

(Reprint No. 2)

SOUTH AUSTRALIA

FRIENDLY SOCIETIES ACT, 1919

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 10 December 1992.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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SCHEDULES

FRIENDLY SOCIETIES ACT, 1919

Friendly Societies Act, 1919, No. 1387 of 1919 [Assented to 20 November 1919]

as amended by

Friendly Societies Act Amendment Act, 1921, No. 1483 of 1921 [Assented to 7 December 1921]
Friendly Societies Act Amendment Act, 1925, No. 1680 of 1925 [Assented to 19 November 1925]
Friendly Societies Act Amendment Act, 1931, No. 2018 of 1931 [Assented to 12 November 1931] (as amended by Statute Law Revision Act, 1934, No. 2168 of 1934 [Assented to 15 November 1934])
Friendly Societies Act Amendment Act, 1936, No. 2298 of 1936 [Assented to 22 October 1936]
Friendly Societies Act Amendment Act, 1937, No. 2374 of 1937 [Assented to 15 December 1937]
Friendly Societies Act Amendment Act, 1938, No. 2425 of 1938 [Assented to 19 December 1938]
Friendly Societies Act Amendment Act, 1940, No. 32 of 1940 [Assented to 21 November 1940]
Friendly Societies Act Amendment Act, 1946, No. 8 of 1946 [Assented to 3 October 1946]
Friendly Societies Act Amendment Act, 1949, No. 24 of 1949 [Assented to 3 November 1949]
Friendly Societies Act Amendment Act, 1950, No. 37 of 1950 [Assented to 30 November 1950]
Friendly Societies Act Amendment Act, 1952, No. 19 of 1952 [Assented to 30 October 1952]
Friendly Societies Act Amendment Act, 1954, No. 32 of 1954 [Assented to 9 December 1954]
Friendly Societies Act Amendment Act, 1956, No. 52 of 1956 [Assented to 29 November 1956]
Friendly Societies Act Amendment Act, 1961, No. 25 of 1961 [Assented to 9 November 1961]
Statutes Amendment (Friendly Societies and Building Societies) Act, 1966, No. 30 of 1966 [Assented to 24 March 1966]
Friendly Societies Act Amendment Act, 1968, No. 27 of 1968 [Assented to 12 December 1968]¹
Age of Majority (Reduction) Act, 1971, No. 15 of 1971 [Assented to 8 April 1971]²
Friendly Societies Act Amendment Act, 1973, No. 59 of 1973 [Assented to 22 November 1973]
Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6 December 1973]
Friendly Societies Act Amendment Act, 1975, No. 7 of 1975 [Assented to 20 March 1975]
Friendly Societies Act Amendment Act (No. 2), 1975, No. 41 of 1975 [Assented to 10 April 1975]³
Companies (Consequential Amendments) Act, 1982, No. 29 of 1982 [Assented to 25 March 1982]⁴
Friendly Societies Act Amendment Act, 1982, No. 34 of 1982 [Assented to 15 April 1982]
Friendly Societies Act Amendment Act, 1989, No. 37 of 1989 [Assented to 4 May 1989]
Friendly Societies (Miscellaneous) Amendment Act 1992 No. 66 of 1992 [Assented to 19 November 1992]⁵

An Act to consolidate certain Acts relating to friendly societies.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Friendly Societies Act, 1919*.

¹ Came into operation 30 January 1969: *Gaz.* 30 January 1969, p. 339.

² Came into operation 15 April 1971: *Gaz.* 15 April 1971, p. 1598.

³ Came into operation 5 June 1975: *Gaz.* 5 June 1975, p. 2180.

⁴ Came into operation (except ss. 9, 14, 18 and 19) 1 July 1982, being the day on which the Companies (Application of Laws) Act, 1982, came into operation: *Gaz.* 1 July 1982, p. 2: s. 2(1); ss. 9, 14 and 18 came into operation 1 July 1981, being the day on which the National Companies and Securities Commission (State Provisions) Act, 1981, came into operation: *Gaz.* 25 June 1981, p. 1901: s. 2(2); s. 19 came into operation 1 October 1981: s. 2(3).

⁵ Came into operation 10 December 1992: *Gaz.* 10 December 1992, p. 1754.

Note: 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

Repeal

2. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

Interpretation

3. In this Act, except where the context or subject matter requires a different construction—

“actuary” means a Fellow or Accredited Member of the Institute of Actuaries of Australia:

“child” includes a grandchild of any degree:

“society” means and includes any of the friendly societies in this State specified in the second schedule, and includes the whole of the present and future members of the society:

“branch” means and includes all branches now or hereafter established by any society:

“committee of management” means the body of persons appointed to manage and direct the affairs of any society or branch, by whatever name such body may be called:

“secretary” means the officer appointed by any society or branch to act in that capacity, or the clerk or person who keeps the books and accounts of such society or branch:

“officer” means and includes every trustee, treasurer, secretary, and member of the board or committee of management of a friendly society, and of every branch thereof, and every person authorized or appointed by the society to manage its business or part of its business:

“women” includes females of all ages, and “men” includes males of all ages.

Incorporation of societies and branches

4. (1) All persons who are now, or who at any time hereafter, in accordance with the provisions of this Act, become, members of any society specified in the second schedule shall (subject to the provisions hereinafter contained) be a body corporate by the name and style by which such society is specified in the said schedule, and by that name or (where it is requisite to make such distinction) by that name with the name of any branch of such society added thereto—

(a) may carry on the objects and business of such society,

(b) may sue any person or persons (whether a member or members of the society or not), or any body or bodies politic or corporate, and may be sued in all courts whatsoever, and

(c) may prefer, lay, and prosecute any indictment, information, and prosecution against any person or persons whomsoever for any stealing, embezzlement, fraud, forgery, crime, or offence.

(2) In all indictments, informations, or prosecutions it shall be sufficient to state the moneys, goods and effects, securities, or other property of the society or branch to be the money of the society or branch (as the case may be), and to designate the society or branch by its said corporate name whenever, for the purpose of any allegation of an intent to defraud or otherwise howsoever, such designation is necessary.

(3) Any society or branch shall by its corporate name, according to the right and interest of such society or branch, be able to accept, purchase, and hold real and personal estate of every kind, and to sell, assign, mortgage, exchange, demise, grant, lease, transfer, and convey the same, and also to procure, receive and take, acquire, have, and possess all gifts, benefactions, goods, chattels, and personal property whatsoever.

(4) Every society and branch shall by its said corporate name have perpetual succession, and a common seal, which shall bear or have inscribed on it the corporate name of the society or branch.

(5) Whenever it is necessary to execute for and on behalf of any society or branch any deed or other instrument in writing, not otherwise specially provided for in this Act, the same shall be executed by having the seal of the society or branch affixed thereto, in the presence of two of the trustees of the society or branch, who shall subscribe their names to such deed or instrument as witnesses to the sealing thereof.

Power to add name of any society to second schedule

5. (1) The Governor may from time to time by proclamation add the name of any society to the list of societies contained in the second schedule, and from the date mentioned in such proclamation this Act shall be read and construed as if the name of the society so added had been specified in the said schedule at such date.

(2) The Governor may, from time to time, by proclamation strike out from the list of societies in the second schedule the names of any societies which have become amalgamated pursuant to this Act, and may in manner aforesaid add to the said list the name of any society formed by any amalgamation as foresaid, and from the date mentioned in such proclamation this Act shall read and be construed as if the names of the societies so struck out or added had not or had (as the case may be) been specified in the said schedule at such date.

(3) The Governor may, from time to time, by proclamation add to the list of societies contained in the second schedule, the name of any society formed for any purpose which the Governor may authorize as a purpose to which the provisions of this Act, or such of them as are specified in the authority, ought to be extended, with or without any of the purposes enumerated in section 7. But no such name shall be added as aforesaid which is the same as that of any society specified in the said schedule, or is so similar thereto as to be likely to be mistaken for it.

(4) The Governor may, from time to time, by proclamation strike out from the list of societies in the second schedule the names of any societies which have been terminated or dissolved and from the date mentioned in such proclamation this Act shall be read and construed as if the names of the societies so struck out had not been specified in the said schedule at such date.

(5) The Governor may, from time to time, by proclamation strike out from the list of societies in the second schedule the name of any society which has been changed in pursuance of this Act and may in manner aforesaid add to the said list the new name of the society and from the date mentioned in the proclamation this Act shall be read and construed as if at such date the name of the society so struck out had not been specified in the said schedule and the name so added had been specified in the said schedule.

Society to have registered office

6. Every society shall have a registered office, to which all communications and notices may be addressed, and shall send to the Minister notice of the situation of such office, and every change therein.

Objects for which funds may be maintained

7. (1) It shall be lawful for every society or branch, by voluntary contributions from the members thereof, with or without the aid of donations, to raise and maintain funds in the manner provided by this Act for any of the following objects, namely:—

- I. subject to this Act, for insuring a sum of money to be paid on the death of a member, or of the husband, widower, wife, widow or child of a member, or for defraying the expenses of burial of a member, or of the husband, widower, wife, widow or child of a member:
- II. for the relief or maintenance of members, their husbands, wives or children, in infancy, old age, sickness, widowhood or widowedness, or any other natural state of which the probability may be calculated by way of average:
- III. for assisting members in distressed circumstances:
- IV. for the endowment at any age of members, their husbands, wives or children and for insuring a sum of money to be paid on death before endowment:
- IVA. for the education of members, their husbands, wives or children:
- V. for providing to members or their relatives any of the following services:—
 - (a) medical attendance or treatment;
 - (b) medical comforts, or the selling or supplying of medicines, or the selling or supplying of medical or surgical appliances, requisites or comforts;
 - (c) dental attendance or treatment, or the selling or supplying of false teeth or other dental devices or requisites;
 - (d) physiotherapeutic treatment;
 - (e) chiropodical treatment; or
 - (f) the examination of sight for the purpose of correcting errors of refraction by the prescription of lenses or the selling or supplying of spectacles or other optical appliances:
- VI. for—
 - (i) providing payments to; or
 - (ii) reimbursing to members payments made by them to; or
 - (iii) providing payments to members to be paid by them to—
 - (a) legally qualified medical practitioners, towards the cost of attendance on or treatment by them of members or their relatives;
 - (b) pharmaceutical chemists registered under the *Pharmacy Act, 1935-1952*, towards the cost of medicines or medical or surgical appliances, requisites or comforts sold by them to members or their relatives;
 - (c) dentists registered under the *Dentists Act, 1931-1936*, towards the cost of attendance on or treatment by them of members or their relatives, including the cost of supplying false teeth or other dental devices or requisites to members or their relatives;

- (d) physiotherapists registered under the *Physiotherapists Act, 1945-1955*, towards the cost of treatment by them of members or their relatives;
 - (e) chiropodists registered under the *Chiropodists Act, 1950*, towards the cost of treatment by them of members or their relatives; or
 - (f) legally qualified medical practitioners or opticians registered under the *Opticians Act, 1920-1949*, towards the cost of the examination of the sight of members or their relatives for the purpose of correcting errors of refraction by the prescription of lenses, including the cost of supplying spectacles or other optical appliances:
- VII. subject to this section, for—
- (i) providing payments to; or
 - (ii) reimbursing to members payments made by them to; or
 - (iii) providing payments to members to be paid by them to—
 - (a) hospitals approved by the society or branch, towards the cost of accommodation or maintenance in hospitals of members, their husbands, wives, children or dependants and towards the cost of medical comforts, medicines, medical or surgical appliances, requisites or comforts for members, their husbands, wives, children or dependants;
 - (b) persons registered as nurses under the *Nurses Registration Act, 1920-1954*, towards the cost of attendance by them elsewhere than in hospital on members, their husbands, wives, children or dependants; or
 - (c) legally qualified medical practitioners or hospitals towards the cost of surgical, therapeutic or other medical treatment by legally qualified medical practitioners in hospitals or elsewhere of members, their husbands, wives, children or dependants:
- VIII. for the establishment and maintenance of hospitals, homes, refuges or other institutions for the treatment, accommodation, relief or care in old age or infirmity of members, their husbands, widowers, wives, widows, children or dependants, or the widowed mothers of deceased members:
- VIIIa. for the establishment and maintenance of child care centres:
- IX. for the payment of the expenses of management which are reasonably necessary for the purposes of the society or branch:
- X. for establishing a fund for the purpose of providing superannuation or retiring benefits for officers of the society or branch who are permanently employed by the society or branch:
- XI. for establishing a guarantee fund for effecting policies of fidelity guarantee assurance of the officers of the society or branch who are required by this Act to be guaranteed:
- XII. for establishing and carrying on, under the management of a pharmaceutical chemist registered under the *Pharmacy Act, 1935-1952*, the business of a pharmaceutical and dispensing chemist and druggist:

- XIII. for establishing permanent societies registered under *The Building Societies Act, 1881-1966*, and for joining or co-operating with any other society or societies for that purpose; "permanent society" in this paragraph shall have the meaning assigned to that expression under the said Building Societies Act.

In paragraphs V and VI of this subsection "relative" means the husband, widower, wife, widow, child, father, mother, brother, sister, nephew or niece of a member or the widowed mother of a deceased member or the ward of a member (being an orphan).

This subsection shall be read subject to the *Pharmacy Act, 1935-1952*.

(2) No insurance under the provisions of this Act shall assure the payment to or on the death of any member, or on any contingency, or for any of the purposes for which the payment of sums may be assured under this Act, of any sum exceeding the prescribed amount, or of any annuity or sickness pension at a rate exceeding the prescribed rate.

(3) The regulations may, for the purpose of subsection (2), fix differential maximum amounts or rates that vary according to the nature or class of insurance to which they relate.

(4) A society or branch shall not contract with any member to make any payments pursuant to paragraph VII of subsection (1) of this section in respect of a person other than the member, the husband or wife of the member, or any specified child or children or other specified dependant or dependants of the member.

(5) A society or branch shall not contract with any member to make payments under subparagraph (c) of paragraph VII of subsection (1) of this section to any legally qualified medical practitioner in respect of the treatment as mentioned in that subparagraph of any member or the husband, wife, child or dependant of the member if the society or branch has undertaken to make payments for such treatment from any fund raised pursuant to the provisions of this section other than that sub-paragraph.

(6) If—

- (a) any member makes voluntary contributions to a society or branch for the purposes set out in subparagraph (a) of paragraph VII of subsection (1) of this section; and
- (b) the member, or the husband or wife, or a specified child or dependant, of the member, as the case may be, is accommodated as a patient in a hospital approved by the society or branch; but
- (c) no payment is made to the hospital or amount reimbursed or paid to the member by virtue of that subparagraph or such a payment or reimbursement is made but to an amount less than the amount for which the contributions of the member were made,

the committee of management of the society or branch may subject to this subsection, unless prohibited from so doing by the general laws or rules of the society, pay to the member such amount as the committee thinks fit.

The total amount so paid together with any amount paid to the hospital or reimbursed or paid to the member shall not exceed the amount for which the contributions of the member were made.

(7) Subject to subsection (8) of this section, a society or branch shall maintain separate funds for the purposes of each of the following provisions of subsection (1) of this section, namely, paragraphs I to IV, and VII to XII, and sub-paragraphs (a) to (f) of paragraph V and (a) to (f) of paragraph VI.

(8) On application in that behalf the Minister may authorize a society or branch to maintain one fund for the purposes of two or more of the provisions mentioned in subsection (7) of this section.

(9) Where at the commencement of the *Friendly Societies Act Amendment Act, 1956*, a society or branch is maintaining a fund for any object mentioned in a provision mentioned in subsection (7) of this section, this section shall, subject to this subsection, apply as though the fund had been raised pursuant to this section, and the society or branch may maintain the fund for any additional object mentioned in that provision.

Where the fund is maintained at the said commencement for any two or more objects for which separate funds would be required pursuant to subsection (7) of this section, the society or branch may continue to so maintain the fund.

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Power of society to participate in Commonwealth medical, hospital, etc., schemes

7b. (1) Any society may, subject to the general laws or rules of the society, become registered as an organization under any law of the Commonwealth relating to the provision of hospital, medical or other benefits or may take such other measures as are necessary to enable the society to be authorized to act under any such law.

(2) Any such society may, subject to the general laws or rules of the society, out of the appropriate fund or funds of the society make any payments for the purpose of securing to the members, their husbands, wives, widows, children, fathers, mothers, brothers, sisters, nephews, nieces, widowed mothers of deceased members and wards of members (being orphans) any of the benefits to which they may be entitled under any such law. The society may receive from the Commonwealth any amount which, under any such law, is payable to the society in repayment (whether in whole or in part) of any payments made by the society as aforesaid. Any amount so received shall be paid by the society into the fund or funds from which the payments aforesaid were made by the society.

Societies may establish branches

8. (1) Every society may establish branches thereof, to be called districts, lodges, courts, camps, tents, or such other name as the society establishing the same may think proper to confer; and may alter, vary, and abolish any branch.

(2) Every branch shall be governed by this Act, and by the general laws or rules of its particular society, and by such other laws or rules for the management of such branches as are made in conformity therewith.

Power to admit members with limited rights

8a. (1) Every society may, subject to the general laws or rules of the society, admit persons to the membership of the society upon condition that the persons so admitted shall have the right to contribute only to any specified fund or funds of the society.

(2) Notwithstanding anything in the general laws or rules of the society, any person admitted to membership upon a condition such as is referred to in subsection (1) shall have the same rights as other members of the society to vote at meetings of the society on any question relating to the fund or funds to which the person so admitted to membership contributes.

Superannuation fund

9. (1) A society may establish a superannuation fund for the benefit of its members.

(2) A member of a society shall not be entitled to superannuation benefits unless he has subscribed to the fund for at least three years and the extent of any such benefits shall conform with limits fixed by regulations.

Loans

9a. (1) Subject to this section, a society may, out of a separate loan fund to be formed by any one or more of the following things, namely, contributions or deposits of its members or money transferred or borrowed from another fund of the society in accordance with this Act, make loans to members of the society as provided by the general laws or rules of the society.

(2) Subject to the general laws or rules of the society and this section, a loan under this section may be made with or without security or sureties or both.

(3) A loan shall not be made without security beyond the amount fixed by the general laws or rules of the society.

(4) A loan shall not be made to a member if he is, or would in consequence of the loan being made, be indebted to the society for an amount exceeding the prescribed limit.

(5) The society shall not at any time hold in the fund on deposit from the members a total amount which exceeds the amount indicated by the general laws or rules or two-thirds of the total sums owing to the fund by the members who have borrowed from the fund, whichever is the less.

(6) The society shall not make a loan under this section out of money contributed for any other purpose of the society, except where the money has been transferred or lent to the fund in accordance with this Act.

(7) The society shall not lend any money from the fund to an officer of the society taking part in the management of the fund.

(8) Interest paid to the society by members on loans made to them from the fund shall form part of the fund.

(9) Notwithstanding any other provision of this Act, but subject to limitations prescribed by regulation, a society may, with the consent of the Minister, lend to the fund money from any other fund maintained by the society on such terms and conditions as may be approved by the Minister.

(10) A society shall before establishing a fund under this section make general laws or rules for the management of the fund and fixing an amount for the purposes of subsection (3) of this section.

Societies may make general laws or rules

10. (1) Every society may—

(a) from time to time make, rescind, alter, and vary general laws or rules for the internal government of the society, and such general laws or rules shall have the effect of law, and be binding upon every branch or member of the society; and

(b) by any such laws or rules inflict a penalty of not more than ten dollars and fifty cents for the infringement thereof, and may provide for the suspension or expulsion of any branch or member from the benefits of such society.

(2) Such general laws or rules shall, amongst other things, make provision for the matters referred to in the third schedule.

(2a) Any society having branches may, by its general laws or rules, make provision for the establishment out of the funds of the society or otherwise of a reserve to make good losses caused by the dishonesty or neglect of any officer of any branch of the society, or of any person appointed to an office of any branch of the society.

(3) No such general laws or rules, or the rescission, alteration, or variation of any such general laws or rules, shall be valid until the same has been registered by the Minister; for which purpose six copies of the same, signed by the secretary of the society, shall be sent to the Minister, accompanied by the prescribed fee.

(4) On receiving the said copies as aforesaid, the Minister shall transmit one copy to the Crown Solicitor, who, if he is of opinion that the general laws or rules in question, or the rescission, alteration, or variation thereof is not contrary to this Act or the general law of South Australia, shall certify to the Minister accordingly.

(4a) On the receipt of any such certificate the Minister shall, if he is satisfied that the general laws or rules or the rescission, alteration or variation thereof is not contrary to the provisions of this Act and he is satisfied either that—

(a) the general laws or rules or the rescission, alteration or variation thereof do not adversely affect the financial soundness of any fund of the society;

or

(b) if pursuant to a law of the Commonwealth the general laws or rules or the rescission, alteration or variation thereof is required to be approved under a law of the Commonwealth, the approval has been given,

and if he is also satisfied that the general laws or rules or the rescission, alteration or variation thereof have been duly made in accordance with the constitution of the society, he may register the general laws or rules or the rescission, alteration or variation thereof.

(4b) One of the copies aforesaid shall, upon registration, be signed by the Minister in confirmation thereof and be returned to the secretary of the society, and thenceforward the general laws or rules, and the alteration or variation thereof, as the case may be, shall have the same force and efficacy as regards the society affected thereby and its members as if hereby enacted, and such copies respectively shall be received in all courts or elsewhere as evidence of such general laws or rules without further proof.

(5) Copies of such general laws or rules shall be laid before both Houses of Parliament within fourteen days after the confirmation thereof, if Parliament is then sitting, or if not, then within fourteen days after the commencement of the next ensuing session of Parliament.

(6) A society may from time to time reprint the general laws or rules of the society so that the reprint gives effect to all rescissions of any of the laws or rules and incorporates therein all the alterations and variations thereof. Any such reprint may be submitted to the Minister, who, if satisfied that the reprint is a correct reprint of the general laws or rules of the society, may endorse a certificate upon the reprint to that effect. The society may thereupon, without fee, deposit with the Minister six copies of the reprint signed by the secretary of the society and the reprint shall then be deemed to have been registered by the Minister and subsection (4b) of this section shall apply with respect thereof.

(7) If at any time the Minister is satisfied that it is desirable that general laws or rules should be made by a society (whether for the purpose of making new laws or rules or for rescinding, altering or varying any existing laws or rules) and that it is not practicable for a meeting of the society to be held for the purpose of making the laws or rules, the Minister may by notice in writing authorize the committee of management of the society to make such general laws or rules or, as the case may be, to rescind, alter or vary such laws or rules as are specified in the notice.

The committee of management shall thereupon be deemed to be empowered, on behalf of the society, to make general laws or rules or to rescind, alter or vary the laws or rules to the extent authorized by the notice and, subject to the following provisions of this subsection, all laws and rules when so made shall, on compliance with the preceding provisions of this section, be deemed to be general laws and rules of the society.

If pursuant to this section any general laws or rules are made by the committee of management of a society, the laws or rules shall be submitted for approval at the first annual general meeting of the society held after the making of the laws or rules.

If the laws or rules are not so submitted or if at the meeting a resolution approving the laws or rules is not carried, then the laws or rules shall, as from the time the general meeting is concluded, be deemed to have been rescinded.

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Powers of committee of management as to entrance fees, etc.

10b. (1) Subject to subsection (2) the committee of management of any society may, from time to time, vary the entrance fees and subscriptions payable to the society and the benefits payable by or provided by the society.

(2) If the committee of management of any society varies the entrance fees or subscriptions payable to the society or the benefits payable by or provided by the society then, whether the variation is made pursuant to the powers conferred by subsection (1) or whether the variation is made pursuant to powers given to the committee of management by the general laws or rules of the society, the variation shall be submitted for approval at the first annual general meeting of the society held after the making of the variation.

If the variation is not so submitted or if at the meeting a resolution approving the variation is not carried, then the variation shall, as from the time the general meeting is concluded, cease to have any force or effect.

Funds to be deposited in bank until invested

11. (1) The funds of every society and branch, until invested as hereinafter provided for, shall be deposited in one of the chartered or incorporated banks in the State, or in the Savings Bank of South Australia, in the name and to the credit of the society or branch.

(2) Subject to subsection (3) of this section, such funds shall only be withdrawn by cheques, signed by two trustees and countersigned by the secretary or treasurer of the society or branch or by a person authorized by the committee of management of the society to countersign such cheques. The committee of management of any society may from time to time authorize any one person to countersign cheques for the withdrawal of such funds and may from time to time withdraw any such authority. If any person is so authorized by the committee of management to countersign cheques no other person shall be so authorized so long as the authority aforesaid is not withdrawn.

(3) A payment from a fund maintained pursuant to paragraph VI or VII of subsection (1) of section 7 may be made by a cheque signed by one trustee and countersigned as mentioned in subsection (2) of this section.

Mode of investment of funds

12. (1) The trustees for the time being of every society or branch shall, from time to time, with the consent of the society or branch, lay out and invest such part of all such sums of money as are at any time collected, given, or paid to and for the purposes of the society or branch, as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of the society or branch, in the corporate name of the society or branch, according to the right and interest of the society or branch therein respectively—

- (a) on the security of South Australian Government bonds or Treasury bills or otherwise in any loan raised or guaranteed by the authority of the Parliament of South Australia; or
- (b) in any securities of, or guaranteed by, the Government or the Parliament of the Commonwealth of Australia; or
- (c) upon fixed deposit in any bank; or
- (d) upon the bonds of the Corporation of the City of Adelaide, or upon the debentures of any municipal corporation of the State; or
- (e) on mortgage of freehold property; or
- (f) in the purchase of any freehold property in the State;
- (g) with the consent of the Minister and subject to such conditions (if any) as the Minister may impose, in such shares, debentures or other forms of investment as the committee of management of the society or branch (as the case may be) requests,

and may from time to time, with such consent as aforesaid, alter or transfer such securities and funds, and make sale thereof respectively:

Provided that—

- I. all securities for any loan to the Government of the Commonwealth or this State, or to any municipal corporation, shall be payable to the society or branch named therein, and shall not be transferable except under its seal witnessed by three of the trustees of the society or branch and countersigned by the secretary of the society or branch; and the person issuing such bonds, bills, or debentures is hereby authorized to issue the same accordingly;
- II. in the case of the Independent Order of Oddfellows, Manchester Unity Friendly Society, it shall be lawful for the trustees to lend to any member of such society on the security of any policy of assurance effected on his own life, provided that the amount of such loan shall not exceed the actual estimated value of such policy at the time such loan is made.
- III. the trustees may, out of money available for investment as mentioned in this subsection in a fund maintained pursuant to paragraph I, II, or IV of subsection (1) of section 7, lend to a member on the security of an assurance effected on the life of the member with the society or branch an amount not exceeding ninety per centum of the surrender value of the assurance fixed by an actuary.

(2) All dividends, interest, and proceeds which from time to time arise from the moneys so laid out or invested as aforesaid shall be brought into account by such trustees, and shall be applied to and for the use of the society or branch, according to the rules thereof.

(3) It shall be lawful for such trustees, with the consent of the society or branch as aforesaid, to purchase, hire, or take upon lease any room or premises for the purpose of holding therein the meetings of the society or branch, or for the transaction of business relating thereto, and to hold the same in trust for the use of the society or branch, and to sell, exchange, let, and demise the same in whole or in part.

(4) Notwithstanding anything contained in this section or any other Act, it shall be lawful for the trustees for the time being of every society or branch with the consent of the committee of management and the approval of the Minister from time to time—

- (a) to invest moneys of the society in the shares of a building society of which no shares are owned by persons other than—
 - (i) the society or branch, or any member of the society or branch;

or

- (ii) any other society or branch authorized under this section to invest moneys in the shares of the building society, or any member of any such society or branch;

* * * * *

and

- (b) to make deposits with or loans to such a building society,

and the approval of the Minister may be given subject to conditions, (to be notified to the building society), which may, without limiting the generality of the foregoing, include—

- (i) the terms on which deposits from the public can be accepted by the building society; and
 (ii) the amount of such deposits.

(5) In this section the expression “building society” means a society registered under the *Building Societies Act, 1975*.

(6) Where moneys have been invested in the shares of a building society in pursuance of subsection (4) of this section and the Minister is satisfied—

- (a) that the paid-up share capital of the building society exceeds five hundred thousand dollars;

and

- (b) that the rules of the building society afford adequate protection for the interests of a member of the public who may become a member of the society,

he may, by instrument in writing, exempt the building society from the restrictions upon the ownership of its shares contained in paragraph (a) of subsection (4) of this section.

Power of branches to forward surplus funds to parent society for investment

13. With the consent of any branch, the trustees thereof may forward to the board of directors or trustees of its society, with the consent of the society, any sum or sums of money belonging to the branch which are not required for the immediate use thereof, for investment by such board of directors or trustees, and upon such terms as may be mutually agreed upon: Provided that such moneys shall only be invested as authorized by this Act.

Trustees not to accept certain securities

14. Any director or trustee advancing the money of any society on the security of any land the fee-simple of which is vested in any one of the trustees of the society within one year from the time of the giving of such security shall be liable to a penalty of not less than two dollars nor more than twenty dollars.

Society or branch not to lend to trustee

14a. A society or branch shall not lend any money to a trustee of the society or branch respectively.

Appointment of trustees and secretaries, how evidenced

15. (1) Upon the appointment of every new trustee or secretary of any society or branch, the name and description of such trustee or secretary shall be entered in the minute-book of the society or branch, in the form set forth in the fourth schedule, and such entry shall be signed by such trustee or secretary.

(2) Every such entry, or in case of the loss or destruction of such entry, secondary evidence thereof, shall be *prima facie* evidence for all purposes that the person therein named as trustee or secretary was duly appointed as trustee or secretary, as the case may be, and entitled to act in that capacity.

(3) If and so soon as any trustee, secretary, or treasurer for the time being calls a meeting of his creditors, or executes a deed of assignment for the benefit of his creditors, or is adjudicated insolvent, his office of trustee, secretary, or treasurer shall then and thereupon become vacant.

Receipts endorsed on mortgages to be sufficient discharge

16. (1) Upon payment to the trustees for the time being of any society or branch of all moneys due upon any mortgage, further charge, or other security vested in the society or branch, or which may hereafter be given to the society or branch, for moneys advanced by the society or branch, it shall be lawful for such trustees to endorse or cause to be endorsed upon any such mortgage, further charge, or other security, a receipt in the form set forth in the fifth schedule.

(2) Such receipt shall vest the estate of and in the property comprised in such mortgage, further charge, or other security, in the person or persons for the time being entitled to the equity of redemption therein, and shall be sealed with the seal of the society or branch in the presence of two of such trustees thereof, who shall subscribe their names to such receipt as witnesses to the sealing thereof, and such receipt shall be countersigned by the secretary of the society or branch.

(3) No person shall be obliged or concerned to inquire whether the persons whose names are subscribed to any such receipt as witnesses to the sealing thereof are trustees as aforesaid, nor whether such receipt has been duly signed and sealed as aforesaid, nor whether the moneys expressed in such receipt to be received have been actually paid to such trustees.

Partial discharges

17. (1) If any mortgagor or other person who gives to any society or branch any mortgage or security for money, or the heirs, executors, administrators, or assigns of any such mortgagor or other person, at any time during the continuance of the mortgage or security pay any sum of money on account or in part payment of the principal sum thereby secured either a receipt in the form set forth in the sixth schedule for the amount so paid, shall be forthwith endorsed upon the mortgage deed, or other instrument constituting the security, and be signed by two of the trustees for the time being of the society or branch, and countersigned by the secretary thereof, in the presence of the mortgagor for the time being, or his duly authorized agent, or, unless the mortgagor requires a receipt as aforesaid, a receipt in the said form, with such modifications as may be necessary, shall be given upon a separate instrument, signed by two of the trustees for the time being of the society or branch, and countersigned by the secretary thereof.

(2) Until such receipt has been so endorsed or given and signed, the society or branch shall not be liable or accountable for any sum of money which may be so paid as aforesaid, or be bound to recognise or acknowledge the payment thereof, and no such payment shall be pleaded or set up either at law or in equity as against the claim of the society or branch in respect of the principal or interest moneys secured by such mortgage or instrument, nor shall any such payment operate to discharge the lands and hereditaments over which such mortgage or security was given, or any part or portion thereof, from such mortgage or security, or from the moneys thereby secured, or any part thereof.

Officers having custody of moneys to give security

18. (1) Every paid officer or other person appointed to any office touching or concerning the receipt, management, or custody of any of the moneys of any society or branch (except the trustees thereof), shall, before he is admitted to take upon himself the execution of his office, effect a policy of insurance with any guarantee society or company approved by the trustees of the society or branch for the just and faithful execution of such office, and for rendering a just and true account of all moneys received and paid by him on account of the society or branch during the time he continues to hold such office, and whether upon re-election thereto or otherwise, in such sum of money, not being less than one hundred dollars, as such trustees deem expedient.

Exemptions

Provided that if the Minister is of opinion that by reason of the arrangements made by any society having branches for safeguarding its funds held by branches, or by reason of the small risk of loss of such funds, or for any other adequate reason it is proper to grant an exemption from this section in respect of the society, he may by a written certificate exempt all or any of the officers of any branch of the society, or all or any of the other persons appointed to offices in any branch of the society, from the obligation to comply with this section. Every such certificate shall be for such period and on such terms and conditions as the Minister thinks fit.

(2) Every such policy of assurance shall be given to the society or branch in its corporate name, and shall, on completion, be forthwith transmitted by the secretary to the Minister for deposit.

(3) The Minister shall, if required, without fee or reward, make a copy of the said policy of assurance, and transmit such copy (duly certified) to the trustees of the society or branch entitled thereto, to be kept with the books and accounts of the society or branch.

(4) Every treasurer, trustee, and other officer shall be personally responsible and liable only for all moneys actually received by him on account of or for the use of the society or branch of which he is an officer.

Trustees to be personally liable to see that security is given

19. (1) The trustees of every society or branch shall be bound to see that the security provided for in section 18 is duly given, and that the premiums or other payments necessary to keep the same on foot and valid are duly made.

(2) If such trustees allow any officer or person who is required by the said section to give the security therein mentioned to take upon himself the execution of his office without the required policy of assurance having been duly effected, and kept on foot by the punctual payment of the premium thereon, every such trustee shall be liable to a penalty of not less than four dollars nor more than forty dollars.

Penalty for fraudulently obtaining or withholding property of society or branch

20. (1) If any officer, member, or other person, being or representing himself to be a member of any society, or the nominee, executor, administrator, or assignee of a member thereof, or any person whomsoever, by false representation or imposition obtains possession of any moneys, securities, books, papers, or other effects of any society or branch, or, having the same in his possession, withholds or misapplies the same or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of the society or branch, any justice may, upon complaint made by any person on behalf of the society or branch, summon the person against whom such complaint is made to appear

at a time and place to be named in such summons, and any special magistrate or two justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint in a summary manner.

(2) If the said special magistrate or justices determine the said complaint to be proved against such person, he or they shall adjudge and order him to deliver up all such moneys, securities, books, papers, or other effects of the society or branch, or to repay the amount of money applied improperly, and, if he or they think fit, to pay to the complainant, for the use of the society or branch, a further sum of money not exceeding forty dollars, together with costs; and in default of such delivery of effects, or repayment of any such amount of money or payment of such further sum of money and costs as aforesaid, the said special magistrate or justices may order the said person so convicted to be imprisoned, with or without hard labour, for any period not exceeding three months.

(3) Nothing herein contained shall prevent any society or branch from proceeding by indictment or information against any such person.

(4) No such person shall be proceeded against by indictment if a conviction has previously been obtained for the same offence under the provisions of this Act.

Minors may become members

21. Any person under the age of eighteen years may be elected or admitted as a member of any society, and any such person so elected or admitted may, and is hereby empowered to, execute all necessary instruments and to give all necessary acquittances: Provided that during his nonage he shall not be competent to hold any office as trustee, financial secretary, or treasurer of any society or branch.

Provisions of Friendly Societies Acts to apply to women

22. (1) The provisions of all Acts relating to friendly societies shall be deemed as and from the passing thereof respectively to have extended and applied to women as well as to men, and to husbands and widowers as well as to wives and widows, so as to enable women to avail themselves of the provisions of the said Acts.

(2) All general laws and rules heretofore made by any friendly society, so far as they provide for the admission of women as members of such society, are hereby validated and confirmed as from the making thereof.

Deferral of payments

22a. The Minister may, on application by a society, if in his or her opinion the payment of benefits to members would be prejudicial to the financial stability of the society or the interests of its members, authorize the society to defer the payment of benefits for such period and on such conditions (if any) as the Minister thinks fit.

Money payable on death

23. (1) Subject to this section, a society may make general laws or rules with respect to the payment of money payable on the death of a member of the society or a branch thereof, or on the death of the husband, widower, wife, widow or child of any such member, and without limiting the generality of the foregoing powers with respect to all or any of the following matters:—

- (a) for payment to a person nominated by any such member or by the widower or widow of any such member;
- (b) generally with respect to the making, revocation and effect of a nomination;

(c) for payment to any person whether at the discretion of the trustees of the society or branch, or otherwise;

(d) for payment of funeral expenses.

(2) The general laws or rules may apply with respect to money payable on every death occurring after the general laws or rules take effect.

* * * * *

(4) Where the trustees of any society or branch, after the death of any member thereof or the husband, widower, wife, widow or child of a member thereof, have paid any money to any person who at the time of the payment appears to the trustees to be entitled thereto under general laws or rules of the society made pursuant to this section, the payment shall be valid and effectual with respect to any demand from any other person against the funds of the society or branch, or against the trustees thereof; but nevertheless the last-mentioned person shall have his lawful remedy for the money so paid against the person who has received the same.

Proof of death

24. (1) Subject to subsection (3) of this section, the trustees or other officers of any society or branch shall not pay any sum of money which may have been assured and become payable on the death of any member thereof or the husband, widower, wife, widow or child of a member thereof, unless the person applying for payment of the sum produces and delivers to such trustees or other officers a document which appears to be—

- (a) a certified copy of an entry of the death in an official register of deaths kept within or outside the State under the hand and seal of the person whose duty it is to keep the register;
- (b) an extract of any such entry under the hand of any such person; or
- (c) a certificate given whether within or outside the State by a medical practitioner entitled by law to practise as such in the place where the certificate is given or a coroner.

(2) A certificate for the purposes of paragraph (c) of subsection (1) of this section shall be in such form as is prescribed by the general laws or rules of the society.

(3) A sum may be paid without the production of any document as mentioned in subsection (1) of this section if, from the nature of the circumstances, it is impossible to procure any such document.

Treasurer and others to render accounts, etc.

25. (1) Every person who has or receives any part of the moneys, effects, or funds of or belonging to any society or branch, or in any manner has been or is entrusted with the management, disposal, or custody thereof, or of any securities, books, papers, or property relating to the same, his executors, administrators, and assigns respectively shall, upon demand made of, or notice in writing given to, or left at the last usual place of residence of such person, in pursuance of any order of not less than two trustees or three members of the committee of management of the society or branch, give in his account at the next usual meeting of the society or branch, or to such trustees or committee of management, to be examined and allowed or disallowed; and shall on the like demand or notice forthwith pay over all the moneys in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property in his hands or custody, to the trustees for the time being, or to such other person as such trustees or committee of management appoint.

(2) In case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property in manner aforesaid, any two or more justices may, upon the complaint of any trustees or other officer of the society or branch, hear and determine the matter of such complaint in a summary way, and make such order therein as to such justices in their discretion seems just.

Property of societies or branches in hands of officers to be protected from execution, etc.

26. If any person appointed to or employed in any office in any society or branch, and being entrusted with the keeping of the accounts, or having in his hands or possession by virtue of his said office or employment or being responsible for any moneys or effects belonging to the society or branch or any deeds or securities relating to the same—

- (a) dies, or
- (b) becomes bankrupt or insolvent, or
- (c) has any execution or attachment or other process issued against his lands, goods, chattels or effects or property or estate, or
- (d) makes any assignment, disposition, or other conveyance thereof, for the benefit of his creditors,

his heirs, executors, administrators, or assigns, or the Official Receiver, or the trustee or other persons having legal right, or the Sheriff or other officer executing such process, or any person having the possession of any such moneys, effects, deeds, or securities, shall, within forty days after demand made in writing by not less than two trustees or three members of the committee of management of the society or branch, deliver and pay over all moneys, deeds, securities, and other effects belonging to the society or branch to such person as such trustees or committee appoint.

Separate accounts to be kept for each fund

27. (1) In all societies and branches all moneys received or paid on account of each and every particular fund shall be kept separate and distinct, and shall be entered in a separate account distinct from the moneys received and paid on account of any other fund, and the moneys belonging to one fund shall not be used in any manner for the advantage or otherwise of any other fund.

(2) Notwithstanding anything contained in subsection (1) hereof, the Minister may, on the application in writing of a society, by writing under his hand authorize the transfer of moneys from any one fund to any other fund of such society or of a branch thereof, and such society or branch may thereupon make such transfer: Provided that no society or branch shall make any transfer of moneys from any fund of such society or branch which assures sickness or death benefits to the members thereof unless the Minister upon the recommendation of an actuary, and upon a report of the actuary that there is a surplus in the fund, authorizes the transfer.

(2a) Notwithstanding anything contained in subsection (1) or (2) of this section, where the general laws or rules of a society provide that a specified proportion, or not more than a specified proportion, of the contributions payable under those laws or rules for any benefit or to any fund may be paid to the management fund, the society or branch may transfer an amount in accordance with those laws or rules to the management fund without further authority than this subsection.

(2b) Notwithstanding anything contained in subsection (1) or (2) of this section, where the general laws or rules of a society provide that a specified proportion, or not more than a specified proportion, of a fund may be paid to the management fund, the society or branch may transfer an amount in accordance with those laws or rules to the management fund without further authority than this subsection.

(2c) Subsection (2b) applies to transfers whether made before or after the commencement of this subsection.

(3) Where the Minister is satisfied that any moneys of a society or a branch have been appropriated, used, or transferred from any fund which assures sickness or death benefits, contrary to the provisions of this section he may, by notice in writing, direct the trustees of the society or branch to restore the moneys to the said fund within such time as he may notify in his direction. Any trustees failing to comply with the terms of any such direction shall, together with the secretary and other officers of the society or branch, be severally liable to a penalty not exceeding twenty dollars.

Appropriation and transfer of surplus funds

27a. (1) Notwithstanding the provisions of section 27, a society which has been reported by an actuary to possess a surplus at the last quinquennial valuation may, with the consent in writing of the Minister, appropriate so much of the surplus as can be safely used to all or any of the following purposes:—

- I. An increase of sickness benefits:
- II. An increase of funeral benefits:
- III. A reduction in the contributions of members:
- IV. Assistance to members in distressed circumstances:
- V. Management purposes of the society or any branch thereof:
- VI. Any purpose for which the society may, pursuant to this Act, apply any of its moneys and which is approved by the Minister.

(2) When a portion of any fund is so appropriated for the purposes of any other fund, a transfer from the one fund to the other of the moneys so appropriated may, with the like consents as aforesaid, be made by the society.

(3) It shall be a condition of any such appropriation that a certificate in such form as satisfies the Minister as to the value of the investments of the society is sent to the Minister with the application for his consent to the appropriation.

(4) The provisions of the proviso to subsection (2) of section 27 shall not apply to any appropriation or transfer made pursuant to this section.

Appointment of trustees and auditors

27b. (1) After the passing of the *Friendly Societies Act Amendment Act, 1931*, all trustees and auditors of every society or branch shall, subject to subsection (2) hereof, be appointed by a resolution or a ballot passed or taken at a general meeting of the society or branch duly convened for that or some other purpose.

(2) If a casual vacancy occurs in the office of trustee or auditor, the committee of management of the society or branch may, subject to the laws and rules of the society or branch, appoint some person to fill the vacancy. But any such appointment shall continue only until the next general meeting of the society or branch, when a person shall be appointed to the office as provided by subsection (1) hereof.

(3) No member of the committee of management of any society or branch shall hold office as auditor of that society or branch, and no trustee of a society or branch shall hold office as auditor of that society or branch. The Minister may, by notice in writing, exempt any branch from the requirements of this subsection, and may, by notice in writing, revoke any such exemption.

(4) The provisions of subsections (1) and (2) of this section shall not apply to any person holding office as a trustee or auditor of any society or branch at the passing of the *Friendly Societies Act Amendment Act, 1931*, and every such person shall continue to hold such office according to the laws or rules of the society or branch; but the provisions of the said subsections shall apply upon the determination of the term of office of any such person.

Audit of accounts

28. (1) Once at least in every half-year every society and every branch thereof shall submit its accounts for audit to two or more auditors, to be appointed in accordance with the rules of the society; or, if no provision is contained in such rules relative to the appointment of auditors, in accordance with rules made under the provisions of this Act.

(2) The auditors shall have access to the books and accounts of every society or branch, and—

(a1) shall obtain from every bank in which any moneys of the society or branch are deposited particulars of the amounts so deposited at the time of the half-yearly audit;

(a) shall examine the general statements of the receipts and expenditure, funds, and effects of the society and branch, and verify the same with the accounts and vouchers relating thereto; and

(b) shall either sign the same as found correct, duly vouched, and in accordance with law, or specially report to the society in what respect they find them incorrect, unvouched, and not in accordance with law.

(3) Accounts for presentation to members may be prepared in accordance with generally accepted accounting standards.

Appointment of qualified auditors

28a. (1) Notwithstanding anything in section 28 of this Act or in the general laws or rules of a society or branch, any society or branch may, and if so directed by the Minister shall, appoint, pursuant to section 27b of this Act, a qualified auditor in the place of the two or more auditors referred to in subsection (1) of section 28 of this Act and, upon such an appointment a reference in this Act or in the general laws or rules of the society or branch to two or more auditors or to an auditor when used in or in relation to a society or branch which has so appointed a qualified auditor shall be read as a reference to the qualified auditor appointed in relation to that society or branch.

(2) In this section—

“qualified auditor” means—

(a) a person who is, or is taken to be, registered as an auditor for the purposes of Division 2 of Part 9.2 of the *Corporations Law*;

or

(b) a firm of which at least one member is a person referred to in paragraph (a) who is ordinarily resident in Australia.

Annual returns to be sent to Minister

29. (1) On or before the first day of September in every year every society shall send to the Minister a general statement of the receipts and expenditure, funds, and effects of the society so audited, which shall show separately—

- (a) the income and expenditure in respect of the several funds of the society during the preceding financial year:
- (b) a copy of the auditors' report, if any, on such general statement:
- (c) the name and address, and the calling or profession of each of such auditors:
- (d) a list of the names, dates of entry, manner of entry, and dates of birth of all members who entered the society by initiation, clearance or otherwise during the preceding financial year:
 - (d1) a list of the members who died or ceased to be members during the preceding financial year:
 - (d2) a list of members in respect of whom benefits were paid during the preceding financial year, the amounts of the benefits, and the periods of sickness or other contingencies in respect of which the benefits were paid: and
- (e) such other information as the Minister from time to time prescribes.

(2) A society must, on sending to the Minister the general statement referred to in subsection (1), pay the prescribed fee to the Minister.

Quinquennial valuations

30. (1) Every society shall, once at least in the period of five years next after the seventeenth day of December, 1917, or after the incorporation or establishment of the society or branch, and once at least in every succeeding five years, cause an actuary to carry out a valuation of its assets and liabilities (in this Act referred to as "the quinquennial valuation").

(2) Every society shall at the same time forward to the Minister a list of the names and occupations of all its members, together with the age of each member at the time of the previous quarterly or half-yearly balancing of accounts, specifying the date thereof.

(3) The actuary shall send to the Minister a report on the condition of the society, and an abstract to be made by him of the results of his valuation, together with a return containing such information with respect to the benefits assured and contributions receivable by the society, and of its funds and effects, debts, and credits, as the Minister may from time to time require.

* * * * *

Power to submit proposals to improve financial position

30a. (1) If upon the quinquennial valuation and report, the Minister is of opinion that the financial position of the society or any branch should be improved, he may, by notice in writing, call upon the society or branch to submit proposals for improving its financial position.

(2) If such proposals are not submitted within three months from the giving of notice as aforesaid, or if the proposals submitted are, in the opinion of the Minister, not satisfactory, the Minister may, by notice in writing, call upon the society or branch to reduce benefits to such an extent or raise contributions to such a rate as, in his opinion, is necessary.

(3) If any society or branch fails to comply with any requirement of the Minister under this section, every member of the committee of management of the society or branch shall be liable to a penalty not exceeding twenty dollars.

Inspection of books

31. (1) Any valuer, member, or person having an interest in the funds of a society may inspect the books thereof at all reasonable hours, at the registered office of the society or at any place where the same are kept.

(2) No such member or person, unless he is specially authorized by a resolution of the society to do so, shall have the right to inspect the loan account of any borrower without the written consent of such borrower.

Copies of annual returns to be supplied

32. Every member or person interested in the funds of the society, on his application, shall be supplied at cost price with a copy of any balance-sheet or other document duly audited containing the same particulars as to the receipts and expenditure, funds and effects, of the society as are contained in the annual return.

Copy of annual balance-sheet and quinquennial report to be exhibited

33. Every society at its registered office and every branch at its place of meeting shall keep a copy of the last annual balance-sheet for the time being, and of the report of the last quinquennial valuation for the time being, together with the report of the auditors, and have such balance-sheet and reports available for inspection.

Branches to be included in returns

34. In the case of a society having branches, there shall be included in the returns and valuation required by this Act returns and valuations in respect of all the branches of the society.

Branches to supply information to principal secretary

35. It shall be the duty of every branch to prepare and forward to the secretary of the society such returns and documents relating to the branch as may be required by the secretary for the purposes of this Act, and to supply him with all such information as may be required to enable him to examine the returns to be furnished to the Minister, and also with all such information as may be required to enable a valuation of the assets and liabilities of the society to be made in terms of this Act.

Minister may require withdrawal of certain advertisements

35a. (1) The Minister may, by notice in writing, require a person who publishes or causes to be published an advertisement relating to a society or a foreign friendly society that is, in the opinion of the Minister, false or misleading in a material particular (whether by reason of the inclusion or omission of any particular)—

(a) to withdraw or cause the advertisement to be withdrawn from publication within a specified time;

or

(b) to take other specified remedial action within a specified time.

(2) The Minister may, by notice in writing served on the person, vary or revoke a notice under this section.

(3) A person may appeal to the Minister against a requirement imposed on the person under this section and, on any such appeal, the Minister may confirm, vary or set aside the requirement.

(4) The institution of an appeal against a requirement imposed under this section does not operate to suspend the requirement.

(5) If a person fails to comply with a requirement imposed by notice under subsection (1)—

(a) where the person is a society (but not a foreign friendly society)—every member of the committee of management of the society is guilty of an offence;

and

(b) in any other case—the person is guilty of an offence.

Penalty: \$4 000.

Default Penalty: \$400.

(6) Where an offence against subsection (5) is committed by reason of a person's failure to comply with a notice under subsection (1) by which the person is required to do something within a specified time—

(a) that offence, for the purposes of subsection (5), continues so long as the thing so required remains undone after the expiration of the time for compliance with the requirement;

(b) the person is liable, in addition to the penalty otherwise applicable to the offence, to the default penalty set out at foot of subsection (5) for each day for which the offence continues;

and

(c) if the thing so required remains undone after the person is convicted of an offence against subsection (5), the person is guilty of a further offence against that subsection and liable, in addition to the penalty otherwise applicable to the further offence, to the default penalty set out at the foot of that subsection for each day for which the offence continues.

(7) It is a defence for a person charged with an offence under subsection (5) or a further offence under subsection (6)(c) to prove that there was no failure on his or her part to take reasonable care to avoid commission of the offence or further offence.

(8) In this section—

“foreign friendly society” means a body that is registered or incorporated as a friendly society in another State or a Territory of the Commonwealth.

* * * * *

Application by a society of certain surplus assets

37. * * * * *

(2) A society which has been reported to possess any surplus at the last quinquennial valuation, and whose scale of contributions for new members is certified to be sufficient, may apply all interest over and above four per centum per annum accruing from capital funds invested to such purposes as may be approved by the society.

Returns to be prepared and published

38. The Minister may from time to time—

- (a) prepare and cause to be circulated for the use of the societies model forms of accounts, balance-sheets, and valuations:
- (b) collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular part of the State, or otherwise make known, such information on the subject of the statistics of life and sickness as are applicable to the business of friendly societies:
- (c) publish generally, or in particular parts of the State, such portions of any return and valuation and such other information as may be useful to the members of or to persons interested in friendly societies; and
- (d) cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or any other contingency forming the objects and purposes set forth in this Act, and which may appear to be calculable; but the adoption of such tables by any society shall be optional.

Inspection by Minister

39. It shall be lawful for the Minister or any person authorized by him to inspect all accounts, books; papers, deeds, memoranda, returns, reports, and valuations of which he may require the inspection, and to make such extracts and copies therefrom as in his opinion may be necessary for any of the purposes of this Act.

Penalties for offences

40. (1) Any officer who—

- (a) neglects to send or forward any notice, statement, return, information, report, or valuation required by this Act to be forwarded, or to submit the account of his society for audit, or to obtain the quinquennial valuation of his society's assets and liabilities; or
- (b) wilfully obstructs or hinders any auditor, valuer, actuary, officer, member, or person in the performance of any duty, or refuses or neglects to produce any books, papers, deeds, memoranda, returns, reports, or valuations to the inspection whereof any such auditor, valuer, actuary, officer, member, or person is entitled; or
- (c) neglects to supply any member or person, on his application, with any return to which such member or person is entitled; or
- (d) fails to exhibit any balance-sheet, quinquennial valuation, or report required by this Act to be exhibited,

shall, for every day during which such offence, omission, or neglect is continued, be liable to a penalty of not more than ten dollars.

* * * * *

Societies or branches may unite for carrying out specific purposes

41. (1) Any societies and/or branches (whether branches of the same or of different societies), may, without terminating their respective separate existences, unite, upon such terms as are mutually agreed, for the purpose of carrying out any one or more of the objects mentioned in paragraphs V, VIII, XI and XII of section 7, if a resolution in that behalf is duly carried by each of the said societies and/or branches in accordance with the general laws or rules by which it is governed.

(2) Thereupon, and upon compliance with section 45, such societies and/or branches shall, for the said purpose, become a body corporate by such name as is adopted by the said resolution, and the same results shall follow from such incorporation as if such body corporate had been a society specified in the second schedule, and this Act shall be read and construed as if such body corporate had been specified in the said schedule: Provided that such incorporation shall not—

- I. terminate or affect the separate existence of any of such societies and/or branches, nor
- II. affect any rights of any creditor of, or other person having any claim against, any of such societies and/or branches, nor
- III. render the funds of any of such societies and/or branches liable for the debts and obligations of such body corporate, except to the extent (if any) provided by the resolution to unite as aforesaid, nor
- IV. require any society or branch to contribute thereto in respect of any of its members who from time to time do not desire the benefits of such incorporation.

Right of society or branch to withdraw

42. Any society or branch shall have the right to withdraw from any society or branch formed for the purpose of providing benefits under section 7, and with which it has become united or incorporated under section 41, if a resolution in that behalf has been duly carried by the said society or branch desiring to so withdraw in accordance with its general laws or rules, and upon such withdrawal the liability of such society or branch shall cease, and such society or branch shall thereupon forfeit all its interest in the said united or incorporated body.

Society or branch may contribute to funds, or take part in government of another society or branch

43. (1) For the purpose of carrying out any one or more of the objects of a society or branch, such society or branch, if a resolution in that behalf is duly passed in accordance with the general laws or rules by which such society or branch is governed may, with the consent of any other society or branch, without becoming incorporated with such other society or branch—

- I. contribute to a fund of such other society or branch, provided that such fund is applicable to purposes which are the same as, or similar to, the purposes of the fund from which the contribution is made, or
- II. take part, by duly appointed delegates, in the government of such other society or branch.

(2) Upon any such contribution, the funds so contributed shall, without prejudice to any rights of any creditor of, or other person having any claim against, the society or branch making the same, cease to be the funds of such society or branch, and shall form part of the funds of the society or branch to whom the same is contributed.

Contributions to be deemed to be wanted for the immediate use of society or branch

44. No contribution made by a society or branch in accordance with section 41 or section 43 shall be deemed “not to be wanted for the immediate use thereof” within the meaning of section 12.

Amalgamation of societies

44a. (1) Any two or more societies may by resolution of both or all of the societies become amalgamated together as one society with or without any dissolution or division of the funds of the societies or either of them.

(2) No resolution by any society for any amalgamation under this section shall be valid unless the resolution is—

(a) agreed upon by the committees of management of all the societies proposed to become amalgamated; and

(b) confirmed by not less than three-fourths of the votes recorded by members of each society or of the representatives of the branches of the society at a general meeting duly convened for that or some other purpose.

(3) No amalgamation shall prejudice any right of a creditor of either or any society party thereto, nor shall the rights of any person who may be a member of both or any of the amalgamating societies be affected by the amalgamation.

(4) Upon any amalgamation as aforesaid all property real and personal had, or possessed, or vested in the amalgamating societies and any branches thereof shall, by virtue of this Act, pass and be deemed to be the property of and vested in the amalgamated society as if the right or title thereto had originally been vested in that society, and the amalgamated society shall be deemed the registered proprietor of any such property as may be under *The Real Property Act, 1886*, as if the name thereof appeared or was entered as such registered proprietor in the register book.

Change of name of society

44b. (1) Any society may by resolution of the society change the name of the society.

(2) No resolution by any society for the change of the name of the society shall be valid unless the resolution is—

(a) agreed to by the committee of management of the society; and

(b) confirmed by not less than three-fourths of the votes recorded by members of the society or of the representatives of the branches of the society at a general meeting duly convened for that or some other purpose.

(3) The change of name of a society shall not affect any rights or obligations of the society, or render defective any legal proceedings instituted by or against the society, and any legal proceedings which might have been continued or commenced by or against the society in its former name may be continued or commenced against it by its new name.

Copy of resolution to be registered

45. (1) A copy of every resolution for any of the purposes mentioned in section 41 of this Act, signed by the chairman of the meeting at which the same was carried and countersigned by the secretary of the society or branch, and sealed with its seal, and a copy of every resolution made pursuant to section 44a or section 44b, shall be forwarded to the Minister to be registered by him, and no such resolution shall take effect until such copy is so registered.

(2) The Minister shall not register any such resolution unless he is satisfied that it is not contrary to this Act or the general laws or rules by which the society or branch is governed, and that it was carried in conformity with all provisions in that behalf of such Act and general laws or rules. The Minister shall not register any such resolution for the

change of the name of a society if the new name of the society is the same as that of any society specified in the second schedule or is so similar thereto as to be likely to be mistaken for it.

Dissolution of societies

45a. (1) A society may terminate or be dissolved in any of the following ways:—

I. Upon the happening of any event declared by the laws or rules to be the termination of the society:

II. By the consent of five-sixths in value of the members (excluding honorary members if any) testified by their signature to the instrument of dissolution together with the written consent of every person for the time being receiving or entitled to receive any relief or other benefit from the funds of the society unless the claim of such person is first duly satisfied or adequate provision made for satisfying such claim:

III. By the award of the Minister in the cases specified in section 45f.

(2) The instrument of dissolution shall set forth—

(a) the liabilities and assets of the society in detail:

(b) the number of members and the nature of their interests in the society respectively:

(c) the claims of creditors (if any) and the provision to be made for their payment:

(d) the intended appropriation or division of the funds and property of the society, unless the same is stated in the instrument of dissolution to be left to the award of the Minister.

(3) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided certified in the same manner.

(4) A statutory declaration shall be made by one of the trustees or by three members and by the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution, and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour.

(5) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registration of laws and rules and shall be binding upon all members of the society.

(6) Part 5.7 of the *Corporations Law* applies to and in relation to a society with such modifications as are prescribed by regulation.

Funds to be kept separate after dissolution

45ab. Notwithstanding any other provision of this Act, on the termination, dissolution or winding up of a society, money credited to a fund must not be used in any manner for the advantage of, or in satisfaction of a claim against, another fund.

Notice of dissolution

45b. The Minister shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the Minister for dissolution, and unless within three months from the date of the *Gazette* in which such advertisement appears a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the

society, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Voting values

45c. (1) The value of members shall be ascertained by giving one vote to every member and an additional vote for every five years that he has been a member, but to no one member more than five votes on the whole.

(2) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the laws or rules thereof for the time being, unless the claim of every member or person claiming any relief or other benefit from the funds thereof is first duly satisfied or adequate provision is made for satisfying such claim.

Penalties

45d. Any officer or person aiding or abetting in the dissolution of a society otherwise than as in this Act provided shall be guilty of an offence against this Act, and be liable to a penalty not exceeding forty dollars.

Power to appeal to local court

45e. If any member of a dissolved society or person claiming any relief or other benefit from the funds thereof is dissatisfied with the provisions made for satisfying his claim, such member or other person may apply to the local court of full jurisdiction nearest to the usual or principal place of business of the society for relief or other order, and the court shall have the same powers in the matter as in regard to the settlement of disputes under this Act. The provisions of sections 47, 48, and 49 shall, *mutatis mutandis*, apply to every such application.

Dissolution by award of Minister

45f. (1) Upon the application of one-fifth of the whole number of members of any society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands setting forth that the funds of the society are insufficient to cover the benefits assured and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of the society or branch with a view to the dissolution thereof, the Minister may investigate the affairs of the society, giving nevertheless not less than two months' previous notice in writing to the society whose affairs are to be investigated, at the registered office of the society.

(2) If upon such investigation it appears that the funds of the society are insufficient to meet existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same, the Minister may, if he considers it expedient so to do, award that the society is dissolved and that its affairs be wound up and direct in what manner the assets of the society shall be divided or appropriated: Provided always that the Minister may suspend his award for such period as he deems necessary to enable the society to make such alterations and adjustments of contributions and benefits as will in his judgment prevent the necessity of such award of dissolution being made.

(3) The Minister proceeding under this section shall have all the same powers and authorities enforceable by the same penalties as in the case of an inspection by him under this Act.

(4) Every award under this section, whether for dissolution or distribution of funds, shall be final and conclusive on the society in respect of which the same is made and on all members of the same and other persons having any claim on the funds of the society without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act, and the expenses of every investigation and award and of publishing every notice of dissolution shall be paid out of the funds of the society before any other appropriation thereof is made.

(5) Notice of every award for dissolution shall within twenty-one days after the same has been made be advertised by the Minister in the *Gazette* and in some newspaper circulating in the neighbourhood in which the registered office of the society is situated, and unless within three months from the date of the *Gazette* in which the advertisement appears a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society consequent upon such award and the dissolution is set aside accordingly, the society shall be legally dissolved from the date of the advertisement, and the requisite consents to the application to the Minister shall be considered to have been duly obtained without proof of the signatures thereto.

Notice of proceedings to set aside dissolution

45g. Notice shall be sent to the Minister of any proceedings to set aside the dissolution of a society not less than seven days before it is commenced by the person taking the proceedings, and of any order setting a dissolution aside by the society or branch within seven days after the order is made.

Disputes, how to be determined

46. (1) Every dispute between branches of any society or between any member or members of any society or branch, or between any person claiming through or under a member or under the rules of any society or branch, and the society or branch, or the trustees, committee of management, treasurer, or other officer thereof, or between the assigns of a member and the society, branch, trustees, committee, treasurer, or other officer, shall be decided, and the costs and expenses attending the decision of such dispute be awarded and paid, in manner directed by the rules of the society or branch.

(2) The decision and award so made shall be binding and conclusive on all parties, without appeal to any court of law.

Jurisdiction of local courts in certain cases

47. (1) If—

- (a) the rules of any society or branch direct that disputes shall be settled by arbitration, but no arbitrators have been appointed or no award made within such time as is prescribed by such rules, after complaint to the officers of the society or branch; or
- (b) either party fails or neglects to comply with or conform to any award made by the arbitrators under any such rules; or
- (c) such rules direct such disputes to be decided before a local court; or
- (d) no mode of proceedings is specified in such rules;

then, and in any of such cases, all applications for the removal of any trustee or other officer, or for any other relief, order, or direction, or for the settlement of any dispute that may arise or may have arisen in the society, or for the enforcement of any such award as aforesaid, shall be made to the local court of full jurisdiction nearest to the usual or principal place of business of the society or branch.

(2) Such court shall, upon the application of any person interested in the matter, entertain such application and grant such orders and directions in relation to the matter of such application as such court thinks fit, or as may be made or granted by the Supreme Court in its equitable jurisdiction.

(3) The decision of such local court upon such application, touching any of the matters aforesaid, shall be final and conclusive.

Mode of proceeding in local court

48. The mode of proceeding under section 47 shall be as follows:—

I. Where any member of any society, or his legal representative, seeks to recover from the society, or any branch thereof, or from any of the officers of the society or branch, any sum of money, whether the same is a liquidated demand or not, or to enforce any such award as aforesaid, the proceedings shall be commenced by plaint, and shall be conducted in all other respects according to the practice of local courts in the case of ordinary plaints.

II. Where the application is for the removal of a trustee or other officer, or for an order for compelling the performance or omission of any act or otherwise,

and where the relief sought would, but for this Act, come within the equitable jurisdiction of the Supreme Court, then—

(a) the applicant shall file with the clerk of the court a short statement, in writing, setting forth the facts and praying for the relief to which he deems himself entitled, and shall also leave with the clerk of the court a copy thereof for each defendant, and such clerk shall forthwith cause a copy to be served on the defendant, with a notice to appear as in ordinary cases;

(b) the defendant, if he desires to appear, shall file with the clerk of the court a short statement of his defence, and the case shall be set down for trial in the usual way;

(c) if the defendant does not appear in due course the plaintiff may sign judgment, the effect of which shall be that on the trial the defendant shall be precluded from denying any of the facts set forth in the plaintiff's statement, and the clerk of the court shall thereupon set down the cause for trial as in cases for assessment of damages, and the court, upon such trial, may make such order as it thinks fit.

Orders of local courts, how enforced

49. (1) When any local court makes any order for the performance or omission of any particular act as aforesaid, it may also order that if the defendant, for a time to be mentioned in such order, refuses or neglects to perform or abstain from the act mentioned, he shall pay to the plaintiff a sum of money to be therein specified, not exceeding two hundred dollars, and such order shall be duly entered by the clerk as the judgment of the court.

(2) In case the defendant, after the expiration of the time mentioned in such order, continues to neglect or refuse as aforesaid, the plaintiff may at once proceed to enforce such order by all or any of the means by which judgments of such court may for the time being be enforceable, and no such order shall be removed by *certiorari* or otherwise into any superior court of record.

(3) In any case where any local court gives judgment against any society or branch for any sum of money, and there are not sufficient moneys, goods, or chattels of the society or branch whereon execution can be levied for such sum and costs, then and in such case such judgment may be satisfied by being levied on and by the seizure and sale of any of the moneys, goods, and chattels of any of the trustees for the time being of the society or branch: Provided that whatever sum of money is paid by any such trustee, or is levied on his goods and chattels as aforesaid, shall be repaid, with all damages accruing to him in consequence thereof, out of the moneys belonging to the society or branch, or out of the first moneys which are thereafter received by the society or branch.

Expelled members may be reinstated or in default be awarded compensation

50. (1) In case any member of any society has been expelled therefrom, and the award of any arbitrators appointed in accordance with the rules of the society, or the order of any local court, directs that he shall be reinstated, it shall be lawful for such arbitrators to award, or local court to order, in default of such reinstatement, such a sum of money to be paid to such member by the trustees of the society as to such arbitrators or local court may seem just and reasonable.

(2) Such sum of money, if not paid, shall be recoverable from the society, or the treasurer, trustee, or other officer thereof, if such order is made by a local court, in the manner hereinbefore provided, and if by arbitrators, then by action on such award in any court of competent jurisdiction.

Certain fraudulent acts to be misdemeanours

51. Every person shall be guilty of a misdemeanour who, being a trustee, secretary, officer, or member of any society or branch—

- (a) fraudulently takes or applies to his own use any of the money or other property of the society or branch; or
- (b) as such trustee, secretary, officer or member, uses or possesses himself of any of the money or other property of the society or branch otherwise than in payment of a just debt or demand; or
- (c) with intent to defraud, omits to make, or to cause to be made, a full and true entry thereof in the books and accounts of the society or branch; or
- (d) with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings, or securities belonging to the society or branch; or
- (e) knowingly makes or concurs in the making of any false entry, or permits any material omission in any book, or circulates or publishes, or concurs in making, circulating, or publishing, any written or printed statement or account which he knows to be false in any material particular, with intent to deceive or defraud any member or creditor of the society or branch, or with intent to induce any person to become a member thereof, or to entrust or advance any money or property to the society or branch, or to enter into any security for the benefit thereof; or
- (f) with intent to defraud, affixes or impresses the seal of the society or branch to or upon any document whatsoever.

Penalty for misdemeanour

52. Every person found guilty of a misdemeanour under this Act may be sentenced to be imprisoned for any term not exceeding two years, with or without hard labour, or may be fined, as the court thinks fit.

Forgery of seal, etc., to be a felony

53. Any person who—

- (a) forges the signature of any trustee, secretary, or other officer of any society or branch, or
- (b) forges or counterfeits the seal of any society or branch, or
- (c) utters any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeit seal, or any forged or counterfeit stamp or impression made or apparently intended to resemble the stamp or impression of the seal of any society or branch, knowing the same to be forged or counterfeited, or
- (d) forges, or alters, or utters, knowing the same to be forged or altered, any document or instrument having the stamp or impression of the seal of any society or branch thereon, or affixed thereto,

shall be guilty of felony, and shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding seven years, and to be kept to hard labour or solitary confinement for the whole or any part of such period.

Distribution of penalties

54. All penalties imposed by this Act shall (except where otherwise directed) be paid—one-half to the informant or complainant, and one-half to the Treasurer, on behalf of His Majesty, His heirs and successors, for the public use of the State; unless the information or complaint is laid at the instance or by the direction of the trustees or other officers of any society or branch, in which case the whole of the penalty inflicted shall be paid to such trustees or other officers in aid of the funds of the society or branch.

Sedition Acts not to apply

55. The provisions of an Act passed in the thirty-ninth year of the reign of King George the Third, intituled “An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices”, and an Act passed in the fifty-seventh year of the reign of King George the Third, intituled “An Act for the more effectually preventing seditious meetings and assemblies”, shall not extend to any society or branch governed by this Act, or to any meeting of the members or officers thereof.

Existing societies may become incorporated

56. Any body of persons existing as a friendly society before the seventeenth day of November, 1886, may become incorporated with any society governed by this Act: Provided that the terms and conditions under which such body of persons desire to be so incorporated prove upon investigation satisfactory to the committee of management of such last-mentioned society.

Delegation by Minister

56a. (1) The Minister may, by instrument in writing, delegate any of the powers, duties or functions of the Minister under this Act to the person for the time being assigned to any specified position in the public service of the State.

(2) A delegation under this section may be given subject to such conditions as the Minister thinks fit and specifies in the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the Minister from acting personally in any matter.

Regulations

57. The Governor may from time to time make regulations prescribing—

- (a) the time and manner in which any act, deed, matter, or thing required by this Act to be done, and for the doing of which no time or procedure is provided, shall be done:
- (b) the fees to be paid by any society in respect to any of the matters to be done and performed for the society by any auditor or valuer:
- (c) the form and contents of any notice, account, return, statement, report, valuation, or other document by this Act required to be prepared, served, rendered, declared, or verified:
- (d) the mode and time of preparing, publishing, serving, executing, rendering, declaring, or verifying any such notices and documents as last aforesaid:
- (e) all other matters and things arising under and consistent with this Act, and not therein expressly provided for, and for otherwise fully and effectually carrying out and giving effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof; and
- (f) for fixing penalties for the breach of any regulation, not exceeding the sum of twenty dollars.

Summary procedure for offences

58. All proceedings in respect of offences against any provision of this Act (other than section 45a, 51, or 53) shall be disposed of summarily.

Appeal

59. There shall be an appeal in respect of proceedings in respect of offences against this Act.

SCHEDULES
THE FIRST SCHEDULE

Reference to Act	Title or Short Title of Act
No. 22 of 1852 Private Act	An Act to Regulate Friendly Societies. <i>The Manchester Unity of Oddfellows Act, 1874.</i>
Private Act	<i>The Manchester Unity of Oddfellows Amendment Act, 1887.</i>
Private Act	<i>The Friendly Societies Act, 1886.</i>
No. 558 of 1892	<i>The Friendly Societies Amendment Act, 1892.</i>
No. 593 of 1894	An Act to Rectify a Mistake in the <i>Friendly Societies Act, 1886.</i>
No. 609 of 1894	<i>The Friendly Societies Amendment Act, 1894.</i>
No. 610 of 1894	<i>The Friendly Societies Amendment Act, 1894.</i>
No. 952 of 1908	<i>The Friendly Societies Amendment Act, 1908.</i>
No. 1021 of 1910	<i>The Friendly Societies Amendment Act, 1910.</i>
No. 1276 of 1917	<i>Friendly Societies Further Amendment Act, 1917.</i>

THE SECOND SCHEDULE¹

- The South Australian United Ancient Order of Druids Friendly Society.
- The Independent Order of Odd Fellows.
- The Albert District, No. 83, Independent Order of Rechabites, Salford Unity.
- The United Friendly Societies' Council.
- Mutual Community Friendly Society of S.A.
- Grand United Order of Free Gardeners of Australasia (S.A.).
- Friendly Societies Medical Association.
- Manchester Unity Friendly Society
- Lifeplan Community Services
- Savings and Loans Friendly Society

THE THIRD SCHEDULE

1. The place where the business of the society shall from time to time be carried on.
2. The whole of the objects for which the society is established.
3. The purposes for which the funds of the society or any branch thereof shall be applicable.
4. The conditions under which any member or person claiming or by which a member may become entitled to any benefit assured by the society or any branch thereof.
5. The manner in which a branch or member may be expelled or fined for an infringement of the rules of the society or of any branch thereof.
6. The manner in which appeals and disputes between members of the society, or between members and the society or any branch thereof, or between different branches, or made by any person claiming under or by or through any member, or under the laws or rules of the society or any branch thereof, shall be settled and decided, together with provisions for appointing arbitrators to decide such claims, appeals, or disputes, or any other claims, appeals, or disputes which may arise in the working of the society or any branch thereof.
7. The manner in which the business of the society or any branch thereof shall be conducted.
8. The manner in which general laws or rules of the society may from time to time be made, altered, amended, or rescinded.
9. The manner in which branches may make by-laws, and how the same shall become binding upon members of such branches.
10. Provisions for the appointment and removal of a general committee of management, of a trustee or trustees, secretary or secretaries, treasurer or treasurers, and any other officer specified in the laws or rules of the society or any branch thereof.
11. Provisions for the investment of the funds of the society or any branch thereof.
12. Provisions for a periodical audit of accounts, and the mode thereof, and the qualification of auditors.
13. The amount of entrance-fees and subscriptions payable into the society or any branch to entitle a member to benefit therein.
14. The amount payable by the society or any branch thereof at the death of a member or member's wife, and other benefits to which a member or any other person may become or be entitled.
15. The power to vary such entrance-fees, subscriptions, and benefits when found expedient.
16. Provisions for compelling branches to send such returns as may be found necessary for the working of the society.

¹This schedule has been amended by proclamation: see Appendix.

Friendly Societies Act, 1919

17. Provisions empowering the committee of management of the society to determine the mode of investment, subject to this Act, of any funds of the society or of any branch thereof, and the rate or rates of interest to be earned thereon, and to provide for the carrying into effect by any such branch of any such determination.

18. Provisions providing for the payment of the expenses of management of the society or branch.

THE FOURTH SCHEDULE

Resolved that the undersigned [full name] of [residence and calling] be and is hereby appointed a trustee [or secretary] of this [society, lodge, court, camp, tent, or other name] this day of 19

Witness to signature—

(Signature of new trustee or secretary.)

THE FIFTH SCHEDULE

Received from this day of 19, the sum of being in full satisfaction and discharge of all moneys due upon the within security or obligation.

Witness to the sealing hereof with the seal of the

} (vertical line)

(L.S.)

} Trustees. Secretary.

THE SIXTH SCHEDULE

Received from this day of 19, the sum of on account and in part payment of the moneys due upon the within security or obligation.

Witness to the sealing hereof with the seal of the

} (vertical line)

(L.S.)

} Trustees. Secretary.

APPENDIX

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 4 of The Public General Acts of South Australia 1837-1975 at page 319.
- Legislative history since 3 February 1976 (entries in bold type indicate amendments incorporated since the last reprint) is as follows:

Section 3:	definition of "actuary" inserted by 66, 1992, s. 3 definition of "child" inserted by 66, 1992, s. 3 amended by 66, 1992, s. 4
Section 6:	amended by 66, 1992, s. 5(a)
Section 7(1):	amended by 34, 1982, s. 2(a)
Section 7(2):	inserted by 34, 1982, s. 2(b)
Section 7(3):	amended by 66, 1992, s. 5(b)
Section 7(8):	substituted by 34, 1982, s. 3
Section 9:	substituted by 34, 1982, s. 4(a)
Section 9a(4):	amended by 34, 1982, s. 4(b), (c); 66, 1992, s. 6
Section 9a(9):	amended by 66, 1992, s. 7(a)
Section 10(3):	amended by 66, 1992, s. 7(b)
Section 10(4):	amended by 66, 1992, s. 7(c)
Section 10(4a):	amended by 66, 1992, s. 7(d)
Section 10(4b):	amended by 66, 1992, s. 7(e)
Section 10(6):	amended by 37, 1989, s. 2; 66, 1992, s. 7(f)
Section 10(7):	repealed by 66, 1992, s. 8
Section 10a:	amended by 37, 1989, s. 3; 66, 1992, s. 9(a) - (c)
Section 12(1):	amended by 66, 1992, s. 9(d)
Section 12(4):	amended by 66, 1992, s. 9(e)
Section 12(6):	amended by 66, 1992, s. 10
Section 13:	amended by 66, 1992, s. 11(a)
Section 18(1):	amended by 66, 1992, s. 11(b)
Section 18(2):	amended by 66, 1992, s. 11(c)
Section 18(3):	inserted by 37, 1989, s. 4; amended by 66, 1992, s. 12
Section 22a:	repealed by 37, 1989, s. 5
Section 23(3):	amended by 37, 1989, s. 6; 66, 1992, s. 13(a), (b)
Section 27(2):	inserted by 66, 1992, s. 13(c)
Section 27(2b) and (2c):	amended by 66, 1992, s. 13(d)
Section 27(3):	amended by 37, 1989, s. 7; 66, 1992, s. 14(a) - (c)
Section 27a(1):	amended by 66, 1992, s. 14(d)
Section 27a(3):	amended by 37, 1989, s. 8
Section 27b(3):	inserted by 66, 1992, s. 15
Section 28(3):	amended by 66, 1992, s. 16(a)
Section 28a(1):	substituted by 66, 1992, s. 16(b)
Section 28a(2):	amended and redesignated as s. 29(1) by 66, 1992, s. 17
Section 29:	inserted by 66, 1992, s. 17(b)
Section 29(2):	amended by 37, 1989, s. 9(a); 66, 1992, s. 18(a)
Section 30(1):	amended by 66, 1992, s. 18(b)
Section 30(2):	amended by 37, 1989, s. 9(b); 66, 1992, s. 18(c)
Section 30(3):	repealed by 66, 1992, s. 18(d)
Section 30(4):	amended by 37, 1989, s. 10; 66, 1992, s. 19(a), (b)
Section 30a(1):	amended by 37, 1989, s. 10; 66, 1992, s. 19(c)
Section 30a(2):	amended by 37, 1989, s. 10
Section 30a(3):	amended by 66, 1992, s. 20
Section 33:	amended by 66, 1992, s. 21
Section 35:	inserted by 37, 1989, s. 11
Section 35a:	amended by 66, 1992, s. 22(a)
Section 35a(1):	amended by 66, 1992, s. 22(b)
Section 35a(2):	repealed by 66, 1992, s. 23
Section 36:	amended by 37, 1989, s. 12; repealed by 66, 1992, s. 24(a)
Section 37(1):	amended by 66, 1992, s. 24(b)
Section 37(2):	amended by 66, 1992, s. 25
Section 38:	amended by 66, 1992, s. 26
Section 39:	repealed by 66, 1992, s. 27
Section 40(2):	amended by 66, 1992, s. 28(a)
Section 45(1):	amended by 66, 1992, s. 28(b)
Section 45(2):	amended by 66, 1992, s. 29(a)
Section 45a(1):	amended by 66, 1992, s. 29(b)
Section 45a(2):	amended by 66, 1992, s. 29(c)
Section 45a(4):	substituted by 29, 1982, s. 25 (1st sched.); 66, 1992, s. 29(d)
Section 45a(6):	inserted by 66, 1992, s. 30
Section 45ab:	amended by 66, 1992, s. 31
Section 45b:	amended by 66, 1992, s. 32(a)
Section 45f(1):	amended by 66, 1992, s. 32(b)
Section 45f(2):	amended by 66, 1992, s. 32(c)
Section 45f(3):	amended by 66, 1992, s. 32(d)
Section 45f(5):	amended by 66, 1992, s. 33
Section 45g:	inserted by 66, 1992, s. 34
Section 56a:	amended by proclamation: <i>Gaz.</i> 25 June 1981, p. 1901; 19 April 1984, p. 950; 8 November 1984, p. 1480; 21 February 1991, p. 596
Second schedule:	