

## FRIENDLY SOCIETIES (AMENDMENT) ACT.

### Act No. 40, 1958.

**Elizabeth II,** An Act to increase the amount of the benefits that may be paid by a friendly society or branch thereof; for this and other purposes to amend the Friendly Societies Act, 1912, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 31st December, 1958.]

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

Short title  
and  
citation.

**1.** (1) This Act may be cited as the "Friendly Societies (Amendment) Act, 1958".

(2)

(2) The Friendly Societies Act, 1912, as amended by No. 40, 1958. subsequent Acts and by this Act, may be cited as the — Friendly Societies Act, 1912-1958.

2. The Friendly Societies Act, 1912, as amended by Amendment of Act No. 46, 1912, subsequent Acts, is amended—

(a) by inserting next after paragraph (i) of subsection Sec. 10. one of section ten the following new paragraph :— (Compulsory registration of certain societies.)

An object of a friendly society which is the provision of the benefits set out in paragraph (i) of this subsection shall include and be deemed always to have included the establishment, management and maintenance or joining or co-operating with any other friendly society or friendly societies in the establishment, management and maintenance of holiday accommodation, and facilities in connection therewith, primarily for the use of the persons mentioned in that paragraph.

(b) (i) by inserting in subsection three of section Sec. 26. twenty-six after the words "annual returns" the (Audit of accounts.) words "of a branch";

(ii) by inserting in the same subsection after the words "such auditor" the words "is a registered public accountant within the meaning of the Public Accountants Registration Act, 1945, as amended by subsequent Acts, or";

(c) by omitting from paragraph (d) of subsection two Sec. 27. of section twenty-seven the words "state whether (Annual any such auditor" and by inserting in lieu thereof returns.) the words ", in the case of an auditor or auditors of a branch, state whether any such auditor is a registered

No. 40, 1958.

—

registered public accountant within the meaning of the Public Accountants Registration Act, 1945, as amended by subsequent Acts, or”;

**Sec. 32.**  
(**Trustees.**)

(d) by omitting subsection three of section thirty-two and by inserting in lieu thereof the following subsection :—

**Copy of  
notice of  
appointment.**

(3) The secretary of a registered society or branch shall, within twenty-one days after the appointment of any trustees of such registered society or branch, send notice, in the form prescribed by regulations made under this Act, of such appointment—

- (a) to the Registrar, where the notice is to be sent by the secretary of a registered society; and
- (b) to the secretary of the registered society of which the branch forms part, where the notice is to be sent by the secretary of a branch.

Where the secretary of a registered society receives a notice pursuant to paragraph (b) of this subsection, he shall, within fourteen days after receiving it, send it to the Registrar.

**Sec. 38.**  
(**Money received or  
paid to be  
entered in  
a separate  
account.**)

**Transfer  
of moneys  
from fund  
to fund.**

(e) by inserting next after subsection two of section thirty-eight the following new subsection :—

(2A) (a) Where the revenue derived during any year from the investment of moneys belonging to any fund of a society exceeds an amount equal to the prescribed percentage, with respect to such year, of such moneys, the society may, subject to the provisions

provisions of this subsection, transfer to any other No. 40, 1958.  
~~fund of the society an amount equal to the difference~~  
~~between that excess and the aggregate of—~~

- (i) the expenses incurred in such year in respect of such firstmentioned fund and paid or to be paid out of such revenue in accordance with the provisions of subsection two of this section; and
- (ii) where the revenue derived during the preceding year from the investment of moneys belonging to such firstmentioned fund, after deducting therefrom the expenses incurred in such preceding year in respect of such fund and paid out of such revenue in accordance with the provisions of the said subsection two, was less than the prescribed percentage, with respect to such preceding year, of such moneys, the amount by which such revenue was so deficient.

(b) A transfer from any fund of a society shall not be made under this subsection unless—

- (i) where the fund from which the transfer is proposed to be made is a fund kept with respect to any of the benefits enumerated or referred to in paragraph (a), (c) or (e) of subsection one of section ten of this Act, and the provisions of section twenty-eight of this Act have not been dispensed with in respect of such society, the report of the actuary who, pursuant to subsection three of the said section twenty-eight, made the last report on the assets and liabilities of the society contained a statement by such actuary to the effect that it appeared to him that the assets of such fund exceeded its liabilities and that the contributions payable

No. 40, 1958.

payable by the members of the society, pursuant to its rules, for the benefits to be provided from such fund were sufficient to meet the cost of providing such benefits; and

(ii) the transfer has been approved—

- (a) in the case of a society without branches, by the majority of the members of the society at a general meeting of the society; or
- (b) in the case of any other society, by its central body.

Any amount transferred to a fund pursuant to the provisions of this subsection may, notwithstanding subsection one of this section, be used for the purposes of that fund and, where any benefits are provided from that fund, those benefits.

In this subsection—

“Prescribed percentage”, with respect to any year, means such percentage as may be prescribed with respect to that year by regulations made under this Act, or, where a percentage is not so prescribed, four per centum.

“Year” means year ending on the thirtieth day of June.

Sec. 48.  
(Limitation  
of benefits.)

- (f) (i) by omitting from subsection one of section forty-eight the words “more than five hundred pounds” and by inserting in lieu thereof the words “, from any one or more such societies or branches, more than three thousand pounds”;
- (ii) by omitting from the same subsection the words “one hundred and four pounds a year by way of annuity, or sick pay in excess of five pounds five shillings per week from any one or more such

such societies or branches" and by inserting in No. 40, 1958. —  
lieu thereof the words "two hundred and sixty  
pounds a year by way of annuity, or ten pounds  
ten shillings a week by way of sick pay";

(g) (i) by inserting next after subsection two of section Sec. 81.  
eighty-one the following new subsection :— (Subvention  
after 30th  
June, 1932.)

(2A) (a) A society entitled to payments  
under this section may from time to time elect  
to be a society to which this subsection applies,  
and may revoke any such election.

Any such election or revocation shall not  
have any force until the first day of July next  
following the day upon which notice in writing  
of such election or revocation is given to the  
Registrar.

While any such election is in force, this  
subsection shall apply to the society which made  
the election.

(b) Where a society to which this  
subsection applies would, but for this subsection,  
have been entitled, in respect of any person, to  
a payment under the provisions of this section,  
other than this subsection, in respect of only  
part of a year, there shall, in respect of such  
person, be paid to the society in respect of that  
year one-half of the amount that would have  
been payable, in respect of such person, under  
the said provisions had the society been entitled,  
in respect of such person, to a payment under  
the said provisions in respect of the whole of  
such year.

A society entitled, in respect of any person,  
to a payment under this subsection in respect of  
any year shall not be entitled, in respect of  
that person, to a payment under subsection one  
of this section in respect of any part of the  
same year.

(ii)

- (ii) by inserting in paragraph (a) of subsection three of the same section after the word "society" where firstly occurring the words "or any other registered society";
- (iii) by inserting in the same paragraph after the word "society" where secondly occurring the words "or of the society and any other registered society";
- (iv) by inserting in paragraph (b) of the same subsection after the word "society" where firstly occurring the words "or any other registered society";
- (v) by inserting in the same paragraph after the word "membership" the words "in the society or in the society and any other registered society";
- (vi) by inserting at the end of the same paragraph the words "or any other registered society";
- (h) by omitting from section one hundred and twelve the words "on payment of a sum not exceeding one shilling, a copy of the rules of the society or branch" and by inserting in lieu thereof the words "a copy of the rules of the society or branch, on payment of a fee not exceeding the sum of one shilling, or where a different sum has been approved by the Registrar and specified in such rules, that different sum".