



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 37 of 1989

An Act to amend the Friendly Societies Act, 1919.

[Assented to 4 May 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Friendly Societies Act Amendment Act, 1989*.
- (2) The *Friendly Societies Act, 1919*, is referred to in this Act as “the principal Act”.

Societies may make general laws or rules

2. Section 10 of the principal Act is amended by striking out from subsection (7) “Chief Secretary” twice occurring and substituting, in each case, “Minister”.

Mode of investment of funds

3. Section 12 of the principal Act is amended by striking out paragraph (g) of subsection (1) and substituting the following paragraph:

- (g) with the consent of the Minister given on the recommendation of the Public Actuary and subject to such conditions (if any) as the Minister may impose, in such shares, debentures or other securities as the committee of management of the society or branch (as the case may be) requests,.

Insertion of s. 22a

4. The following section is inserted after section 22 of the principal Act:

Deferral of payments

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

Money payable on death

5. Section 23 of the principal Act is amended by striking out subsection (3).

Separate accounts to be kept for each fund

6. Section 27 of the principal Act is amended by striking out from subsection (2) "Chief Secretary" twice occurring and substituting, in each case, "Minister".

Appropriation and transfer of surplus funds

7. Section 27a of the principal Act is amended by striking out from subsection (1) "Chief Secretary" and substituting "Minister".

Appointment of trustees and auditors

8. Section 27b of the principal Act is amended by striking out from subsection (3) "Chief Secretary" and substituting "Minister".

Quinquennial valuations

9. Section 30 of the principal Act is amended—

- (a) by striking out from subsection (1) "Chief Secretary" and substituting "Minister";
- and
- (b) by striking out from subsection (3) "Chief Secretary" twice occurring and substituting, in each case, "Minister".

Power to submit proposals to improve financial position

10. Section 30a of the principal Act is amended by striking out "Chief Secretary" wherever occurring and substituting, in each case, "Minister".

Insertion of s. 35a

11. The following section is inserted after section 35 of the principal Act:

Public Actuary may require withdrawal of certain advertisements

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

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

or

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

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

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

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

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

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

and

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

Penalty: \$4 000.

Default Penalty: \$400.

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

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

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

and

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

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

(8) In this section—

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

Public Actuary's duties and application by a society of certain surplus assets

12. Section 37 of the principal Act is amended by striking out from subsection (1) “Chief Secretary” and substituting “Minister”.

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

D. B. DUNSTAN, Governor