

# FRIENDLY SOCIETIES (AMENDMENT) ACT.

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Act No. 36, 1935.

George V.  
No. 36, 1935.  
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An Act to amend the Friendly Societies Act, 1912–1932, in certain respects; and for purposes connected therewith. [Assented to, 11th April, 1935.]

**B**E 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 (Amendment) Act, 1935.”

(2) The Friendly Societies Act, 1912–1932, as amended by this Act, may be cited as the Friendly Societies Act, 1912–1935.

**2.**

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2. (1) The Friendly Societies Act, 1912-1932, is amended—

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Amendment  
of Act No. 46,  
1912.

- (a) by inserting in subsection one of section ten after the word "following" the word "friendly";
- (b) by inserting next after the same subsection the following new subsection:—

Sec. 10.  
(Compul-  
sory regis-  
tration of  
certain  
societies.)

(1A) Nothing in this section shall be deemed to require or authorise the registration of any society the objects of which include any object which is not the provision of any one or more of the benefits set out in subsection one of this section or otherwise authorised by this Act.

- (c) by inserting in subsection two of the same section after the words "such society or branch" the words "to which subsection one of this section extends."

(2) The Friendly Societies (Further Amendment) Act, 1931, is amended by omitting subparagraph one of paragraph (a) of subsection one of section three.

Amendment of  
Act No. 72,  
1931.  
(Revision.)

3. (1) The Friendly Societies Act, 1912-1932, is further amended—

Further  
amendment of  
Act No. 46,  
1912.

- (a) by omitting section nineteen and by inserting in lieu thereof the following section:—

Substituted  
s. 19.

19. (1) A society established for the purpose of providing by subscriptions of the members thereof, with or without the aid of donations, for any of the benefits enumerated or referred to in paragraph (a), paragraph (c) or paragraph (e) of subsection one of section ten of this Act, shall not be entitled to registry unless the tables of contributions payable for such kinds of benefits in accordance with the rules of the society, certified under the hand of an actuary who has exercised his profession for at least five years, are transmitted to the Registrar, together with the copies of the rules as aforesaid.

Tables of  
contribu-  
tions.

(2)

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

New s. 25A.

(b) by inserting next after section twenty-five the following new section:—

Cancellation  
of registry  
if no certi-  
fied tables  
of contribu-  
tions  
embodied  
in rules.

25A. (1) Where a society established for the purpose of providing by subscriptions of the members thereof, with or without the aid of donations, for any of the benefits enumerated or referred to in paragraph (a), paragraph (c) or paragraph (e) of subsection one of section ten of this Act, was registered at the commencement of the Friendly Societies (Amendment) Act, 1935, and the rules thereof in force at such commencement do not contain tables of contributions payable for such kinds of benefits or do not contain tables of contributions payable for such kinds of benefits certified under the hand of an actuary who had, at the date upon which they were so certified, exercised his profession for at least five years, the society shall, within a period of twelve months after such commencement, amend its rules so as to include tables of contributions for such kinds of benefits certified under the hand of an actuary who has exercised his profession for at least five years.

If any such society does not within the said period so amend its rules the Registrar shall, by writing under his hand cancel the registry of such society.

(2) The provisions of subsections four and five of section twenty-five of this Act shall *mutatis mutandis* apply to and in respect of the  
cancellation

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cancellation, under this section, of the registry of a society, and the effect of such cancellation.

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- (c) by omitting subsection two of section one hundred and four.

Sec. 104.  
(Name of society—use of words “unassured benefit.”)

- (d) by inserting in the matter relating to Part II in section one after the figures “ 25 ” the figures and letter “ 25A.”

Sec. 1.  
(Revision.)

(2) The Friendly Societies (Further Amendment) Act, 1931, is further amended by omitting paragraph (i) of subsection one of section three.

Further amendment of Act No. 72, 1931, s. 3 (i) (i).

4. The Friendly Societies Act, 1912–1932, is further amended—

Further amendment of Act No. 46, 1912.

- (a) by omitting from subsection two of section thirty-eight the words “ and one-half ” wherever occurring;

Sec. 38.  
(Payment of expenses of management.)

- (b) by omitting paragraph (a) of subsection one of section thirty-nine and by inserting in lieu thereof the following paragraph:—

Sec. 39.  
(Investment of funds.)

- (a) In the Commonwealth Savings Bank of Australia or in the Rural Bank of New South Wales; or

5. The Friendly Societies Act, 1912–1932, is further amended—

Further amendment of Act No. 46, 1912.

- (a) (i) by omitting from subsection one of section seventy-three the words “ unless the rules of such society or branch expressly forbid it ”;

Sec. 73.  
(Reference of dispute to registrar.)

- (ii) by inserting at the end of the same subsection the words “ but no such reference shall be made unless and until every effort has been made to have the dispute decided in the manner directed by the rules of the society or branch ”;

- (iii) by omitting from subsection two of the same section the words “ with the consent of the Chief Secretary ”;

(b)

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Substituted  
s. 74.Reference  
of dispute  
to registrar  
in cases of  
delay.

- (b) by omitting section seventy-four and by inserting in lieu thereof the following section:—

74. Notwithstanding anything contained in section seventy-three of this Act where the rules of a registered society or branch direct a manner in which disputes are to be decided, and recourse is had to the same, and—

- (a) the dispute is not, within twenty-one days after application by any party to the dispute, set down for hearing before the tribunal constituted by or under the rules of the society for the determination of the dispute; or
- (b) any appeal against the determination of any tribunal is not, within twenty-one days after application by any party to the dispute, set down for hearing before the tribunal constituted by or under the rules of the society for the determination of such appeal; or
- (c) a decision in regard to the dispute or appeal is not given within twenty-one days after the last day of the hearing by the appropriate tribunal of the dispute or appeal,

any party to the dispute may refer the dispute to the Registrar, and the Registrar may hear and determine the dispute, and his decision shall be final.

Further  
amendment of  
Act No. 46,  
1912.Sec. 81.  
(Subvention  
payable  
after 30th  
June, 1932.)

**6.** (1) The Friendly Societies Act, 1912-1932, is further amended—

- (a) (i) by omitting from paragraph (b) of subsection three of section eighty-one the words “ and who had been a member of the society for a continuous period of fifteen years in respect of any benefit for which she was eligible by the rules of the society,” and by inserting

inserting in lieu thereof the words “ in respect of any benefit for which such widow or widowed mother may be eligible as such under the rules of the society, but such payment shall be made only when the period during which such widow or widowed mother has been so eligible, added to the period of membership of the deceased member in question, amounts to a continuous period of at least fifteen years ”;

- (ii) by inserting at the end of the same subsection the following proviso:—

Provided further that a payment under this section shall be made in respect of the benefit of medical attendance and medicine on account of every person in respect of whom a payment is made under paragraph (a) of this subsection in respect of sickness benefit or funeral donation, notwithstanding that such persons may not have been contributing for or eligible to receive such first-mentioned benefit at the times referred to in that paragraph.

- (b) by inserting next after the same subsection the following new subsection:—

(4) The payments to any one or more societies under this section in respect of the funeral donation or donations of any one person shall not exceed the sum payable in respect of a funeral donation of fifty pounds, and if claim is made in respect of contributions for a donation or donations in excess of such amount the amount payable as subvention shall be paid to such societies and in such proportions as the Registrar may deem equitable.

- (2) The amendments made by this section shall be deemed to have commenced on the thirtieth day of June, one thousand nine hundred and thirty-two.