

FRIENDLY SOCIETIES (FURTHER AMENDMENT) ACT.

Act No. 72, 1931.

George V. **No. 72, 1931.** An Act to amend the law regarding subventions to Friendly Societies; and for this and other purposes to amend the Friendly Societies Act, 1912, as amended by subsequent Acts and certain other Acts; to repeal the Friendly Societies (Amendment) Act, 1922; and for purposes connected therewith. [Assented to, 29th December, 1931.]

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:—

Short title.

1. (1) This Act may be cited as the "Friendly Societies (Further Amendment) Act, 1931."

(2) In this Act the Friendly Societies Act, 1912, as amended by subsequent Acts, is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Friendly Societies Act, 1912-1931.

2. (1) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty.

(2) The Principal Act is amended—

Amendment of Act No. 46, 1912.
Sec. 75.
(Payment of subventions.)

(a) by omitting from section seventy-five the words "moneys to be provided by Parliament" and by inserting in lieu thereof the words "the amount appropriated by Parliament by the Friendly Societies Subvention Act, 1931. A proportion of such amount shall be allocated as provided in this Part for each applicant society";

(b)

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(b) by inserting at the end of section seventy-six the words "but does not include a society formed for the purpose of supplying medical service and/or medicine and/or medical comforts to the members of other registered societies and branches";

(c) by omitting section seventy-eight;

(d) by omitting section seventy-nine and by inserting in lieu thereof the following new section :—

79. The subvention in respect of any financial year shall be paid to applicant societies by the Colonial Treasurer upon the certificate of the Registrar in the amounts certified to by him in such instalments as the Colonial Treasurer may fix.

(e) by omitting sections eighty and eighty-one and by inserting in lieu thereof the following new section :—

80. (1) The amount of the subvention appropriated by the Friendly Societies Subvention Act, 1931, shall be apportioned in the manner prescribed by this section.

(2) An applicant society shall forward to the Registrar not later than three months after the commencement of the Friendly Societies (Further Amendment) Act, 1931, and thereafter not earlier than the first day of July and not later than the thirtieth day of September in each year a return in the form prescribed and verified in the prescribed manner showing the number of its members who on the thirtieth day of June last preceding the date of the return being males, were not less than sixty-five years of age, and being females, were not less than sixty years of age, and who at that date were members subscribing for or in accordance with the rules of the society were possessed of the right to receive—

(a) sick pay; and/or

(b)

Sec. 78.
(Application for
subvention.)

Sec. 76.
(Definition.)

Sec. 79.
(Application for
subvention.)

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- (b) a funeral donation payable at the death of the subscriber; and/or
- (c) medical attendance and medicine.

The return shall also show such particulars as are prescribed.

(3) The amount to be apportioned to an applicant society shall bear the same proportion to the sum of fifty thousand pounds as the membership value of that society ascertained in accordance with subsection four of this section bears to the aggregate of the membership values of all the applicant societies.

(4) The sum of the products ascertained respectively in accordance with paragraphs (a), (b), and (c) of this subsection shall be deemed for the purposes of the apportionment of the said sum of fifty thousand pounds to be the membership value of an applicant society—

- (a) the total number of members male and female of the society of the class referred to in paragraph (a) of subsection two of this section shall be multiplied by five;
- (b) the total number of members male and female of the society of the class referred to in paragraph (b) of the said subsection shall be multiplied by two and a half;
- (c) the total number of members male and female of the society of the class referred to in paragraph (c) of the said subsection shall be multiplied by nine.

(5) In any apportionment fractional parts of a pound may be disregarded.

81. (1) The amount apportioned to an applicant society shall be used by the society for the purposes firstly of paying the contributions in respect of funeral donations and/or medical attendance and medicine for male members of the age of sixty-five years or more or for female members of the age of sixty years or more, and secondly for the purposes of its sick and funeral fund and for no other purpose.

(2)

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(2) Within one month of the payment to an applicant society of the amount apportioned to it or any instalment thereof the trustees of the society shall furnish to the Registrar a certificate in the form prescribed and verified in the prescribed manner setting out the manner in which the amount paid has been applied in accordance with subsection one of this section.

(f) by omitting section eighty-two and section ^{secs. 82, 83.} eighty-three;

(g) by omitting section eighty-five; Sec. 85.

(h) by omitting section eighty-six and by inserting Sec. 86. in lieu thereof the following new section :—

86. Payments to an applicant society in respect of subvention under this Part shall be in respect of the period covered by the returns submitted in accordance with section twenty-seven.

(i) by omitting from section eighty-seven the word "registered" and by inserting in lieu (Information.) thereof the word "applicant"; ^{Sec. 87.}

(j) (i) by omitting subsection one of section ^{Sec. 88.} eighty-eight; ^(Penalties.)

(ii) by omitting from subsection two of the same section the words "or branch."

(3) The Friendly Societies (Amendment) Act, <sup>Consequential
repeal of Act
No. 26, 1922.</sup> 1922, is hereby repealed.

3. (1) The Principal Act is further amended—

<sup>Further amend-
ment of Act No.
46, 1912.</sup>

(a) (i) by omitting from subsection one of section ^{Sec. 10 (1).} ten the word "friendly"; <sup>(Compulsory
registration
of certain
societies.)</sup>

(ii) by inserting at the end of the same subsection the words: "This section shall not extend to a society registered under the Companies Act, 1899, or any Act amending or replacing that Act, or to a society company, association, or union formed in pursuance of some other Act, or incorporated by a Royal Charter or Letters Patent";

(b)

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Sec. 25.

(Cancellation
of registry.)Sec. 28 (2).
(Quinquennial
return.)Sec. 32 (2).
(Trustees.)Sec. 54.
(Limitation
of amount of
benefit at
death of
children.)Sec. 70.
(Authority of
Registrar to
inspect
books.)Sec. 92.
(Application of
Part IX.)

- (b) (i) by inserting in paragraph (b) of subsection one of section twenty-five after the word "society" the words "or branch";
- (ii) by inserting at the end of subsection three of the same section the words: "Provided that when the registry of a society or branch has been suspended for a period of three months in pursuance of subsection two of this section the Registrar with the approval of the Governor may cancel the registry of the society or branch without giving the notice prescribed by this subsection";
- (iii) by inserting in subsection five of the same section after the word "society" where secondly occurring the words "or branch";
- (c) by omitting subsection two of section twenty-eight;
- (d) by inserting at the end of subsection two of section thirty-two the words "A casual vacancy in the office of a trustee of a society may be filled in such manner as is provided in the rules of the society, or, if there is no provision in such rules in that behalf, by resolution of the committee of management.

A trustee appointed to fill a casual vacancy shall hold office until the next ordinary annual meeting of the society";

- (e) by inserting at the end of section fifty-four the following proviso:—

Provided that the repayment by a society or branch of premiums received on endowment insurances issued on the life of a child under ten years of age shall be excluded for the purpose of calculating the maximum sum which may be insured or paid on the death of a child under ten years of age.

- (f) by omitting from section seventy the words "in connection with the annual returns or with the valuation of the assets and liabilities of any friendly society";
- (g) by omitting section ninety-two;
- (h)

(h) (i) by inserting in section one hundred and two after the word "subscription" where firstly occurring the words "or fine"; No. 72, 1931.
Sec. 102.
(Recovery of sub-
scriptions.)

(ii) by inserting in the same section after the word "resignation" the words "and for fines then due";

(i) by inserting at the end of section one hundred and four the following new subsection:— Sec. 104.
(Name of society.)

(2) In the case of a society whose objects include the payment of money for the relief or maintenance of members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards during sickness or for any purpose set out in paragraph (e) or paragraph (e) of subsection one of section ten the words "unassured benefit" shall be included as part of the name of the society unless the tables of contributions payable for such kinds of assurance have been certified under the hand of an actuary who has exercised his profession for at least five years.

(j) (i) by inserting in subsection one of section one hundred and eighteen after the word "regulations" the words "not inconsistent with this Act prescribing any matter which by this Act is authorised or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying this Act into effect, and without limiting the generality of the foregoing power may make regulations"; Sec. 118.
(Regu-
lations.)

(ii) by omitting subsection two of the same section and by inserting in lieu thereof the following new subsection:—

(2) The regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of publication, or from a later date specified in the regulations;

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—

(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

(iii) by omitting subsections three and four of the same section.

(2) Every regulation made prior to the commencement of this Act and in force at such commencement shall continue in force until repealed by a regulation made after such commencement.

Transfer from
sick and
funeral funds
to fund for
payment of
contributions
of necessitous
members.

4. (1) Notwithstanding any provision of the Friendly Societies Act, 1912-1931, a society may, with the approval of the Registrar transfer from its accumulated sick and funeral funds each year an amount not exceeding one per centum of such funds to a fund established in accordance with the rules of the society for the purpose of enabling grants to be made towards the payment of contributions of any member of the society who satisfies the committee of management of the society that through necessitous circumstances he is unable to pay any such contributions.

The committee of management of a society may make regulations not inconsistent with the rules of the society relating to the disbursement of any amount so transferred.

(2) The Governor may by proclamation published in the Gazette vary the rate per centum of the accumulated sick and funeral funds which may be transferred in accordance with subsection one of this section.

(3) Subsection one of this section shall cease to have effect upon the expiration of two years from the commencement

commencement of this Act or upon such later date as the Governor may before the expiration of such two years by proclamation published in the Gazette appoint.

(4) Where a society makes a transfer from its sick or funeral funds in pursuance of subsection one of this section the Registrar may by writing under his hand require the society to impose such levy upon its members as he may deem necessary for the purpose of maintaining the financial position of the society.

The amount of such levy shall, notwithstanding any provision of the Friendly Societies Act, 1912-1931, be recoverable as a subscription due.
