

Queensland



Subordinate Legislation 1991 No. 29

**FRIENDLY SOCIETIES REGULATIONS
1991**

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FRIENDLY SOCIETIES REGULATIONS 1991

Department of Justice,
Brisbane, 25th July, 1991

HIS Excellency the Administrator of the Government, acting by and with the advice of the Executive Council and in pursuance of the *Friendly Societies Act 1991*, has been pleased to make the following regulations.

G. R. MILLINER
Minister for Justice and
Corrective Services

FRIENDLY SOCIETIES REGULATIONS 1991

PART 1—PRELIMINARY

Short title

1. These regulations may be cited as the *Friendly Societies Regulations 1991*.

Commencement

2. These regulations commence on 1 August 1991.

Forms

3. The forms to be used for the purposes of these regulations are the forms set out in Schedule 1.

Fees

4. The fees to be paid for the purposes of the Act are the fees set out in Schedule 2.

Lodgment of documents

5.(1) A written document that is lodged with the Registrar—

- (a) must be on A4 paper (or a multiple of A4) of medium weight and good quality; and
- (b) must not be a carbon copy or a copy reproduced by a spirit duplication method; and
- (c) must be able to be reproduced by a means satisfactory to the Registrar; and
- (d) must have written on the first sheet—
 - (i) the name of the friendly society; and
 - (ii) the title of the document; and
 - (iii) the name, address and telephone number of the person by whom the document is lodged; and
- (e) unless it is a document lodged for the purposes of section 3.1 of the Act, must be signed by an officer of the friendly society.

(2) The name of the person who signed the document must be written legibly under the person's signature.

PART 2—REGISTRATION AND INCORPORATION**Prescribed particulars—application for registration of friendly society**

6. For the purposes of section 3.1(4)(c) of the Act, the prescribed particulars are—

- (a) a copy of the statement of the proposed objects of the society presented to the meeting, signed and certified by those who acted as chairperson and secretary at the meeting; and

- (b) the full name, address, directorships held, and nature of appointment of each proposed executive officer and director of the friendly society; and
- (c) full particulars of the educational qualifications and experience of each proposed executive officer of the friendly society.

Advertising change of name of friendly society

7. For the purposes of section 3.9(5) of the Act, a friendly society must advertise a change of name in a daily newspaper circulating generally in Queensland within 14 days after the change of name takes effect.

Model rules

8. For the purposes of section 3.15 of the Act, the model rules are as set out in Schedule 3.

Alteration of rules of friendly society

9. For the purposes of section 3.16 of the Act, a proposed alteration of the rules of a friendly society is registered as prescribed if application is made in the form approved by the Registrar and the Registrar certifies that the alteration has been registered.

PART 3—MANAGEMENT

Disqualification from acting as director—prescribed authorities

10. For the purposes of section 4.5(4)(b) of the Act, the prescribed authorities are—

- (a) for Tasmania—the General Manager of Corrective Services;
- (b) for New South Wales—the Director-General of the Department of Corrective Services;
- (c) for South Australia—the Executive Director of the Department of Correctional Services;

- (d) for Victoria—the Director-General of the Department of Corrective Services;
- (e) for Western Australia—the Executive Director of the Department of Corrective Services;
- (f) for Queensland—the Director-General of Corrective Services;
- (g) for the Northern Territory—the Director of Correctional Services.

Loans to directors and related persons

11. For the purposes of section 4.16 of the Act, a prescribed relationship to a director is that of—

- (a) spouse (including a de facto spouse); or
- (b) parent, step-parent, brother, sister, step-brother, step-sister, daughter, son, step-daughter or step-son; or
- (c) a dependent of the director (other than a person referred to in paragraph (a) or (b)); or
- (d) the spouse (including a de facto spouse) of a person referred to in paragraph (b) or (c).

Meetings—advertising requirements

12. For the purposes of section 4.19(9) of the Act, a notice complies with section 4.19(8)(b) if—

- (a) it is advertised in the public notices column of a newspaper circulating generally throughout Australia and a newspaper circulating generally in the area of the friendly society's registered office; and
- (b) it is not less than 6 cm in width and 10 cm in depth; and
- (c) it includes—
 - (i) the society's registered name; and
 - (ii) the address of the society's registered office; and
 - (iii) the type of meeting to be held and the venue, date and time of the meeting; and
 - (iv) a description of the business to be discussed at the meeting,

including the details of any special resolution; and

(v) if applicable, a statement that the accounts, statements and reports referred to in section 4.29(1) of the Act will be available at the meeting and may be inspected at the society's registered office or obtained by members on request before the meeting; and

(d) a copy of the advertisement is lodged with the Registrar before it is published.

Special resolution

13. For the purposes of section 4.23(3) of the Act, an application for registration of a special resolution must be lodged with the Registrar in the form approved by the Registrar within 14 days after the resolution is passed.

Particulars required to be included in registers

14. For the purposes of section 4.26(3) of the Act—

(a) the register of members of a friendly society is required to contain the following particulars in respect of each member—

- surname
- other names (in full)
- address
- date of birth
- date of admission to the society; and

(b) the register of directors, principal executive officer, and secretary of a friendly society is required to contain the following particulars (where relevant) in respect of each director and principal executive officer and the secretary—

- surname
- other names (in full)
- address
- date of birth

- occupation
 - date of election as director
 - office held
 - date of termination of office; and
- (c) the register of loans to, and securities given by, a friendly society is required to contain the following particulars in respect of each loan or charge—
- name and address of mortgagee or person entitled to charge
 - date on which consent of board or committee was given
 - date of loan
 - amount of charge created
 - security given, including description of property mortgaged or charged
 - registered number of security or charge
 - date for repayment of loan
 - date security released from charge; and
- (d) the register of investments made by a friendly society is required to contain the following particulars in respect of each investment—
- date authorised
 - nature of investment
 - face value
 - series number (if applicable)
 - maturity date
 - particulars relating to interest including rate
 - due date of interest
 - date purchased
 - name of fund (if relevant)
 - contract note number (if relevant)
 - price paid

- net cost
 - redemption details (amount and date proceeds received); and
- (e) the register of land vested in, or leased by, a friendly society is required to contain the following particulars in respect of each parcel of land—
- fund invested and ledger account
 - locality
 - street and lot number
 - title reference
 - estate held (fee simple, or leasehold and term)
 - cost/rental
 - date purchased
 - date of approval of board; and
- (f) the register of loans made by, and securities taken by, a friendly society is required to contain the following particulars in respect of each loan—
- name of person to whom loan made
 - date loan approved
 - amount of advance
 - particulars relating to interest, including rate
 - security taken
 - title reference
 - mortgage reference
 - repayment details
 - ledger account reference; and
- (g) the register of assignments is required to contain the following particulars in respect of each assignment—
- name of transferor
 - table or rule involved

- date of admission to table
- date of registration
- name of transferee
- address of transferee
- related dealings (if any).

Modification of Parts 3.6 and 3.7 of Corporations Law of Queensland—Accounts and audit

15. For the purposes of section 4.27(i) of the Act, each of the following provisions of the Corporations Law of Queensland is modified in the following manner.

1. Section 290—Synchronisation

The following provisions apply instead of section 290(10), (11), (12), (13) and (14)—

‘**(10)** If the Registrar serves a copy of an order made under subsection (9) on a holding friendly society, the directors of that society may, within 2 months after the service of that order, appeal against the Court.’

‘**(11)** The Court is to determine the appeal and may for that purpose—

- (a) exercise any power that the Registrar has; and
- (b) make any order that the Registrar may make;

on an application under this section.

‘**(12)** If an application under this section is made by the directors of a holding friendly society, subsection (1) does not apply to the corporation that is the subsidiary to which the application relates until the application is granted or an appeal against a refusal to grant that application is determined.’

‘**(13)** If the Registrar or the Court makes an order granting an application under this section, compliance with the terms of that order is to be taken to be compliance with subsection (1).’

‘**(14)** If the Registrar or the Court makes an order refusing an application under this section, the directors of the holding friendly

society must comply with subsection (1) within 12 months after—

- (a) if no appeal is lodged—the date of service of the copy of the Registrar’s order; or
- (b) if an appeal is lodged and the appeal is withdrawn—the date on which the appeal is withdrawn; or
- (c) if the order is made by the Court—the date on which the Court makes the order.

‘(15) If an application under this section is refused by the Registrar or on appeal, the directors of the holding friendly society are not entitled to make a further application under this section within 3 years after the date of the refusal.’.

2. Section 292— Profit and loss

The following additional provision applies in the application of section 292—

‘All items of income or expense that are brought into account to determine the surplus or deficit of the friendly society and each of its funds must be separately itemised.’.

3. Section 313—Relief from requirements as to accounts and reports

(a) In the application of section 313(8) and (14) a reference to the Gazette is to be taken to be a reference to the Queensland Government Gazette.

(b) The following additional provisions apply in the application of section 313—

‘(15) A friendly society may appeal to the Court against—

- (a) an order made under subsection (2) or (6); or
- (b) the revocation or suspension of such an order; or
- (c) the refusal of an application for an order or for the revocation or suspension of an order.

‘(16) The appeal is to be lodged within 2 months after service of notice of the making, revocation or suspension of the order or, as the case may be, within 2 months after publication of notice of the making, revocation or suspension of the order.

‘(17) The Court may confirm, modify or set aside the order and

may make any other order it thinks fit.’.

4. Section 329—Removal and resignation of auditors

The following additional provisions apply in the application of section 329(6)—

‘An auditor, or a firm of auditors, appointed by a friendly society, who is aggrieved by the Registrar’s refusal to consent to the auditor’s or the firm’s resignation may appeal to the Court within one month after the date of receiving notice of the refusal.

‘The Court may, after giving the friendly society an opportunity to be heard, confirm the Registrar’s refusal or consent to the auditor’s resignation and may make any other order it thinks fit.’.

Application of Division 5 of Part 4 of Act—Actuarial valuations

16. For the purposes of section 4.33 of the Act, the following funds are benefit funds to which Division 5 of Part 4 of the Act apply—

- (a) sick and funeral funds;
- (b) life assurance funds, including flexible endowment assurance funds;
- (c) annuity funds.

Appointment of actuary—qualified person

17. For the purposes of section 4.34(7)(c) of the Act, the prescribed amount is \$5 000.

PART 4—FUNDS

Modification of Part 3.5 of Corporations Law of Queensland—Charges

18. For the purposes of section 5.2 of the Act, a reference in that section to a provision of the Corporations Law of Queensland is to be taken to include any regulation made pursuant to those provisions modified so that—

- (a) a reference to the register of company charges is taken to be a reference to the register of friendly society charges; and
- (b) a reference to the Gazette is taken to be a reference to the Queensland Government Gazette.

Investment of funds

19.(1) For the purposes of section 5.3 of the Act, a friendly society may invest its funds from sources other than benefit funds as follows—

- (a) in loans to or shares in a subsidiary corporation of the friendly society;
- (b) in loans to or shares in a related body corporate;
- (c) in loans to or shares in joint ventures with other friendly societies or foreign friendly societies, whether or not the joint venture arrangement is by way of incorporation;
- (d) in loans to or shares in dispensaries;
- (e) if a friendly society is a continuing society that was a house society under the former Act, in stock, shares or debentures of the body corporate whose officers and employees comprise that friendly society.

(2) In subregulation (1)(e), “**continuing society**” and “**former Act**” have the same meaning as in section 13.2 of the Act.

Benefit fund limit

20. For the purposes of section 5.10(5) of the Act, in the case of a single premium endowment fund, the prescribed amount (exclusive of any

bonuses or additions declared on assurances) is—

- (a) \$150 000; or
- (b) 0.2% of the assets of the fund as shown on the last annual return of the friendly society;

whichever is the higher.

Dispensing with probate or letters of administration

21. For the purposes of section 5.17(1) of the Act, the prescribed amount is \$10 000.

Contribution rates

22. Section 5.19 of the Act applies to benefits payable from—

- (a) sick and funeral funds; or
- (b) life assurance funds, including flexible endowment assurance funds; or
- (c) annuity funds.

Surrender and alteration of benefits—applicable benefits

23. For the purposes of section 5.21(b) of the Act, a benefit payable from a life assurance fund is an applicable benefit.

Operating standards—Division 6 of Part 5 of Act

24. Regulations 25, 26 and 27 are operating standards for the purposes of section 5.25 to 5.27 of the Act.

Liquid assets

25.(1) For the purposes of section 5.24 of the Act, the following assets are prescribed as liquid assets—

- (a) cash on hand and at a bank;
- (b) deposits in a bank;

- (c) certificates of deposit issued by a bank;
- (d) interest bearing deposits in a bank;
- (e) public funds or Commonwealth, State or Territory Government securities;
- (f) securities of which repayment of the amount secured and interest on that amount is guaranteed by the Commonwealth or a State or Territory Government;
- (g) securities charged on the funds or other property of the Brisbane City Council or another local authority in the State;
- (h) investments with or securities issued by the Queensland Industry Development Corporation;
- (i) assets invested with any dealer in the short term money market, approved by the Reserve Bank of Australia as an authorised dealer, who has established lines of credit with that bank as lender of last resort;
- (j) any bill of exchange accepted by a bank which—
 - (i) at the time of requisition has a maturity date of not more than 200 days; and
 - (ii) if purchased for value, confers on holders in due course a right of recourse against a bank as the acceptor or endorser of the bill for an amount equal to the face value of the bill;
- (k) in the purchase of shares in, or the deposit of moneys with, a permanent building society that is approved under section 227 of the *Building Societies Act 1985*.

(2) An asset or investment referred to in subregulation (1) is not a liquid asset to the extent of any amount necessary to satisfy a lien or charge (other than a floating charge) over the asset or investment.

(3) The value of the liquid assets of a friendly society is the total of the monetary value of each asset or investment referred to in subregulation (1) of the society (being the face value or market value of the asset or investment, whichever is the lower) after excluding any amount referred to in subregulation (2).

Maintenance of liquid assets

26.(1) A friendly society that maintains a health insurance fund (other than a fund required to maintain a solvency ratio under any provision of the *National Health Act 1953* of the Commonwealth or as a condition of any exemption granted by the Minister administering that Act) is required to maintain liquid assets of not less than two twelfths of the total contributions made to the fund during the friendly society's previous financial year.

(2) A friendly society that maintains a benefit fund in which a contributor subscribes for a bond (whether or not it includes any death benefit) which may be surrendered or withdrawn at any time is required to maintain liquid assets of not less than 25% of the balance of the fund, after subtracting any loans from the fund to fund members on the security of the members' interest in the fund.

(3) A friendly society that maintains a benefit fund not included in subregulation (1) or (2) is required to maintain liquid assets of not less than 10% of the balance of the fund, after subtracting any loans from the fund to fund members on the security of the members' interest in the fund.

(4) A friendly society that maintains a fund in which the assets of any benefit fund are not required under section 5.11(8) of the Act to be kept separate from other assets of the friendly society, is required to maintain liquid assets of not less than 10% of the balance of the combined fund, after subtracting any loans from the fund to fund members on the security of the members' interest in the fund.

Requirements for managed funds

27.(1) In this regulation—

“managed fund” means a benefit fund for which an actuary must be appointed under section 4.34 of the Act and any other benefit fund the contributors to which are led to expect profits, interests or monetary gain from participation in that benefit fund;

“unencumbered assets” means the monetary value of the assets of the friendly society which are not the assets of a benefit fund (being the cost of the assets as recorded in the books of the society with proper allowance for depreciation or diminution in value and reduced by the amount necessary to satisfy any lien or charge on those assets).

(2) A friendly society must not establish or maintain a benefit fund

which is a managed fund unless the society maintains unencumbered assets of not less than—

- (a) 5% of the aggregate of all managed funds of the society; or
- (b) \$1 000 000;

whichever is the lower.

Inspection of documents in Registrar's Office—prescribed documents

28. For the purposes of section 8.8(1)(c) of the Act, the following documents are prescribed documents—

- (a) documents provided to the Registrar under section 5.27(1) of the Act; and
- (b) documents (other than a form of annual return) provided to the Registrar under section 8.4 of the Act.

Modification of Parts 5.2 and 5.3 of Corporations Law of Queensland—Official Management

29. For the purposes of section 10.1 of the Act, the prescribed modifications to Parts 5.2 and 5.3 of the Corporations Law of Queensland include modifications by means of which, in those Parts and in regulations made for the purposes of those Parts—

- (a) references to a company are taken to be references to a friendly society; and
- (b) references to a special resolution or an extraordinary resolution are taken to be references to a special resolution within the meaning of the *Friendly Societies Act 1991*; and
- (c) references to the Gazette are taken to be references to the Queensland Government Gazette.

Modification of Parts 5.4 to 5.8 of Corporations Law of Queensland—Winding up of friendly society

30. For the purposes of section 10.2 of the Act, the prescribed modifications to Parts 5.4 to 5.8 of the Corporations Law of Queensland include modifications by means of which, in those Parts and regulations

made for the purposes of those Parts—

1. references to a company are taken to be references to a friendly society;

2. references to a special resolution or an extraordinary resolution are taken to be references to a special resolution within the meaning of the *Friendly Societies Act 1991*;

3. the reference in section 544 to the Minister is taken to be a reference to the Treasurer of Queensland;

4. the words ‘to be dealt with under Part 9.7’ are omitted from section 544;

5. references to the Gazette are taken to be references to the Queensland Government Gazette;

6. the application of section 544 is subject to the following additional provisions—

‘(6) There must be established and kept in the Treasury in the public accounts as part of the Trust and Special Funds a fund to be called the Friendly Societies Liquidation Account.

‘(7) Moneys paid to the Treasurer of Queensland are to be paid to the credit of the Friendly Societies Liquidation Account.

‘(8) Where, at the expiry of 6 years after the date on which unclaimed moneys were paid to the credit of the Friendly Societies Liquidation Account, those moneys have not been paid out of the account in accordance with this section, those moneys are to be paid to the Consolidated Fund.

‘(9) Where a person claims to be entitled to any moneys paid to the credit of the Friendly Societies Liquidation Account, the Treasurer of Queensland must, if satisfied that the person is entitled to that money, direct payment of that money to be made to that person out of the Friendly Societies Liquidation Account or, if the money has been paid to the Consolidated Fund under subsection (8), direct payment to the person of an equivalent amount.

‘(10) A person who is dissatisfied with a decision of the Treasurer of Queensland on a claim made under subsection (9) may appeal to the Court and the Court may confirm or vary the Treasurer’s decision and may make any other order it thinks fit.

‘(11) If a person claims to be entitled to moneys that have been paid to another person under this section, the Treasurer of Queensland is not liable to that person in respect of any moneys paid in good faith and without negligence but that person may recover those moneys from the person to whom they have been paid.

‘(12) If a person claims to be entitled to moneys, being moneys an amount equivalent to which has been paid to another person under subsection (9) out of the Consolidated Fund, the Treasurer of Queensland is not liable to that person in respect of any moneys paid in good faith and without negligence but that person may recover those moneys from the person to whom they have been paid.’;

7. the reference in sections 577(3) and (4) to the Minister is to be taken to be a reference to the Treasurer of Queensland;

8. the words ‘to be dealt with under Part 9.7’ are omitted from section 577(4);

9. section 577 is subject to the following additional provisions—

‘(4A) Moneys paid to the Treasurer of Queensland under this section are to be paid to the Consolidated Fund.

‘(4B) A person making a claim in respect of any moneys paid to the Treasurer of Queensland under subsection (4) may apply to the Court for an order for payment of an amount to him or her, and the Court, if satisfied that an amount should be paid to him or her, must make an order for payment.

‘(4C) If the Court makes an order for the payment of an amount under subsection (4B) or the Treasurer of Queensland is otherwise of the opinion that an amount should be paid to a person out of moneys paid to the Treasurer under this section, the Treasurer must pay that amount to that person.’.

PART 5—FOREIGN FRIENDLY SOCIETIES

Certification and verification of documents

31.(1) For the purposes of section 11.2(1)(a) of the Act, the certified

copy of a certificate of incorporation or registration must be a copy that has been certified within 3 months before it is lodged with the Registrar by an official holding an office or purporting to hold an office that corresponds with the office of Registrar in the State or Territory in which the foreign friendly society is formed or incorporated.

(2) For the purposes of section 11.2(1)(b) of the Act, the certified copy of a foreign friendly society's rules or other instrument constituting or defining its constitution must be a copy that has been certified within 3 months before it is lodged with the Registrar by—

- (a) an official holding or purporting to hold an office that corresponds with the office of Registrar in the State or Territory in which the foreign friendly society is formed or incorporated; or
- (b) a director or the secretary of the foreign friendly society.

(3) For the purposes of section 11.2(1)(e) of the Act, the manner of verification of a memorandum of appointment or power of attorney under seal is by statutory declaration in the prescribed form.

(4) Despite subregulations (1) and (2), the Registrar may, in a particular case, accept a document which has been certified by a person referred to in those subregulations more than 3 months before the documents are lodged if the Registrar is satisfied that it would be unreasonable to require strict compliance with subregulation (1) or (2) or both of them.

Particulars of change or alteration in documents etc.

32. For the purposes of section 11.3(1) of the Act, the following additional documents are to be lodged with the Registrar—

- (a) where any change or alteration is made in the rules of a foreign friendly society or other instrument lodged with the Registrar—a copy of—
 - (i) the instrument effecting the change or alteration; or
 - (ii) the rules or other instrument as changed or altered;certified in the same manner as a certified copy referred to in regulation 31(2);
- (b) where any change or alteration is made in the name of a foreign friendly society—a copy of the certificate or document evidencing

the change or alteration, certified in the same manner as a certified copy referred to in regulation 31(1);

- (c) where any change or alteration is made in the powers of any directors resident in the State who are members of the local board of directors of the foreign friendly society—a memorandum executed by or on behalf of the foreign friendly society stating the change or alteration made in the powers of the local directors.

PART 6—GENERAL

Amount of penalty

33. For the purposes of section 12.20 of the Act, the prescribed amount of a penalty that a friendly society may impose on a member is \$50.00.

Notice concerning assets—continuing societies

34.(1) For the purposes of section 13.4(2) of the Act, the notice that must be given by the secretary of a continuing society must be accompanied by a statutory declaration made by at least one person who holds the estate or interest in land referred to in the notice in trust for or on behalf of the society.

(2) If the notice is to be lodged with the Registrar of Titles, it must include a completed backing sheet that complies with the Real Property Regulations 1986.

(3) If the notice is to be lodged with some person other than the Registrar of Titles, the appropriate form and the backing sheet may be modified for that purpose.

SCHEDULE 1

FORMS

LIST OF FORMS

1. Application for registration of a friendly society (s. 3.1)
2. Application for exemption from section 3.10(1) (s. 3.10(4))
3. Notification of proposed registered office or change of registered office (s. 3.11)
4. Particulars and changes of particulars of directors, principal executive officer and secretary (s. 4.17)
5. Notice as to holding of office in friendly society (s. 4.17)
6. Notice in respect of investigation (s. 8.16)
7. Statutory declaration by agent of foreign friendly society (s. 11.2)
8. Statutory declaration verifying deed or document of authorisation (s. 11.3)
9. Particulars of change or alteration relating to foreign friendly society (s. 11.3)
10. Statutory declaration verifying copy of financial statements of foreign friendly society (s. 11.4)
11. Notice of cessation of business (s. 11.7)
12. Request to record vesting (s. 13.4)
13. Declaration by trustee (s. 13.4)

Form 1

Queensland

*Friendly Societies Act 1991 (s. 3.1)**Friendly Societies Regulations 1991*

**APPLICATION FOR REGISTRATION OF A
FRIENDLY SOCIETY**

To the Registrar of Commercial Acts

1. We, the proposed directors of the proposed society to which this application relates, apply for registration of that society under the Act.
2. The proposed society's name is to be (name).
3. The meeting at which it was decided to form the proposed society and apply for its registration was held at (place) on (date).
4. LIST OF PEOPLE SUPPORTING THE APPLICATION.

[Note: The list is required to include at least 100 names unless the Registrar has approved of a lower number.]

Surname	Other names	Address	Occupation	Signature
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5. This application is accompanied by—
 - (a) 2 copies of the proposed rules signed and certified by those who acted as chairperson and secretary at the meeting;
 - (b) a copy, so signed and certified, of the business plan presented to the meeting;
 - (c) the particulars prescribed by regulation 6;
 - (d) _____ the prescribed fee.

SIGNED BY THE PROPOSED DIRECTORS:

DATE:

Form 2

Queensland

*Friendly Societies Act 1991 (s. 3.10(4))**Friendly Societies Regulations 1991***APPLICATION FOR EXEMPTION FROM SECTION
3.10(1)**

Name of society or corporation

Registered address

Legislation under which formed or incorporated

The *society/*corporation applies for exemption from section 3.10(1) of the Act.

It is understood that exemption may be granted under such conditions and for such time as the Registrar thinks fit and may also be revoked or the conditions of exemption varied.

A copy of—

- (a) the rules or other instrument constituting or defining the constitution of the society or corporation certified by me to be a true copy as at the date of the application; and
- (b) the balance sheet, profit and loss account and auditor's report for the most recent completed financial year (if any) of the applicant society or corporation;

is enclosed.

Officer

Date / /

* Delete if not applicable.

Form 3

Queensland

Friendly Societies Act 1991 (s. 3.11, 11.3(1)(d))

Friendly Societies Regulations 1991

NOTIFICATION OF *PROPOSED REGISTERED OFFICE *OR CHANGE OF REGISTERED OFFICE

To: The Registrar of Commercial Acts

Notice is given that

*the address of the proposed registered office of (name of proposed society) is

.....

.....

..... Postcode

* as of (date) the address of the registered office of (name of friendly society or foreign friendly society) has changed from—

.....

.....

..... Postcode

to—

.....

.....

.....

..... Postcode

Officer

Date / /

* Delete if not applicable.

Form 4

Queensland

*Friendly Societies Act 1991 (s. 4.17(1), 11.3(1))**Friendly Societies Regulations 1991***PARTICULARS AND CHANGES OF PARTICULARS OF
DIRECTORS PRINCIPAL EXECUTIVE OFFICER AND
SECRETARY**

(Name of *friendly society/*foreign friendly society)

*Directors ⁽¹⁾⁽²⁾ *Principal Executive Officer *Secretary

Surname ⁽³⁾

Given names

Date of Birth

Occupation

Address ⁽⁴⁾Directorships
held ⁽⁵⁾Particulars
and nature of
appointment,
or change and
relevant
date ⁽⁶⁾

Note: If space insufficient, attach additional sheets

(7) Signature of *Director/*Secretary/*Principal Executive Officer.

* Delete if not applicable.

(1) Section 4.17(1)(a) requires that a return notifying the Registrar of a person having ceased to be or having become a director contain, with respect to each person who is, at the time of the lodgement of the return, a director of the friendly society the particulars required to be specified in the register of directors, principal executive officer and secretary.

Form 4 (*cont.*)

(2) Where a director is also the principal executive officer or a secretary, particulars are to be given under each of the appropriate headings.

(3) For directors, give any former names in brackets under present names.

(4) Insert usual residential address.

(5) Where a person is a director in one or more subsidiaries of a friendly society it is sufficient to disclose that the person is the holder of one or more directorships in that group of subsidiaries and the group may be described by the name of the friendly society with the addition of the word "Group". If no other directorships, state accordingly.

(6) Insert in relation to a new officer "Appointed" or "In place of (former officer's name)". Insert in relation to a former officer "Died", "Resigned", "Removed", other reason. Where there is no change, insert "Continuing".

(7) This form must not be signed by an officer shown on it as having resigned.

Form 5

Queensland

Friendly Societies Act 1991 (s. 4.17(3))*Friendly Societies Regulations 1991***NOTICE AS TO HOLDING OF OFFICE IN FRIENDLY
SOCIETY**

I, _____ of _____
 give notice, as required by your notice dated _____, 19____, that—

*I am (1) _____ of _____
 *I have never been (1) _____ of _____
 *I ceased to be (1) _____ of _____

on _____, 19____.

Signature:

Date:

* Delete if not applicable.

(1) Insert “a director”, “the principal executive officer” or “the secretary”.

Form 6

Queensland

Friendly Societies Act 1991 (s. 8.16)*Friendly Societies Regulations 1991***NOTICE IN RESPECT OF INVESTIGATION**

To (name of involved person):

In relation to an investigation of (name of friendly society), you are required—

- *(a) to produce to me on (date) at (time) at (full details of place) the following documents that are in your custody or control and that relate to the affairs of (name of friendly society); and
- *(b) to give all reasonable assistance in connection with the inquiry; and
- *(c) to appear on (date) at (time) before me (name of investigator) at (full details of place) for examination on oath and to answer questions on oath.

Signature:

Date:

* Delete if not applicable.

Form 7

Queensland

Friendly Societies Act 1991 (s. 11.2)

Friendly Societies Regulations 1991

STATUTORY DECLARATION BY AGENT OF FOREIGN FRIENDLY SOCIETY

I, (full name) of (address)
in the State of do solemnly and sincerely declare
that—

- 1. (Name of foreign friendly society) *is carrying on/has established a place of business in Queensland.
- 2. I am the duly appointed agent of the foreign friendly society in Queensland pursuant to a *memorandum of appointment/*power of attorney dated .

3. (N a
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of its registered office in the place of incorporation is .

#And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Signed and declared by

at

on , 19 ,

in the presence of

Agent

A Justice of the Peace.

* Delete if not applicable.

NOTE—Where declaration is made outside Queensland, the appropriate attestation should be substituted.

Form 8

Queensland

*Friendly Societies Act 1991 (s. 11.2)**Friendly Societies Regulations 1991***STATUTORY DECLARATION VERIFYING DEED OR
DOCUMENT OF AUTHORISATION**

I, (name) of (address) in the State of _____, a
*director/*secretary/*principal executive officer/*agent of (name of foreign
friendly society), do solemnly and sincerely declare that—

1. On behalf of the society I have compared the copy of the
*deed/*document authorising execution of a *memorandum of
appointment/*power of attorney which is attached to this
declaration with the original of that *deed/*document.
2. The copy is a true copy of the *deed/*document of which it
purports to be a copy.

#And I make this solemn declaration conscientiously believing the same
to be true and by virtue of the provisions of the *Oaths Act 1867*.

Signed and declared by	*Director
at	*Secretary
on _____, 19 _____,	*Principal executive officer
in the presence of	*Agent

A Justice of the Peace.

*Delete if not applicable.

#NOTE—Where declaration is made outside Queensland, the
appropriate attestation should be substituted.

Form 9

Queensland

*Friendly Societies Act 1991 (s. 11.3)**Friendly Societies Regulations 1991***PARTICULARS OF CHANGE OR ALTERATION RELATING
TO FOREIGN FRIENDLY SOCIETY**

(Name of foreign friendly society)

To the Registrar of Commercial Acts

Notice is given that, on _____, 19 __, a change or alteration was made in—

- * the rules of the society or other instrument lodged with the Registrar.
- * the agent or agents of the society or the address of any agent.
- * the address of the registered office of the society in its place of incorporation or origin.
- * the name of the society.
- * the powers of directors resident in Queensland who are members of the local board of directors of the society.

Particulars of the change or alteration are as follows—

The following documents are lodged with this form: (list any documents required by regulation 32)

Officer:

Date:

*Delete if not applicable.

Form 10

Queensland

Friendly Societies Act 1991 (s. 11.4)

Friendly Societies Regulations 1991

**STATUTORY DECLARATION VERIFYING COPY OF
FINANCIAL STATEMENTS OF FOREIGN FRIENDLY
SOCIETY**

(Name of foreign friendly society)

I, (name) of (address) in the State of do solemnly and sincerely declare that—

1. I am the *agent in Queensland/*a director/*secretary/ *principal executive officer of the (name of foreign friendly society).
2. Annexed to this declaration and marked “A” is a true copy of the financial statements of the foreign friendly society made up to the end of the financial year ending on , 19 , in such form and containing such particulars and including true copies of such documents as the friendly society is required to prepare by the law for the time being applicable to the friendly society in (place of incorporation or origin)(1).

#And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Signed and declared by	*Agent
at	*Director
on , 19 ,	*Secretary
in the presence of	*Principal executive officer

A Justice of the Peace.

*Delete if not applicable.

(1) The annexure is to be endorsed by the person before whom the statutory declaration is declared as follows: “This is the annexure marked “A” referred to in the statutory declaration of (name of declarant) declared on the day of 19 .

Before me—

A Justice of the Peace.”

#Note—Where the declaration is made outside Queensland the appropriate attestation should be substituted.

Form 11

Queensland

*Friendly Societies Act 1991 (s. 11.7)**Friendly Societies Regulations 1991***NOTICE OF CESSATION OF BUSINESS**

To the Registrar of Commercial Acts

(Name of foreign friendly society) gives notice under section 11.7(1) of the Act that the society ceased to *have a place of business/*carry on business in Queensland on (insert date).

*Officer

, 19 .

*Delete if not applicable.

Form 12

Queensland

*Friendly Societies Act 1991 (s. 13.4)**Friendly Societies Regulations 1991***REQUEST TO RECORD VESTING**

Item

REGISTERED (1)
 PROPRIETOR (full
 name/s of registered
 proprietor/s as appears on
 the instrument of title).

Insert Nomination of
 Trustees number if
 applicable

ESTATE OR INTEREST (2)

FRIENDLY SOCIETY (3)
 APPLYING (full name)

DESCRIPTION OF (4) Volume Folio County Parish Description
 LAND

MORTGAGES, (5)
 ENCUMBRANCES, ETC.

DECLARATION
(full name and
address of declarant)

Form 12 (*continued*)

(6) I, _____ of _____ do solemnly
in the State of _____
declare that—

1. I am the secretary of the (name) incorporated under the provisions of the *Friendly Societies Act 1991*.
2. The person/s named in item (1) is/are the registered proprietor/s of the estate or interest specified in item (2) in the land described in item (4) as Trustee/s for—
 - * upon the trusts set out in Nomination of Trustees No. _____.
3. The society has been incorporated under the *Friendly Societies Act 1991* under the name evidenced by the accompanying—
 - * certificate of incorporation
 - * copy of certificate of incorporation certified by the Registrar.

And I hereby request that pursuant to section 13.4 of the *Friendly Societies Act 1991* you record the vesting in the name shown in Item (3) of the estate or interest specified in item (2) in the land described in Item (4).

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

EXECUTION

(7) Signed and declared

by

at

Declarant

on _____, 19__ ,

in the presence of

WITNESS

(8) (Signature)

A Justice of the Peace

(full name to be printed)

(9) Certified correct for the purpose of
registration by—

(signature)

OR

Applicant's Solicitor (signature)

(full name of Solicitor to be printed)

*Delete whichever is inapplicable.

Form 13

Queensland

Friendly Societies Act 1991 (s. 13.4)*Friendly Societies Regulations 1991*

DECLARATION BY TRUSTEE

(Name of friendly society)

I, (given names first—surname
in BLOCK letters) of
(residential address) in the
State of Queensland, do
solemnly and sincerely declare
as follows—

(Insert names of trustees (other
than declarant) as recorded on
the instrument of Title)

1. I, *(together with
)
am *the/*a registered proprietor of the
estate or interest, as specified in the
accompanying Request, in the land
described in that Request, as Trustee for

(Insert name of former society)

(Insert type of trust document
or delete if inapplicable)

upon the trusts set out in ()
of Trustees No.

2. That the society named in clause 1
has been incorporated under the
Friendly Societies Act 1991 by that
name as is evidenced by the
accompanying—

* certificate of incorporation

* copy of certificate of incorporation
certified by the Registrar.

And I make this solemn declaration
conscientiously believing the same to be
true, and by virtue of the provisions of
the *Oaths Act 1867*.

Signed and Declared by
at
on _____, 19____, Declarant
in the presence of

(Signature)

A Justice of the Peace

*Delete if not applicable.

SCHEDULE 2**FEES**

\$

1. Application for registration of—	
(a) a friendly society	394
(b) a foreign friendly society	209
2. Application for exemption from section 3.10(1)	394
3. Application for registration of an alteration of rules—	
(a) each rule	5
(b) maximum amount payable in respect of any one application for alteration of rules	192
4. Application for registration of a special resolution	5
5. For lodging—	
(a) a notice of particulars of charge	55
(b) a notice of the assignment of a charge	33
(c) a notice of a variation in the terms of a charge	33
(d) a memorandum of satisfaction of a debt relating to a registered charge	33
6. For issuing a certificate of registration of a charge	14
7. Application for approval of a statement required under section 4.22(3)	52
8. Application for approval of an advertisement—	
(a) an investor information memorandum	105
(b) any other case	21
9. Application for approval of a statement required under section 7.1(3) or 7.4(2)	52
10. For registration of an amalgamation under section 7.7	21

	§
11. Inspection at the Office of the Registrar of registration documents and rules, or of any document lodged under the Act or a corresponding previous law of the State in relation to—	
(a) a friendly society;	
(b) a foreign friendly society; or	
(c) a body exempted under section 3.10(1)	6
12. An enquiry, other than an enquiry in person, involving an inspection to which item 8 refers	11
13. Supply of a copy of, or supply of a copy of an extract from, a document to which item 8 refers—	
(a) each page of a certified copy	11
(b) each page of an uncertified copy	5
14. An application to the Registrar to exercise the powers conferred by section 575 or 577 of the Corporations Law of Queensland, as applied by section 10.2 of the Act . . .	84
15. An act done by the Registrar as representing a defunct friendly society or its liquidator under section 575 of the Corporations Law of Queensland, as applied by section 10.2 of the Act . . .	84
16. An act done by the Registrar under section 577 of the Corporations Law of Queensland, as applied by section 10.2 of the Act	84
17. An application made under the Act for which a fee is not provided by any other item	21

SCHEDULE 3

MODEL RULES

Name of society

1. The name of the friendly society is the [insert name].

Registered office

2. The address of the friendly society's registered office is [insert address].

Seal

3.(1) The friendly society's seal must show the society's name within 2 concentric circles around the words "Common Seal".

(2) The seal is only to be used when authorised by resolution of the board or of a general meeting and is to be attested by the signature of a director and the secretary or by the secretary and some other person authorised by the board.

- (3) A resolution may confer a continuing authority to use the seal.

Custody of books, etc.

4.(1) Unless the board directs otherwise, all books of account, securities, mortgages and other documents are to be kept at the friendly society's registered office.

(2) A direction under subrule (1) is to be given only if the board is satisfied that proper safety and security for the society's documents can be provided at a place other than the registered office.

Objects

5. The friendly society's objects are—

[insert relevant objects permitted by s. 2.1 of the Act].

Membership

6.(1) A person who is a contributor to any of the friendly society's benefit funds is a member of the society.

(2) A dependant of a contributor to any of the friendly society's benefit funds is entitled to be admitted as a member of the society.

(3) A former contributor to any of the friendly society's benefit funds or a dependant of a former contributor is entitled to be admitted as a member of the society if he or she is entitled to a benefit from any of those funds.

(4) A person who is not a member of the friendly society may be admitted as an honorary member of the society.

(5) An honorary member is not entitled to vote at a meeting of the friendly society.

(6) A member is only entitled to those benefits and privileges that attach to the benefit fund to which the member is a contributor or of which the member is a beneficiary.

Cessation of membership

7. A member ceases to be a member if—

- (a) he or she dies; or
- (b) his or her membership contract is rescinded on the grounds of misrepresentation or mistake; or
- (c) his or her eligibility for benefit from a benefit fund is terminated under the fund's rules.

Settlement of disputes

8. Disputes between the friendly society and—

- (a) any officer of the society; or
- (b) a member of the society or a person who claims by or through a member under these rules;

that does not involve determination of a question of law is to be settled by arbitration under the *Commercial Arbitration Act 1990*.

Board of directors

9.(1) The friendly society's board is to consist of [insert number] directors.

(2) The board may appoint a member who is qualified to be a director to act during the absence of a director.

(3) A member may be elected at a general meeting to fill a casual vacancy in the office of director for the remainder of the former director's term of office.

Election of directors

10.(1) The first directors are to be elected at the meeting for the formation of the friendly society.

(2) At each annual general meeting [insert number] directors are to retire.

(3) The order in which directors are to retire is to be determined by the board or, if necessary, by lot.

(4) If the order of retirement is determined by lot, directors retire in the order in which names are withdrawn.

(5) The manner in which nominations for election as a director and the election is to be conducted must be determined by the board.

(6) A retiring director who is qualified for election is eligible for re-election without nomination.

(7) The election is to be conducted at an annual general meeting.

(8) If less than 5 directors are elected, the meeting is to stand adjourned to a date, time and place notified by the secretary in writing.

(9) A further election is to be held at the resumed meeting but only to fill the remaining vacancies of directors.

Removal from office

11. A director must not be removed from office unless the director has been given an opportunity to be heard.

Board meetings

12.(1) The secretary must summon a board meeting whenever the chairperson directs or 2 or more directors request a meeting.

(2) Except in circumstances which the chairperson considers are special circumstances, at least 14 days written notice of the date, time and place of a board meeting is to be given to directors.

(3) A decision of a majority of the directors present and voting is a decision of the board.

(4) The quorum for a board meeting is at least half the number of directors.

(5) If the number of directors falls below a quorum the remaining directors may only act for the purpose of filling casual vacancies on the board.

(6) If the chairperson is not present within 5 minutes after the time when a board meeting is to be held, the directors present may choose a chairperson for the meeting.

Notices

13. A notice of meeting may be given personally or by post and if given by post is to be taken to have been received on the day when the notice would ordinarily have been delivered by post.

Act, etc. to be available at registered office

14. The board must ensure that a copy of the Act, regulations, model rules and rules of the friendly society are at all times available to members at the society's registered office.

Insurance

15. The friendly society must at all times maintain with an insurer adequate insurance—

- (a) to protect the society's assets; and
- (b) to indemnify officers for the purposes prescribed by section 4.9(2) of the Act.

Annual general meeting—agenda

16. The agenda for the friendly society's annual general meeting is—

- (a) to approve and adopt as a record the minutes of the previous annual general meeting and any subsequent general meeting for which minutes have not been approved and adopted;
- (b) to receive from the board, auditors, actuaries or other officers of the friendly society reports, on the society's transactions;
- (c) to elect directors;
- (d) to determine the remuneration of directors;
- (e) to consider any special business of which notice has been given.

Special general meetings

17.(1) The board may from time to time convene special general meetings of the friendly society.

(2) If not less than 10% of the members or 20 members, whichever is lower, request a special general meeting, the board must convene such a meeting within 21 days of the date of deposit of the request at the society's registered office.

(3) A request must—

- (a) be signed by all members making the request; and
- (b) be deposited at the friendly society's registered office;

and may consist of any number of similar documents signed and lodged by members.

(4) If the board does not convene a special general meeting that has been requested by members, the members who requested the meeting may convene the meeting at any time within 3 months after deposit of the request.

(5) All reasonable costs incurred by members who convene a special general meeting are to be refunded by the friendly society and are to be deducted by the society from payments due to the directors as fees or other remuneration for services.

General meetings

18.(1) A quorum at a general meeting is 8 members.

(2) Notice of a resolution proposed to be submitted at a general meeting is to be given to the secretary at least 21 days before the date of the meeting and is to be included in the notice of meeting given to members.

(3) If the chairperson is not present within 15 minutes after the notified time for the general meeting, the members present may choose a member to chair the meeting.

(4) The chairperson's declaration that a resolution has passed on a show of hands is, prima facie, evidence of that fact.

(5) If a poll is demanded, the poll must be taken immediately.

Financial year

19. The friendly society's financial year ends on [insert date] in each year.

Banking

20.(1) The board must establish as many bank accounts in the name of the friendly society as the board considers necessary.

(2) All moneys received by or on behalf of the friendly society must be deposited to the credit of the appropriate bank account as soon as possible after it is received.

(3) Cheques drawn on a friendly society account and all drafts, bills of exchange, promissory notes and other negotiable instruments for or on behalf of the society must be signed by 2 directors or any 2 persons authorised by the board.

Winding up

21. If the friendly society is wound up, any surplus on the winding up must, subject to any lawful claim against the surplus, be vested in the [insert name of friendly society].

Raising of funds

22. The friendly society may raise funds by [insert method by which funds are to be raised].

Investments

23. The friendly society may invest its funds in [insert nature and extent of investments authorised by section 5.3 of the Act and regulation 20].

Loans and advances

24.(1) An applicant for a loan on the security of real property must—

- (a) complete and lodge an application in the form approved by the board; and
- (b) pay any fees required by the board; and
- (c) provide any information that is necessary to enable a valuation of the property to be made and the title to the property to be investigated.

(2) The board may impose any conditions that it considers necessary in making an advance, including but not limited to conditions—

- (a) that a guarantor acceptable to the board guarantee the advance;
- (b) that the borrower effect a life insurance policy or benefit of an amount fixed by the board, the proceeds of which may be applied towards repayment of the advance;
- (c) that a policy of mortgage insurance for the amount of the advance be effected at the borrower's expense with an authorised mortgage insurer;
- (d) that such other collateral or security as the board considers appropriate be given.

(3) If an advance is to be secured by a mortgage over real property the board may require that a survey of the property be carried out at the borrower's expense.

(4) A mortgage must—

- (a) contain such usual and other covenants as the board considers appropriate and necessary to secure the advance; and

(b) secure the payment of the advance (including any further advance that the society may make) and the payment of subscriptions, levies, duties, fines, interest, charges and other money to which a borrower is or may become liable under the mortgage.

Solicitor

25. The Board must engage a solicitor to act as solicitor for the friendly society

Assignment of benefits

26. A member serving on the friendly society an instrument of assignment of a contract for the provision of—

- (a) life insurance benefits; or
- (b) superannuation benefits; or
- (c) a benefit in the form of an annuity;

must pay the fee of [insert fee].

Nomination under section 5.16 of Act

27. The form of nomination to be used for the purposes of section 5.16 of the Act is the form set out in Schedule 1.

Change of address

28. A member of the friendly society who changes his or her address must notify the secretary in writing within 7 days of that change.

SCHEDULE 1

NOMINATION FORM

(For completion by a member who desires that any particular life insurance, superannuation or annuity benefit payable as a result of such member's death, be paid subject to the Act and the Rules to a nominated person.)

TO: THE BOARD OF DIRECTORS

Pursuant to section 5.16 of the *Friendly Societies Act 1991*, I,.....
direct that upon my death my entitlement
 and benefits accrued on or due in respect of theFund,
 Policy Certificate No.to which I am entitled, be paid in the per-
 centages indicated to each of the following persons—

1. 2. 3.

SURNAME OF NOMINEE:

FIRST NAME OF NOMINEE:

ADDRESS:

RELATIONSHIP TO
 MEMBER(if any):

PERCENTAGE OF BENEFIT
 PAYABLE TO NOMINEE:

This nomination revokes all previous nominations made by me with respect to the benefit specified in this nomination.

Member's signature:

Member's address:

Date:

Witness's signature:

Witness's address:

Date:

ENDNOTES

1. Published in the Gazette on 27 July 1991.
2. Laid before the Legislative Assembly on 25 July 1991.
3. The Administering agency in the Department of Justice.