

FRIENDLY SOCIETIES.

14° GEO. V., No. XXVII.

No. 48 of 1923.

AN ACT to consolidate and amend the Law relating to Friendly Societies.

[Assented to 22nd December, 1923.]

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

1. This Act may be cited as the *Friendly Societies Act Amendment Act*, 1923, and shall be read as one with the Friendly Societies Act, 1894, hereinafter referred to as the principal Act. Short title.

2. A paragraph is inserted in section four of the principal Act, as follows:— Amendment of s. 4.

“Year” means the financial year commencing on the first day of July and ending on the thirtieth day of June. “Year.”

3. Section five of the principal Act is amended by omitting all words after “place” in line five to the end of the section, and by inserting in place thereof the following words:—“and may likewise appoint a Deputy Registrar. Anything appointed or authorised to be done by the Registrar may be lawfully done by the Deputy Registrar.” Amendment of s. 5.

4. Subsection (2) of section six of the principal Act is amended by substituting for the words “thirty-first day of December” the words “thirtieth day of June.” Amendment of s. 6.

5. Section seven of the principal Act is amended, as follows:— Amendment of s. 7.

(1) By inserting the following subsections:—

(3a) for the endowment of members or nominees of members at any age;

(7a) for guaranteeing the performance of their duties by officers and servants of the society or any branch thereof.

(2) By omitting the proviso, and inserting the following provisos in place thereof:—

Provided that no society which contracts with any person for the payment in any contingency of a periodical payment after a rate exceeding sixty shillings a week shall be registered under this Act:

Provided also that a friendly society which contracts with any person for the assurance of a gross sum exceeding three hundred pounds shall not be registered under this Act.

Amendment of
s. 10.

6. Subsection (1) of section ten of the principal Act is amended by adding thereto a paragraph, as follows:—

(c) if there are less than ten members in the society.

Amendment of
s. 12.

7. Section twelve of the principal Act is amended—

(1) By substituting for the word “March,” in paragraph (d), the word “September”; and for the words “thirty-first day of December” the words “thirtieth day of June”; and for the words “month of December” the words “month of June.”

(2) By adding to paragraph (d) of subsection (1) a proviso, as follows:—

Provided that in the case of any society with branches the Registrar may, if he is satisfied that the benefit funds of the society and the branches are completely consolidated, permit by writing under his hand the furnishing of one return A for such society and branches and dispense with the furnishing of such a return for the society and each branch separately.

(3) By omitting subsection (9).

Amendment of
s. 14.

8. Section fourteen of the principal Act is amended, as follows:—

(1) By omitting subsection (1).

- (2) By omitting subsection (8), and inserting in its place a subsection, as follows:—

(8) The rules of a society or branch may provide for the admission as members of persons under the age of twenty-one years, or from birth. Any member under twenty-one years of age may, if he is of or over the age of sixteen years by himself, or if he is under that age by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee or a trustee, manager, or treasurer of the society or branch, or the holder of any other office therein: Provided, however, that a member who is of or over the age of eighteen years shall be capable of holding the office of chairman or vice-chairman of a branch: Provided also that, notwithstanding anything in this subdivision of this section contained, societies and branches consisting wholly of members of any age under sixteen years may be allowed to register under this Act, subject to such regulations as may be made in that behalf.

Membership of
minors.

9. Section fifteen of the principal Act is amended, as follows:—

Amendment of
s. 15.

- (1) By substituting for paragraph (a) of subsection (1) the following paragraph:—

(a) In the Commonwealth Bank of Australia (including the Savings Bank Department thereof) or in any bank incorporated by Royal Charter, or by or under the provisions of any Act of Parliament, or on deposit in the Government Savings Bank of Western Australia.

- (2) By inserting after the word “securities,” in paragraph (d) of subsection (1), “of a road board or.”

- (3) By inserting a paragraph in subsection (1), as follows:—

(g) In any investment in which trustees are for the time being by law authorised to invest trust funds.

- (4) By omitting the proviso to subsection (2).
- (5) By inserting after the word "branch," in subsection (9), the words "or of a majority (not being less than three) of them," and by adding to the subsection paragraphs, as follows:—
 - (b) A receipt under the hands of the trustees of any society or branch or of a majority (being not less than three) of them countersigned by the secretary of such society or branch in the form contained in the Third Schedule (with the substitution of the words "the sum of pounds, being portion of" for the word "all") or in any form prescribed by the rules of the society or branch for portion of the moneys secured to the society or branch by any mortgage or other assurance shall discharge the mortgage or other assurance to the extent indicated on the receipt.
 - (c) Every such receipt shall be endorsed upon or annexed to the mortgage or other assurance, and may, in respect of land under the Transfer of Land Act, 1893, be registered as a discharge or partial discharge, as the case may be.
 - (d) The trustees of any society or branch, or a majority (not less than three) of them, may, by memorandum signed by them, discharge any portion of the property comprised in any mortgage or security from the whole of the principal, interest, and other moneys thereby secured, notwithstanding that such moneys have not been paid, if the trustees signing the discharge are satisfied that the undischarged property is sufficient security for payment of the moneys intended to be secured by such mortgage or security, and that the amount owing on the mortgage or security does not exceed two-thirds of the value of such undischarged property, and such discharge shall, as regards any land thereby affected which is not under the Transfer of Land Act, 1893, operate as a reconveyance, and as regards

any land which is under that Act, may be registered as a discharge of the property therein mentioned.

- (e) In lieu of any such receipt as is hereinbefore mentioned, a separate memorandum of discharge or partial discharge, as the case may require, in the prescribed form, may be signed by the trustees or so many of them as would have authority to sign such receipt, and such memorandum of discharge shall have the same effect as such a receipt as aforesaid, and may be registered in the same manner.

10. (1.) Subsection (1) of section fifteen *a* of the principal Act is amended by inserting paragraphs, as follows:—

Amendment of
s. 15a.
See No. 6 of 1917.

- (d) borrow money for the use or purposes of the society or branch;
- (e) charge any securities held for the society or branch with repayment of moneys lawfully borrowed for the use or purposes of such society or branch and with payment of interest on such moneys.

(2.) Subsection (3) of section fifteen *a* of the principal Act is amended by omitting the words “and of subsection three of section fifteen of this Act.”

(3.) Subsection (4) of section fifteen *a* of the principal Act is hereby repealed.

(4.) A subsection is added to section fifteen *a* of the principal Act as follows:—

(5.) Where any property has come into the possession of a society or branch by foreclosure, surrender, or other extinguishment of a right of redemption, the power of sale conferred by this section may be exercised notwithstanding that the price to be received will be less than that advanced or owing upon the property.

11. A section is inserted in the principal Act, as follows:—

15b. (1.) The trustees of any society or branch may, with the consent mentioned in the last preceding section, sell and transfer any mortgage or other security held by them for any adequate sum (whether equal to or greater or lesser than that secured thereby) which they may think it proper to accept.

Power of trustees
to transfer or
take transfers
of mortgages.

(2.) The trustees of any society or branch, when desirous of investing any money on mortgage of freehold or leasehold property, may, with the consent aforesaid, in lieu of taking a mortgage of the property to themselves, apply the money in acquisition of an existing mortgage of the property of any amount not less than the sum so applied, and procure such mortgage to be transferred to them.

Amendment of
s. 25.

12. Section twenty-five of the principal Act is amended by omitting the words "recoverable at the suit of the Registrar or of any person aggrieved," in subsections (1) and (2), and by substituting for "an Ordinance, No. 5, passed in the 14th year of the reign of Her present Majesty," in subsection (3), the words and figures "the Justices Act, 1902-1920."

Amendment of
s. 30.

13. The following subsections are added to section thirty of the principal Act:—

Registration of
trustees at office of
Titles.

(2.) A certificate of the names of the trustees of any society or branch issued under this section may, forthwith after the issue thereof, be registered, in the prescribed manner and on payment of the prescribed fee, in the Office of Titles, and every certificate so registered shall, for the purposes of the Transfer of Land Act, 1893, remain in force until it is superseded by the registration in manner aforesaid of a later certificate.

(3.) Whilst any such certificate so remains in force the persons therein named as trustees shall, for the purposes of the Transfer of Land Act, 1893, and in favour of any person dealing in good faith with such persons in respect of any land or instrument registered under that Act, or any estate or interest in such land, be conclusively deemed to be the trustees of the society or branch, as the case may be.

Amendment of
s. 32.

14. Section thirty-two of the principal Act is amended by substituting for the words "Western Australia" the words "the Commonwealth."

Amendment of
s. 33.

15. Section thirty-three of the principal Act is amended by inserting the words "sixty shillings" in place of the words "forty shillings," and by inserting the words "or more than three hundred pounds by way of gross sum" after the words "periodical payment"; and by adding a proviso, as follows:—

Provided that, for the purposes of this section, any bonus or addition declared upon an assurance shall not be deemed to be part of any gross sum assured.

16. (1.) Subsection (1) of section thirty-four of the principal Act is repealed, and a subsection is inserted in place thereof, as follows:—

Amendment of
s. 34.

(1.) No society or branch shall undertake to pay or pay on the death of a child, whether a member thereof or not, of any age under the age of ten years any sum of money which added to any amount payable on the death of such child by any other society or branch or any life assurance company exceeds the amount specified in the Tenth Schedule hereto as payable on the death of a child of that age: Provided that nothing in this section shall invalidate any undertaking entered into before the commencement of this Act, and such undertaking may be performed and carried out as if this Act had not been passed.

Limitation of
amount.

Tenth Schedule.

(2.) Subsection (3) of section thirty-four of the principal Act is amended by substituting for the words “of the funeral expenses” the words “on the death.”

(3.) Subsection (4) of section thirty-four of the principal Act is repealed, and a subsection is inserted in place thereof, as follows:—

(4.) The Registrar General or district registrar of deaths shall not give any one or more certificates of death on the death of a child under the age of ten years for payment in the whole of any sum of money exceeding the amount which may be paid on the death of such child, having regard not only to any certificate previously issued in respect of moneys payable by a society or branch but also to any certificate previously issued in respect of moneys payable by a life assurance company; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a coroner or a legally qualified medical practitioner who attended such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a medical practitioner, or other satisfactory evidence of the same.

Conditions of issue
of certificates.

(4.) Subsection (5) of section thirty-four of the principal Act is amended by adding the words “or any life assurance company.”

(5.) Subsection (6) of section thirty-four of the principal Act is amended by inserting after the word “pays” the words “or any society or branch officer authorises or is party or privy to the payment”; and by adding to the subsection the words “Penalty: Twenty-five pounds.”

(6.) A subsection is added to section thirty-four of the principal Act, as follows:—

(7.) For the purposes of this section “life assurance company” means any company, society, or body of persons (not being a friendly society), corporate or unincorporate, associated together with the object either solely or amongst others, of carrying on and in fact lawfully carrying on the business of granting policies upon lives or entering into contracts for future endowments by way of annuity or otherwise.

Amendment of
s. 36.

17. Section thirty-six of the principal Act is amended by substituting for the word “Tenth” the word “Eleventh.”

Amendment of
s. 40.

18. Section forty of the principal Act is repealed, and a section is inserted in place thereof, as follows:—

Where lands granted
for benefit of
societies for pur-
poses of recreation,
a board of manage-
ment be formed.

40. (1.) Whenever any grant of freehold or leasehold lands is made to any persons in trust for any two or more friendly societies for purposes of recreation, or where any persons already hold any such lands upon any such trust, each of such societies may elect not more than three of its members to form a board of management of such lands in the prescribed manner.

(2.) “Friendly society” includes registered society and registered branch, and in the case of a society having branches, the society and each separately registered branch shall be deemed to be a separate friendly society for the purposes of this section, and land so held in trust for the society as aforesaid shall be deemed to be also held in trust for each separately registered branch, whose registered office or place of business is situated in any magisterial district within which the lands or any part thereof are or is situated, whether the branch was in existence when such lands became vested in the trustees or has been subsequently established.

(3.) All such boards and the names of the members thereof from time to time shall be registered by the Registrar.

Repeal of s. 45.

19. Section forty-five of the principal Act is hereby repealed.

Amendment of
s. 46.

20. Section forty-six of the principal Act is amended by omitting the words “may be prosecuted by information in the Supreme Court, or any Court of General Sessions of the Peace, and.”

21. A schedule is inserted in the principal Act, as follows:—

Tenth Schedule

TENTH SCHEDULE.

Amount payable in case of death of child between ages—						£
Birth and one year	...	...	...	...	...	5
One year and two years	...	...	...	...	...	6
Two years and three years	...	...	...	...	...	7
Three years and four years	...	...	...	...	...	8
Four years and five years	...	...	...	...	...	9
Five years and six years	...	...	...	...	...	10
Six years and seven years	...	...	...	...	...	28
Seven years and eight years	...	...	...	...	...	35
Eight years and nine years	...	...	...	...	...	40
Nine years and ten years	...	...	...	...	...	45

22. The Friendly Societies Act Amendment Act, 1914, is hereby repealed.

Repeal.

23. The principal Act, as amended by this Act and by Acts mentioned in the schedule to this Act, shall be reprinted, as a consolidation thereof, by the Government Printer under the superintendence of the Clerk of the Parliaments, and all necessary references to the amending Act shall be made in the margin.

Consolidation of principal Act and amendments.[7

In such consolidation the sections may be renumbered in arithmetical order, and cross references shall be adjusted so far as necessary.

The short title shall be the Friendly Societies Act, 1894-1923.

SCHEDULE :

Date of Act.			Short Title of Act.
No. 34 of 1904	...	...	<i>The Friendly Societies Amendment Act, 1904.</i>
No. 8 of 1913	...	...	<i>The Friendly Societies Amendment Act, 1913.</i>
No. 6 of 1917	...	...	<i>The Friendly Societies Act Amendment Act, 1917.</i>
No. 13 of 1918	...	...	<i>The Friendly Societies Act Amendment Act, 1918.</i>
No. 3 of 1920	...	...	<i>The Friendly Societies Act Amendment Act, 1920.</i>