the Society for which he or they are such Trustees as aforesaid and such Trustees shall and may in all cases concerning the real or personal property of such Society sue and be sued plead and be impleaded in any Court of law or Equity in their  
 45 proper name or names as Trustees of such Society without other description and no such action suit or prosecution shall be discontinued or shall abate by the death of any Trustee or his removal from the office of Trustee but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees as if such death or removal had not  
 50 taken place and such succeeding Trustee or Trustees shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such Society.

Actions &c. by or against them.

35. Provided nevertheless that no Trustee of any such Society  
 55 shall be liable to make good any deficiency which may arise or happen in the funds of such Society but shall be liable only for the money which shall be actually received by him on account of such Society.

Limitation of Trustees responsibility.

36. In any proceedings against any such Society established  
 60 under this Act or any of the Acts hereby repealed it shall be sufficient to make the secretary or other public officer of such Society the defendant in such proceedings by his name and the title of the office he holds in the Society and such proceedings shall be commenced and

Proceedings.

and carried on against such officer on behalf of such Society and shall not be abated or prejudiced by the death resignation or removal or by any act of such officer after the commencement thereof and the summons to be issued to such officer may be served by leaving it at the office or place of business of such Society. 5

Treasurer to give security.

37. The treasurer of every such Society and every treasurer hereafter appointed in any Society established under this Act or any of the Acts hereby repealed and any other officer who is required by the rules of such Society to give security shall before he take upon himself the execution of his office become bound with one or more sufficient 10 sureties in a bond according to the form set forth in the fourth Schedule hereto or shall give the security of a Guarantee Society established in New South Wales in such penal sum as the Society or the committee of management shall direct and appoint conditioned for his just and faithful execution of his said office of treasurer and for rendering 15 a just and true account of all the moneys received or paid by him on account of the said Society at such times as such rules shall direct and appoint and at such times as he shall be required so to do by the Trustees of the said Society or by a majority of the said committee of management or by a majority of the members present at any meeting 20 of such Society and every such bond shall be given to the Trustees of the Society for the time being and if the same shall at any time become forfeited it shall be lawful for such Trustees for the time being to sue upon such bond for the use of such Society.

Treasurer to account.

38. The treasurer or other officer of every such Society whether 25 appointed before or after the passing of this Act at the times prescribed by the rules of such Society or upon being required so to do by the Trustees of such Society or by a majority of the said committee of management or by a majority of the members present at a meeting of the said Society as aforesaid within *seven days* after such requisition 30 shall render to the Trustees of the Society or to the said committee of management or to the members of such Society at a meeting of such Society a just and true account of all moneys received and paid by him since he last rendered the like account and of the balance then remaining in his hands and of all bonds and securities of such Society 35 which account the said Trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed and such treasurer if thereunto required upon the said account being audited shall forthwith hand over to the said Trustees the balance which on such audit shall appear to be due from 40 him and shall also if required hand over to such Trustees all securities and effects books papers and property of the said Society in his hands or custody and if he fail to do so the Trustees of the said Society may sue upon the bond aforesaid or may sue such treasurer in the District Court of the district or in the Supreme Court or in any other Court 45 having jurisdiction for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said Society and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums (if any) which he may have 50 since paid on account of the said Society and in such action the said Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

Property how recovered if the officer die or become bankrupt or insolvent.

39. If any person already or hereafter to be appointed or employed to or in any office in any such Society established under 55 this Act or any of the Acts hereby repealed whether such appointment or employment was before or after the legal establishment of such Society and having in his hands or possession by virtue of his office any moneys or property whatsoever of such Society or any deeds or securities belonging to such Society shall die or become insolvent or 60 have any execution or attachment or other process issued against him

or

or any part of his property or shall make any assignment for the benefit of his creditors the heirs executors administrators or assignees of every such officer and every other person having or claiming right to the property of such officer and the Sheriff or other person  
 5 executing such process shall upon demand in writing made by the treasurer or by the Trustees of such Society or any person appointed at some meeting of the Society to make such demand deliver and pay over all such moneys property deeds and securities belonging to such Society to such person as such treasurer or Trustees shall appoint and  
 10 shall pay out of the estate assets or effects of such officer all sums of money due which such officer shall have received before any other of his debts are paid and before any other claims upon him shall be satisfied and before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process and all  
 15 such assets lands goods chattels property estates and effects shall be bound to the payment discharge and satisfaction of such claims.

40. Before any Friendly Society shall be registered under this Rules to be made.  
 Act the persons intending to establish the same shall agree upon and frame a set of rules for the regulation government and management of  
 20 such Society and in such rules they may amongst other things make provision for appointing a general committee of management of such Society and delegating to such committee all or any of the powers given by this Act to the members of Friendly Societies established thereunder and such rules shall set forth—

- 25 (1.) The name of the Society and place of meeting for the business of the Society.  
 (2.) The whole of the objects for which the Society is to be established the purposes for which the funds thereof shall be  
 30 applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Society.  
 (3.) The manner of making altering amending and rescinding rules.  
 (4.) A provision for the appointment and removal of a general  
 35 committee of management of a Trustee or Trustees treasurer and other officers.  
 (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts.  
 (6.) The manner in which disputes between the Society and any  
 40 of its members or any person claiming by or through any member or under the rules shall be settled.

And the rules of every such Society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof their husbands wives children fathers  
 45 mothers brothers or sisters nephews or nieces or assigns for which a separate table of contributions payable shall have been adopted shall be entered in a separate account distinct from the moneys received and paid on account of any other benefit or fund and also that a contribution shall be made to defray the necessary expenses of management  
 50 and a separate account shall be kept of such contributions and expenses.

41. When on the death of a member of any such Society established under this Act or any of the Acts hereby repealed a sum of money not exceeding *one hundred pounds* shall become payable the same shall be paid by the Trustees of such Society to the persons  
 55 directed by the rules thereof or nominated by the deceased in writing deposited with the secretary (such person being the husband wife father mother child brother or sister nephew niece or nominee of such member) And in case there shall be no such direction or nomination or the person so nominated shall have died before the deceased member  
 60 or in case the member shall have revoked such nomination then such sum shall be paid to the person who shall appear to the said Trustees  
 to

On death of a member one hundred pounds may be paid without administration.

Indemnity to  
Trustees.

to be entitled to receive the same without taking out letters of administration Provided that wherever the Trustees of any such Society after the decease of any such member thereof shall have paid and divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased member who has died intestate without having appointed any nominee as aforesaid the payment of such sum shall be valid and effectual with respect to any demand from any other person or persons as next of kin of such deceased member or as the lawful representative or representatives of such member against the funds of such Society or against the Trustees thereof but nevertheless such next of kin or representative shall have his or her lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Funds how invested.

42. The Trustees of any such Society established under this Act or any of the said repealed Acts from time to time with the consent of the committee of management of such Society or of a majority of the members of such Society present at a general or special meeting thereof or in accordance with the rules of such Society may deposit the funds of such Society in any Government Savings' Bank or invest such funds or any part thereof to any amount in any Colonial Government Fund or Debentures or in such other security as the rules of such Society may direct not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings or transact the business of such Society as hereinbefore mentioned) and not being the purchase of shares in any joint stock or other company with or without charter or incorporation and not being personal security except in the case of a member of *one* full year's standing at least and in respect of a sum not exceeding *one-half* the amount of his assurance on life such member providing the written security of himself and two satisfactory sureties for repayment and in case of such member's death before repayment the amount of such advance with interest money be deducted from the sum so assured without prejudice in the meantime to the operation of such security.

Trustees may sub-  
scribe to hospitals &c.

43. The Trustees of any such Society may out of the funds thereof subscribe to any hospital infirmary charitable or other provident institution such annual or other sum as may be agreed upon by the committee of management or by a majority of the members at a meeting called for that purpose in consideration of any member of such Society his wife child or other person nominated being eligible to receive the benefits of such hospital or other institution according to the rules thereof.

Limit of benefit or  
assurance.

44. If any person shall become a member of more than one Society whereby certain benefits shall accrue on account of the same kind of assurance from more than one Society it shall not be lawful for him or for any person entitled through or under him or by reason of his membership or for any number of such persons in the aggregate to receive more than *two hundred pounds* or in the case of annuities or superannuation *one hundred pounds* a year from such Societies collectively and in any case where a person shall be a member of more than one such Society and he or any other person or persons shall be entitled to any benefit in gross or by way of annuity from any such Society he or (as the circumstances may require) every such other person shall before he shall receive any such benefit from any of such Societies make and sign a declaration that the total value of all benefits accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of *two hundred pounds* or in the case of annuities or superannuation *one hundred pounds* per annum and it shall be lawful for any Society to require any member or any other person who shall be entitled to such benefit before he shall receive

receive the same to make and sign a declaration to the same effect or that such member was not when the benefit accrued a member of any other Association and if any person shall knowingly make any false or fraudulent declaration in any such case he shall be guilty of misdemeanor.

45. The Trustees of every such Society established under this Act or any of the Acts hereby repealed or the officer thereof appointed to prepare returns shall *once* in every year in the months of *January February* or *March* transmit to the Registrar a general statement of the funds and effects of such Society during the past *twelve months* or a copy of the last annual report of such Society and shall also within *three months* after the *thirty-first day of December one thousand eight hundred and seventy-three* and so again within *three months* after the expiration of every *five years* succeeding transmit to the said Registrar a return of the rate or amount of sickness and mortality experienced by such Society within the preceding *five years* in such form as shall be prepared by the said Registrar and an abstract of the same shall be laid before Parliament and the Registrar shall also lay before Parliament every year a report of his proceedings as Registrar of Friendly Societies within the meaning of this Part and of the principal matters transacted by such Societies which have come under his cognizance during the past year.

Returns to the Registrar when and how to be made.

46. If default be made in transmitting to the Registrar before the *first day of June* in each year after the year *one thousand eight hundred and seventy-three* the general statement or copy of the last annual report of any Society in compliance with the provisions of the last preceding section the officer making such default shall be liable to a penalty not exceeding *five pounds* to be recovered with costs at the suit of the Registrar in a summary way.

Penalty for not sending in annual returns to the Registrar.

47. It shall be lawful for the Trustees of any such Society to require of any members who are Volunteers a contribution exceeding the rate of contribution otherwise payable by such members to an amount not exceeding *one-sixth* of such rate during the time such members shall be serving out of New South Wales or to suspend all claim of such members to any benefits of such Society and all claim of the Society to any contribution payable by such members during the time they may be out of the Colony provided that such suspension shall cease so soon as the said members shall return to the Colony and they shall thereupon be placed upon the same footing as before they went out of the Colony Provided that nothing in this section contained shall affect the provisions of the thirty-ninth section of the Volunteer Force Regulation Act of 1867 except as herein expressly enacted.

Extra contributions may be demanded of a Volunteer if he leave New South Wales.

48. The provisions of the Act twenty-sixth Victoria number thirteen whereby the interests of insured persons are declared to be exempt from seizure or levy by or under the process of any Court whatever and from any law relating to insolvency or bankruptcy and the privileges by the said Act extended to married women in respect of policies endowments and annuities as therein described shall apply to annuities and endowments in course of payment or to become payable under this Act to the extent authorized thereby And in every such case the contributions or subscriptions made towards the same shall be in like manner protected as aforesaid Provided that such annuity endowment or contributions shall have endured for a period not less than *two years*.

Protection of annuities from seizure &c.

55 PART IV.—BENEFIT BUILDING LOAN AND INVESTMENT SOCIETIES.

49. It shall be lawful for any number of persons to form themselves into and establish Societies—

For what purposes Benefit Building and other Societies may be established.

(1.)

- (1.) For the purpose of raising by the monthly or other subscriptions of the several members of such Societies in shares not exceeding the value of *two hundred pounds* for each share (such subscriptions not to exceed *thirty shillings* per month for each share) a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such Society the amount or value of his share or shares therein and to erect or purchase a dwelling-house or dwelling-houses or to acquire other real or leasehold estate to be secured by way of mortgage to such Society until the amount or value of his share shall have been fully repaid to such Society with the interest thereon and all fines or other payments incurred in respect thereof. 5
- (2.) For creating a loan fund for the use of members with a periodical repayment of principal and interest by instalments. 15
- (3.) For any other purpose of mutual benefit and advantage to the members only which the Law Officers of the Crown shall certify to be legal and such as in their opinion is deserving of the extension thereto of the facilities and privileges by this Act conferred on Societies within the operations of this Part 20

And such persons may make rules subject to the provisions of this Act for the better carrying out any of the aforesaid purposes.

Rules to contain certain particulars.

50. The rules of every Society so to be established shall provide for the several particulars following (that is to say)—

- (1.) The name objects and place of business of the Society. 25
- (2.) The mode of appointing a committee of management and their duties and powers.
- (3.) The mode of appointing and removing officers of the Society.
- (4.) The number of shares to be held by any one member.
- (5.) The manner of making new rules and altering or repealing existing rules. 30
- (6.) The manner of settling disputes between the Society and any officer or member thereof or person claiming on account of a member.
- (7.) The manner of collecting the subscriptions of the members of providing for the safe keeping thereof and mode of investing and applying the same and the other funds of the Society to the purposes of the Society. 35
- (8.) The auditing of accounts and the publication of a general balance of the assets and liabilities of the Society at least *once a year*. 40
- (9.) The faithful performance of their duties by the paid officers of the Society having the custody or management of any moneys of the Society and the amount and nature of security to be given by such officers. 45
- (10.) The manner of winding up the affairs of the Society and dissolving the same and distributing the assets thereof.

Proviso as to dividends.

51. No member shall receive or be entitled to receive from the funds of any such Society established under this or the Act hereby repealed relating to Benefit Building Societies any interest or dividend by way of annual or other periodical profit upon any shares in such Society until the amount or value of his shares shall have been realized except on the withdrawal of such member according to the rules of such Society. 50

Society may receive sums of money by way of bonus.

52. It shall be lawful for any such Society to receive from any member thereof any sum of money by way of bonus on any share or shares for the privilege of receiving the same in advance prior to the same being realized and also any interest for the share or shares so received or any part thereof. 55

Forms of conveyance &c. may be specified in schedule to Rules.

53. It shall be lawful for any such Society in and by the rules thereof to describe the form or forms of conveyance mortgage transfer agreement bond or other instrument which may be necessary for carrying the purposes of the said Society into execution and which shall be specified and set forth in a Schedule to be annexed to the rules of such Society. 60



54. The Trustees named in any mortgage whether already made or hereafter to be made on behalf any Society established under this Act or the Act relating to Benefit Building Societies hereby repealed or the survivors or survivor of them or the Trustees for the 5 time being may endorse upon any mortgage or further charge given or to be given by any member of any such Society to the Trustees thereof for moneys advanced or to be advanced by any such Society to any member thereof a receipt for all moneys intended to be secured by such mortgage or further charge which receipt shall be sufficient and 10 effectual to vacate the said security and to vest the estate of and in the property comprised in such security in the person or persons for the time being entitled to the equity of redemption without it being necessary for the Trustees of any such Society to give or execute any reconveyance of the property so mortgaged. Provided always that the 15 form of such receipt shall be specified in a schedule to be annexed to the rules of such Society.

Receipts of Trustees to act as reconveyances.

55. A copy of any resolution appointing any person to the office of Trustee of any such Society and signed by the secretary and any 20 three members thereof deposited with the Registrar shall be conclusive evidence as to the fact of such appointment and of its sufficiency in favor of all persons accepting any conveyance or release or otherwise dealing with such Trustee. And no such person shall be bound to inquire into the particulars of any such appointment except as 25 disclosed by the copy of resolution so deposited or prejudiced by any breach or neglect of the rules of such Society or provisions of this Act in reference thereto.

What shall be evidence of appointment of Trustee.

56. The following sections of Part III of this Act shall and may be applied to every Society heretofore or hereafter to be established for any of the purposes hereinbefore in this Part mentioned or referred 30 to unless the rules of such Society make other provision in respect of the several matters in the said sections contained inconsistent with the application thereof to such Society (that is to say):—

Application of certain provisions of Part III (Friendly Societies).

35 With reference to the dissolution of Societies and the awards of the Registrar Sections 21 to 26 inclusive.

With reference to the union of Societies and transfer of engagements Section 27.

With reference to appointment of Trustees Section 28.

With reference to minors and list of charges Sections 29 and 31.

40 With reference to purchase or lease of buildings for holding meetings &c. Section 32.

With reference to vesting of property in Trustees actions by or against them limitation of their liability and proceedings against a Society Sections 33 to 36 inclusive.

45 With reference to security by and accountability of treasurer Sections 37 and 38.

With reference to recovery of property on death or insolvency of officers Section 39.

With reference to returns to Registrar Sections 45 and 46.

50 And for the purpose of the better giving effect to the provisions of this section all words and expressions in the said sections or any of them shall bear such extended or qualified meanings as may be necessary to make the provisions of the said sections applicable hereto.

#### PART V.—CO-OPERATIVE TRADING AND INDUSTRIAL SOCIETIES.

55 57. Any number of persons not being less than *seven* may establish a Society under this Act for the purpose of carrying on any labour trade or handicraft whether wholesale or retail except the business of banking which the members of such Society voluntarily unite to carry on or exercise and of applying the profits to any lawful purposes.

Constitution of Societies under Part V.

Rules to contain certain particulars.

58. The rules of every such Society shall contain provisions in respect of the several matters following viz. :—

- (1.) Object name and place of office of the Society which must in all cases be registered as one of limited liability.
- (2.) Terms of admission of members. 5
- (3.) Mode of holding meetings and right of voting and of making or altering rules.
- (4.) Declaration whether the shares shall be transferable or not Provision for the form of transfer and registration of shares and for the consent of committee of management and confirmation by the general meeting of the Society and in case shares shall not be transferable Provision for paying to members balance due to them on withdrawing from the Society. 10
- (5.) Provision for the audit of accounts. 15
- (6.) Power to invest part of capital in another Society Provided that no such investment be made in any other Society not registered under this Act.
- (7.) Power and mode of withdrawing from the Society and provisions for the claims of executors administrators or assigns of members. 20
- (8.) Mode of application of profits.
- (9.) Appointment of managers and other officers and their respective powers and remuneration.

Registration of Society.

59. A certificate of registration according to the form set forth in the third Schedule hereto shall be given by the Registrar in all cases where the requirements of this Act have been complied with and such certificate shall in all cases be conclusive evidence that the Society mentioned therein has been duly registered. 25

Incorporation of Society.

60. The granting of such certificate to a Society by the Registrar shall have the effect of incorporating the members of such Society by the name described in such certificate with perpetual succession and a common seal with power to hold lands and buildings and with limited liability as hereinafter provided. 30

Certificate to vest all property of Society previously held in trust.

61. The certificate of registration shall vest in the Society all the property that may at the time be vested in any person in trust for the Society and all legal proceedings then pending by or against any such person or any other officer on account of the Society may be prosecuted by or against the Society in its registered name without abatement. 40

Copy of rules on demand.

62. A copy of rules shall be delivered by the Society to every person on demand on payment of a sum not exceeding *one shilling*.

No Society to be registered by same name as that of any existing Society.

63. No Society shall be registered under a name identical with that by which any other existing Society has been registered or so nearly resembling such name as to be likely to deceive the members or the public and the word "Limited" shall be the last word in the name of every Society registered under this Act. 45

Member's interest limited to £200.

64. No member shall be entitled in any Society registered under this Act to hold or claim any interest exceeding the sum of *two hundred pounds*. 50

Publication of name by a Society.

65. Every Society under this Act shall paint or affix and shall keep painted or affixed its name on the outside of every office or place in which the business of the Society is carried on in a conspicuous position in letters easily legible and shall have its name engraven in legible characters on its seal and shall have its name mentioned in legible characters in all notices advertisements and other official publications of such Society and in all bills of exchange promissory-notes indorsements cheques and orders for money or goods purporting to be signed by or on behalf of such Company and in all bills of parcels invoices receipts and letters of credit of the Society. 55  
66.

66. If any Society under this Act does not paint or affix and keep painted or affixed its name in manner directed by this Act it shall be liable to a penalty not exceeding *five pounds* for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed and if any officer of such Society or any person on its behalf uses any seal purporting to be a seal of the Society whereon its name is not so engraven as aforesaid or issues or authorizes the issue of any notice advertisement or other official publication of such Society or signs or authorizes to be signed on behalf of such Society any bill of exchange promissory-note indorsement cheque order for money or goods or issues or authorizes to be issued any bill of parcels invoice receipt or letter of credit of the Society wherein its name is not mentioned in manner aforesaid he shall be liable to a penalty of *fifty pounds* and shall further be personally liable to the holder of any such bill of exchange promissory-note cheque or order for money or goods for the amount thereof unless the same is duly paid by the Society.

Penalties on non-publication of name &c.

67. Every such Society shall have a registered office to which all communications and notices may be addressed. If any Society registered under this Act carries on business without having such an office it shall incur a penalty not exceeding *five pounds* for every day during which business is so carried on.

Every Society to have a registered office. Penalty on default.

68. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him and until such notice is given the Society shall not be deemed to have complied with the provisions of this Act.

Notice of situation of office registered.

69. The rules of every such Society shall bind the Society and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto and as if there were in such rules contained a covenant on the part of himself his heirs executors and administrators to conform to such rules subject to the provision of this Act and all moneys payable by any member to the Society in pursuance of such rules shall be deemed to be a debt due from such member to the Society.

Signature and effect of rules.

70. Any such Society may be wound up either by the Supreme Court the Chief Commissioner of Insolvent Estates or voluntarily in the same manner and under the same circumstances under and in which any Company may be wound up under any Act or law for the time being in force for winding up Companies and all the provisions of such Act or law with respect to winding up shall apply to all such Societies.

As to the winding up of Societies.

71. In case of the dissolution of any such Society such Society shall nevertheless be considered as subsisting and be in all respects subject to the provisions of this Act so long and so far as any matters relating to the same remain unsettled to the intent that such Society may do all things necessary to the winding up of the concerns thereof and that it may be sued and sue under the provisions of this Act in respect of all matters relating to such Society.

Dissolution of Society not to prevent winding up of its affairs.

72. In the event of any such Society being wound up every present and past member of such Society shall be liable to contribute to the assets of the Society to an amount sufficient for payment of the debts and liabilities of the Society and the costs charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributors amongst themselves with the qualifications following (that is to say)—

Liability of present and past members of Society.

(1.) No past member shall be liable to contribute to the assets of the Society if he has ceased to be a member for a period of *one year* or upwards prior to the commencement of the winding up.

(2.) No past member shall be liable in respect to any debt or liability of the Society contracted after the time at which he ceased to be a member.

(3.)

(3.) No past member shall be liable to contribute to the assets of the Society unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in order to satisfy all just demands upon such Society.

(4.) No contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect of which he is liable as a past or present member.

Application of certain provisions of Part III.

73. The provisions of the forty-first section of this Act whereby a member of any Society therein referred to is allowed to nominate any persons to whom his investment in such Society shall be paid shall extend in the case of Societies within the meaning of this Part to allow any member thereof to nominate any persons into whose name his interests in such Society at his decease shall be transferred. Provided nevertheless that any such Society may in lieu of making such transfer elect to pay to any persons so nominated the full value of such interest.

When Societies may make negotiable instruments.

74. In case the rules of a Society established under this Act or the Act relating to Industrial and Provident Societies hereby repealed do not expressly prohibit such Society from making or executing bills of exchange promissory-notes or other customary instruments for the purpose of carrying on any labour trade or industry within the meaning of this Part it shall be lawful for such Society to execute any of the said instruments provided that at no time the aggregate amount represented thereby shall exceed *one-half* of the capital or working funds of such Society. And any such instrument may be executed in the mode directed by the rules of such Society or by such members of the committee of management on behalf of the Society as are thereby authorized to sign cheques in the name of the said Society.

Members may inspect books.

75. Every person or member having an interest in the funds of any Society under this Act may inspect the books and the names of the members at all reasonable hours at the office of the Society.

Annual returns to be prepared as directed by Registrar.

76. A general statement of the funds and effects of every Society under this Act shall be transmitted to the Registrar once in every year and shall exhibit fully the assets and liabilities of such Society and shall be prepared and made out within such period and in such form and shall comprise such particulars as the Registrar shall from time to time require who shall have authority to require such evidence to be produced as he may think proper of all matters required to be done and of the entries contained in any document required to be transmitted to him under this Act and every member or depositor in any such Society shall be entitled to receive on application to the treasurer or secretary thereof a copy of such statement without fee or charge.

#### PART VI.—MISCELLANEOUS PROVISIONS.

Society may be constituted a Company.

77. Any Society under this Act may be constituted a Company under the Act or Acts in force for the time being relating to Joint Stock Companies by conforming to the requirements of such Act or Acts and shall thereupon cease to retain its registration under this Act.

Power to change name.

78. Any such Society may with the approval in writing of the Registrar change its name but no such change shall affect any rights or obligations of such Society or of any member thereof and any legal proceedings may be continued or commenced by or against the Trustees of such Society or any officer or the committee of management thereof by the new name of such Society.

79. All penalties and fines imposed by this Act or by the rules of any Society registered or brought under the operation of this Act and all offences committed under such Act or Rules shall and may be recovered and prosecuted (where no other provision for the recovery or prosecution thereof is in that behalf provided) in a summary way by and before any two Justices of the Peace in manner provided by the Act or Acts in force for the time being regulating summary proceedings before Justices And where such penalty or fine be not paid either immediately after the conviction or within the time appointed by the conviction the same may be levied and enforced by distress and sale of the offender's goods and chattels and in failure of distress in manner provided by the Act eleven and twelve Victoria chapter forty-three as adopted by the fourteenth Victoria number forty-three and any Acts amending the same.

Recovery of penalties.

80. All persons aggrieved by any summary conviction under this Act may appeal therefrom in the manner provided by the Act or Acts in force for the time being regulating appeals to General or Quarter Sessions.

Appeal.

81. No conviction or any adjudication made upon appeal therefrom shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court.

Form of proceedings  
—no *certiorari*.

SCHEDULES.

FIRST SCHEDULE.

| No. of Act. | Title of Act.   | Extent of Repeal. |
|-------------|---|-------------------|
| 25          | 7 Vic. No. 10 ..... An Act to regulate Friendly Societies in New South Wales .....  | The whole.        |
|             | 11 Vic. No. 10 ..... An Act for the regulation of Benefit Building Societies .....  | The whole.        |
|             | 11 Vic. No. 53 ..... An Act to amend the Act regulating Friendly Societies in New South Wales .....   | The whole.        |
| 30          | 14 Vic. No. 11 ..... An Act for the encouragement of persons desirous of providing for their support in old age and for the protection under certain restrictions of their annuities and subscriptions for deferred annuities ..... | The whole.        |
| 35          | 17 Vic. No. 26 ..... An Act to consolidate and amend the Laws relating to Friendly Societies.....   | The whole.        |
|             | 29 Vic. No. 8 ..... An Act to establish Industrial and Provident Societies .....  | The whole.        |

## SECOND SCHEDULE.

## Scale of Fees payable to Registrar.

|   | For Friendly Societies<br>within the meaning<br>of Part III. | For Benefit Building and<br>other Societies within<br>Part IV. | For Co-operative Trading<br>and Industrial Societies<br>within Part V. | 5  |
|---|--|--|--|----|
|   | £ s. d.  | £ s. d.  | £ s. d.  |    |
| Certificate of Rules<br>of new Society... } | 1 1 0  | 2 2 0  | 2 2 0  |    |
| Certificate of new<br>or amended rule. }    | 0 5 0  | 0 10 6   | 0 10 6   |    |
| Award .....                                 | 3 3 0  | 5 5 0  | 5 5 0  | 10 |

## THIRD SCHEDULE.

## Form of Registrar's Certificate to Rules of Societies.

I HEREBY certify that the foregoing rules (or the alterations or amendments of the rules) of the Society at in the County of are in conformity with law (and in the case of a new Society) 15 and that the Society is duly established from the present date and is subject to the provisions and entitled to the privileges of the Friendly Societies Act of 1873.

[If Society is a Friendly Society within Part III of the said Act] the rates of contributions and payments are stated to have been prepared by A.B. Actuary of (or as the case may be) are not stated to have been prepared by 20 any Actuary.

## FOURTH SCHEDULE.

## Form of Bond.

KNOW all men by these presents that we A.B. of Treasurer &c. (as the case may be) of the Society established at 25 in the County of and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to A.B. of C.D. of and E.F. of the Trustees of the said Society in the sum of to be paid to the said A.B. C.D. and E.F. as such Trustees or their successors Trustees for the time being or their certain Attorney for which 30 payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs executors and administrators firmly by these presents sealed with our seals. Dated the day of in the year our Lord

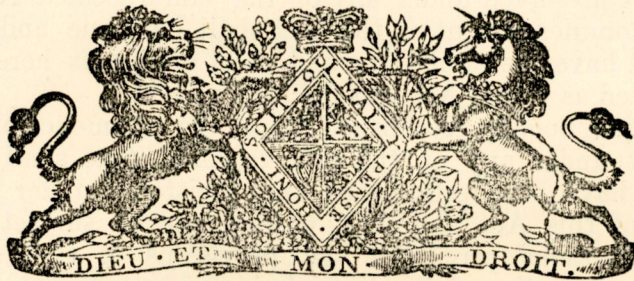
Whereas the above-bounden A.B. hath been duly appointed Treasurer &c. (as the case be) of the Society established as aforesaid and he together with the above-bounden C.D. as his surety have entered into the above-written bond subject to the condition hereinafter contained Now therefore the condition of the above written bond is such that if the said A.B. shall and do justly and faithfully execute his office of Treasurer &c. (as the case may be) of the said Society established as aforesaid 40 and shall and do render a just and true account of all moneys received and paid by him and shall and do pay over all moneys remaining in his hands and assign and transfer or deliver all securities and effects books papers and property of or belonging to the said Society in his hands or custody to such person or persons as the said Society shall appoint according to the rules of the said Society together with the proper or legal 45 receipts or vouchers for such payments and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer &c. (as the case may be) to the said Society according to the rules thereof then the above-written bond shall be void and of no effect otherwise shall be and remain in full force and virtue.

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

Legislative Council Chamber,  
Sydney, 24th April, 1873. }

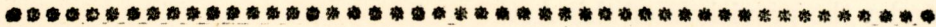
JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO TRICESIMO SEXTO

# VICTORIÆ REGINÆ.



No. .

An Act to consolidate and amend the Law relating to Friendly and other Mutual Benefit Societies.

BE 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 commencement and division of Act.

5 1. This Act shall come into operation one month after the notification in the *Government Gazette* of the appointment of a Registrar as hereinafter provided. It may be cited as the "Friendly Societies Act of 1873" and is divided into the following parts viz.:—

PART I.—*Preliminary.*

10 PART II.—*Formation and Registration of Societies Provisions of general or extended application.*

PART III.—*Friendly Societies.*

PART IV.—*Benefit Building Loan and Investment Societies.*

PART V.—*Co-operative Trading and Industrial Societies.*

15 PART VI.—*Miscellaneous Provisions.*

*Friendly Societies (No. 2).*

2. The Acts mentioned in the First Schedule hereto to the extent therein expressed shall be and the same are hereby repealed but such repeal shall be subject to the following provisoes exceptions and qualifications—

- 5 (1.) All offences committed and penalties or liabilities incurred under any of the said repealed Acts before the commencement of this Act shall be prosecuted and enforced under the provisions of the said repealed Acts respectively as if this Act had not been passed. Provided that any offence under the 10 twenty-third section of the Act seventeenth Victoria number twenty-six committed within five years before the commencement of this Act may be prosecuted under the thirteenth section of this Act in every respect and for all purposes as if the said offence had been committed thereunder.
- 15 (2.) All bonds or securities given or proceedings taken all registrations certificates rules and alterations of rules completed all contracts engagements and appointments made all receipts given and all rights and exemptions conferred 20 continued or preserved under any of the said repealed Acts before the commencement of this Act shall continue and be as valid and have the same force and effect except as hereinafter excepted as if this Act had not been passed.
- 25 (3.) Every existing Society established before the commencement of this Act under any of the said repealed Acts shall be deemed to have been established and registered under the provisions of this Act and shall possess and be subject to all the exemptions privileges and provisions of this Act applicable to Societies of the like class or character to the same extent as if such Society and the rules thereof had been 30 registered under this Act.
- (4.) In case the rules of any such Society shall not have been certified in accordance with the provisions of any of the said repealed Acts before the commencement of this Act the same shall within six months thereafter be certified and registered 35 under the provisions of this Act.
- 40 (5.) No Society established under the provisions of any of the said repealed Acts relating to Friendly or Benefit Building Societies and whose rules shall have received a certificate of approval under the provisions in that behalf contained in the "Industrial and Provident Societies Act 1865" shall by such 45 approval be deemed to have become a body corporate with limited liability under the said last-mentioned Act or to have been brought within the operation thereof anything in the said Act to the contrary notwithstanding. Provided always that nothing herein contained shall extend to invalidate any acts or proceedings done taken or commenced by the committee of management or by any officer or member of any such Society and purporting so to be done taken or commenced under or 50 by virtue of the provisions of the said Industrial and Provident Societies Act and no penalty or liability whatsoever shall be deemed to have been incurred by any such person or officer as aforesaid by reason of any such acts or proceedings.

3. All copies of rules certificates and documents which are now filed or deposited in the office and under the custody of the Clerk of the Peace in pursuance of the provisions of any of the said repealed Acts shall be taken off the file and shall be transmitted on or before the thirtieth day of June one thousand eight hundred and seventy-three to the Registrar of Friendly Societies appointed under this Act to be by him kept in such manner as shall be directed by the Governor 60 with the advice of the Executive Council.

Rules &c. to be transmitted to Registrar.



*Friendly Societies (No. 2).*

4. The Governor with the advice of the Executive Council shall appoint some public officer being a properly qualified person to be the Registrar of Friendly Societies for the purpose of carrying out the provisions of this Act and an office shall be provided for such Registrar  
5 wherein shall be kept and registered the rules and documents hereinafter mentioned. And such Registrar may demand and take as fees the respective sums specified in the second Schedule hereto and may refuse to do any act matter or thing herein required and for which he is entitled to charge a fee until such fee shall have been paid.
- 10 5. In the interpretation of this Act the following words and expressions shall have the meanings hereby assigned to them unless inconsistent with or repugnant to the context (that is to say):—
- “Registrar” shall mean the Registrar of Friendly Societies under this Act.
- 15 “Society” shall mean and include every branch of a Society by whatever name the same may be designated. Provided that in the construction of Parts III IV and V the said word wheresoever occurring shall be taken to mean and include only such a Society or branch thereof as is within the respective purposes mentioned or referred to in such Parts.
- 20 “Trustees” shall include Trustee.
- “Committee of management” shall mean the body of persons appointed to manage and direct the affairs of the Society by whatever name such body may be designated.
- 25 “Secretary” shall mean the officer appointed by the Society to act in that capacity or the clerk or person who keeps the books and accounts of the Society.

Registrar to be appointed.

Interpretation of terms.

PART II.—FORMATION AND REGISTRATION OF SOCIETIES—  
PROVISIONS OF GENERAL OR EXTENDED APPLICATION.

- 30 6. Every person being a member of the committee of management of any Society hereafter to be formed for any purpose within the meaning of this Act who shall take any money in consideration of the allotment of shares or any interest in such Society until the same shall be registered under this Act shall incur a penalty for every such offence  
35 not exceeding twenty pounds.
7. Two printed or written copies of the rules of every Society hereafter to be formed for any such purpose as aforesaid signed by three of the intended members and the secretary or other officer shall where it is intended that such Society shall be registered under this  
40 Act be transmitted to the Registrar who shall advise with such secretary or officer of such Society if necessary for the purpose of ascertaining whether the said rules are in conformity with law and are calculated to carry into effect the intentions and object of the persons who desire to form such Society and if the Registrar shall find that such rules are in  
45 conformity with law and with the provisions of this Act he shall give a certificate in the form set forth in the third Schedule hereto and shall return one of the said copies to the said Society and shall keep the other in such manner as shall from time to time be directed by the Colonial Secretary and all rules when so certified as aforesaid shall be  
50 binding on the several members of the said Society. Provided always that it shall not be lawful for the said Registrar to grant any such certificate to a Society assuring to any member thereof a certain annuity or certain superannuation deferred or immediate or any sum or sums payable as endowment or in case of sickness or death or other object

Penalty on acting before registration.

Copies of rules to be sent to Registrar and his certificate obtained.

*Friendly Societies (No. 2).*

object authorized by this Act which is susceptible of calculation by way of average unless the tables of contributions payable for such kind of assurance shall have been certified under the hand of an actuary who has exercised his profession for at least five years and 5 such certificate shall have been transmitted to the Registrar together with the copies of the rules aforesaid.

8. After the rules of any such Society shall have been so certified by the Registrar as aforesaid it shall be lawful for such Society by resolution at a meeting specially called for that purpose to alter amend or 10 rescind the same or any of them or to make new rules and it shall be lawful for the members of any Society formed and established under any of the Acts hereby repealed to alter amend or rescind the rules by which their Society is governed regulated or managed or to make new rules 15 Provided always that two copies of the proposed alterations or amendments and of such new rules signed by three members of such Society and such secretary or other officer shall be transmitted to the Registrar to one of which shall be attached a declaration by the secretary or one of such officers that in making the same the rules of such Society 20 respecting the making altering amending and rescinding rules or the directions of the Act or Acts under which such Society was established have been duly complied with and if the Registrar shall find that such alterations amendments or new rules are in conformity with law he shall give to the Society a certificate in the form set forth in the said Third Schedule and return one of the copies to the Society and 25 shall keep the other with the rules of such Society in his custody and as against such member or person such certificate shall be conclusive of the validity of any such rule and all rules alterations and amendments when so certified as aforesaid shall be binding on the several members of the said Society and all persons claiming on account of a 30 member or under the said rules but unless and until the same shall be so certified such rules alterations and amendments shall have no force or validity whatsoever Provided that no registered Society shall be allowed to withdraw from the operation of this Act until a notice to that effect be sent to the Registrar signed by a majority of the members who shall 35 have been summoned and been present at a meeting convened for that purpose.

9. Whenever any Society established under this Act or under any of the Acts hereby repealed shall change its place of business notice of such change under the hands of two of the Trustees or three 40 members and the secretary or other officer of such Society shall within fourteen days thereafter be sent to the Registrar.

10. If any person shall give to any member of a Society established under this Act or any of the said repealed Acts or to any person intending or applying to become a member of such Society a 45 copy of any rules or of any alterations or amendments of the same other than those respectively which have been enrolled with the Clerk of the Peace for the time being or certified by the Registrar with a copy of his certificate appended thereto under colour that the same are binding upon the members of such Society or shall make any 50 alteration in or addition to any of the rules or tables of such Society after they shall have been enrolled or certified by the Registrar and shall circulate the same purporting that they have been duly enrolled or certified under this or any of the said repealed Acts when they have not been so duly enrolled or certified every person so offending shall 55 be deemed guilty of a misdemeanor.

11. All the rules and tables of any Society established under this Act or of any of the hereby repealed Acts and all alterations and amendments thereof and all copies thereof or extracts therefrom and all writings and documents relating to any such Society and purporting 60 to

Rules may be altered amended or rescinded or new rules made.

Notice to be sent to Registrar of altering place of business.

Circulating false copies of rules &c. a misdemeanor.

Rules how received in evidence.

*Friendly Societies (No. 2).*

to be signed by the Registrar shall in the absence of any evidence to the contrary be received in all Courts of law and Equity and elsewhere without proof of the signature thereto.

12. No copy of rules nor power warrant or letter of attorney <sup>Powers of attorney &c. not liable to stamp duty.</sup> granted by any person as Trustee of any Society established under this Act or any of the Acts hereby repealed for the transfer of any share in any Colonial funds or debentures standing in the name of such Trustee nor any order or receipt for money contributed to or received from the funds of any such Society by any person liable or entitled to pay or receive the same by virtue of the rules thereof or of this Act nor any bond to be given to or on account of any such Society or by the treasurer or any officer thereof nor any draft or order nor any form of policy nor any appointment of any agent nor any certificate or other instrument for the revocation of any such appointment nor any other document whatever required or authorized by or in pursuance of this Act or the rules of any Society shall be liable to stamp duty Provided that no exemption from any of the duties granted by any Act relating to stamp duties shall be deemed to extend to any Society which shall assure the payment of money exceeding two hundred pounds or which shall assure the payment of any money on the death of a member to any person except the executors administrators or assigns of said member or the husband wife father mother child brother sister nephew or niece of such member.

13. If any officer member or other person being or representing <sup>Punishment of fraud in withholding money &c.</sup> himself to be a member of any such Society as aforesaid or the nominee executor administrator or assignee of a member thereof or any person whatever by false representation or imposition shall obtain possession of any moneys securities books papers or other effects of such Society or having the same in his possession shall withhold or misapply the same or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such Society or any part thereof it shall be lawful for any Justice of the Peace upon complaint being made by any person on behalf of such Society to summon the person against whom such complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint in manner directed by the Act or Acts in force for the time being regulating summary proceedings before Justices and if the said Justices shall determine the said complaint to be proved against such person they shall adjudge and order him to deliver up all such moneys securities books papers or other effects to the Society or to repay the amount of money applied improperly and to pay if they think fit a further sum of money not exceeding fifty pounds together with costs and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs aforesaid the said Justices may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding three months Provided that nothing herein contained shall prevent the said Society from proceeding by indictment against any such offender Provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

14. Every dispute between any member of any Society <sup>Settlement of disputes.</sup> established under this Act or any of the Acts hereby repealed or any person claiming through or under such member and the Trustees treasurer or other officer or committee of management thereof shall be decided in manner directed by the rules of such Society and the decision so made shall be binding and conclusive on all parties without

*Friendly Societies (No. 2).*

without appeal Provided that where the rules of any Society established under the said Act or any of the Acts hereby repealed shall direct disputes to be referred to Justices then it shall be lawful for any Justice of the Peace upon complaint made by any member his  
 5 executors administrators nominee or assigns or by any person claiming under the rules of the Society of any matter of dispute between him or them and the Society to summon the person against whom the complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned  
 10 in such summons shall proceed to hear and determine such complaint in manner provided by the Act or Acts in force for the time being regulating summary proceedings before Justices and such Justices may make such order thereupon either for the payment of money or other-  
 15 wise together with costs as they shall think fit and where the order made shall be for the doing of some act other than the payment of money the said Justices may order the payment of a sum of money in default of the doing of such act and any money which shall be paid by any officer of the Society so levied on his property under any order or warrant of the Justices shall be repaid with all damages accruing to  
 20 him by the Society.

15. In all Societies established under this Act or any of the said repealed Acts all applications for the removal of Trustees or for any other relief order or direction or for the settlement of disputes that may arise or may have arisen in any Society the rules of which  
 25 do not prescribe any other made of settling such disputes or to enforce the decision of any arbitrators or to hear or determine any dispute if no arbitrator shall have been appointed or if no decision shall be made by the arbitrators within forty days after application has been made by the member or person claiming through or under a member or under  
 30 the rules of the Society shall be made to the District Court of the district within which the usual or principal place of business of the Society shall be situate and such Court shall upon the application of any person interested in the matter entertain such application and give such relief and make such orders and directions in relation to the  
 35 matter of such application as hereinafter mentioned or as may now be given or made by the Supreme Court and the decision of such District Court upon and in relation to such application as aforesaid shall not be subject to any appeal.

In what cases by the District Court when the rules do not provide for settlement of disputes.

16. In all cases where the order of such District Court shall be  
 40 for the payment of money the same may be enforced in the same manner as the ordinary judgments of such Courts are enforced but where the order of the said Court shall be for the doing of some act not being for the payment of money it shall be lawful for the Judge of such District Court in his said order to order the party to do such  
 45 act or that in default of his so doing it he shall pay a certain sum of money and in case he refuse or neglect to do the act required upon demand in that behalf the sum of money or penalty in the said order may then be recovered in the same manner as a judgment for debt or damages in such Court and it shall not be lawful to remove the same  
 50 by *certiorari* or other writ or process before the Supreme Court Provided however that the Primary Judge may make such orders for regulating the proceedings by and before the Judges of District Courts under this Act as he may think fit and such Judges may regulate the proceedings before them respectively so as to render them as inexpen-  
 55 sive and summary as conveniently may be.

Order of District Court how enforced.

Primary Judge may make order for regulating the proceedings.

17. In the case of any Society established for any of the purposes within the meaning of this Act or for any purpose which is not illegal having written or printed rules which have not been certified by the Registrar (provided a copy of such rules shall have  
 been

Disputes between members of non-registered Societies to be settled in accordance with this Act.

*Friendly Societies (No. 2).*

been deposited with the Registrar) every dispute between any member of such Society his executors administrators nominees or assigns and the Trustees treasurer or other officer or the Committee of such Society shall be decided in manner hereinbefore mentioned or provided with  
 5 respect to disputes and the decision thereof in the case of Societies to be established under this Act and the provisions of this Act relating to disputes and to the punishment of fraud or imposition shall be applicable to such uncertified Societies Provided always that nothing herein contained shall be construed to confer on any such Society  
 10 whose rules shall not have been certified by the Registrar or any of the officers or members of such Society any of the powers exemptions or privileges of this Act save and except as in and by this section is expressly provided.

## PART III.—FRIENDLY SOCIETIES.

- 15 18. It shall be lawful for any number of persons to form and establish a Friendly Society under the provisions of this Act for the purpose of raising by voluntary subscriptions of the members thereof with or without the aid of donations a fund for any of the following objects (that is to say)—
- 20 (1.) For insuring a sum of money to be paid on the death of a member or for the funeral expenses of the husband wife or child of a member.
- 25 (2.) For the relief maintenance or endowment of a member or the husband wife child or kindred of a member in infancy old age sickness widowhood or any natural state of which the probability may be calculated by way of average.
- 30 (3.) For insuring a sum to be paid on the death of a member to the person nominated in a writing to be deposited with the secretary of the Society by such member being the husband wife father mother child brother sister nephew or niece of such member or in default of such nomination or in case of the death of such nominee to be paid to the executor or administrator or next of kin of such member.
- 35 (4.) For insuring or making good any loss or damage of live or dead stock goods implements of trade and tools sustained by any member by fire flood shipwreck or other contingency of which the probability may be calculated by way of average.
- 40 (5.) For the frugal investment of the savings of members for the better enabling them to purchase food firing clothes or other necessaries or to purchase or hire any implement material or article of use or necessity in their trade calling or business or to provide for the education of their children Provided that the shares in any such Investment Society shall not be transferable and that the investments of each member shall  
 45 accumulate or be employed for the sole benefit of such member investing or of the husband wife children or kindred of such member and of no other person and that the whole amount of the balance due to such member according to the rules of such Society be paid to him on withdrawal therefrom.
- 50 (6.) For the purpose of enabling any member or the husband wife or children or nominee of such member to immigrate to New South Wales and of enabling the immigrants to purchase the tools implements materials or other necessaries of their trade calling or business and of advancing loans to  
 55 them for any such purpose and taking security for the repayment thereof.

Friendly Societies  
 how and for what  
 purpose formed.

(7.)

*Friendly Societies (No. 2).*

- (7.) For any other purpose of mutual benefit and advantage to the members only and not being within the purposes mentioned in Part IV or V of this Act which the Governor with the advice of the Executive Council shall authorize as a purpose to which the powers and facilities provided by this Act in relation to Friendly Societies ought to be extended
- 5 Provided that no member shall subscribe or contract for an annuity exceeding fifty-five pounds per annum or a sum payable on death or other contingency as aforesaid exceeding two hundred pounds.
- 10 19. All existing Friendly Societies whose rules have been certified and registered under any of the said repealed Acts shall so long as they shall not hereafter effect an assurance to any member thereof or other person of any sum exceeding two hundred pounds or of an annuity exceeding fifty-five pounds per annum enjoy all the exemptions and privileges conferred on Societies to be established under the provisions of this Act as fully as if they had been registered thereunder.
- 15 20. In any Society in which a sum of money may be insured payable on the death of a child for the funeral expenses of such child it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate signed by a legally qualified medical practitioner stating the probable cause of death of such child and if any Trustee or officer of such Society upon an insurance of a sum payable on the death of any child shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one Society for the funeral expenses of a child under the age of five years to a sum exceeding three pounds or of a child between the ages of five and ten years to a sum exceeding four pounds or shall pay any sum without indorsing the amount thereof at the back or at the foot of the medical certificate aforesaid or if any parent or other person who shall apply for such payment to more than one Society shall produce to the Trustees or officers of one Society any other or different certificate than that which he shall have produced to the Trustees or officers of any other Society every such Trustee officer parent or other person shall be liable to a penalty not exceeding ten pounds for every such act upon conviction before two Justices of the Peace
- 20 Provided always that if the said child shall have been attended immediately before its death by any such practitioner he shall deliver to the parents or friends of the deceased child upon their application a certificate stating the probable cause of death of such child and shall not be entitled to receive any fee for the same and if such child shall not have been attended by any such practitioner the legally qualified medical practitioner furnishing such certificate shall receive a fee of ten shillings and sixpence exclusive of travelling expenses
- 25 Provided also that in places distant more than ten miles from the residence of a legally qualified medical practitioner such certificate may be given and signed by the Coroner of the district or a Justice of the Peace Provided always that the payment of any moneys under this section may be withheld or suspended if in the opinion of the persons furnishing the certificate of the death of the child in respect of whose death the application is made has been caused directly or indirectly by wilful neglect or any improper conduct.
- 30 21. It shall be lawful for the members of any Society within the meaning of this Part heretofore formed and established or hereafter to be formed and established at some meeting thereof to be specially called in that behalf to dissolve or determine the same by consent
- 35 Provided that no such Society shall be dissolved or determined without obtaining the votes or consent of five-sixths in value of the then existing members thereof including the honorary members (if any) to be
- 40
- 45
- 50
- 55
- Exemptions and privileges of existing Societies under this Act.
- How money is to be paid.
- Societies how dissolved.

*Friendly Societies (No. 2).*

be ascertained in manner hereinafter mentioned nor without the consent of all persons (if any) then receiving or then entitled to receive any relief annuity or other benefit from the funds thereof to be testified under their hands individually and respectively unless the claim of every such person be first duly satisfied or adequate provision made for satisfying such claim and for the purpose of ascertaining the votes of such five-sixths in value of the numbers as aforesaid every member shall be entitled to one vote and an additional vote for every five years that he may have been a member but no one member shall have more than five votes on the whole and the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the agreement for dissolution prior to such consent being given and the agreement for such dissolution duly signed as aforesaid accompanied with a statutory declaration by one of the Trustees or by three members and the secretary taken before a Justice of the Peace that the provisions of this Act have been complied with shall be forthwith transmitted to the Registrar to be by him deposited with the rules of the Society and such agreement shall thereupon be an effectual discharge at law and in equity to the Trustees treasurers and other officers of such Society and shall operate as a release from all the members of the Society to such Trustees treasurers or other officers And it shall not be lawful in any Society to direct a division or appropriation of any part of the stock thereof except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified unless the claim of every such member is first duly satisfied or adequate provision be made for satisfying such claim and in case any member of such Society shall be dissatisfied with such provision it shall be lawful for such member to apply to the District Court Judge of the district within which the usual place of business of the Society is situated for relief or other order and the said Judge shall have the same powers to entertain such application and to make such order or direction in relation thereto as he may think the justice of the case may require as hereinbefore provided in regard to the settlement of disputes And in the event of the dissolution or determination of any Society or the division or appropriation of the funds thereof except in the way hereinbefore provided any Trustee or other officer or person aiding or abetting therein shall on conviction thereof before two Justices in a summary way be liable to be imprisoned with hard labor for any term not exceeding three months.

22. In case of the dissolution of any such Society as hereinbefore provided it shall not be necessary to state in the agreement the intended appropriation or division of the funds or other property but it shall be lawful for the members if they shall think fit to refer such appropriation or division to the award of the Registrar and in case application shall be made in writing by the members of any such Society not being less in number than five-eighths of the whole body thereof setting forth that the funds of such Society are insufficient to meet the claims thereon with the grounds upon which such insufficiency can be proved it shall be lawful for the Registrar to investigate the same and if upon such investigation he shall find that the Society is in an insolvent condition and that it would conduce to the interests of all parties concerned that the affairs of the Society should be wound up and brought to a termination he shall make an award to that effect and shall direct in what manner the funds and property of the Society shall be divided or appropriated Provided that previous to such investigation the Registrar shall give not less than twenty-one days notice in writing to be sent by post to the Trustees secretary or other officer of such Society at the place where such Society holds its meetings.

Concerning dissolution and award.

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23. Every award so made as aforesaid by the Registrar shall be final and conclusive on all members and other persons having any claim on the funds of the said Society without appeal and shall be enforced in the same manner as is hereinbefore provided for enforcing the award of arbitrators and the expenses of such award and of publishing the notice of dissolution in the *Gazette* shall be paid out of the funds of the Society before any appropriation thereof shall be made. Registrar's award to be conclusive.
24. When any such agreement for the dissolution of a Society shall be transmitted to the Registrar and when any such award to be made shall be made by the Registrar notice thereof shall within two calendar months after the same shall have been so transmitted or made respectively be advertised by the Registrar in the *Government Gazette* and unless within three calendar months from the date of the *Gazette* in which such advertisement shall appear a member or other person interested in or having any claim on the funds of the Society shall commence proceedings to set aside the dissolution of the Society consequent upon such agreement or award the Society shall be considered for all intents and purposes and in all Courts of law and Equity as legally dissolved and the requisite consents to such agreement or as the case may be to the application to the Registrar to have been duly obtained without proof of the signatures thereto. Evidence of dissolution.
25. The Registrar in the next annual report submitted to Parliament shall set forth the particulars of every award made under the provisions of this Act which he may have made during the preceding twelve months. Registrar's annual report to contain particulars of award.
26. In regard to Societies which have been dissolved before the commencement of this Act if notice of any agreement for the dissolution of such Society shall within three months after the said time be advertised in the *Gazette* as aforesaid the provisions of this Act shall apply in the same way as if such agreement had been transmitted and made subsequent to the said time. As to Societies dissolved before passing this Act.
27. It shall be lawful for any two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in one Society with or without any dissolution or division of the funds of such Societies or either of them or for a Society formed or established under this Act or the said repealed Act to transfer its engagements to any other Friendly Society if any other Society shall undertake to fulfil the engagements of such Society upon such terms as shall be agreed upon by the committee of management of both Societies confirmed by the majority of the members of each of such Societies at a general meeting convened for the purpose and afterwards approved of by the Registrar. Provided also that any member who is absent from such meeting in consequence of sickness or other emergency may vote by writing under his hand attested by two persons. Societies may unite with or transfer engagements to another.
28. Every Society established hereunder for any of the purposes hereinbefore in this Part specified or referred to shall at some meeting of its members and by a resolution of a majority of the members then present nominate and appoint one or more person or persons to be Trustee or Trustees for the said Society and the like in case of any vacancy in the same office and a copy of the resolution so appointing such person or persons to the office of Trustee and signed by such Trustee or Trustees by the secretary and three members of the said Society shall be sent to the Registrar to be by him deposited with the rules of the said Society in his custody. Provided always that where no Trustee shall have been appointed in any Society established under the Act hereby repealed the treasurer thereof or other person who has custody of the moneys of such Society shall be taken to be a Trustee within the meaning of this Act. Appointment of Trustees.



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29. Any person under the age of twenty-one may be elected or admitted as a member of any Society established under this Act or any of the Acts hereby repealed provided that the rules of such Society do not prohibit such election and may and he is hereby empowered to execute all necessary instruments and to give all necessary acquittances Provided always that during his minority such person shall not be competent to hold office as director trustee treasurer or manager of such Society.

Minors may be elected as members.

30. Any declaration whether verbal or written made by any person becoming a member of any such Society at or after admission shall be binding on such person and any member found guilty of misstatement or concealment may be deprived of all benefits and expelled from such Society by any vote or resolution of three-fourths of the members.

Agreement or declaration at admission.

31. Every Friendly Society registered under this Act shall furnish to persons intending to become members thereof a list which shall state all the charges which are payable by members upon their admission to such Society and whether the same are compulsory or optional and all persons upon becoming members of any such Society shall be liable to pay only such charges as are mentioned in such list.

Societies to give correct lists of charges to intending members.

32. It shall be lawful for the Trustees for the time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed with the consent of the majority of the members thereof present at a special meeting of the Society to purchase build hire or take upon lease any building for the purpose of holding such meetings and to adapt and furnish the same or to purchase or hold upon lease any land for the said purpose of erecting thereupon a building for holding the meetings of the Society and such Trustees shall thereupon hold the same in trust for the use of such Society and with the like consent as aforesaid such Trustees may mortgage sell exchange or let such building or any part thereof and the receipt in writing of such Trustees for the time-being shall be a legal discharge for the money arising from such mortgage sale exchange or letting and no mortgagee purchaser tenant or assignee shall be bound to inquire into or ascertain or prove the consent aforesaid to verify his title Provided always that any building purchased or appropriated for the purpose aforesaid already belonging to or in possession of any such Society heretofore formed and established under any of the said repealed Acts may be holden and dealt with as if it had been acquired under this Act and the land or buildings which may be vested in the treasurer Trustees or other officer thereof for the time being shall thereupon vest in the Trustees for the time being of such Society for the same estate and interest as the said treasurer Trustees or other officer may have therein without any conveyance or assignment whatever Provided nevertheless that all money spent in purchasing building hiring or taking upon lease any building for the purpose of holding such meetings and in adapting and furnishing the same be raised according to the rules of the Society in such behalf inserted.

Building for societies purpose may be purchased or leased.

33. All real and personal estate whatsoever belonging to any such Society established under this Act or any of the Acts hereby repealed shall be vested in such Trustees for the time being for the use and benefit of such Society and the members thereof and the real or personal estate of any branch of a Society shall be vested in the Trustees of such branch and be under the control of such Trustees their respective executors or administrators according to their respective claims and interests and upon the death or removal of any such Trustee the same shall vest in the succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or indictments

Property of Societies vested in Trustees.

or

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or summary proceedings before magistrates touching or concerning any such property the same shall be stated to be the property of the person or persons for the time being holding the said office of Trustee or Trustees in his or their proper name or names as Trustee or  
 5 Trustees of such Society without any further description.

34. The Trustees of any such Societies are hereby authorized to  
 bring or defend or cause to be brought or defended any action suit or  
 prosecution in any Court of law or Equity touching or concerning the  
 property right or claim to property of the Society for which he or they  
 10 are such Trustees as aforesaid and such Trustees shall and may in all  
 cases concerning the real or personal property of such Society sue and  
 be sued plead and be impleaded in any Court of law or Equity in their  
 proper name or names as Trustees of such Society without other descrip-  
 tion and no such action suit or prosecution shall be discontinued or  
 15 shall abate by the death of any Trustee or his removal from the office  
 of Trustee but the same shall and may be proceeded in by or against  
 the succeeding Trustee or Trustees as if such death or removal had not  
 taken place and such succeeding Trustee or Trustees shall pay or  
 receive the like costs as if the action or suit or prosecution had been  
 20 commenced in his or their name or names for the benefit of or to be  
 reimbursed from the funds of such Society.

35. Provided nevertheless that no Trustee of any such Society  
 shall be liable to make good any deficiency which may arise or happen  
 in the funds of such Society but shall be liable only for the money  
 25 which shall be actually received by him on account of such Society.

36. In any proceedings against any such Society established  
 under this Act or any of the Acts hereby repealed it shall be sufficient  
 to make the secretary or other public officer of such Society the  
 defendant in such proceedings by his name and the title of the office  
 30 he holds in the Society and such proceedings shall be commenced  
 and carried on against such officer on behalf of such Society and shall  
 not be abated or prejudiced by the death resignation or removal or by  
 any act of such officer after the commencement thereof and the sum-  
 mons to be issued to such officer may be served by leaving it at the  
 35 office or place of business of such Society.

37. The treasurer of every such Society and every treasurer  
 hereafter appointed in any Society established under this Act or any of  
 the Acts hereby repealed and any other officer who is required by the  
 rules of such Society to give security shall before he take upon himself  
 40 the execution of his office become bound with one or more sufficient  
 sureties in a bond according to the form set forth in the fourth Sched-  
 ule hereto or shall give the security of a Guarantee Society established  
 in New South Wales in such penal sum as the Society or the com-  
 mittee of management shall direct and appoint conditioned for his just  
 45 and faithful execution of his said office of treasurer and for rendering  
 a just and true account of all the moneys received or paid by him on  
 account of the said Society at such times as such rules shall direct and  
 appoint and at such times as he shall be required so to do by the  
 Trustees of the said Society or by a majority of the said committee of  
 50 management or by a majority of the members present at any meeting  
 of such Society and every such bond shall be given to the Trustees of  
 the Society for the time being and if the same shall at any time become  
 forfeited it shall be lawful for such Trustees for the time being to sue  
 upon such bond for the use of such Society.

38. The treasurer or other officer of every such Society whether  
 appointed before or after the passing of this Act at the times prescribed  
 by the rules of such Society or upon being required so to do by the  
 Trustees of such Society or by a majority of the said committee of  
 management or by a majority of the members present at a meeting of  
 60 the said Society as aforesaid within seven days after such requisition  
 shall

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shall render to the Trustees of the Society or to the said committee of management or to the members of such Society at a meeting of such Society a just and true account of all moneys received and paid by him since he last rendered the like account and of the balance then  
 5 remaining in his hands and of all bonds and securities of such Society which account the said Trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed and such treasurer if thereunto required upon the said account being audited shall forthwith hand over to the said  
 10 Trustees the balance which on such audit shall appear to be due from him and shall also if required hand over to such Trustees all securities and effects books papers and property of the said Society in his hands or custody and if he fail to do so the Trustees of the said Society may sue upon the bond aforesaid or may sue such treasurer in the District  
 15 Court of the district or in the Supreme Court or in any other Court having jurisdiction for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said Society and for the securities and effects books papers and property in his hands or custody leaving  
 20 him to set off in such action the sums (if any) which he may have since paid on account of the said Society and in such action the said Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

39. If any person already or hereafter to be appointed or  
 25 employed to or in any office in any such Society established under this Act or any of the Acts hereby repealed whether such appointment or employment was before or after the legal establishment of such Society and having in his hands or possession by virtue of his office any moneys or property whatsoever of such Society or any deeds or  
 30 securities belonging to such Society shall die or become insolvent or have any execution or attachment or other process issued against him or any part of his property or shall make any assignment for the benefit of his creditors the heirs executors administrators or assignees of every such officer and every other person having or claiming right  
 35 to the property of such officer and the Sheriff or other person executing such process shall upon demand in writing made by the treasurer or by the Trustees of such Society or any person appointed at some meeting of the Society to make such demand deliver and pay over all such moneys property deeds and securities belonging to such  
 40 Society to such person as such treasurer or Trustees shall appoint and shall pay out of the estate assets or effects of such officer all sums of money due which such officer shall have received before any other of his debts are paid and before any other claims upon him shall be satisfied and before the money directed to be levied by such process  
 45 as aforesaid is paid over to the party issuing such process and all such assets lands goods chattels property estates and effects shall be bound to the payment discharge and satisfaction of such claims.

Property how recovered if the officer die or become bankrupt or insolvent.

40. Before any Friendly Society shall be registered under this Act the persons intending to establish the same shall agree upon and  
 50 frame a set of rules for the regulation government and management of such Society and in such rules they may amongst other things make provision for appointing a general committee of management of such Society and delegating to such committee all or any of the powers given by this Act to the members of Friendly Societies established  
 55 thereunder and such rules shall set forth—

Rules to be made.

- (1.) The name of the Society and place of meeting for the business of the Society.
- (2.) The whole of the objects for which the Society is to be established the purposes for which the funds thereof shall be applicable

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- applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Society.
- 5 (3.) The manner of making altering amending and rescinding rules.
- (4.) A provision for the appointment and removal of a general committee of management of a Trustee or Trustees treasurer and other officers.
- 10 (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts.
- (6.) The manner in which disputes between the Society and any of its members or any person claiming by or through any member or under the rules shall be settled.

And the rules of every such Society shall provide that all moneys  
 15 received or paid on account of each and every particular fund or benefit assured to the members thereof their husbands wives children fathers mothers brothers or sisters nephews or nieces or assigns for which a separate table of contributions payable shall have been adopted shall be entered in a separate account distinct from the moneys received and  
 20 paid on account of any other benefit or fund and also that a contribution shall be made to defray the necessary expenses of management and a separate account shall be kept of such contributions and expenses.

41. When on the death of a member of any such Society established under this Act or any of the Acts hereby repealed a sum  
 25 of money not exceeding one hundred pounds shall become payable the same shall be paid by the Trustees of such Society to the persons directed by the rules thereof or nominated by the deceased in writing deposited with the secretary (such person being the husband wife father mother child brother or sister nephew niece or nominee of such  
 30 member) And in case there shall be no such direction or nomination or the person so nominated shall have died before the deceased member or in case the member shall have revoked such nomination then such sum shall be paid to the person who shall appear to the said Trustees to be entitled to receive the same without taking out letters of admin-  
 53 istration Provided that wherever the Trustees of any such Society after the decease of any such member thereof shall have paid and divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased member who  
 40 has died intestate without having appointed any nominee as aforesaid the payment of such sum shall be valid and effectual with respect to any demand from any other person or persons as next of kin of such deceased member or as the lawful representative or representatives of such member against the funds of such Society or against the Trustees  
 45 thereof but nevertheless such next of kin or representative shall have his or her lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

On death of a mem-  
ber one hundred  
pounds may  
be paid without ad-  
ministration.

Indemnity to  
Trustees.

42. The Trustees of any such Society established under this Act  
 50 or any of the said repealed Acts from time to time with the consent of the committee of management of such Society or of a majority of the members of such Society present at a general or special meeting thereof or in accordance with the rules of such Society may deposit the funds of such Society in any Government Savings' Bank or invest such funds or any part thereof to any amount in any Colonial Government Fund  
 55 or Debentures or in such other security as the rules of such Society may direct not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings or transact the business of such Society as hereinbefore mentioned) and not being the purchase of shares in any joint stock or other company with or without  
 charter

Funds how invested

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charter or incorporation and not being personal security except in the case of a member of one full year's standing at least and in respect of a sum not exceeding one-half the amount of his assurance on life such member providing the written security of himself and two satisfactory

5 sureties for repayment and in case of such member's death before repayment the amount of such advance with interest money be deducted from the sum so assured without prejudice in the meantime to the operation of such security.

10 43. The Trustees of any such Society may out of the funds thereof subscribe to any hospital infirmary charitable or other provident institution such annual or other sum as may be agreed upon by the committee of management or by a majority of the members at a meeting called for that purpose in consideration of any member of such Society his wife child or other person nominated being eligible to

Trustees may subscribe to hospitals &c.

15 receive the benefits of such hospital or other institution according to the rules thereof.

20 44. If any person shall become a member of more than one Society whereby certain benefits shall accrue on account of the same kind of assurance from more than one Society it shall not be lawful for him or for any person entitled through or under him or by reason of his membership or for any number of such persons in the aggregate to receive more than two hundred pounds or in the case of annuities or superannuation one hundred pounds a year from such Societies collectively and in any case where a person shall be a member of more

Limit of benefit or assurance.

25 than one such Society and he or any other person or persons shall be entitled to any benefit in gross or by way of annuity from any such Society he or (as the circumstances may require) every such other person shall before he shall receive any such benefit from any of such Societies make and sign a declaration that the total value of all benefits

30 accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of two hundred pounds or in the case of annuities or superannuation one hundred pounds per annum and it shall be lawful for any Society to require any member or any other person who shall be entitled to such benefit before he shall

35 receive the same to make and sign a declaration to the same effect or that such member was not when the benefit accrued a member of any other Association and if any person shall knowingly make any false or fraudulent declaration in any such case he shall be guilty of misdemeanor.

40 45. The Trustees of every such Society established under this Act or any of the Acts hereby repealed or the officer thereof appointed to prepare returns shall once in every year in the months of January February or March transmit to the Registrar a general statement of the funds and effects of such Society during the past

Returns to the Registrar when and how to be made.

45 twelve months or a copy of the last annual report of such Society and shall also within three months after the thirty-first day of December one thousand eight hundred and seventy-three and so again within three months after the expiration of every five years succeeding transmit to the said Registrar a return of the rate or amount of sickness and

50 mortality experienced by such Society within the preceding five years in such form as shall be prepared by the said Registrar and an abstract of the same shall be laid before Parliament and the Registrar shall also lay before Parliament every year a report of his proceedings as Registrar of Friendly Societies within the meaning of this Part and of

55 the principal matters transacted by such Societies which have come under his cognizance during the past year.

46. If default be made in transmitting to the Registrar before the first day of June in each year after the year one thousand eight hundred and seventy-three the general statement or copy of the last annual

Penalty for not sending in annual returns to the Registrar.

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annual report of any Society in compliance with the provisions of the last preceding section the officer making such default shall be liable to a penalty not exceeding five pounds to be recovered with costs at the suit of the Registrar in a summary way.

5 47. It shall be lawful for the Trustees of any such Society to require of any members who are Volunteers a contribution exceeding the rate of contribution otherwise payable by such members to an amount not exceeding one-sixth of such rate during the time such members shall be serving out of New South Wales or to suspend all  
10 claim of such members to any benefits of such Society and all claim of the Society to any contribution payable by such members during the time they may be out of the Colony provided that such suspension shall cease so soon as the said members shall return to the Colony and they shall thereupon be placed upon the same footing as before they  
15 went out of the Colony Provided that nothing in this section contained shall affect the provisions of the thirty-ninth section of the Volunteer Force Regulation Act of 1867 except as herein expressly enacted.

Extra contributions may be demanded of a Volunteer if he leave New South Wales.

20 48. The provisions of the Act twenty-sixth Victoria number thirteen whereby the interests of insured persons are declared to be exempt from seizure or levy by or under the process of any Court whatever and from any law relating to insolvency or bankruptcy and the privileges by the said Act extended to married women in respect of policies endowments and annuities as therein described shall apply to annuities and endowments in course of payment or to become  
25 payable under this Act to the extent authorized thereby And in every such case the contributions or subscriptions made towards the same shall be in like manner protected as aforesaid Provided that such annuity endowment or contributions shall have endured for a period not less than two years.

Protection of annuities from seizure &c.

## 30 PART IV.—BENEFIT BUILDING LOAN AND INVESTMENT SOCIETIES.

49. It shall be lawful for any number of persons to form themselves into and establish Societies—

For what purposes Benefit Building and other Societies may be established.

53 (1.) For the purpose of raising by the monthly or other subscriptions of the several members of such Societies in shares not exceeding the value of two hundred pounds for each share (such subscriptions not to exceed thirty shillings per month for each share) a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such Society the amount or value of his share or shares  
40 therein and to erect or purchase a dwelling-house or dwelling-houses or to acquire other real or leasehold estate to be secured by way of mortgage to such Society until the amount or value of his share shall have been fully repaid to such Society with the interest thereon and all fines or other payments incurred  
45 in respect thereof.

(2.) For creating a loan fund for the use of members with a periodical repayment of principal and interest by instalments.

50 (3.) For any other purpose of mutual benefit and advantage to the members only which the Law Officers of the Crown shall certify to be legal and such as in their opinion is deserving of the extension thereto of the facilities and privileges by this Act conferred on Societies within the operations of this Part

And such persons may make rules subject to the provisions of this Act for the better carrying out any of the aforesaid purposes.

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50. The rules of every Society so to be established shall provide for the several particulars following (that is to say)—
- Rules to contain certain particulars.
- (1.) The name objects and place of business of the Society.
  - 5 (2.) The mode of appointing a committee of management and their duties and powers.
  - (3.) The mode of appointing and removing officers of the Society.
  - (4.) The number of shares to be held by any one member.
  - (5.) The manner of making new rules and altering or repealing existing rules.
  - 10 (6.) The manner of settling disputes between the Society and any officer or member thereof or person claiming on account of a member.
  - (7.) The manner of collecting the subscriptions of the members of providing for the safe keeping thereof and mode of investing and applying the same and the other funds of the Society to the purposes of the Society.
  - 15 (8.) The auditing of accounts and the publication of a general balance of the assets and liabilities of the Society at least once a year.
  - 20 (9.) The faithful performance of their duties by the paid officers of the Society having the custody or management of any moneys of the Society and the amount and nature of security to be given by such officers.
  - 25 (10.) The manner of winding up the affairs of the Society and dissolving the same and distributing the assets thereof.
51. No member shall receive or be entitled to receive from the funds of any such Society established under this or the Act hereby repealed relating to Benefit Building Societies any interest or dividend by way of annual or other periodical profit upon any shares in such Society until the amount or value of his shares shall have been realized except on the withdrawal of such member according to the rules of such Society.
- Proviso as to dividends.
52. It shall be lawful for any such Society to receive from any member thereof any sum of money by way of bonus on any share or shares for the privilege of receiving the same in advance prior to the same being realized and also any interest for the share or shares so received or any part thereof.
- Society may receive sums of money by way of bonus.
53. It shall be lawful for any such Society in and by the rules thereof to describe the form or forms of conveyance mortgage transfer agreement bond or other instrument which may be necessary for carrying the purposes of the said Society into execution and which shall be specified and set forth in a Schedule to be annexed to the rules of such Society.
- Forms of conveyance &c. may be specified in schedule to Rules.
54. The Trustees named in any mortgage whether already made or hereafter to be made on behalf any Society established under this Act or the Act relating to Benefit Building Societies hereby repealed or the survivors or survivor of them or the Trustees for the time being may endorse upon any mortgage or further charge given or to be given by any member of any such Society to the Trustees thereof for moneys advanced or to be advanced by any such Society to any member thereof a receipt for all moneys intended to be secured by such mortgage or further charge which receipt shall be sufficient and effectual to vacate the said security and to vest the estate of and in the property comprised in such security in the person or persons for the time being entitled to the equity of redemption without it being necessary for the Trustees of any such Society to give or execute any reconveyance of the property so mortgaged Provided always that the form of such receipt shall be specified in a schedule to be annexed to the rules of such Society.
- Receipts of Trustees to act as reconveyances.

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55. A copy of any resolution appointing any person to the office of Trustee of any such Society and signed by the secretary and any three members thereof deposited with the Registrar shall be conclusive evidence as to the fact of such appointment and of its sufficiency in favor of all persons accepting any conveyance or release or otherwise dealing with such Trustee. And no such person shall be bound to inquire into the particulars of any such appointment except as disclosed by the copy of resolution so deposited or prejudiced by any breach or neglect of the rules of such Society or provisions of this Act in reference thereto.

What shall be evidence of appointment of Trustee.

56. The following sections of Part III of this Act shall and may be applied to every Society heretofore or hereafter to be established for any of the purposes hereinbefore in this Part mentioned or referred to unless the rules of such Society make other provision in respect of the several matters in the said sections contained inconsistent with the application thereof to such Society (that is to say):—

Application of certain provisions of Part III (Friendly Societies).

20 With reference to the dissolution of Societies and the awards of the Registrar Sections 21 to 26 inclusive.

With reference to the union of Societies and transfer of engagements Section 27.

With reference to appointment of Trustees Section 28.

With reference to minors and list of charges Sections 29 and 31.

25 With reference to purchase or lease of buildings for holding meetings &c. Section 32.

With reference to vesting of property in Trustees actions by or against them limitation of their liability and proceedings against a Society Sections 33 to 36 inclusive.

With reference to security by and accountability of treasurer Sections 37 and 38.

30 With reference to recovery of property on death or insolvency of officers Section 39.

With reference to returns to Registrar Sections 45 and 46.

35 And for the purpose of the better giving effect to the provisions of this section all words and expressions in the said sections or any of them shall bear such extended or qualified meanings as may be necessary to make the provisions of the said sections applicable hereto.

#### PART V.—CO-OPERATIVE TRADING AND INDUSTRIAL SOCIETIES.

57. Any number of persons not being less than seven may establish a Society under this Act for the purpose of carrying on any labour trade or handicraft whether wholesale or retail except the business of banking which the members of such Society voluntarily unite to carry on or exercise and of applying the profits to any lawful purposes.

Constitution of Societies under Part V.

58. The rules of every such Society shall contain provisions in respect of the several matters following viz. :—

Rules to contain certain particulars.

45 (1.) Object name and place of office of the Society which must in all cases be registered as one of limited liability.

(2.) Terms of admission of members.

50 (3.) Mode of holding meetings and right of voting and of making or altering rules.

55 (4.) Declaration whether the shares shall be transferable or not Provision for the form of transfer and registration of shares and for the consent of committee of management and confirmation by the general meeting of the Society and in case shares shall not be transferable Provision for paying to members balance due to them on withdrawing from the Society.

(5.)



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- (5.) Provision for the audit of accounts.
- (6.) Power to invest part of capital in another Society Provided that no such investment be made in any other Society not registered under this Act.
- 5 (7.) Power and mode of withdrawing from the Society and provisions for the claims of executors administrators or assigns of members.
- (8.) Mode of application of profits.
- 10 (9.) Appointment of managers and other officers and their respective powers and remuneration.
- 15 59. A certificate of registration according to the form set forth in the third Schedule hereto shall be given by the Registrar in all cases where the requirements of this Act have been complied with and such certificate shall in all cases be conclusive evidence that the Society mentioned therein has been duly registered. Registration of Society.
- 20 60. The granting of such certificate to a Society by the Registrar shall have the effect of incorporating the members of such Society by the name described in such certificate with perpetual succession and a common seal with power to hold lands and buildings and with limited liability as hereinafter provided. Incorporation of Society.
- 25 61. The certificate of registration shall vest in the Society all the property that may at the time be vested in any person in trust for the Society and all legal proceedings then pending by or against any such person or any other officer on account of the Society may be prosecuted by or against the Society in its registered name without abatement. Certificate to vest all property of Society previously held in trust.
- 30 62. A copy of rules shall be delivered by the Society to every person on demand on payment of a sum not exceeding one shilling. Copy of rules on demand.
- 35 63. No Society shall be registered under a name identical with that by which any other existing Society has been registered or so nearly resembling such name as to be likely to deceive the members or the public and the word "Limited" shall be the last word in the name of every Society registered under this Act. No Society to be registered by same name as that of any existing Society.
- 40 64. No member shall be entitled in any Society registered under this Act to hold or claim any interest exceeding the sum of two hundred pounds. Member's interest limited to £200.
- 45 65. Every Society under this Act shall paint or affix and shall keep painted or affixed its name on the outside of every office or place in which the business of the Society is carried on in a conspicuous position in letters easily legible and shall have its name engraven in legible characters on its seal and shall have its name mentioned in legible characters in all notices advertisements and other official publications of such Society and in all bills of exchange promissory-notes indorsements cheques and orders for money or goods purporting to be signed by or on behalf of such Company and in all bills of parcels invoices receipts and letters of credit of the Society. Publication of name by a Society.
- 50 66. If any Society under this Act does not paint or affix and shall be liable to a penalty not exceeding five pounds for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed and if any officer of such Society or any person on its behalf uses any seal purporting to be a seal of the Society whereon its name is not so engraven as aforesaid or issues or authorizes the issue of any notice advertisement or other official publication of such Society or signs or authorizes to be signed on behalf of such Society any bill of exchange promissory-note indorsement cheque order for money or goods or issues or authorizes to be issued any bill of parcels invoice receipt or letter of credit of the Society wherein its name is not mentioned in manner aforesaid he shall be liable to a penalty Penalties on non-publication of name &c.
- 55

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penalty of fifty pounds and shall further be personally liable to the holder of any such bill of exchange promissory-note cheque or order for money or goods for the amount thereof unless the same is duly paid by the Society.

5 67. Every such Society shall have a registered office to which all communications and notices may be addressed. If any Society registered under this Act carries on business without having such an office it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

Every Society to have a registered office. Penalty on default.

10 68. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him and until such notice is given the Society shall not be deemed to have complied with the provisions of this Act.

Notice of situation of office registered.

15 69. The rules of every such Society shall bind the Society and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto and as if there were in such rules contained a covenant on the part of himself his heirs executors and administrators to conform to such rules subject to the provision of this Act and all moneys payable by any member to the Society in pursuance

Signature and effect of rules.

20 of such rules shall be deemed to be a debt due from such member to the Society.

70. Any such Society may be wound up either by the Supreme Court the Chief Commissioner of Insolvent Estates or voluntarily in the same manner and under the same circumstances under and in which

As to the winding up of Societies.

25 any Company may be wound up under any Act or law for the time being in force for winding up Companies and all the provisions of such Act or law with respect to winding up shall apply to all such Societies.

71. In case of the dissolution of any such Society such Society shall nevertheless be considered as subsisting and be in all respects

Dissolution of Society not to prevent winding up of its affairs.

30 subject to the provisions of this Act so long and so far as any matters relating to the same remain unsettled to the intent that such Society may do all things necessary to the winding up of the concerns thereof and that it may be sued and sue under the provisions of this Act in respect of all matters relating to such Society.

35 72. In the event of any such Society being wound up every present and past member of such Society shall be liable to contribute to the assets of the Society to an amount sufficient for payment of the debts and liabilities of the Society and the costs charges and expenses of the winding up and for the payment of such sums as may be

Liability of present and past members of Society.

40 required for the adjustment of the rights of the contributors amongst themselves with the qualifications following (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Society if he has ceased to be a member for a period of one year or upwards prior to the commencement of the

45 winding up.

(2.) No past member shall be liable in respect to any debt or liability of the Society contracted after the time at which he ceased to be a member.

50 (3.) No past member shall be liable to contribute to the assets of the Society unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in order to satisfy all just demands upon such Society.

55 (4.) No contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect of which he is liable as a past or present member.

73. The provisions of the forty-first section of this Act whereby a member of any Society therein referred to is allowed to nominate any persons to whom his investment in such Society shall be paid shall extend

Application of certain provisions of Part III.

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extend in the case of Societies within the meaning of this Part to allow any member thereof to nominate any persons into whose name his interests in such Society at his decease shall be transferred. Provided nevertheless that any such Society may in lieu of making such transfer elect to pay to any persons so nominated the full value of such interest.

74. In case the rules of a Society established under this Act or the Act relating to Industrial and Provident Societies hereby repealed do not expressly prohibit such Society from making or executing bills of exchange promissory-notes or other customary instruments for the purpose of carrying on any labour trade or industry within the meaning of this Part it shall be lawful for such Society to execute any of the said instruments provided that at no time the aggregate amount represented thereby shall exceed one-half of the capital or working funds of such Society. And any such instrument may be executed in the mode directed by the rules of such Society or by such members of the committee of management on behalf of the Society as are thereby authorized to sign cheques in the name of the said Society.

When Societies may make negotiable instruments.

75. Every person or member having an interest in the funds of any Society under this Act may inspect the books and the names of the members at all reasonable hours at the office of the Society.

Members may inspect books.

76. A general statement of the funds and effects of every Society under this Act shall be transmitted to the Registrar once in every year and shall exhibit fully the assets and liabilities of such Society and shall be prepared and made out within such period and in such form and shall comprise such particulars as the Registrar shall from time to time require who shall have authority to require such evidence to be produced as he may think proper of all matters required to be done and of the entries contained in any document required to be transmitted to him under this Act and every member of or depositor in any such Society shall be entitled to receive on application to the treasurer or secretary thereof a copy of such statement without fee or charge.

Annual returns to be prepared as directed by Registrar.

## PART VI.—MISCELLANEOUS PROVISIONS.

77. Any Society under this Act may be constituted a Company under the Act or Acts in force for the time being relating to Joint Stock Companies by conforming to the requirements of such Act or Acts and shall thereupon cease to retain its registration under this Act.

Society may be constituted a Company.

78. Any such Society may with the approval in writing of the Registrar change its name but no such change shall affect any rights or obligations of such Society or of any member thereof and any legal proceedings may be continued or commenced by or against the Trustees of such Society or any officer or the committee of management thereof by the new name of such Society.

Power to change name.

79. All penalties and fines imposed by this Act or by the rules of any Society registered or brought under the operation of this Act and all offences committed under such Act or Rules shall and may be recovered and prosecuted (where no other provision for the recovery or prosecution thereof is in that behalf provided) in a summary way by and before any two Justices of the Peace in manner provided by the Act or Acts in force for the time being regulating summary proceedings before Justices. And where such penalty or fine be not paid either immediately after the conviction or within the time appointed by

Recovery of penalties.

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by the conviction the same may be levied and enforced by distress and sale of the offender's goods and chattels and in failure of distress in manner provided by the Act eleven and twelve Victoria chapter forty-three as adopted by the fourteenth Victoria number forty-three 5 and any Acts amending the same.

80. All persons aggrieved by any summary conviction under Appeal. this Act may appeal therefrom in the manner provided by the Act or Acts in force for the time being regulating appeals to General or Quarter Sessions.

10 81. No conviction or any adjudication made upon appeal there- Form of proceedings from shall be quashed for want of form or be removed by writ of <sup>—no certiorari.</sup> certiorari or otherwise into the Supreme Court.

SCHEDULES.

FIRST SCHEDULE.

| 15 | No. of Act.          | Title of Act.  | Extent of Repeal. |
|----|----------------------|--|-------------------|
|    | 7 Vic. No. 10 .....  | An Act to regulate Friendly Societies in New South Wales .....   | The whole.        |
|    | 11 Vic. No. 10 ..... | An Act for the regulation of Benefit Building Societies .....  | The whole.        |
| 20 | 11 Vic. No. 53 ..... | An Act to amend the Act regulating Friendly Societies in New South Wales .....   | The whole.        |
|    | 14 Vic. No. 11 ..... | An Act for the encouragement of persons desirous of providing for their support in old age and for the protection under certain restrictions of their annuities and subscriptions for deferred annuities ..... | The whole.        |
| 25 | 17 Vic. No. 26 ..... | An Act to consolidate and amend the Laws relating to Friendly Societies.....   | The whole.        |
| 30 | 29 Vic. No. 8 .....  | An Act to establish Industrial and Provident Societies .....   | The whole.        |

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SECOND SCHEDULE.

*Scale of Fees payable to Registrar.*

| 5   | For Friendly Societies<br>within the meaning<br>of Part III. | For Benefit Building and<br>other Societies within<br>Part IV. | For Co-operative Trading<br>and Industrial Societies<br>within Part V. |
|---|--|--|--|
|   | £ s. d.  | £ s. d.  | £ s. d.  |
| Certificate of Rules<br>of new Society... | 1 1 0  | 2 2 0  | 2 2 0  |
| Certificate of new<br>or amended rule.    | 0 5 0  | 0 10 6   | 0 10 6   |
| 10 Award .....                            | 3 3 0  | 5 5 0  | 5 5 0  |

THIRD SCHEDULE.

*Form of Registrar's Certificate to Rules of Societies.*

I HEREBY certify that the foregoing rules (or the alterations or amendments of the rules) of the Society at in the County  
 15 of are in conformity with law (and in the case of a new Society) and that the Society is duly established from the present date and is subject to the provisions and entitled to the privileges of the Friendly Societies Act of 1873.  
 [If Society is a Friendly Society within Part III of the said Act] the rates of  
 20 contributions and payments are stated to have been prepared by A.B. Actuary of (or as the case may be) are not stated to have been prepared by any Actuary.

FOURTH SCHEDULE.

*Form of Bond.*

KNOW all men by these presents that we A.B. of Treasurer &c.  
 25 (as the case may be) of the Society established at in the County of and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to A.B. of C.D. of and E.F. of the Trustees of the said Society in the sum of to be paid to the said A.B. C.D. and E.F. as such  
 30 Trustees or their successors Trustees for the time being or their certain Attorney for which payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs executors and administrators firmly by these presents sealed with our seals. Dated the day of in the year our Lord  
 35 Whereas the above-bounden A.B. hath been duly appointed Treasurer &c. (as the case be) of the Society established as aforesaid and he together with the above-bounden C.D. as his surety have entered into the above-written bond subject to the condition hereinafter contained Now therefore the condition of the above written bond is such that if the said A.B shall and do justly and faithfully execute his  
 40 office of Treasurer &c. (as the case may be) of the said Society established as aforesaid and shall and do render a just and true account of all moneys received and paid by him and shall and do pay over all moneys remaining in his hands and assign and transfer or deliver all securities and effects books papers and property of or belonging to the said Society in his hands or custody to such person or persons as the said Society shall  
 45 appoint according to the rules of the said Society together with the proper or legal receipts or vouchers for such payments and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer &c. (as the case may be) to the said Society according to the rules thereof then the above-written bond shall be void and of no effect otherwise shall be and remain in full force and virtue.

