

Act No. 38, 1920.

George V, An Act to amend the Friendly Societies Act, 1912 ;
No. 33. and for purposes connected therewith. [As-
sented to, 31st December, 1920.]

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

1. This Act may be cited as the “Friendly Societies (Amendment) Act, 1920,” and shall be read with the Friendly Societies Act, 1912 (hereinafter called the Principal Act).

2. The Principal Act is amended as follows :—

Section ten, subsection one: Omit paragraph (b) and substitute the following:—

(b) Medical attendance and medical comforts for, and the dispensing of medicines, and the sale or supply of medicines and of surgical and medical appliances, requisites, and comforts to the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards, and to the widows and widowed mothers of deceased members; or

Section twenty-five: Add the following new sub-section:—

(7) If the registration of a society or branch has been suspended or cancelled and no appeal is pending against such suspension or cancellation any officer of such society or branch who acts in any capacity on its behalf, except

except in the discharge of liabilities actually incurred by such society or branch prior to such suspension or cancellation, shall be liable to a penalty not exceeding twenty pounds.

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Section twenty-six: Add the following new sub-section:—

Sec. 26.

(3) Notwithstanding anything contained in this section it shall be sufficient if the accounts or the annual returns are audited as hereinbefore required by one auditor, provided that such auditor has been approved of by the committee of management of the society and by the registrar.

Section twenty-seven:—

Sec. 27.

- (a) In subsection one: Omit “thirty-first day of March” and substitute “thirtieth day of September”; and omit “thirty-first day of May” and substitute “thirtieth day of November.”
- (b) In subsection two, paragraphs (b) and (c): Omit “thirty-first day of December” and substitute “thirtieth day of June.”
- (c) In subsection two: Omit paragraph (d) and substitute the following:—
 - (d) be signed by the auditor or auditors, and give the address and calling or profession of every such auditor, and state whether any such auditor has been approved of by the registrar.
- (d) In subsection three: Omit “to the auditors” and substitute “made by the auditor or auditors.”
- (e) Add the following new subsection:—
 - (4) The return required to be furnished in the year one thousand nine hundred and twenty-one shall be for the period beginning on the first day of January, one thousand nine hundred and twenty, and ending on the thirtieth day of June, one thousand nine hundred and twenty-one.

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Sec. 28.

Section twenty-eight :—

(a) Omit subsection one and substitute the following :—

(1) The secretary of every registered society or branch shall once in every five years or whenever required by the registrar send to the registrar within the time specified by him, a return of the benefits assured, and the contributions receivable, and such other particulars, accompanied by such evidence in support thereof, as the registrar may require.

(b) In subsection two, paragraphs (a), (b), and (c) : Insert “ auditor or ” before “ auditors.”

Sec. 29.

Section twenty-nine: Insert “ auditor or ” before “ auditors.”

Sec. 38.

Section thirty-eight is repealed and the following section substituted :—

38. (1) All moneys received or paid on account of any particular fund or benefit shall be entered in a separate account, and the moneys belonging to any fund or benefit shall not be used for the purposes of any other fund or benefit :

Provided that where the sickness and funeral funds are administered by one central body for the whole society, such funds shall, for the purposes of this section, be deemed to be one fund :

Provided further that any savings out of the management fund may be applied in aid of any other fund or benefit.

(2) Where the moneys belonging to any fund have been invested, the expenses incurred in any year in the management, maintenance or renovation of any property in which such moneys are invested shall be paid out of the revenue derived during such year from such investments :

Provided

Provided that in the case of the investment of any moneys belonging to a sickness or funeral fund such expenses incurred in any year shall be paid only from revenue derived from such investment during such year which is in excess of four per centum of the moneys belonging to such sickness or funeral fund :

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Provided further that if the revenue derived from the investment of the moneys belonging to a sickness or funeral fund during any year of a quinquennial period subsequent to the date of the last valuation exceeds four per centum of the moneys belonging to such sickness or funeral fund, such excess after payment thereof of such expenses incurred in the said year may with the approval of the Registrar be used in payment of such expenses incurred in any other year of such quinquennial period.

(3) Where the registrar is satisfied that any moneys belonging to any fund of a society or branch have, after the twelfth day of December, one thousand nine hundred and six, been used or applied for any purpose not authorised by the provisions of this Act or the rules of such society or branch, he may, in writing, direct the trustees of such society or branch to restore such moneys to such fund within such time as he may notify in his direction.

Any trustee failing to comply with such direction shall be liable to a penalty not exceeding twenty pounds.

Section forty-four: Omit this section and substitute the following:—

44. A registered society or branch may subscribe out of any surplus existing in its medical and management fund to any hospital, infirmary, charitable, or provident institution.

Section seventy-two: Add the following paragraph:—

Where such an application is made a judge of a district court may make an order for the payment

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payment of money or for the doing of any act or the transfer of any property by any person, and such order may be enforced by any process or procedure which would be applicable if the said order had been made upon the hearing of an action in the district court. A judge of the said court may give directions as to the process or procedure applicable to the enforcement of any order and may make such order as he thinks fit for payment of the costs of any application made under this section.

Sec. 86.

Section eighty-six: Omit the section and substitute the following:—

What claims
to be
preferred.

86. Claims in respect of subvention payable under this Part shall be in respect of the periods covered by the returns submitted in accordance with section twenty-seven, and shall not be paid unless preferred within six months after the close of the period in respect of which they are payable.

Schedule 2.

Schedule Two, clause ten: After “years” add “or whenever required by the registrar.”