

# The Friendly Societies Act, 1894-1923.

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## FRIENDLY SOCIETIES.

58 Vict. No. 23.

As amended by No. 34 of 1904, No. 8 of 1913,\* No. 6 of 1917, No. 13 of 1918, No. 3 of 1920, and No. 48 of 1923.

### AN ACT to consolidate the Law relating to Friendly Societies.

[Assented to 23rd November, 1894.]

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

#### *Preliminary.*

1. This Act may be cited as the *Friendly Societies Act*, 1894-1923, and shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

Short title and commencement.  
No. 48 of 1923, s. 23.

2. The Acts mentioned in the First Schedule to this Act are hereby repealed: Provided that such repeal shall not affect the establishment of any society or branch, or the validity of any rules duly confirmed or other documents registered, or the appointment of any officer of a society or branch, or any contract entered into, or any matter or thing lawfully done under the said Acts or any of them, before the commencement of this Act.

Repeal.  
First Schedule.

3. (1.) All societies and branches established at the time of the coming into operation of this Act, under the Ordinance to regulate Friendly Societies hereby repealed, and all rules and other documents relating to any such society or branch registered under the said Ordinance, shall be deemed to be registered under this Act, and this Act shall apply to them accordingly.

Application of Act to existing societies, etc.

\* Proclaimed to commence 12th January, 1914. "Government Gazette," 6th January, 1914.

Things commenced under 27 Vic., No. 6, to be carried out under this Act.

(2.) All acts, matters, or things commenced under such Ordinance may be completed under this Act; and this Act shall apply to all acts, matters, and things commenced under such Ordinance and completed under this Act as if they had been wholly carried out under this Act.

Certain provisions of 27 Vic., No. 6, to continue to apply to Benefit Building Societies.

(3.) Notwithstanding the repeal of the said Ordinance to regulate Friendly Societies, such of the provisions thereof as are applicable to the purpose of any benefit building society established or hereafter to be established under "An Ordinance for the Regulation of Benefit Building Societies," passed in the 27th year of the reign of Her present Majesty, and numbered seven, and to the framing, certifying, allowing and enrolling and altering the rules of any such society, shall continue to extend and apply to such benefit building society and the rules thereof.

Interpretation.

4. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them:—

"Amendment of rule."

"Amendment of rule" includes a new rule and a resolution rescinding a rule.

"Branch."

"Branch" means any number of the members of a society, under the control of a central body, having a special fund administered by themselves or by a committee or officers appointed by themselves.

"Gazette."

"Gazette" means the *Government Gazette* of Western Australia.

"Meeting."

"Meeting" includes (when the rules of a society so allow) a meeting of delegates appointed by members.

"Officer."

"Officer" extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or to any person or persons appointed to manage any hall or building erected by such society, or person appointed by a society to sue and be sued on its behalf.

"Persons claiming through a member."

"Persons claiming through a member" includes the executors, administrators, and assigns of a member, and also his nominees when nomination is allowed.

"Property."

"Property" means all real and personal estate (including books and papers).

"Registered Society."

"Registered society" or "registered branch" means a society or branch registered or deemed to be registered under this Act.

- “Rules” mean rules for the time being. “ Rules.”
- “The Minister” means the responsible Minister of the Crown administering the Act. “ The Minister.”
- “The Registrar” means the Registrar of Friendly Societies appointed under this Act. “ The Registrar.”
- “Year” means the financial year commencing on the first day of July and ending on the thirtieth day of June. “ Year.”  
No. 48 of 1923, s. 2.

5. The Governor in Council may from time to time appoint some fit and proper person to be Registrar of Friendly Societies, hereinafter called “the Registrar,” and may remove every such person, and on the death, removal, or resignation of any such Registrar may appoint some other person in his place, 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.

The Registrar.  
  
No. 48 of 1923, s. 3.

6. (1.) The Registrar shall, with the approval of the Minister, from time to time— Function of Registrar.

(a) Prepare or cause to be prepared, and cause to be circulated for the use of societies, model forms of accounts, balance-sheets, and valuations. Preparation of model forms.

(b) Collect from the returns under this Act, and from other sources, and publish and circulate either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations and such other information useful to the members of and to persons interested in friendly societies registered under this Act as the Registrar from time to time thinks fit. Circulation of information.

(c) Cause to be constructed and published tables for the payment of sums of money on death, in sickness or old age, or on any other contingency for providing against which a society may be registered under this Act which appears to be calculable: Provided, nevertheless, that the adoption of such tables by any society shall be optional. Construction of tables for payment on deaths, &c.

Reports yearly for  
Parliament.

No. 48 of 1923 s. 4.

(2.) The Registrar shall in every year make to the Minister a report of his proceedings and of the principal matters transacted by him, and of the valuations returned to or caused to be made by him during the year ending the thirtieth day of June preceding, and the Minister shall lay such report before Parliament.

*What Societies may be Registered.*

Objects for which  
societies may be  
registered under  
this Act.

7. Societies may be registered under this Act to provide by voluntary subscriptions of or levies upon the members thereof, with or without the aid of donations:—

- (1) For the relief or maintenance of members, their husbands, wives, parents, step-parents, children, step-children, adopted children, or kindred, in infancy, over the age of sixty years, in widowhood, sickness, or other infirmity, bodily or mental, or any natural state of which the probability may be calculated by way of average.
- (2) For providing medical attendance for, and for dispensing medicines to, any persons mentioned in the last preceding subsection.
- (3) For insuring money to be paid on the death of such persons or for defraying the expenses of the burial of such persons, subject to the restrictions hereinafter contained.
- (4) For the endowment of members or nominees of members at any age;
- (5) For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets.
- (6) For the insurance against fire to any amount not exceeding twenty pounds of the tools or implements of the trade or calling of any member.
- (7) For purchasing land and erecting buildings, either on such purchased land or on any land heretofore or hereafter granted by the Crown for that purpose, to provide homes for aged or distressed members.
- (8) For guaranteeing the performance of their duties by officers and servants of the society or any branch thereof:

No. 34 of 1904, s. 2.

No. 48 of 1923, s. 5.

No. 48 of 1923, s. 5.



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:

No. 48 of 1923, s. 5.

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.

8. Societies may be registered under this Act for any purpose which the Minister may authorise 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 seven.

Power to specially authorise societies.  
No. 34 of 1904, s. 3.

*Registry.*

9. With respect to the registry of societies, the following provisions shall have effect:—

Registry of societies.

(1) No society can be registered under this Act which does not consist of ten persons at least.

Members required.

(2) For the purpose of registry an application to register the society signed by ten members and the secretary, and copies of the rules, written or printed, or partly written and partly printed, together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the Registrar.

Application for registry.

(3) No society shall be registered under a name identical with that under which any existing society is registered or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the Registrar, to deceive the members or the public as to its nature or its identity; and no society shall change its name without the sanction of the Registrar, as after provided.

Prohibition of identity or deceptive similarity of name.

(4) A society shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof, if the rules thereof contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place.

Dividing societies may be registered.

(5) No society shall be entitled to registry unless the tables of contributions certified by the Registrar or by some actuary, approved by the Governor in Council, who has exercised the profession of actu-

Tables of contributions to be certified by Registrar or actuary.

Fees payable on registration.

ary for at least five years, be lodged with the Registrar with the application for registry.

(6) On the lodgment with the Registrar of any application to register any society there shall be paid to the Registrar a fee of two guineas and no more; and the Registrar shall not do any act, matter, or thing in respect of the registration of such society until such fee has been paid.

Acknowledgment of registry.

(7) The Registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry.

Appeal from refusal to register.

(8) If the Registrar refuse to register the society or any rules, the society may appeal from such refusal to the Supreme Court, and the Judges of the Supreme Court may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

Consequence of allowance.

(9) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the Registrar.

Acknowledgment of evidence.

(10) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

#### *Cancellation and Suspension of Registry.*

Cancelling and suspension of registry.

10. With respect to the cancelling or suspension of registry, the following provisions shall have effect:—

Cancelling.

(1) The Registrar may cancel the registry of a society by writing under his hand—

(a) If he thinks fit, at the request of a society to be evidenced in such manner as he may from time to time direct.

(b) With the approval of the Minister on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully, and after notice from the Registrar, violated any of the provisions of this Act, or has ceased to exist.

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

- (2) The Registrar in any case in which he might with the approval of the Minister cancel the registry of a society may suspend the same by writing under his hand for any term not exceeding three months, and may with the approval of the Minister renew such suspension from time to time for the like period. Suspension.
- (3) Not less than two months' previous notice in writing specifying briefly the ground of any proposed cancelling or suspension of registry shall be given by the Registrar to a society before the registry of the same can be cancelled (except at its request) or suspended, and notice of every cancelling or suspension shall be published in the *Gazette*, and in some newspaper circulating in the locality in which the registered office of the society is situated, as soon as practicable after the same takes place. Notice of cancelling or suspension.
- (4) A society may appeal from the cancelling of its registry or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the Registrar's refusal to register. Appeal.
- (5) A society whose registry has been suspended or cancelled shall from the issue from such suspension or cancelling (but if suspended only while under such suspension and subject also to the right of appeal hereby given) absolutely cease to enjoy, as such, the privileges of a registered society, but without prejudice to any liability actually incurred by such society which may be enforced against the same as if suspension or cancelling had not taken place. Effect of cancelling or suspension.

The word "society" in this section shall include branch, but the Registrar shall not cancel the registry of any branch at its request unless with the consent of the society or central body or the committee of management of the society or central body.

#### Rules.

11. With respect to the rules of societies, the following provisions shall have effect:— Rules.

- (1) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in the *Second Schedule* to this Act. To contain what. Second Schedule.

- Amendment.
- Registrar's or Actuary's certificate necessary in certain cases to amendment of rules.
- Fee on registration.
- Appeal.
- Acknowledgment of registry.
- Societies to deliver copies of their rules.
- Penalty on delivering false rules.
- (2) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose two copies of the same, signed by three members and the secretary, shall be sent to the Registrar.
  - (3) No amendment of rules which contains any table of contributions or benefits, or which might in any way affect the sufficiency of the contributions to provide the benefits, shall be registered, unless the certificate of the Registrar or of an actuary approved under the ninth section of this Act, that the contributions under the rules, as amended, are sufficient to provide the benefits, or that the amendment improves or does not in any way prejudice the financial position of the society, be lodged with the Registrar with the amendment.
  - (4) On the lodgment with the Registrar of any amendment of rules for registration there shall be paid to the Registrar a fee of ten shillings, and no more, and the Registrar shall not do any act, matter, or thing in respect of the registration of such amendment of rules until such fee has been paid.
  - (5) The provisions herein contained as to appeals from a refusal of registry shall apply to amendments of rules.
  - (6) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.
  - (7) A copy of the rules of a registered society or branch shall be delivered by the society or branch, as the case may be, to every person on demand on payment of a sum not exceeding one shilling.
  - (8) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, by-laws, or other documents other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society or branch or that there are no other rules of such society or branch, or gives to any person a copy of any rules on the pretence that such rules are the rules of a

registered society or branch when the society or branch is not registered, the person so offending shall be deemed guilty of misdemeanour.

- (9) The Governor in Council may, by order to be published in the *Gazette*, direct that no tables of contributions or amendment of rules affecting any such tables shall thereafter be certified by the Registrar.

Governor may direct Registrar to cease notifying tables.

*Duties and Obligations.*

12. With respect to the duties and obligations of registered societies, the following provisions shall have effect:—

Duties of societies.

(1) Every registered society shall—

- (a) Have a registered address or registered office to which all communications and notices may be addressed, and send to the Registrar notice of such address and of every change therein:

Registered office.  
No. 34 of 1904, s. 4.

- (b) At some meeting of the society, convened in such manner as is provided by the rules, and by a resolution of a majority of the members present and entitled to vote thereat, appoint not less than three nor more than five trustees of the society, and may in like manner remove every trustee, and from time to time as vacancies occur by the death, resignation, or removal of any trustee or trustees, in like manner appoint so many new trustees as are necessary to fill up the number of trustees of the society to not less than three, and send to the Registrar a copy of every resolution appointing or removing a trustee, signed in case of a resolution appointing a trustee by the trustee so appointed, and by the secretary of the society, and in case of a resolution removing a trustee by the secretary of the society. The same person shall not be secretary or treasurer of a registered society or branch and a trustee of that society or branch:

Appointment of trustees.

No. 34 of 1904, s. 4.

Provided that on the death or resignation of a trustee the committee of management (by whatever name called) may appoint some other person as trustee in his place, but every such appointment shall be subject to confirmation at the next general meeting of the society.

No. 6 of 1917, s.7.

**Audit.**

(c) Once at least in every year submit its accounts and securities for audit and inspection either to one of the public auditors appointed as herein mentioned or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books, papers, deeds, documents, and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds, and effects of the society, and verify the same with the accounts and vouchers relating thereto, and by examining the securities held by the society, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with the law, or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law, and shall accompany such report by a balance-sheet, signed by them, giving a correct statement of the financial position of the society and of each of its funds.

**Annual returns.**

No. 48 of 1923, s. 7,  
(1.)

(d) Once in every year, before the first day of September, send to the Registrar a general statement (to be called Return A) of the receipts and expenditure funds, and effects of the society, as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirtieth day of June then last inclusive, or to the date of the half-yearly or quarterly meeting of the society, or of the branch to which any part of the return may relate, held in the same month of June, together with copies of all balance sheets issued by the society, or any branch thereof during the year; and a copy of the auditors' report (if any) shall be sent to the Registrar with such general statement, and such return shall state whether the audit has been conducted by a public auditor appointed as in this Act provided, and by whom, and if by any person or persons other than a public auditor shall state the name, address, and calling or profession of each of such persons, and the manner in which, and the authority under which, they were respectively appointed, and also a return (to be called Return B) containing a list of the members of the society, together with the age of each, and the periods of

sickness, deaths, and other contingencies in respect of which benefits are given by the society, experienced by the society during the year ending the thirtieth day of June then last, specifying the members in respect of whom such sickness, deaths, or contingencies have been experienced, and such other information as the Registrar, with the approval of the Governor in Council, from time to time prescribes:

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.

No. 48 of 1923,  
s. 7, (2.)

- (e) On or before the first day of March, one thousand eight hundred and ninety-five, and so again within six months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the Registrar a report signed by such valuer, and stating his address and calling, or profession, 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 Registrar from time to time requires, or send to the Registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts, and credits, accompanied by such evidence in support thereof as the Registrar prescribes, in which case the Registrar shall cause the assets and liabilities of the society to be valued and shall report thereon, or cause the same to be reported on by some actuary, and shall send to the society a copy of such report and an abstract of the results of the valuation.

Quinquennial  
valuations.

Inspection of books.

(f) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours, at the registered address of the society or at any place where the same are kept.

Supplying copies of Return A.

(g) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last Return A of the society for the time being, or with a 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 such return.

Posting of balance-sheet, valuation, and report.

(h) Keep a copy of the last annual balance-sheet for the time being, and of the last quinquennial valuation for the time being, together with the report of the auditors (if any) always hung up in a conspicuous place at the registered address of the society.

Prohibition of payment on death without certificate.

(2) No society or branch shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths except upon the production of a certificate of such death under the hand of the Registrar General or district registrar, or other person having the care of the register of deaths in which such death is or ought to be entered: Provided always that this subsection shall not apply to the death of any member or person whose body is not or cannot be recovered, or who dies or is drowned at sea; but in such case the trustees shall not be liable to pay any claim until, in the opinion of a majority of such trustees, satisfactory proof of death is produced.

No. 84 of 1904, s. 4.

Moneys received or paid on account of any particular fund or benefit to be kept separate and distinct.

(3) In all societies and branches all moneys received or paid on account of any particular fund or benefit shall be kept separate and distinct, and shall be entered in a separate account, distinct from the moneys received or paid on account of any other fund or benefit, and no transfer shall be made of the moneys of any one fund or benefit to meet the liabilities of any other fund or benefit, nor shall such moneys or interest accruing therefrom, except as hereinafter provided, be in any manner applied for the use, whether temporary or permanent, of any fund save the fund to which they properly belong: Provided that if the Registrar or any actuary, in any report

No. 8 of 1913, s. 2.



made in accordance with paragraph (e) of subsection (1) of this section, reports that any transfer can be safely made, such transfer may be made accordingly; and provided always that any savings out of moneys applicable for management expenses may be applied in aid of any of the funds or benefits of the society:

Provided, also, that where the sickness and funeral funds of a friendly society are administered by one central body for the whole society, such funds shall, if the Registrar approves, be deemed to be one fund for the purposes of this section.

No. 13 of 1918, s. 2.

- (4) Societies and branches which have been reported to possess a surplus at the last valuation made under this Act, and whose scales of contributions for new members have been certified to as adequate by—

Societies may apply all interest over and above 4½ per cent. per annum to such purposes as may be approved by the society and Registrar.

- (a) The Registrar; or
- (b) Any public valuer under this Act; or
- (c) Any actuary approved by the Registrar

may apply all interest over and above four and a-half per centum per annum accruing from capital funds invested to such purposes as may be approved by the society or branch, as the case may be, and the Registrar. When any funds are invested in Government securities of the State of Western Australia, or in debentures or other securities of the corporation of any municipality in Western Australia, and the interest accruing from such investment is less than four and a-half, but not less than four, per centum per annum, then for the purposes of this paragraph the investment shall be deemed to be and treated as producing interest at four and a-half per centum per annum.

No. 8 of 1913, s. 2.

- (5) Any society or branch claiming to avail itself of these provisions shall be debarred from lowering its rate of contribution to the fund operated upon, or from increasing the amount of any benefit to be paid out of the said fund, until the next quinquennial valuation.

Society to be debarred from lowering its rate of contribution or increasing the amount of any benefit.

- (6) It shall be an offence under this Act if any registered society or branch, or any officer or member thereof—

Offences.

- (a) Fails to give any notice, send any return or document or do or allow to be done any act or thing which the society or branch, or such officer or member, as the case may be, is by this Act required to give, send, do, or allow to be done:

Omission to comply with this Act.

Disobedience to lawful requisitions.

- (b) Wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the Registrar or other person authorised under this Act, or does any act or thing forbidden by this Act:

False returns.

- (c) Makes a return or wilfully furnishes information in any respect false or insufficient.

Responsibility of officers for offences of society.

- (7) Every offence by a society or branch under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of, or to have attempted to prevent the commission of, such offence, and every default under this Act constituting an offence if continued shall constitute a new offence in every week during which the same continues.

Returns and other documents to be in form prescribed by the Registrar.

- (8) Every annual, quinquennial, or other return, abstract of valuation, and other document required for the purposes of this Act, if the same be required to be made to the Registrar, shall be made in such form and contain such particulars as the Registrar, with the approval of the Governor in Council, from time to time prescribes:

Power to dispense with quinquennial return and valuation in certain cases.

Provided that the Registrar, with the approval of the Minister, may dispense with Return B, and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he deems the same inapplicable, and may also dispense with Return B in cases where, at the request of a society, he obtains, by inspection of the books thereof, through any person whom he appoints, such information as he deems sufficient of the sickness, mortality, and other contingencies experienced by the society.

Powers exercisable by the Registrar in the event of the assets of a society or branch appearing insufficient to meet its liabilities.

13. (1.) Whenever from any report of any valuer or actuary under the provisions of subsection (1) (e) of the last preceding section it appears to the Registrar that the assets of any society or branch are insufficient to meet its liabilities, the Registrar shall notify the society or branch accordingly in writing under his hand pointing out the apparent cause and the nature and extent of the deficiency, and also the nature and extent of the changes in the contributions or benefits or the manner of conducting the business of the society or branch

that are necessary to enable the society or branch to discharge its liabilities.

(2.) Upon being so notified such society or branch shall make such changes in its contributions or benefits (dealing with all its members ratably) or in the manner of conducting its business as are necessary to put it in a position to discharge all its liabilities.

Society to make changes accordingly.

(3.) In the event of any society or branch failing so to do, in whole or in part, for the space of six months after being so notified, or such longer time as the Registrar from time to time allows by writing under his hand, and to satisfy the Registrar of the fact, the Registrar shall publish so many times and in such manner as he may think fit the name of such society or branch, and the nature and extent of the deficiency, with any comments he thinks desirable.

Failure of Society to comply to be published.

*Privileges.*

14. Registered societies shall be entitled to the following privileges:—

Privileges of Societies. No. 48 of 1923, s. 8.

(1) If any member of a society or branch dies, entitled from the funds thereof to any sum, such society or branch may, unless forbidden by the rules, cause such member to be buried, and defray the reasonable expenses of his funeral out of the sum to which he is so entitled.

Burial of deceased members.

(2) A member of a society or branch, not being under the age of sixteen years, may, by writing under his hand, delivered at or sent to the registered office of the society or branch, as the case may be, nominate any person (not being an officer or servant of the society or branch, unless such officer or servant is the husband, wife, child, or of the kindred of the nominator) to whom any moneys payable by the society or branch on the death of such member (not exceeding, after payment thereof of any funeral expenses payable hereunder, fifty pounds) shall be paid at his death, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, and on receiving satisfactory proof of the death of a nominator the society shall pay to the nominee the amount due to the deceased member after deducting any funeral expenses payable thereout not exceeding the sum aforesaid. The

Power to pay to nominee of deceased member sums not exceeding £50 without administration. No. 34 of 1904, s. 5.

marriage of a member of a society or branch shall operate as a revocation of any nomination theretofore made by that member under this section.

Power to distribute sums not exceeding £50 of intestate member without administration.

- (3) If any member of a society or branch entitled from the funds thereof to a sum not exceeding, after payment thereof of any funeral expenses payable hereunder, fifty pounds, dies intestate, and without having made any nomination under this Act, which remains unrevoked at his death, such sum shall be payable without letters of administration to the person who appears to a majority of the trustees, upon such evidence as they deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

- (4) Whenever the society or branch, after the death of any member, pays any sum of money to any person who at the time appears to a majority of the trustees entitled under this section, the payment shall be valid and effectual against any demand made upon the trustees or the society or branch by any other person.

Payment on behalf of lunatics.

- (5) If any member of a society or branch become of unsound mind and incapable of managing his affairs, whether such member be found lunatic by inquisition or not, and no committee or guardian of the estate of such member be appointed, any moneys to which such member is or becomes entitled out of the funds of the society or branch may be paid or applied for the benefit of such member or his wife or family in any manner which the trustees of such society or branch or the majority of them think fit, and such payment or application shall be valid and effectual against all persons whatever.

Priority of claims of society against its officers on their insolvency.

- (6) Upon the death of or upon a receiving order being made against or upon the vesting under any law of bankruptcy in a trustee of the property of any officer of a society or branch having in his possession, by virtue of his office, any money or property belonging to the society or branch, or if any execution, attachment, or other process be issued against such officer or against his property, his executors or administrators, or the Official Receiver in Bankruptcy, or the trustee of the property so vested, or the sheriff or other person executing such process shall, upon demand in writing, as the case may be, of the trustees

of the society or branch, or any two of them, or any person authorised by the society or branch or by the committee of management of the same, to make such demand, pay such money, and deliver over such property to the trustees of the society or branch in preference to any other debts or claims against the estate of such officer.

- (7) 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.  
No. 48 of 1923, s. 8

- (8) For the purpose of this Act a certificate of the birth or death by any person shall be given under his hand by the Registrar General or the district registrar of births or deaths or other person having the care of the register of births or deaths in which such birth or death is entered for a sum not exceeding one shilling in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as are approved of by the Governor in Council.

Limitation of cost  
of certificate of  
birth or death.

- (9) A society or branch may subscribe out of its funds to any hospital, infirmary, charitable, or provident institution any annual or other sum which is necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution according to its rules.

Power for society  
to subscribe to  
hospitals, etc.

*Property and Funds.*

Property and funds  
of Societies.

15. With respect to the property and funds of registered societies, the following provisions shall have effect:—

Investment  
of  
funds

(1) The trustees, with the consent of the committee of management or of a majority of the members of a society or branch, as the case may be, present and entitled to vote in general meeting, may from time to time invest the funds of such society or branch or any part thereof to any amount in any of the following ways:—

No. 48 of 1923, s. 9.

(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.

(b) On Government securities of the colony of Western Australia.

(c) On mortgage of freehold or leasehold property (such leasehold being for a term of years absolute, of which not less than twenty years is unexpired): Provided always, that no trustee shall advance the money of any society or branch on any mortgage or security over land the fee simple of which has been within his possession within a period of two years from the time of giving such mortgage or security.

No. 48 of 1923, s. 9.

(d) On debentures or other securities of a road board or of the corporation of any municipality issued under the provisions of any Act of Parliament.

No. 6 of 1917, s. 2.

(e) In the purchase in fee simple of land in Western Australia.

No. 6 of 1917, s. 2.

(f) In any of the parliamentary stocks or public funds or Government securities of the Commonwealth of Australia.

Funds of branch  
society may be de-  
posited with the  
trustees of the  
society.

(g) Notwithstanding anything in this subsection contained, the trustees of any branch of a society may, if authorised by a resolution of such branch duly passed at a meeting called for the purpose from time to time, until such resolution be rescinded at a meeting duly called for that purpose, in lieu of themselves investing the funds of such branch deposit the same with the trustees of the society at such rate of interest and for such term as are

mutually agreed upon, and such trustees of the society may from time to time invest the same upon any of the securities mentioned in this subsection, but subject always to the provisions in paragraph (c) of this subsection.

- (h) In any investment in which trustees are for the time being by law authorised to invest trust funds. No. 48 of 1923, s. 9
- (2) Subject to the provisions of the Public Institutions and Friendly Societies Land Improvement Act, 1892, a society, or with the consent of the central body any branch of a society, may (if the rules of the society so provide) for the purpose of holding the meetings and transacting the business of such society or branch hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch any land, and may sell, exchange, mortgage, lease, or build upon the same with power to alter and pull down buildings and again rebuild, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease; and for the purpose of this subdivision of this section no branch of a registered society need be separately registered. Power to purchase and lease land and building and to erect buildings for offices, etc.  
No. 48 of 1923, s. 9.
- (3) Subject to the provisions of the Public Institutions and Friendly Societies Land Improvement Act, 1892, when any land has been or is granted by the Crown to any society or branch for any purpose whatever, the persons in whom such land is vested may at any time, with the consent of the Governor in Council, demise such parts thereof as may be specified in such consent for any term not exceeding twenty-one years, to take effect in possession or within twelve months of the date of the lease, upon such terms and conditions as may be specified in such consent: Provided that all rents and profits derived therefrom shall be applied by such persons solely for the purposes for which such land was granted and none other. Lands may be leased.
- (4) All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the time being of the society for the use and benefit of the society and the members there- Property of society to vest in the trustees.

of, and of all persons claiming through the members according to the rules of the society, and the property of any branch of a society shall vest in the trustees of such branch, or if the rules of the society so provide, wholly or partly in the trustees of the society or of any branch of the society to which such branch may be also a branch, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally and persons claiming through them according to the rules of the society.

Devolution of property on death, etc., of trustees.

- (5) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee shall vest in the succeeding trustee of such society or branch either solely or together with any surviving or continuing trustees and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, subject to the same trusts without conveyance, assignment, or transfer; and in case any such property be under the Transfer of Land Act, 1893, the trustees or trustee in whom the same is vested under the provisions of this Act shall be deemed the proprietors or proprietor thereof within the meaning of the Transfer of Land Act, 1893, as if the names or name of such trustees or trustee appeared or were entered as such proprietors or proprietor in the register book.

Provision for handing over branch funds to the central body in certain cases.

- (6) Where by the rules of any society the society generally or the central body is answerable for all or any of the benefits agreed to be given to the members of any branch, in every such case the trustees in whom the property of such branch is vested shall stand possessed thereof after payment thereof of the benefits to which the members of such branch are entitled according to the rules of the society upon trust for the society generally or central body; and in case the property of such branch is vested in trustees distinct from the trustees of the society the trustees of such branch shall, if such branch breaks up or becomes unable to meet its liabilities or severs its connection with the society, pay and make over all the property of such branch in their hands or vested in



them to the trustees of the society, and shall do and execute all acts, assurances, matters and things necessary for that purpose, and in every case where the trustees of any branch pay or make over to the trustees of the society any property *bonâ fide* as under the provisions of this subdivision of this section, the receipt of the trustees of the society shall be a full discharge to them therefor, notwithstanding that the branch may not in fact have broken up, be unable to meet its liabilities, or have severed its connection with the society, and every person interested in the property of such branch shall have the same remedies against the trustees of the society that he would otherwise have had against the trustees of such branch. And any branch shall be deemed to have broken up within the meaning of this section when it does not consist of enough members entitled to vote at general meetings of the members to form a quorum, or in cases where the rules provide that general meetings of the members shall be held once a month or oftener, if no general meeting of the members at which a quorum is present has been held for six consecutive months.

- (7) Whenever it be proved to the satisfaction of the Registrar, by statutory declaration or otherwise, that the trustees of any society are entitled to have paid or made over to them any property of any branch under the provisions of the last preceding subsection, and that the trustees of the branch or any of them are absent from the colony or unable to be found or lunatic or otherwise incapable of acting or have refused or neglected for one month after being requested in writing so to do to pay or make over any such property to the trustees of the society, the Registrar may, on the application of the trustees of the society, by writing under his hand, make an order vesting all such property in the trustees of the society, and thereupon the same shall vest in the trustees of the society as if they were succeeding trustees of the branch, and they shall be deemed registered proprietors of any such property as may be under the Transfer of Land Act, 1893, as if their names appeared or were entered as such proprietors in the register book; and every person interested in such

Power to the Registrar to make vesting orders in certain cases.

property shall have the same remedies against the trustees of the society to the extent of the property vested in them by such order as he would otherwise have had against the trustees of the branch, but no person shall have any claim or demand against the Registrar in respect of any such order.

Property where  
fald in legal pro-  
ceedings.

(8) In all legal proceedings whatever concerning any such property, the same shall be stated to be the property of the trustees for the time being in their proper names, as trustees for the society or branch (as the case may be) without further description.

Discharge of mort-  
gages.

No. 48 of 1923, s. 9.

Third Schedule.

(9) (a) A receipt under the hands of the trustees of any society or branch, or of a majority (not being less than three) of them, countersigned by the secretary of such society or branch, in the form contained in the Third Schedule to this Act or in any form specified by the rules of the society or branch or any schedule thereto for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, shall vacate the same and vest the property therein comprised in the person entitled to the equity of redemption of the same without re-conveyance or re-surrender.

(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) If any person obtains possession by false representation or imposition of any property of a society or branch or having the same in his possession withholds or misapplies the same or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall on the complaint of the society or branch or of any member authorised thereby or the trustees or committee of management of the same or of the Registrar or any person authorised by the Registrar, be liable on summary conviction before any two or more justices to a penalty not exceeding twenty pounds and costs and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment or of the payment of such penalty and costs aforesaid to be imprisoned with or without hard labour for any time not exceeding three months; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment if not previously convicted of the same offence under the provisions of this Act.

Punishment for fraudulently obtaining, withholding, or misappropriating the property of a society.

Power to Local Court to order repayment by trustees of money applied in breach of trust.

- (11) If any trustee of a society or branch lends any money, the property thereof, to any of his co-trustees or borrows any such money himself or otherwise applies any such money in breach of trust, in addition to any other remedy in respect thereof, any member of the society may apply to the local court of the district where such trustee resides, and such court may order any trustee so lending or borrowing such money or privy to such breach of trust or any two or more of such trustees jointly and severally forthwith to pay the same either to the trustees of such society or branch or into court; and in case any such money be paid into court may, on the application of the society or branch, as the case may be, or the committee of management thereof by any subsequent order, order the same to be paid out of court to the trustees of such society or branch; and such court may order all or any such defaulting trustees to pay the costs of and attending every application under this subdivision of this section, including the costs of the payment of any money into and out of court..

Liability of trustees.

- (12) Trustees of a society or branch shall not be liable to make good any deficiency in the funds of such society or branch, but shall be liable only for moneys actually received by them respectively on account of such society or branch.

No. 3 of 1920, s. 2.

- (13) A society as mortgagee shall have the right of foreclosure; but any land to which a society may become absolutely entitled by foreclosure, or by surrender, or other extinguishment of the right of redemption, shall as soon afterwards as conveniently practicable be sold or converted into money.

Power to dispose of land held by way of investment.

No. 6 of 1917, s. 3.

No. 48 of 1923, s. 10.

16. (1.) The trustees, with the consent of the committee of management or of a majority of the members of a society or branch, as the case may be, present and entitled to vote in general meeting, may—

- (a) sell any land held by way of investment for the society or branch, and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trusts in favour of the society or branch to which the said land may be subject;

- (b) mortgage such lands to secure moneys lawfully borrowed, and for the purpose of such security assure such lands to the mortgagee and his assigns freed and discharged from any such trusts as aforesaid;
- (c) notwithstanding any such trusts, lease any such lands for any term with or without right of renewal, and either by way of building lease or otherwise and subject to such covenants, conditions, and agreements as they may think fit;
- (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:

Provided that no such consent as aforesaid shall be deemed to have been duly obtained unless it is obtained at a meeting of the committee or of the society or branch, as the case may be, of which notice specifying the intention to move for such consent has been given as provided in rules of the society or branch made under this Act.

(2.) "Land held by way of investment" shall include any land vested in trustees for any society or branch except such land as shall have been acquired from the Crown by way of gift or free grant or without any pecuniary consideration.

(3.) The provisions of the Public Institutions and Friendly Societies Lands Improvement Act, 1892, shall not apply to or in respect of land held by way of investment.

(4.) The provisions of this section shall apply to and in respect of any land acquired from any person by way of gift or devise or without pecuniary consideration, if such land has been acquired or is held by the society or branch free from any trusts or restrictions (except a trust for the general purposes of the society or branch) which are inconsistent with the exercise of the powers conferred by this section.

(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.

Power of trustees to transfer or take transfers of mortgages.

No. 48 of 1923,  
s. 11.

17. (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.

(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.

Power to provide or the accumulation and withdrawal of surplus contributions.

18. The rules of a society or branch may provide for accumulating at interest for the use of any member of the same any surplus of his contributions to the funds thereof which may remain after providing for any benefits in respect of which the same are paid and for withdrawal of such accumulations from time to time.

Officers in charge of money.

19. With respect to officers of registered societies having the receipt or charge of money, the following provisions shall have effect:—

Security to be given.

Fourth Schedule.

(1) Every officer shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least, in a bond according to the form set forth in the Fourth Schedule to this Act, or give the security of a guarantee society in such sum as the society or branch may direct, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society or branch at such times as its rules appoint, or as the society or branch or the trustees or committee of management thereof require him to do, and for the payment by him of all sums due from him to the society or branch.

Accounts of officers.

(2) Every officer, his executors or administrators, shall at such times as by the rules of the society or branch he is required to render account, or upon demand made or upon notice in writing given or left at his last or usual place of residence, give in his account as required by the society or branch or by the trustees or committee of management thereof to be examined and allowed or disallowed by them, and shall

on the like demand or notice pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or branch or the committee of management or the trustees appoint, and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, every person so neglecting or refusing shall be guilty of an offence and be liable to a penalty of not less than one pound nor more than ten pounds, and the trustees or authorised officers of the society or branch may sue upon the bond or security before mentioned.

20. (1.) The Registrar may—

- (a) require the production for inspection of the books, securities, and documents of any society or branch;
- (b) make such inspection and examination of the books, securities, and documents as he may deem necessary;
- (c) require from the manager or any officer of any bank in which any funds of any society or branch are deposited or invested a written statement of the amount of such deposit or investment, and any other particulars relating thereto which he may consider necessary;
- (d) put such questions as he may consider expedient to any officer, member, agent, or servant of a society or branch relating to its business and affairs;
- (e) appoint any inspector to examine into and report to him on the business and affairs of any society or branch:

Powers of Registrar for the investigation of the affairs of a society or branch.  
No. 6 of 1917, s. 4.  
No. 3 of 1920, s. 3.

Provided that before requiring the production of the books, securities or documents of a branch of a society, the Registrar shall give notice of his intention so to do to the secretary of the society.

(2.) Any inspector appointed by the Registrar under this section shall have and may exercise all the powers and authorities of the Registrar under this section (except the power to appoint an inspector) subject to such limitations (if any) as the Registrar may think fit to impose.

(3.) Every person who neglects or refuses to comply with any requisition made by the Registrar or an inspector under this section shall be guilty of an offence against this Act.

(4.) Every person to whom any question is put by the Registrar or an inspector under this section shall answer such question truthfully and completely to the best of his knowledge, information, and belief.

*Legal Proceedings.*

Legal proceedings.

21. With respect to legal proceedings by or against registered societies, the following provisions shall have effect:—

Trustees may bring or defend actions touching property, etc., of the society.

(1) The trustees of any society or branch or any other officers authorised by the rules thereof may bring or defend or cause to be brought or defended any action, suit, or other legal proceeding in any court whatsoever touching or concerning any property, right, or claim of the society or branch as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

Power to sue the society in the name of an officer who receives contributions.

(2) In legal proceedings which are brought under this Act by a member or person claiming through a member the society or branch may also be sued in the name as defendant of any officer or person who receives contributions on its behalf within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words “on behalf of the society” or “branch” (naming the same).

Legal proceedings not to abate by death, etc., of officer.

(3) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer or by any act of such officer after the commencement of the proceedings.

Service on society.

(4) The summons, writ, process, or other proceeding to be issued to or against the officer or other person sued on behalf of a society or branch shall be sufficiently served by personally serving such officer or other person or by leaving a true copy thereof at the registered office or place of business of the society or branch, as the case may be, or if such office or place of business be closed by posting such copy on the outer door of the same; but in all cases where the said summons, writ, process, or other proceeding is not served by means of such personal service or by leaving a true copy thereof at the registered office of the society or place of business of the branch a copy thereof shall be transmitted, addressed to the com-



mittee of management at the registered office of the society or place of business of the branch, as the case may be, and the same shall be enclosed in a registered letter posted at least six days before any further step shall be taken on such summons, writ, process, or other proceeding.

- (5) No trustee, officer, or member of a registered society or branch shall as such be under any personal liability to any creditor of the society or branch beyond the property of the society or branch (if any) in his hands.

Limitation of liability.

22. (1.) Every dispute between a member or person claiming through a member or under the rules of a registered society or branch and the society or branch or an officer thereof shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction, and application for the enforcement thereof may be made to any two or more justices in the district wherein the parties to such dispute or any of them may reside: Provided as follows:—

Decision of disputes in the manner provided by the rules.

Proviso.

- (a) The parties to a dispute in a society or branch may by consent (unless the rules of such society expressly forbid it) refer such dispute to the Registrar, who shall, with the consent of the Minister, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or branch, as the case may be, or by such parties to the dispute as he thinks fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society.

Powers unless the rules forbid to refer disputes to the registrar.

- (b) The Registrar, when any dispute is referred to him, may administer oaths and may require the attendance of all parties concerned and of witnesses and the production of all books and documents relating to the matter in question, and any person refusing to attend or to produce any documents or to give evidence before such Registrar shall be guilty of an offence under this Act.

Powers of registrar as to evidence.

When rules refer disputes to justices.

- (c) When the rules of a society direct that disputes shall be referred to justices of the peace the dispute shall be determined by any two or more justices of the peace:

Provided that in every case of a dispute cognisable under the rules of a society by justices of the peace, the parties thereto may consent to refer such dispute to the local court of the district wherein the parties to such dispute or any of them reside, which may hear and determine the matter in dispute.

Decision of disputes in default of provision in or determination under the rules.

- (d) When the rules contain no direction as to disputes or no direction applicable to any particular dispute, or when no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the local court of the district wherein the parties to such dispute or any of them reside, or to any two or more justices of the peace, who may hear and determine the matter in dispute.

Power to Local Court justices and registrar to state case and compel discovery.

- (e) The local court, justices, or Registrar may, at the request of either party, state a case for the opinion of the Supreme Court on any question of law, and also may grant to either party such discovery as to documents and otherwise, or such inspection of documents as might be granted by the Supreme Court; such discovery to be made on behalf of the society by such officer of the same as such local court, justices, or Registrar determine.

Interpretation of dispute between members and the society, etc.

(2.) Disputes between a registered society or any officer thereof and any of its registered branches, or between registered branches of any registered society, or between any registered society or branch and any officer thereof, shall be deemed to be disputes between a member and the society or branch or an officer thereof within the meaning of this section; but this section shall not apply to any dispute with any officer of a society or branch touching any alleged breach of trust, misfeasance, or neglect of duty other than concerning his liability to a penalty or forfeiture imposed by the rules, and shall not apply to any dispute with any such officer touching any money or property of the society alleged to be in his hands or for which he is alleged to be accountable, or any salary, allowance, or remuneration to which he may claim to be entitled.

(3.) Every decision of a dispute made under the rules of a registered society or branch, or by a local court or justices, under the provisions of this Act, may be enforced with costs by an order of the local court or justices (as the case may be), and on non-compliance with any such order every person in default shall be liable to a penalty not exceeding ten pounds, or to be imprisoned by such court or justices for any term not exceeding three months, with or without hard labour:

Decisions, how enforced.

Provided also, that in all cases when the order of the court or justices shall be for the payment of money, the same may be enforced in the same manner as the ordinary judgments and orders of such court or justices (as the case may be) are enforced.

*Inspection.*

23. Upon the application of one-fifth of the whole number of members of a registered society, or of one hundred members in case of a society of one thousand members and not exceeding ten thousand, or five hundred members in the case of a society of more than ten thousand members, the Registrar, with the consent of the Minister, in every case may—

Special powers of registrar on application of members.

(1) Appoint one or more inspectors to examine into the affairs of such society and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers and members, agents, and servants in relation to its business, and may administer such oath accordingly.

To appoint inspectors.

(2) Call a special meeting of the society in such manner and in such time and place as the Registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

To call special meetings.

Provided that—

(a) The application herein mentioned shall be supported by such evidence for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society as the Registrar directs.

Proviso.

Evidence to support and notice of application.

Security for costs.

(b) The Registrar may, if he think fit, require the applicants to give security for the cost of the proposed inspection or meeting before appointing any inspector or calling such meeting.

Expenses.

(c) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same or out of the funds of the society or by the members or officers or former members or officers of the society or any of them in such proportions as the Registrar directs.

Society with branches.

(d) This section shall not apply to a society with branches unless with the consent of the central body of such society.

*Special Resolutions.*

Special resolutions.

24. With respect to special resolutions by registered societies and to proceedings that may be taken by virtue thereof, the following provisions shall have effect:—

How passed.

(1) A special resolution is one which is passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as are present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolution has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as are present in person or by proxy at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Power to change name.

(2) A society may, by special resolution, with the approval in writing of the Registrar, change its name, but no such change shall affect any right or obligation of the society or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society or any other officer who may sue or be sued on behalf of the society, notwithstanding its new name.

- (3) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society with or without any dissolution or division of the funds of such societies or either of them, and any society may, by special resolution, transfer its engagements to any other registered society, which may undertake to fulfil the engagements of such society. Power of amalgamation.
- (4) Any society may, by special resolution, determine to convert itself into a company under any Act for the time being in force relating to the incorporation of companies, or to amalgamate with, or transfer its engagements to any such company, and such resolution shall have no force or effect unless it either determines the memorandum and articles of association of the company, or in what manner the same are to be determined. Power of conversion into a company, etc.
- (5) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto. Creditors not prejudiced.
- (6) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting, and countersigned by the secretary, shall be sent to the Registrar and registered by him, and until such copy is so registered, such special resolution shall not take effect. Registration of special resolution.
- (7) If a special resolution for converting a society into a company contain the particulars by any Act for the time being in force relating to the incorporation of companies, required to be contained in the memorandum of association of a company, and a copy thereof has been registered as aforesaid, a copy thereof under the hand of the Registrar shall have the same effect as a memorandum of association, duly signed and attested under such Act. Memorandum of association on conversion of society into a company.
- (8) If a society be registered as, or amalgamated with, or transfers all its engagements to a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the Registrar, but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society or any penalty for the time being incurred by such society, and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against Effect of conversion of a society into or transfer to or amalgamation with a company.

in the same manner as if it had not been registered as a company, and every such right or claim or the liability to such penalty shall have priority as against the property of such company over all other rights or claims against or liabilities of such company.

Proviso.

Assents required to transfer or amalgamation.

Provided as follows:—

(a) No special resolution by any society for any amalgamation or transfer of engagements under this section shall be valid unless five-sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed or one of them, or in writing, if such members were not present thereat nor without the written consent of every person for the time being receiving or entitled to any relief or other benefit from the funds of the society, unless the claim of such person be first duly satisfied or adequate provision be made for satisfying such claim.

Consequences of non-satisfaction of claims.

(b) The provisions hereinafter contained in case of dissolution as to the punishment of officers and the remedy of members and persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements.

Power to dispense with consent and conditions.

(c) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the *Gazette*, the Registrar, after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Minister, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act be dispensed with, and may confirm the amalgamation or transfer.

Branches.

(d) This section shall not apply to branches.

#### *Dissolution.*

Dissolution of societies.

25. With respect to the dissolution of registered societies, the following provisions shall have effect:—

How effected.

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

On event named in the rules.

(a) Upon the happening of any event declared by the rules to be the termination of the society.

- (b) By the consent of five-sixths in value of the members (including 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 be first duly satisfied or adequate provision made for, satisfying such claim, and in the case of a branch with the consent of the central body of the society or in accordance with the general rules of the society. By consent of the members.
- (c) By the award of the Registrar in the cases herein specified. By Registrar's award.
- (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 be stated in the instrument of dissolution, to be left to the award of the Registrar.
- (3) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided, certified in the same manner. Alterations in instrument of dissolution.
- (4) A statutory declaration shall be made by one of the trustees, or by three members, and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Registrar with the instrument of dissolution, and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour. Declaration of compliance with this Act.
- (5) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all members of the society. Registry of instrument of dissolution.
- (6) The Registrar 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 Registrar for dissolution, and unless within three months from the date of the *Gazette* in which such advertisement appears a member or other Dissolution to be conclusive unless impeached within three months after *Gazette* notice thereof by the Registrar.

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.

Value of members,  
how ascertained.

(7) 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.

Claims to be satisfied  
before division  
of funds.

(8) 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 rules thereof for the time being, unless the claim of every member or person claiming any relief or other benefit from the funds thereof be first duly satisfied or adequate provision be made for satisfying such claim.

Punishment for  
illegal dissolution.

(9) Any officer or person aiding or abetting in the dissolution of a society otherwise than as in this Act provided shall, on summary conviction before any two or more justices of the peace, be liable to such penalty as is imposed under section twenty-eight, subsection (2) of this Act for an offence against this Act, or to be committed to the nearest or most convenient gaol, there to be kept to hard labour for any term not exceeding three months.

Claimant not  
satisfied may  
apply to Justices.

(10) If any member of a dissolved society or person claiming any relief or other benefit from the funds thereof be dissatisfied with the provisions made for satisfying his claim, such member or other person may apply to two or more justices in the district where such member or person resides for relief or other order, and such justices shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution by  
award.

(11) With respect to dissolution and the distribution of funds upon the award of the Registrar—

Power to Registrar  
on application of  
members to make  
investigation.

(a) Upon the application of one-fifth of the whole number of members of any registered 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 such society with a view to the dissolution thereof, the Registrar may by himself or by any actuary or public auditor whom he may appoint in writing under his hand 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 such society.

- (b) 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 Registrar may, if he considers it expedient so to do, award that the society be dissolved and its affairs wound up, and direct in what manner the assets of the society shall be divided or appropriated: Provided always, that the Registrar 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. Power to Registrar on such investigation to award a dissolution.
- (c) The Registrar, proceeding under this section, shall have all the same powers and authorities enforceable by the same penalties as in the case of a dispute referred to him under this Act. Powers of Registrar.
- (d) 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 Award to be final.

of dissolution shall be paid out of the funds of the society before any other appropriation thereof is made.

Dissolution of society unless award impeached within three months after *Gazette* notice by Registrar.

- (e) Notice of every award for dissolution shall, within twenty-one days after the same has been made, be advertised by the Registrar in the *Gazette* and in some newspaper circulating in the municipal district in which the registered office of the society is situated, 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 consequent upon such award 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 application to the Registrar shall be considered to have been duly obtained, without proof of the signatures thereto.

Notice of proceedings to set aside dissolution.

- (12) Notice shall be sent to the Registrar of any proceeding to set aside the dissolution of a society or branch not less than seven days before it is commenced by the person taking such proceeding, and of any order setting a dissolution aside by the society or branch within seven days after such order is made.
- (13) This section shall not apply to a society with branches unless with the consent of the central body of such society.

Society with branches.

*Societies with Branches.*

26. The provisions of the present section shall apply only to societies having branches.

Societies with branches.

Application for registry.

- (1) The application for registry shall be accompanied with—
- (a) A list of every branch and of every place wherein the same is established.
- (b) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued.

- (c) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect and copies of such rules.
- (d) If the branch rules are not or are not intended to be identical, a statement to that effect and copies of all branch rules.
- (e) Whenever the rules of a society contain provisions sufficient for the government of its branches, it shall not be necessary that any branch of such society should have any separate rules.
- (2) A society having a fund under the control of a central body to which every branch is bound to contribute, may be registered as a single society.
- (3) Notice of the establishment of every new branch by a registered society and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers and a statement whether or not the rules of such branch are identical with those of the other branches of the society, or whether the rules of such society contain provisions sufficient for the government of its branches, and if not so a copy of the rules of such branch shall be sent under the hand of the secretary to the Registrar.
- (4) Until a copy of the rules of a branch has been registered the society shall not be entitled to any of the privileges of this Act in respect of such branch; and until a copy of any amendment of the rules of a branch has been registered, such amendment shall not take effect as respects such branch.
- (5) The provisions of this Act as to appeals and the results thereof, as to amendments of rules, as to the acknowledgment of registry and the evidence of registry and of rules, shall apply to branch rules.
- (6) When a society has no funds under the control of a central body, to which every branch is bound to contribute, every branch shall be deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not.
- (7) In case the rules of a society provide that the branches shall have trustees distinct from the trustees of the society, the provisions herein contained as to the appointment and removal of trustees of the society

Power to register branches without separate rules.

May be registered as a single society.

Notice to be sent by the secretary to the Registrar on the establishment of a new branch.

Consequences of non-registration of rules of branches.

Previous provisions applicable to branches.

When branch must be registered as separate society.

Trustees of branches.

shall apply to the appointment and removal of trustees of branches, the word society in such provisions being read branch: Provided always, that the copy of the resolution appointing or removing a trustee of a branch forwarded to the Registrar shall be signed by the secretary of the society and by one of the trustees thereof, as well as by the secretary of the branch.

**Amalgamation of branches.**

- (8) Any two or more branches of a society may amalgamate in manner provided by the rules of the society, and upon any such amalgamation all the property of the branches amalgamating shall vest in the trustees of the amalgamated branch, and they shall be deemed registered proprietors of any such property as may be under the Transfer of Land Act, 1893, as if their names appeared or were entered as such proprietors in the register book, and such trustees, so far as such property extends, shall be subject to all the liabilities of the branches amalgamating to persons other than their own members as if they were trustees of the branch by which such liabilities were respectively incurred, but the rights of the members of the amalgamated branch with respect to one another shall be determined by or under the provisions of the rules of the society and subject thereto by the rules of the amalgamated branch.

27. With respect to the conversion of registered societies into branches, the following provisions shall have effect:—

**Power to registered societies to convert themselves into branches of other societies.**

- (1) A society registered before the time when this Act comes into force may, by a resolution passed by three-fourths of the members present and entitled to vote at any general meeting of the society of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under this Act of any other registered society and also if thought fit of any registered branch thereof, and if the rules of such society do not comply with all the provisions of this Act and of the regulations of the Governor in Council with respect to the registry of branches the meeting at which such resolution is passed may amend such rules so as to bring the same into compliance with this Act and with such regulations.

- (2) A copy of the rules of such first-mentioned society, marked to show the amendments (if any) made at such meeting, and two copies of such resolution as aforesaid and of such amendment of rules (if any) each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society and countersigned by the secretary of such other society, shall be sent to the Registrar, and if the Registrar finds that such rules with or without such amendment as aforesaid comply with the provisions of this Act and of the regulations of the Governor in Council hereunder he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society, and also if so specified in the resolution before mentioned of any branch of such other society without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.
- (3) No advertisement of any cancelling of registry under this section shall be requisite.
- (4) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of this Act or of the regulations of the Governor in Council hereunder and subject to any amendment thereof as hereinbefore provided, continue in force as the rules of such branch until amended.

*Penalties.*

28. With respect to penalties under this Act, the following provisions shall have effect:—

- (1) If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from any balance-sheet of a registered society or branch, or any contribution book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.
- (2) Every society and branch officer or member of a society or branch, or other person guilty of an offence under this Act for which no penalty is expressly provided

Penalties,  
No. 48 of 1923,  
s. 12.

For falsification of  
documents.

When no other  
penalty provided.

herein, shall be liable to a penalty of not less than one pound nor more than ten pounds.

Prosecution of offences and recovery of penalties.

- (3) All offences against this Act or any regulations under the same shall be summarily punishable, upon conviction, before two or more justices of the peace in petty sessions, and all informations and proceedings in respect of such offences shall be heard and determined, and the penalties and forfeitures in respect of the same enforced and appropriated (if not otherwise appropriated under this Act or the regulations) according to the provisions of the Justices Act, 1902-1920.

Power to societies to impose penalties on their officers and members.

29. A registered society or branch may, by its rules, impose penalties on its officers and members for acts or defaults contrary to such rules not exceeding, for any such act or default, ten pounds, and such penalties shall be recoverable in like manner as penalties imposed by this Act, and shall be payable to such society or branch, and shall be applicable in the manner directed by its rules, or the rules of the society or branch may provide that any such penalty shall be imposed by any meeting of the society or branch or by any person or persons designated by the rules in that behalf, and that the officer or member on whom the same may be imposed shall be suspended from all benefits to which he would otherwise be entitled under the rules, until such penalty is paid.

#### *Evidence.*

Evidence.

30. All courts, judges, and persons acting judicially shall take judicial notice of the seal of the Registrar, and every instrument or document bearing such seal shall be received in evidence without further proof, and every document purporting to be signed by the Registrar or any inspector or public auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Printed copies of rules in use in a society to be evidence.

31. A printed copy of rules in use in any society or branch, purporting to be the rules of such society or branch registered under any Act for the time being in force relating to friendly societies or to be a consolidation of such rules registered at different times, shall be *prima facie* evidence of the registration of such society or branch as from the date on which such rules or any of them purport to have been re-

gistered and of the rules thereof. Also a printed copy of rules which have been in use in any society or branch purporting as aforesaid shall be *prima facie* evidence of the registration of such society or branch as from the date on which such rules or any of them purport to have been registered and of the rules thereof and of any repealed rules thereof. The books containing the minutes of the meeting of any society or branch, duly confirmed by the presiding officer at such meeting, shall be *prima facie* evidence of the business transacted thereat, and that the meeting of which such minutes are a record was duly and regularly convened, held, and constituted.

32. A certificate in the form or to the effect in the Fifth Schedule to this Act in writing under the hand of the Registrar shall be conclusive evidence of the registration of the society or branch to which it relates and of any change of name thereof, and shall be *prima facie* evidence of the particulars stated therein with regard to the trustees of any society or branch registered under any Act for the time being in force relating to friendly societies, and as regards any trustee who may be shown to have acted as such it shall be conclusive evidence unless the validity of his appointment be called in question in some proceeding instituted within twelve months after he has commenced so to act. But notwithstanding, it shall be lawful to supplement any such certificate by proving the death of any trustee or the date of the appointment or retirement of any trustee the date of whose appointment or retirement is not expressly stated in the certificate.

Certificates of the appointment and retirement of trustees to be evidence.

Fifth Schedule.

33. (1.) A certificate in the form or to the effect in the Sixth Schedule to this Act in writing under the hand of the Registrar of the names of the trustees of any society or branch shall be *prima facie* evidence that the persons named therein are the trustees of such society or branch.

Registrar's certificate evidence of trustees.

Sixth Schedule.

(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.

Registration of trustees at office of Titles.

No. 48 of 1923, s. 13.

(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.

Evidence of registration.

Seventh Schedule.

Eighth Schedule.

Ninth Schedule.

34. A certificate under the hand of the Registrar, who is hereby required to give such certificate to any person applying for the same on payment of the fees prescribed by the regulations in force in that behalf in the form or to the effect in the Seventh, Eighth, or Ninth Schedules to this Act annexed (as the case may require) shall be conclusive evidence in all courts of the matters therein set forth, viz., that the society mentioned in the form in the Seventh Schedule was completely registered, or that the rules or extracts from rules referred to in the form in the Eighth Schedule were registered, or that the resolution referred to in the form in the Ninth Schedule, appointing a trustee or trustees, was duly transmitted to the Registrar, and deposited with the rules, on the days therein respectively mentioned.

This section shall apply not merely to societies' rules or resolutions registered or deposited under this Act, but to societies' rules or resolutions registered or deposited under any repealed Act for the time being in force relating to friendly societies.

#### *Miscellaneous.*

Persons in the military forces, etc., of the Commonwealth not to lose benefits.

No. 48 of 1923, s. 14.

35. No person by reason of his enrolment or service in any corps of volunteers or in the military or naval forces of the Commonwealth shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society or any branch thereof registered or unregistered or be fined for absence from or non-attendance at any meeting of the society or branch, such absence being occasioned by the discharge of his military or naval duty as certified by his commanding officer, any rules of such society or branch to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided before any two or more justices of the peace:

No. 6 of 1917, s. 5.

Provided that the committee of management of any society or branch may, during the continuance of the present



war, suspend or modify in such manner as they may deem just or expedient the benefits of any member who is on active service in the naval or military forces of the Crown, but no such suspension or modification shall have effect after the end of the said war.

36. No member of a registered friendly society or of any branch thereof, nor any person claiming through a member, shall be entitled to receive after the rate of more than sixty shillings a week by way of a periodical payment, or more than three hundred pounds by way of gross sum from any one or more such societies or branches, and any such society or branch may require a member or person claiming through a member to make and sign a statutory declaration that the total amount to which such member or person is entitled from any one or more such societies or branches does not exceed the sum aforesaid, and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour:

Limitation of benefits.

No. 48 of 1923, s. 15.

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.

37. With respect to payments on the death of children under the age of ten years, the following provisions shall have effect:—

Payments on death of children.

(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.

No. 48 of 1923, s. 16 (1.)

Tenth Schedule.

(2) No society or branch shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the personal representative of such parent or other the person appearing to a majority of the trustees to be entitled to receive such sum, and upon production by such parent, personal

To whom payable, and conditions of payment.

representative, or person, of a certificate of death issued by the Registrar General or district registrar of deaths, or other person having the care of the register of deaths containing the particulars hereinafter mentioned.

- (3) Whenever a certificate of the death of a child is applied for, for the purpose of obtaining a sum of money from a society or branch, the name of such society or branch and the sum sought to be obtained therefrom shall be stated to the Registrar General or district registrar of deaths, who shall write on or at the foot of such certificate the words "to be produced to the \_\_\_\_\_ society" (naming the society or branch as the case may be), "said to be liable for the payment on the death of the above-named \_\_\_\_\_" (naming the child), "to an amount not exceeding \_\_\_\_\_" (stating the sum), and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the Registrar General or district registrar of deaths for each certificate shall not exceed one shilling.

- (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.

- (5) Any society or branch to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums

Particulars and  
cost of certificate.

No. 48 of 1923,  
s. 16 (2.)

Conditions of issue  
of certificates.

No. 48 of 1923,  
s. 16 (3.)

Societies to in-  
quire in case of  
certificate not the  
first.

No. 48, of 1923,  
s. 16 (4.)

of money have been paid on the same death by any other society or branch, or any life assurance company.

(6) It shall be an offence under this Act—

Offences.

(a) If any society or branch pays, or any society or branch officer authorises or is party or privy to the payment, money on the death of a child under ten years of age otherwise than is provided by this Act;

Payment contrary to the Act.  
No. 48 of 1923,  
s. 16 (6).

(b) If any person claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies, branch or branches from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments on the death of children.

Improper or false certificate.

Penalty: Twenty-five pounds.

(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.

No. 48 of 1923,  
s. 16.

38. Nothing in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society as may be provided in the rules of such first-mentioned society without becoming a branch under this Act of such other society or branch.

Power to societies to contribute to the funds or take part in the management of other societies without becoming branches thereof.

39. The acknowledgment of registry of a society or a branch and of any amendment of the rules thereof respectively shall be in the forms provided in the Eleventh Schedule to this Act.

Forms of acknowledgment of registry of branches.

Eleventh Schedule.  
No. 48 of 1923,  
s. 17.

40. In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or quali-

Description of offences.

fication accompanying the description of the offence in this Act need be specified or negatived.

Appeal to general sessions.

41. Any party may appeal from any order or conviction made by justices of the peace on determining any complaint or information under this Act.

Public auditors.

42. The Governor in Council may from time to time appoint and remove public auditors and valuers for the purposes of this Act, and may by any order to be published in the *Gazette*, determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers, but the employment of such auditors and valuers shall not be compulsory on any society.

Where lands granted for benefit of societies for purposes of recreation a board of management to be formed.

No. 48 of 1923,  
s. 18.

43. (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.

Board to elect three trustees to hold lands.

44. (1.) The Board of Management shall elect three trustees for the purpose of holding any such lands, and shall send to the Registrar and the Registrar of Titles the names of the persons so elected, and the Registrar of Titles shall thereupon register such persons as the joint proprietors of such lands under the Transfer of Land Act, 1893, and issue a certificate of title to such persons, subject to any encumbrances affecting such lands, upon payment of a fee of five shillings.

(2.) In the event of the death, resignation, or absence from the colony for three months, of a trustee, or in the event of a trustee becoming incapable, unable, or unfit to act, through infirmity or other cause, sufficient, in the opinion of the Board, to warrant his removal, the Board may elect another trustee in place of the trustee so dying, resigning, absenting himself, or becoming incapable, unable, or unfit to act.

(3.) Upon the election of every such new trustee the Board shall cause his name to be registered in like manner as in the case of the original trustees, and the Registrar of Titles shall register every such new trustee as proprietor in place of the trustee in whose stead he shall have been elected, upon payment of a fee of five shillings.

(4) Such trustees shall hold such lands in trust for such societies and branches for the purpose of recreation, and subject to the next following section, and the regulations made under this Act, and the directions of the Board consistent therewith.

45. Subject to the regulations made under this Act, such Boards may, with the approval of the Governor in Council, raise money by way of mortgage of such lands or any part thereof for the purpose of improving such lands, and any mortgagee may exercise his powers and remedies as such in as full and ample a manner as if such lands were free from any trusts.

Board may raise money on mortgage for improvements.

46. All legal proceedings, civil or criminal, by any such Board may be instituted and carried on in the name of the chairman or secretary thereof appointed in the manner prescribed by the regulations made under this Act.

Legal proceedings.

47. (1.) The Governor in Council may from time to time make, alter, and revoke regulations for the following purposes, or any of them:—

Governor may make regulations.

- (a) Providing for registry and procedure under this Act, the seal of the Registrar, and the forms to be used for such registry.
- (b) Prescribing the duties and functions of the Registrar.
- (c) Prescribing the conditions under which, and the manner in which inspection of, documents kept by the Registrar may be made.

- (d) Determining a scale of fees to be paid for matters transacted and the inspection of documents under this Act, including the fees to be paid to the Registrar for any certificate.
- (e) Prescribing the manner of and time and place for electing boards of management of lands granted to or held in trust for registered societies or branches or societies and branches for purposes of recreation.
- (f) Providing for the election of a chairman and officers of such boards, and the registration of such chairman and officers and the members thereof.
- (g) Providing for the election of trustees of such boards and the election of a new trustee to fill any vacancy occurring in the number of trustees from time to time.
- (h) Prescribing the term for which such chairman, officers, and members of such boards may hold office, and the manner in, and time at, and conditions under, which such chairman, officers, and members shall resign, vacate, or be deposed from office.
- (i) Providing for the improvement, maintenance, management, letting, and use of such lands by such boards.
- (j) Prescribing the returns to be made by such boards to the societies and branches represented thereon and to the Registrar.
- (k) Providing for the audit of the accounts of such boards.
- (l) Empowering such boards to hold or sell to others the right to hold upon the lands under their control any kind of sports or other gathering, to impose and fix a charge to any person for admission to such sports or gatherings, to refuse such admission, and to eject any person for non-payment of such admission charge, or disorderly or other misconduct.
- (m) Prescribing the manner in which the profits arising from any such sale, sports, or gatherings may be disposed of.
- (n) Prescribing the conditions under which and the manner in which such boards may borrow money by way of mortgage of the lands under their control.
- (o) Providing for all other matters and things necessary for carrying out the objects of this Act.

(2.) Such regulations may impose penalties for acts or defaults contrary thereto, not exceeding twenty pounds for any such act or default.

(3.) All regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament be then sitting, and if not then sitting, then within fourteen days after the then next assembling of Parliament, and when published in the *Gazette* such regulations shall have the force of law, and the production of a copy of a *Gazette* containing any such regulation shall be *prima facie* evidence of the due making of such regulation, and that it is still in force.

48. Every misdemeanour under this Act shall be punishable with imprisonment, with or without hard labour, for any term not exceeding twelve months.

Misdemeanours,  
how punishable.  
No. 48 of 1923,  
s. 20.

49. Whenever in any Act now in force reference is made to the repealed Ordinance to regulate friendly societies, such reference shall be deemed to be made to this Act.

Reference to 27  
Vic., No. 6, to be  
deemed to be to  
this Act.

50. Nothing contained in this Act shall in any way be deemed or construed to impose any liability on Her Majesty's Government.

Saving liability  
of Her Majesty's  
Government.

I certify that the principal Act as amended by the Acts set out on page 1 of this reprint is correctly set out above with all amendments embodied therein.

BERNARD PARKER,  
Clerk of the Parliaments.

27th March, 1924.

## SCHEDULES.

Section 2.

## FIRST SCHEDULE.

Date of Act.	Title of Act.
27 Vict., No. 6 ...	"An Ordinance to regulate Friendly Societies."
29 Vict., No. 1 ...	"An Ordinance to explain an 'Ordinance to regulate Friendly Societies.'"
See No. 48 of 1923, s. 22, No. 13 of 1914 ...	"The Friendly Societies Act Amendment Act, 1914."

Section 11 (1.)

## SECOND SCHEDULE.

Matters to be provided for by the rules of societies registered under this Act :—

- (1.) The name and address of the society.
- (2.) The whole of the objects for which the society is to be established, the purposes for which the funds thereof are to be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.
- (3.) The mode of holding meetings, and the right of voting, and the manner of making, altering, or rescinding rules.
- (4.) The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and in the case of a society with branches, the composition of the central body and the control to be exercised by it over the branches.
- (5.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
- (6.) Annual returns to the Registrar of the receipts, funds, effects and expenditure, and number of members of the society.
- (7.) The inspection of the books of the society by every person having an interest in the funds of the society.
- (8.) The manner of settling disputes between the society and any of its members, or any person claiming through a member or under the rules.
- (9.) In the case of dividing societies a provision for meeting all claims upon the society existing at the time of division, before any such division takes place.



THIRD SCHEDULE.

Section 15 (9.)

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

The trustees of the Society or Branch, as the case may be, hereby acknowledge to have received all moneys intended to be secured by the within [or above] written deed.

Given under our hands this day of , 19 .

[Signatures of Trustees.]

Trustees.

Countersigned [signature of Secretary.]

Secretary.

FOURTH SCHEDULE.

Section 17 (1.)

FORM OF BOND.

Know all men by these presents that we, A.B., of one of the officers of the society, established at and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to E.F. of G.H. of and H.K. of the trustees of the said society, in the sum of to be paid to the said E.F., G.H., and H.K., as such trustees, or their successors trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord

Whereas the above-bounden A.B. has been duly appointed to the office of of the society established aforesaid, and he, together with the above-bounden C.D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained: Now, therefore, the condition of the above-written bond is such that if the said A.B., &c., render a just and true account of all moneys received and paid by him on account of the said society at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign, transfer, or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the trustees or committee of management thereof shall appoint according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise the same shall remain in full force.

Sealed and delivered in the presence of [two witnesses].

Section 32.

FIFTH SCHEDULE.

CERTIFICATE of the Names of the Trustees of the Society called, up to the 3rd of January, 1873, the Branch, No. 10, of the Order of Good Fellows of Australia, and since called the Branch, No. 10, of the Order of Good Fellows of

Manner of Appointment.	Date of Appointment or Retirement.	Date of Drawing up Resolution.	Date of Registration.	Names of Trustees Appointed.	Names of Trustees retired or Statement that the Appointment is Additional.	Manner of Retirement.
By rules ...	...	...	1st June, 1872 ...	John Jones ... Thomas Smith ... William Williams ...	All the previous Trustees not re-appointed	Not stated.
By rules ...	...	...	3rd January, 1873	John Jones ... James Johnson ... Robert Edwards ...		
By resolution ...	1st August, 1874	20th August, 1874	24th August, 1874	James Wilson ... Donald Macdonald ... Patrick O'Connor ...	All the previous Trustees ...	Not stated.
By resolution ...	Not stated ...	1st February, 1875	3rd February, 1875	William Williams ...	Patrick O'Connor ...	Resigned.
By resolution ...	Not stated ...	Not stated ...	1st March, 1876	John Brown ...	William Williams ...	Deceased.
By resolution ...	3rd June, 1877	4th June, 1877 ...	5th June, 1877 ...	James Green ... William Black ...	James Wilson ... Donald Macdonald ...	Removed. Resigned.
By resolution ...	1st October, 1878 2nd May, 1879	2nd October, 1878 3rd May, 1879 ...	4th October, 1878 5th May, 1879 ...	Richard Adams... ... ..	An additional Trustee William Black ...	Removed.

In filling up the foregoing table, when from the number of Trustees appointed at any one time, being the exact number fixed by the rules, or from any other reason it appears that the Trustees appointed were intended to be in exclusion of all others, but the retiring Trustees are not expressed, the Registrar shall insert as retiring Trustees "all the previous Trustees," or "all the previous Trustees not re-appointed," as the case may require.

I hereby certify that the foregoing is a full and correct Statement of the Rules and Resolutions relating to the appointment and retirement of Trustees of the above-named branch of the above-named society, registered under the Acts for the time being in force relating to Friendly Societies [or from the day of to the day of inclusive.]

SIXTH SCHEDULE.

Section 33.

CERTIFICATE OF NAMES OF TRUSTEES.

I hereby certify that A.B. of C.D. of and E.F. of the are the trustees of the [or branch of the ].

Given under my hand this day of Registrar of Friendly Societies. Friendly Societies Office, Perth.

SEVENTH SCHEDULE.

Section 34.

CERTIFICATE OF THE COMPLETE REGISTRATION OF A FRIENDLY SOCIETY.

I hereby certify that the Society [or branch of the ] called the established at is completely registered and is subject to the provisions and entitled to the privileges of the Acts relating to Friendly Societies, from the day of 19 .

Given under my hand this day of A.D. 19 Registrar of Friendly Societies. Friendly Societies Office, Perth.

EIGHTH SCHEDULE.

Section 34.

CERTIFICATE TO RULES OF A FRIENDLY SOCIETY.

I hereby certify that the foregoing rules [or extracts from rules] of the Friendly Society [or branch of the ] called the established at were registered in accordance with the provisions of the Acts relating to Friendly Societies on the day of 19 .

Given under my hand this day of A.D. 19 Registrar of Friendly Societies. Friendly Societies Office, Perth.

NINTH SCHEDULE.

Section 34.

CERTIFICATE TO A RESOLUTION APPOINTING A TRUSTEE.

I hereby certify that the annexed copy [or duplicate] of a resolution of the Friendly Society [or branch of the ] called the established at appointing a trustee [or trustees] of the said society was duly transmitted to the Registrar of Friendly Societies and by him deposited with the rules of the said society on the day of 19 .

Given under my hand this day of A.D. 19 Registrar of Friendly Societies. Friendly Societies Office, Perth.

Section 37.

## 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

Section 39.

## ELEVENTH SCHEDULE.

## ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The \_\_\_\_\_ is registered under "*The Friendly Societies Act, 1894-1923.*"  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 Registrar of Friendly Societies.

## ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the \_\_\_\_\_ is registered  
 under "*The Friendly Societies Act, 1894-1923.*"  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 Registrar of Friendly Societies.

## ACKNOWLEDGMENT OF REGISTRY OF BRANCH.

The \_\_\_\_\_ is registered as a branch of the \_\_\_\_\_ [and of the  
 branch of the same] under "*The Friendly Societies Act, 1894-1923.*"  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 Registrar of Friendly Societies.

## ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES.

The foregoing amendment of the branch rules of the \_\_\_\_\_ is registered  
 under "*The Friendly Societies Act, 1894-1923.*"  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 Registrar of Friendly Societies.