



ANNO QUINQUAGESIMO QUINTO ET QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1892.

No. 558.

An Act to amend an Act, No. 22 of 1852, intituled "An Act to regulate Friendly Societies," "The Manchester Unity of Oddfellows Act, 1874," and "The Friendly Societies Act, 1886," and for other purposes.

[Assented to, December 17th, 1892.]

WHEREAS it is desirable to amend an Act, No. 22 of 1852, Preamble. intituled "An Act to regulate Friendly Societies," "The Manchester Unity of Oddfellows Act, 1874" and "The Friendly Societies Act, 1886," and to make provisions for other purposes—
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Friendly Societies Amendment Act, 1892." Short title.

2. In the construction of this Act, unless inconsistent with the Interpretation context, the expression—

"Society" shall mean and include—

(a) All Friendly Societies enumerated in the Schedule A to "The Friendly Societies Act, 1886":

(b) The Independent Order of Oddfellows Manchester Unity Friendly Society referred to in "The Manchester Unity of Oddfellows Act, 1874":

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(c) All Friendly Societies from time to time incorporated under the said Act No. 22 of 1852 :

“ Branch ” shall mean and include all branches now or hereafter established by any Society, and having a separate fund administered by themselves or by a committee or officers :

“ Officer ” shall mean and include every trustee, treasurer, secretary, member of the Board or Committee of Management of a Friendly Society, and of every branch thereof, and every person authorised or appointed by the Society to manage its business or part of its business :

“ Registrar ” shall mean the Registrar-General :

“ Actuary ” shall mean the Public Actuary for the time being.

Repeal.

3. Section 11 and the Schedule C of the said Act No. 22 of 1852, section 16 of “ The Manchester Unity of Oddfellows Act, 1874,” and section 16 and Schedules F and G of “ The Friendly Societies Act, 1886,” are hereby repealed.

Registered office of Society.

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

Audit of accounts.
Auditors to report.

5. (1) Once at least in every half year every Society and every branch thereof shall submit its accounts for audit to two or more auditors, to be appointed in manner provided by the rules of the Society ; or, if no provision shall be contained in such rules relative to the appointment of auditors, as may be prescribed by rules to be made under the provisions of this Act.

Auditors to report.

(2) The auditors shall have access to the books and accounts of every Society or branch, and shall examine the general statements of the receipts and expenditure, funds, and effects of the Society and branch, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found correct, duly vouched, and in accordance with law, or specially report to the Society in what respects they find it incorrect, unvouched, and not in accordance with law.

Power to branches to forward surplus fund to parent society for investment.

6. With the consent of any branch the trustees thereof may forward to the board of directors or trustees of its respective Society, with the consent of such Society, any sum or sums of money belonging to such branch as may not be required for the immediate use thereof for investment by such board of directors or trustees, and upon such terms as may be mutually agreed upon : Provided that such moneys shall only be invested upon such securities as are required and prescribed by the Act under which such Society is incorporated or registered.

Annual returns to be sent to Registrar:

7. On or before the first day of May in every year every Society shall send to the Registrar a general statement of the receipts and expenditure,

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expenditure, funds, and effects of the Society so audited, which shall show separately—

- (a) The income and expenditure in respect of the several objects of the Society during the preceding financial year :
- (b) A copy of the auditors' report, if any, on such general statement :
- (c) The names, addresses, calling, or professions of each of such auditors :
- (d) A list of the names and occupations of such members of the Society, together with the age of each, and the periods of sickness, deaths, and other contingencies in respect of whom moneys have been paid by the Society during the period aforesaid, and the respective amounts thereof : and
- (e) Such other information as the Registrar may from time to time prescribe.

8. (1) Every Society shall, on or before the first day of May, one thousand eight hundred and ninety-three, and on or before the first day of May in every succeeding five years, cause its assets and liabilities to be valued by the actuary or a valuer to be appointed by the Society and approved of by the Registrar, and such actuary or valuer shall send to the Registrar a report on the condition of the Society and an abstract to be made by him of the results of his valuation, together with a return containing such information with respect to the benefits assured and contributions receivable by the Society, and of its funds and effects, debts and credits, as the Registrar may from time to time require, and every Society shall at the same time forward to the Registrar a list of the names and occupations of all its members, together with the age of each member at the time of the previous quarterly or half-yearly balancing of accounts, specifying the date thereof.

Quinquennial valuations.

(2) Every such valuation shall be called the quinquennial valuation, and the report thereon shall be signed by such actuary or valuer, and, if signed by such valuer, he shall state therein his full name, address, and calling or profession.

Valuer to sign report.

9. Any valuer, member, or person having an interest in the funds of the Society may inspect the books thereof at all reasonable hours, at the registered office of the Society or at any place where the same are kept; but no such member or person, unless he be specially authorised by a resolution of the Society to do so, shall have the right to inspect the loan account of any borrower without the written consent of such borrower.

Inspection of books.

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

Copies of annual returns to be supplied.

11. Every

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

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

Branches to be included in returns.

12. In the case of a Society having branches, there shall be included in the return and valuations required by this Act returns and valuations in respect of all the branches of the Society.

Branches to supply information to principal secretary.

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

Public actuary to be appointed.

14. The Governor shall appoint some person to be a public actuary, who shall perform the duties assigned to him by this Act.

The actuary's duties.

15. It shall be the duty of the actuary to investigate the annual returns, and make quinquennial valuations of the assets and liabilities of Societies, and of every branch thereof; but any Society may employ a valuer, as provided in section 8 hereof, in which case the actuary shall investigate the valuations and reports of such valuer, together with the returns sent to the Registrar as aforesaid; and in either case he shall, so soon after the said quinquennial valuation as practicable, report to the Chief Secretary—

(a) On the assets and liabilities of the Society :

(b) As to the sufficiency or insufficiency of the subscriptions, income, and capital to pay for the objects or purposes intended to be secured by the Society to its members, or to the husband, wife, child, or kindred of a member :

(c) As to the necessity of any increase or decrease in the subscriptions or payments by a member towards the funds of the Society, or as to any increase or decrease of the sums payable by the Society for relief, maintenance, endowment, contribution in case of death, burial expenses, or other lawful purposes :

(d) As to any defects in the administration of the Society's funds, and the efficiency or inefficiency of management, or the sufficiency or insufficiency of any return, audit report, or valuation :

Appropriation of certain surplus.

And a Society which shall have been reported upon by the actuary to possess any surplus at the last quinquennial valuation, and whose
scale

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scale of contributions for new members shall be certified to be sufficient, may apply all interest over and above five per centum per annum accruing from capital funds invested to such purposes as may be approved by the Society.

16. The actuary may, with the approval of the Governor, from time to time—

Returns to be prepared and published.

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

17. It shall be lawful for the actuary to inspect all accounts, books, papers, deeds, memorandums, returns, reports, and valuations of which he may require the inspection, and to make such extracts and copies therefrom as in his opinion may be necessary for any of the purposes of this Act.

Inspection by actuary.

18. Any officer who shall neglect to send or forward any notice, statement, return, information, report, or valuation required by this Act to be forwarded, or submit the account of his Society for audit, or to obtain the quinquennial valuation of his Society's assets and liabilities; or who shall wilfully obstruct or hinder any auditor, valuer, actuary, officer, member, or person in the performance of any duty, or refuse or neglect to produce any books, papers, deeds, memorandums, returns, reports, or valuations to the inspection whereof any such auditor, valuer, actuary, member, or person is entitled; or who shall neglect to supply to any member or person on his application with any return to which such member or person is entitled; or who shall fail to exhibit any balance-sheet, quinquennial valuations, and reports, shall, for every day during which such offence, omission, or neglect is continued, pay a penalty of not exceeding Five Pounds; and it shall be the duty of the Registrar and of the actuary to require every Society and each of its officers to comply with the provisions of this Act and the said Act No. 22 of 1852, or the Act

Penalties for offences.

by

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by which any particular Society is incorporated, save and except any provisions in the said Acts or any of them which are hereby repealed.

Trustees not to accept certain securities.

19. Any director or trustee advancing the money of any Society on the security of any land the fee-simple of which shall have been vested in any one of the trustees of the Society within one year from the time of the giving such security, shall be liable to a penalty of not less than One Pound nor more than Ten Pounds.

Investments.

20. It shall be lawful for any Society or branch to invest its moneys on the security of South Australian Government bonds, Treasury bills, or upon the debentures of any municipal corporation of the province: Provided that all such securities shall be payable to the Society or branch named therein, and shall not be transferable except under its seal witnessed by the respective trustees of such Society or branch; and the person issuing such bonds, bills, or debentures is hereby authorised to issue the same accordingly.

Regulations.

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

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

All such regulations shall, when published in the *Government Gazette*, be valid and have the force of law, and a copy of the *Gazette* containing such regulations shall be received in evidence.

Summary procedure.

22. Every proceeding for the recovery of any fine or penalty imposed by this Act, or by any regulation made in pursuance thereof,

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thereof, may be had before any Special Magistrate or two or more Justices of the Peace for the said province in a summary way under the Ordinance No. 6 of 1850, or any Act amending the same.

23. There shall be an appeal from any conviction under this Act, or from any order dismissing an information, to the Local Court of Full Jurisdiction at Adelaide, or to the Local Court of Full Jurisdiction nearest to the place where the conviction or order appealed from is made. ^{Appeal.}

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.