

Queensland



**TREASURY AND OTHER
LEGISLATION
AMENDMENT ACT 1994**

Act No. 48 of 1994

Queensland



**TREASURY AND OTHER LEGISLATION
AMENDMENT ACT 1994**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	8
2	Commencement	8
PART 2—AMENDMENT OF FAMILY SECURITY FRIENDLY SOCIETY (DISTRIBUTION OF MONEYS) ACT 1991		
3	Act amended	8
4	Amendment of long title	8
5	Amendment of s 2 (Definitions)	9
6	Amendment of s 3 (Certain sections of Friendly Societies Act 1991 not to apply etc.)	9
7	Insertion of new s 4A	9
	4A Appointment of administrator of Society	9
8	Amendment of s 7 (Powers of administrator)	10
9	Amendment of s 9 (Application of moneys)	10
10	Amendment of s 24 (Further moneys available for distribution)	10
11	Replacement of ss 26–27	10
	26 Regulations	10
	27 Transitional provisions	10
	28 Provision for transitional regulations	12
PART 3—AMENDMENT OF FINANCIAL ADMINISTRATION AND AUDIT ACT 1977		
12	Act amended	12
13	Insertion of new s 7A	12
	7A Consolidated Fund continues certain funds	12

14	Insertion of new s 119	13
	119 Existing standards and regulations are subordinate legislation	13
	PART 4—AMENDMENT OF FRIENDLY SOCIETIES ACT 1991	
15	Act amended	13
16	Amendment of s 1.3 (Definitions)	13
17	Amendment of s 3.5 (Certain words to be included in name)	14
18	Amendment of s 8.1 (Registrar)	14
19	Replacement of s 8.2 (Deputy Registrar as Registrar)	15
	8.2 Delegation of Registrar's powers	15
20	Amendment of s 8.11 (Secrecy)	15
21	Amendment of s 8.13 (Appointment and functions of inspectors)	16
22	Amendment of s 8.14 (Definitions)	16
23	Amendment of s 8.25 (Costs of inquiry)	16
24	Insertion of new Pt 8 Div 5	17
	<i>Division 5—Supervision Fund and levy</i>	
	8.34 Friendly Societies Supervision Fund	17
	8.35 Supervision levy	17
	8.36 Consultation	19
	8.37 Failure to make payment an offence	19
25	Amendment of s 9.3 (Protection against liability)	19
26	Insertion of new s 12.21A	19
	12.21A Disclosure of information	20
27	Amendment of s 12.24 (Regulations)	20
28	Insertion of new Pt 12A	20
	PART 12A—TRANSFER OF INCORPORATION OF CERTAIN FRIENDLY SOCIETIES TO ASSOCIATIONS INCORPORATION ACT 1981	
	12A.1 Application of Part	20
	12A.2 Special resolution to transfer incorporation	21
	12A.3 Eligible friendly society may apply for Registrar's certificate	21
	12A.4 Certificate of consent to transfer of incorporation	22
	12A.5 False or misleading information	22
	12A.6 False, misleading or incomplete documents	23

12A.7	When transfer of incorporation takes place	23
12A.8	Eligible friendly society must surrender its certificate of incorporation	24
12A.9	Cancellation of registration and certificate of incorporation under this Act	24
29	Omission of Pt 13 Div 1 (Preliminary)	24
30	Insertion of new Pt 13 Div 3	24
	<i>Division 3—Provisions consequent on enactment of Treasury and Other Legislation Amendment Act 1994</i>	
13.12	Under hand of Registrar	25
13.13	Documents	25
13.14	Transitional regulations	25
	PART 5—AMENDMENT OF QUEENSLAND OFFICE OF FINANCIAL SUPERVISION ACT 1992	
31	Act amended	26
32	Amendment of s 3 (Definitions)	26
33	Amendment of s 7 (General powers)	26
34	Amendment of s 10 (QOFS to comply with financial institutions agreement etc.)	26
35	Replacement of s 11 (QOFS does not represent Crown)	26
	11 QOFS does not represent State	27
36	Amendment of s 26 (Restriction on appointments)	27
37	Amendment of s 33 (Termination of appointment)	27
38	Amendment of s 38 (Restrictions on appointment)	27
39	Amendment of s 51 (Superannuation for officers who were previously officers of the public service)	27
40	Amendment of s 52 (Register of financial interests of directors and employees)	28
41	Amendment of s 53 (Directors and employees to act honestly etc.)	28
42	Amendment of s 58 (Evidentiary provisions)	28
43	Amendment of s 61 (Determination of QOFS's budget)	28
44	Replacement of s 62 (Consultation)	29
	62 Consultation	29
45	Insertion of new s 62A	29
	62A QOFS may keep fees	29

46	Insertion of new Pt 5A and new Pt 5B heading	29
	PART 5A—QOFS AND OTHER ACTS	
	64A Directions to QOFS	30
	64B QOFS represents the State	30
	64C Liability of QOFS	30
	PART 5B—REGULATIONS	
47	Insertion of new s 68	30
	68 Persons with financial interests in friendly societies	31
	PART 6—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT 1981	
48	Act amended	31
49	Amendment of s 5 (Meaning of terms)	31
50	Insertion of new Pt 7A	31
	PART 7A—INCORPORATION OF CERTAIN ELIGIBLE FRIENDLY SOCIETIES	
	49A Application of Part	32
	49B Definitions	32
	49C Notice about special resolutions	32
	49D Application	33
	49E Incorporation	33
	49F Chief executive must give Registrar copy of certificate of incorporation	34
	49G Matters happening on transfer day	34
	49H Duty to notify Registrar of Titles	34
	49I Directors of former society become members of management committee of incorporated association	35
	49J Secretary of former society becomes secretary of incorporated association	35
	49K Rules	35
	49L Financial year	36
	49M False or misleading information	36
	49N False, misleading or incomplete documents	36
51	Insertion of new s 68A	37
	68A Transitional regulations	37

**PART 7—AMENDMENT OF ROYAL NATIONAL
AGRICULTURAL AND INDUSTRIAL ASSOCIATION OF
QUEENSLAND ACT 1971**

52	Act amended	37
53	Omission of s 3 (Repeal and savings)	37
54	Amendment of s 4 (Meaning of terms)	37
55	Amendment of s 5 (Association incorporated)	38
56	Replacement of ss 6–9	38
	6 Membership	38
	7 Objects	38
	8 Rules	39
57	Amendment of s 13 (Dealing with Association’s land)	39
58	Insertion of new ss 17A–17C	40
	17A Report	40
	17B Auditors	40
	17C Application of Associations Incorporation Act 1981 to winding-up of Association	41
59	Replacement of s 19	41
	19 Protection from liability for Council members	41
60	Replacement of s 21	41
	21 Regulations	41
	PART 5—TRANSITIONAL	
22	Association ceases to be friendly society	42
23	Regulations	42

Queensland



Treasury and Other Legislation Amendment Act 1994

Act No. 48 of 1994

**An Act to amend certain Acts administered by the Treasurer and
certain other Acts**

[Assented to 14 September 1994]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Treasury and Other Legislation Amendment Act 1994*.

Commencement

2.(1) Section 13 is taken to have commenced on 1 July 1991.

(2) Section 14 is taken to have commenced on 1 May 1993.

(3) Parts 4 to 7 commence on 1 October 1994.

PART 2—AMENDMENT OF FAMILY SECURITY FRIENDLY SOCIETY (DISTRIBUTION OF MONEYS) ACT 1991

Act amended

3. This Part amends the *Family Security Friendly Society (Distribution of Moneys) Act 1991*.

Amendment of long title

4. Long title—

omit, insert—

‘An Act about the Family Security Friendly Society’.

Amendment of s 2 (Definitions)

5.(1) Section 2, definition “**administrator**”—

omit.

(2) Section 2—

insert—

‘**“administrator”** means the person appointed under section 4A(1) to be the administrator of the Society.

“QOFS” means the Queensland Office of Financial Supervision established under the *Queensland Office of Financial Supervision Act 1992*.

“Registrar” has the meaning given by the *Friendly Societies Act 1991*.’.

Amendment of s 3 (Certain sections of Friendly Societies Act 1991 not to apply etc.)

6. Section 3(2), ‘order in council’—

omit, insert—

‘regulation’.

Insertion of new s 4A

7. After section 4—

insert—

‘Appointment of administrator of Society

‘4A.(1) The Minister may, by Gazette notice, appoint a person to be the administrator of the Society.

‘(2) A person who becomes the administrator is taken to be an administrator under the *Friendly Societies Act 1991* and, subject to this Act and the regulations, must perform the same functions and may exercise the same powers as an administrator appointed under section 9.1 of that Act.

‘(3) If QOFS becomes the administrator, it may perform the functions and exercise the powers of the administrator in addition to its functions and powers under the *Queensland Office of Financial Supervision Act 1992*.’.

Amendment of s 7 (Powers of administrator)

8. Section 7(i)—

omit, insert—

‘(i) appoint agents; and’.

Amendment of s 9 (Application of moneys)

9. Section 9(a)—

omit, insert—

‘(a) first, in payment of the administrator’s expenses of and incidental to the conduct of the Society’s affairs by the administrator;’.

Amendment of s 24 (Further moneys available for distribution)

10. Section 24(3), ‘order in council’—

omit, insert—

‘regulation’.

Replacement of ss 26–27

11. Sections 26 and 27—

omit, insert—

‘Regulations

‘**26.** The Governor in Council may make regulations under this Act.

‘Transitional provisions

‘**27.(1)** On the appointment of a person under section 4A(1), the Registrar ceases to be the administrator and the person appointed becomes the administrator.

‘**(2)** A reference in this Act, and the regulations in their application to the Society, to—

- (a) the Registrar as administrator of the Society—is taken to be a reference to the administrator; and
- (b) the Registrar as trustee of the Society—is taken to be a reference to the administrator as trustee of the Society.

Examples of references to the Registrar as administrator taken to be references to the administrator—

Sections 4.04, 4.05, 4.06, 4.07 and 5.01 of the regulations.

Examples of references to the Registrar as trustee taken to be references to the administrator as trustee—

Sections 5 and 7 of the Act and section 4.04(3) of the regulations.

‘(3) A reference in this Act, and the regulations in their application to the Society, to the Registrar other than as administrator or trustee of the Society continues to be a reference to the Registrar.

Examples of references to the Registrar other than as administrator or trustee—

Parts 2 and 3, Part 4 Division 1, section 5.02 and Part 6 of the regulations.

‘(4) Sections 4.02 and 4.03 of the regulations cease to apply to the Society but section 4.04(1) of the regulations continues to have effect.

‘(5) From the commencement of this section—

- (a) all property and liabilities of the Registrar as administrator or trustee of the Society become the property and liabilities of the administrator; and
- (b) the administrator is substituted for the Registrar as administrator or trustee of the Society in all contracts to which the Registrar as administrator or trustee is a party; and
- (c) the administrator is substituted for the Registrar as administrator or trustee of the Society in all existing and pending proceedings to which the Registrar as administrator or trustee is a party.

‘(6) The Registrar of Titles and all other persons responsible for keeping registers about dealings with property must, if asked by the administrator, make in the registers all endorsements necessary to record the vesting of property in the administrator under this section.

‘(7) The administrator is sufficiently described in a document by use of the title Administrator of the Family Security Friendly Society.

‘(8) A request under subsection (6) is not liable to stamp duty and no fees or charges are payable for the request.

‘(9) Stamp duty is not otherwise payable because of the operation of this section.

‘Provision for transitional regulations

‘28.(1) A regulation may make provision about anything for which—

- (a) it is necessary or convenient to make provision because of the Registrar ceasing to be the administrator of the Society; and
- (b) this Act does not make provision or sufficient provision.

‘(2) A regulation under subsection (1) may be given retrospective operation to a date not earlier than the commencement of this section.

‘(3) This section expires 1 year after it commences.’

PART 3—AMENDMENT OF FINANCIAL ADMINISTRATION AND AUDIT ACT 1977

Act amended

12. This Part amends the *Financial Administration and Audit Act 1977*.

Insertion of new s 7A

13. After section 7—

insert—

‘Consolidated Fund continues certain funds

‘7A.(1) To remove any doubt, it is declared that the Consolidated Fund is a continuation of each of the following funds—

- (a) the consolidated revenue fund that was established under the *Constitution Act 1867*;

(b) the Loan Fund that was established under this Act.

‘(2) Without limiting subsection (1), a reference in an Act enacted before the commencement of this section to a payment or funding from the Consolidated Fund is taken to include a reference to a payment or funding from the consolidated revenue fund, the Loan Fund, or both.’.

Insertion of new s 119

14. After section 118—

insert—

‘Existing standards and regulations are subordinate legislation

‘**119.(1)** To remove any doubt, the standards and regulations that have effect under sections 117 and 118 need not be notified in the Gazette nor laid before the Legislative Assembly to have effect as subordinate legislation.

‘(2) Section 20A of the *Acts Interpretation Act 1954* applies to subsection (1) and sections 117 and 118.

‘(3) This section and sections 117 and 118 expire on the date of assent of the *Treasury and Other Legislation Amendment Act 1994*.’.

PART 4—AMENDMENT OF FRIENDLY SOCIETIES ACT 1991

Act amended

15. This Part amends the *Friendly Societies Act 1991*.

Amendment of s 1.3 (Definitions)

16.(1) Section 1.3(1), definitions “bank”, “document”, “property” and “Registrar”—

omit.

(2) Section 1.3(1)—

insert—

‘ **“Associations Act”** means the *Associations Incorporation Act 1981*.

“eligible friendly society” means a friendly society to which Part 12A applies.

“Registrar” means the Queensland Office of Financial Supervision established under the *Queensland Office of Financial Supervision Act 1992*.’

(3) Section 1.3(1), definition “corporation”, paragraph (a)—

omit, insert—

‘(a) a body corporate that is a public authority, or an instrumentality or agency, of the Commonwealth, a State or a Territory; or’.

(4) Section 1.3(2)—

omit, insert—

‘(2) The Governor in Council may, by regulation, declare a law of another State or a Territory to be a declared law under this Act.’

Amendment of s 3.5 (Certain words to be included in name)

17. Section 3.5(2), ‘commencement of section 12.25’—

omit, insert—

‘repeal of that Act’.

Amendment of s 8.1 (Registrar)

18. Section 8.1(2) and (3), after ‘policy’—

insert—

‘and procedure’.

Replacement of s 8.2 (Deputy Registrar as Registrar)

19. Section 8.2—

omit, insert—

‘Delegation of Registrar’s powers

‘8.2(1) The Registrar may, by resolution of its board of directors, delegate the Registrar’s powers under this Act to a director, or the chief executive officer or other employee, of the Registrar.

‘(2) However, the Registrar may not delegate the Registrar’s powers under section 8.35 (Supervision levy).’.

Amendment of s 8.11 (Secrecy)

20.(1) Section 8.11(1) and (2)—

omit, insert—

‘8.11(1) A person who is, or has been, appointed or engaged under this Act (an **“official”**) must not, other than under this Act—

- (a) make a record of information disclosed to, or obtained by, the person as an official (**“protected information”**); or
- (b) whether directly or indirectly, divulge or communicate protected information about a person to someone else; or
- (c) otherwise make use of the protected information.

Maximum penalty—50 penalty units or imprisonment for 6 months.’.

(2) Section 8.11(3), ‘a person from—’

omit, insert—

‘an official from—’.

(3) Section 8.11(3)(a), from ‘in the performance’ to ‘subsection’—

omit, insert—

‘as an official’.

(4) Section 8.11(3)(b)(i)—

omit, insert—

- ‘(i) to the Minister or a person acting for the Minister (whether the official produces the document or communicates the information under section 12.21A or otherwise); or’.

Amendment of s 8.13 (Appointment and functions of inspectors)

21.(1) Section 8.13(1), ‘an officer of the public service’—

omit, insert—

‘its chief executive officer or other employee’.

(2) Section 8.13(2), ‘An officer’—

omit, insert—

‘A person’.

(3) Section 8.13(2)(b), ‘officer’—

omit, insert—

‘person’.

Amendment of s 8.14 (Definitions)

22. Section 8.14, definition “costs”, paragraph (c)—

omit, insert—

- ‘(c) the remuneration of a person appointed or engaged under this Act to the extent that the Minister decides the remuneration is attributable to matters connected with the inquiry.’.

Amendment of s 8.25 (Costs of inquiry)

23.(1) Section 8.25(2), ‘Treasurer’—

omit, insert—

‘Minister’.

(2) Section 8.25(3), (4), (5) and (7), ‘Crown’—

omit, insert—

‘State’.

Insertion of new Pt 8 Div 5

24. After section 8.33—

insert—

‘Division 5—Supervision Fund and levy

‘Friendly Societies Supervision Fund

‘8.34.(1) A fund called the Friendly Societies Supervision Fund is established.

‘(2) The Registrar must pay into the Fund—

- (a) all amounts received as supervision levy under this Division; and
- (b) income from the investment of amounts credited to the Fund and the proceeds of the sale of any investment.

‘(3) The Registrar may pay out of the Fund—

- (a) any payment for or towards the expenses of performing the Registrar’s functions and exercising the Registrar’s powers under this Act; and
- (b) expenses incurred in administering the Fund.

‘(4) The Registrar may invest amounts in the Fund in the way the Registrar considers appropriate.

‘Supervision levy

‘8.35.(1) The Registrar may decide that an amount is to be paid to the Registrar by friendly societies as a supervision levy.

‘(2) The amount of the levy may be fixed by the Registrar as—

- (a) a stated amount; or
- (b) a stated percentage of an amount to be decided, on a stated day, by reference to stated factors about friendly societies (including, for example, the number of members in a society, reserves, obligations and debts and total assets); or
- (c) both a stated amount and a stated percentage.

‘(3) If the levy is fixed, wholly or partly, as mentioned in subsection (2)(b), the Registrar may include in the decision directions about how the levy is to be decided.

‘(4) The Registrar may—

- (a) fix the amount of the levy differently for different friendly societies; and
- (b) decide that the levy is not payable by stated friendly societies.

‘(5) The Registrar may, in the decision, require the levy to be paid in 1 amount by a stated time or permit the levy to be paid by stated instalments.

‘(6) If the Registrar permits the levy to be paid by instalments, the Registrar may, in the decision, allow a discount for payment in 1 amount by a stated time or require payment of an additional amount or percentage, by way of interest, in the instalments.

‘(7) The Registrar may, in the decision, require the payment of amounts, by way of late payment charge, interest, or both, for amounts of levy not paid as required by the decision.

‘(8) The Registrar may include in the decision directions about how amounts of late payment charge and interest are to be decided.

‘(9) Amounts of levy, when they are payable, are debts payable by the friendly society concerned to the Registrar, and may be sued for and recovered in a court having jurisdiction for the recovery of debts up to the amount of levy.

‘(10) On the application of a friendly society, the Registrar may change—

- (a) an amount of levy payable by the friendly society; or
- (b) the time within which an amount of levy is payable by the friendly society.

‘(11) An amount paid by a friendly society as levy is treated as an expense in the accounts of the friendly society.

‘(12) In subsections (9) to (11)—

“levy” includes late payment charge and interest for levy.

‘Consultation

‘8.36. In deciding the amount to be paid as supervision levy under section 8.35 (Supervision levy), the Registrar may consult with industry bodies and friendly societies if it is appropriate and practicable to consult with them.

‘Failure to make payment an offence

‘8.37. If a friendly society does not make a payment required to be made under section 8.35 (Supervision levy), the friendly society and any officer of the friendly society who is in default each commit an offence.

Maximum penalty—350 penalty units.’.

Amendment of s 9.3 (Protection against liability)

25.(1) Section 9.3(1)—

omit, insert—

‘9.3(1) An administrator of a friendly society does not incur civil liability for an act done or omission made, honestly and without negligence, under this Act.

‘(1A) If subsection (1) prevents a civil liability attaching to an administrator, the liability attaches instead to the State.’.

‘(2) Section 9.3(2), ‘The friendly society is not’—

omit, insert—

‘However, neither the State nor a friendly society is’.

Insertion of new s 12.21A

26. After section 12.21—

insert—

‘Disclosure of information

‘12.21A(1) If a person is acting for the Minister, the person may ask the Registrar for information about anything under this Act.

‘(2) The Registrar must comply with the request.’.

Amendment of s 12.24 (Regulations)

27. Section 12.24(1), from ‘make regulations’ to ‘respect to—’—
omit, insert—

‘make regulations under this Act.

‘(1A) A regulation may provide for—’.

Insertion of new Pt 12A

28. After section 12.24—

insert—

**‘PART 12A—TRANSFER OF INCORPORATION OF
CERTAIN FRIENDLY SOCIETIES TO
ASSOCIATIONS INCORPORATION ACT 1981**

‘Application of Part

‘12A.1(1) This Part applies to a friendly society that does not provide a benefit or keep a benefit fund.

‘(2) However, this Part does not apply to a friendly society if—

- (a) there is a charge required to be registered under this Act over any of the society’s property; or
- (b) a direction by the Registrar for the society to transfer its engagements to another friendly society is in force; or
- (c) an administrator has been appointed and is conducting the society’s affairs; or
- (d) a direction by the Registrar for the society to suspend its operations is in force; or

- (e) the society is being wound-up; or
- (f) an application to wind-up the society has been made but has not been dealt with; or
- (g) the society is being dissolved; or
- (h) a receiver, or a receiver and manager, has been appointed and is acting for the society; or
- (i) the society has entered into a compromise or arrangement with its creditors but the administration of the compromise or arrangement has not been concluded; or
- (j) an application has been made to a court for approval of a compromise or arrangement by the society with creditors but the court has not dealt with the application.

‘Special resolution to transfer incorporation

‘**12A.2(1)** An eligible friendly society may, by special resolution, decide to transfer its incorporation to the Associations Act.

‘(2) If relevant, the society must also resolve—

- (a) to change the society’s name to a name that is not an undesirable name under the Associations Act; and
- (b) to change the society’s rules to comply with the Associations Act.

‘(3) The special resolution takes effect on the incorporation of the society as an incorporated association under the Associations Act.

‘(4) Section 4.23(3) (Special resolution) of this Act does not apply to a special resolution made under this section.

‘Eligible friendly society may apply for Registrar’s certificate

‘**12A.3(1)** An eligible friendly society that has decided, by special resolution, to transfer its incorporation to the Associations Act may, within 14 days after the making of the resolution, apply to the Registrar for the Registrar’s consent to the transfer.

‘(2) The application must be in the form approved by the Registrar.

‘(3) The application must be accompanied by—

- (a) a copy of the special resolution; and
- (b) a statutory declaration by the society’s directors stating the society is an eligible friendly society.

‘(4) The Registrar may require the society to give the Registrar further information about the application.

‘Certificate of consent to transfer of incorporation

‘12A.4(1) If, after considering the application by an eligible friendly society, the Registrar is satisfied about the matters mentioned in subsection (2), the Registrar must promptly issue a certificate consenting to the society transferring its incorporation to the Associations Act.

‘(2) The matters about which the Registrar must be satisfied are—

- (a) the society is an eligible friendly society; and
- (b) the society has decided by special resolution to transfer its incorporation to the Associations Act; and
- (c) there are reasonable grounds for believing the society will, if its incorporation is transferred to the Associations Act, be able to comply with that Act.

‘(3) The certificate must also state the Registrar is satisfied about the matters mentioned in subsection (2).

‘(4) The Registrar must promptly give the certificate to the society.

‘(5) The certificate remains in force for 30 days.

‘(6) The Registrar may accept a statutory declaration of the society’s directors as sufficient evidence that the society is an eligible friendly society.

‘False or misleading information

‘12A.5(1) A person must not, for this Part—

- (a) state anything to the Registrar that the person knows is false or misleading in a material particular; or

- (b) omit from a statement made to the Registrar anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty—10 penalty units.

'(2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states the statement made was false or misleading to the person's knowledge.

'False, misleading or incomplete documents

'12A.6(1) A person must not, for this Part, give the Registrar a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—10 penalty units.

'(2) Subsection (1) does not apply to a person who, when giving the document—

- (a) informs the Registrar, to the best of the person's ability, how it is false, misleading or incomplete; and
- (b) gives the correct information to the Registrar if the person has, or can reasonably obtain, the correct information.

'(3) A complaint against a person for an offence against subsection (1) is sufficient if it states the document was false, misleading or incomplete to the person's knowledge.

'When transfer of incorporation takes place

'12A.7(1) The transfer of incorporation of an eligible friendly society¹ takes effect on the issue of a certificate of incorporation for the society under the Associations Act.

'(2) The society is no longer a friendly society when the transfer takes effect.

¹ For the effect of the friendly society becoming incorporated as an incorporated association, see Part 7A of the Associations Act.

‘Eligible friendly society must surrender its certificate of incorporation

‘12A.8 Within 30 days of the transfer of incorporation taking effect, the former friendly society must either—

- (a) surrender its certificate of incorporation under this Act to the Registrar for cancellation; or
- (b) if the certificate of incorporation has been lost or destroyed—give the Registrar a certificate stating the certificate has been lost or destroyed.

Maximum penalty—2 penalty units.

‘Cancellation of registration and certificate of incorporation under this Act

‘12A.9 On receiving a copy of the certificate of incorporation under the Associations Act for the former friendly society, the Registrar must—

- (a) cancel both the registration of the society, and its certificate of incorporation, under this Act; and
- (b) give all records about the society to the chief executive of the department within which the Associations Act is administered.’

Omission of Pt 13 Div 1 (Preliminary)

29. Part 13, Division 1—

omit.

Insertion of new Pt 13 Div 3

30. After section 13.11—

insert—

‘Division 3—Provisions consequent on enactment of Treasury and Other Legislation Amendment Act 1994

‘Under hand of Registrar

‘**13.12** If a provision of this Act allows or requires anything to be under the hand of the Registrar, it is sufficient if the thing is—

- (a) under the seal of the Queensland Office of Financial Supervision (“**QOFS**”); or
- (b) signed by a delegate of QOFS.

‘Documents

‘**13.13(1)** This section applies to a certificate or another document about a friendly society issued or given by the Registrar under this Act before the commencement of this section.

‘**(2)** The certificate or document, as in force at any time before the commencement of this section, has effect as if it were a certificate or document issued or given by QOFS as Registrar.’.

‘Transitional regulations

‘**13.14(1)** A regulation may make provision about anything for which—

- (a) it is necessary or convenient to make provision because of—
 - (i) an eligible friendly society applying to become an incorporated association; or
 - (ii) QOFS becoming the Registrar; and
- (b) this Act does not make provision or sufficient provision.

‘**(2)** A regulation under subsection (1) may be given retrospective operation to a date not earlier than 1 October 1994.

‘**(3)** This section expires 1 year after it commences.’.

PART 5—AMENDMENT OF QUEENSLAND OFFICE OF FINANCIAL SUPERVISION ACT 1992

Act amended

31. This Part amends the *Queensland Office of Financial Supervision Act 1992*.

Amendment of s 3 (Definitions)

32. Section 3—

insert—

‘ **“friendly society”** has the meaning given by the *Friendly Societies Act 1991*.’.

Amendment of s 7 (General powers)

33. Section 7(2), after ‘legislation’—

insert—

‘or any Act’.

Amendment of s 10 (QOFS to comply with financial institutions agreement etc.)

34. Section 10, after ‘powers’—

insert—

‘under the financial institutions legislation’.

Replacement of s 11 (QOFS does not represent Crown)

35. Section 11—

omit, insert—

‘QOFS does not represent State

‘11. QOFS does not represent the State.’.

Amendment of s 26 (Restriction on appointments)

36. Section 26, after ‘institution’—

insert—

‘or friendly society’.

Amendment of s 33 (Termination of appointment)

37. Section 33(f), after ‘institution’—

insert—

‘or friendly society’.

Amendment of s 38 (Restrictions on appointment)

38. Section 38(2), after ‘institution’—

insert—

‘or friendly society’.

Amendment of s 51 (Superannuation for officers who were previously officers of the public service)

39. Section 51(3), from ‘approved’ to ‘order in council’—

omit, insert—

‘prescribed by regulation’.

Amendment of s 52 (Register of financial interests of directors and employees)

40. Section 52(2)(a), after ‘institution’—
insert—
‘or friendly society’.

Amendment of s 53 (Directors and employees to act honestly etc.)

41.(1) Section 53(2)(b), after ‘financial body’—
insert—
‘or friendly society’.

(2) Section 53(4) and (5), ‘or the financial institutions legislation’—
omit, insert—
‘, the financial institutions legislation or the *Friendly Societies Act 1991*’.

(3) Section 53(4)(b) and (5)(b), ‘or a financial institution’—
omit, insert—
‘, a financial institution or a friendly society’.

Amendment of s 58 (Evidentiary provisions)

42. Section 58(2)—
insert—
‘(c) a supervision levy decided under Part 8, Division 5 of the *Friendly Societies Act 1991*’.

Amendment of s 61 (Determination of QOFS’s budget)

43. Section 61(2)(a)—
omit, insert—
‘(a) the amount of supervision levy that QOFS intends to impose in the financial year under—

- (i) section 95 (Supervision levy) of the Financial Institutions (Queensland) Code; and
- (ii) section 8.35 (Supervision levy) of the *Friendly Societies Act 1991*; and’.

Replacement of s 62 (Consultation)

44. Section 62—

omit, insert—

‘Consultation

‘**62.** In preparing its draft budget, QOFS must consult with the following entities if it is appropriate and practicable to consult with them—

- (a) for its functions under the financial institutions legislation—industry bodies and societies;
- (b) for its functions under the *Friendly Societies Act 1991*—industry bodies and friendly societies.’.

Insertion of new s 62A

45. After section 62—

insert—

‘QOFS may keep fees

‘**62A.** QOFS may keep, for its own use, fees received by it for the lodging, filing, registration or issuing of a document, or for an act or service required or authorised to be performed by it, under the financial institutions legislation or any Act.’.

Insertion of new Pt 5A and new Pt 5B heading

46. After section 64—

insert—

‘PART 5A—QOFS AND OTHER ACTS

‘Directions to QOFS

‘64A. Despite section 9 (QOFS independent body), QOFS as Registrar under the *Friendly Societies Act 1991* is subject to any direction expressly made under that Act.

‘QOFS represents the State

‘64B. Despite section 11 (QOFS does not represent State), QOFS represents the State in QOFS’s administration of the *Friendly Societies Act 1991* and in performing a function, or exercising a power, as Registrar under the *Family Security Friendly Society (Distribution of Moneys) Act 1991*.

‘Liability of QOFS

‘64C.(1) A liability that would, apart from this section, attach to QOFS because of an act or omission happening in QOFS’s administration of the *Friendly Societies Act 1991* or in QOFS performing a function, or exercising a power, as Registrar under the *Family Security Friendly Society (Distribution of Moneys) Act 1991*, attaches to the State.

‘(2) This section applies despite the following sections—

- section 54 (Liability of directors)
- section 55 (Liability of staff).

‘PART 5B—REGULATIONS’.

Insertion of new s 68

47. After section 67—

insert—

‘Persons with financial interests in friendly societies

‘**68.(1)** This section applies to a person who is a prescribed person at the commencement of this section and who has a financial interest because of the amendment of section 52 by the *Treasury and Other Legislation Amendment Act 1994*.

‘**(2)** For section 52(5) in its application to the financial interest, the person is taken to have become a prescribed person on the day this section commences.

‘**(3)** Words and expressions used in section 52 have the same meanings in this section.

‘**(4)** Subsections (1) to (3) are laws to which section 20A of the *Acts Interpretation Act 1954* applies.

‘**(5)** This section expires 6 months after it commences.’.

PART 6—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT 1981

Act amended

48. This Part amends the *Associations Incorporation Act 1981*.

Amendment of s 5 (Meaning of terms)

49. Section 5(1), definition “association”, paragraph (f)—
omit, insert—

‘(f) a friendly society under the *Friendly Societies Act 1991* and an entity that should be registered under that Act;’.

Insertion of new Pt 7A

50. After section 49—
insert—

‘PART 7A—INCORPORATION OF CERTAIN ELIGIBLE FRIENDLY SOCIETIES

‘Application of Part

‘49A.(1) This Part applies to an eligible friendly society.

‘(2) Subsection (1) has effect despite paragraph (f) of the definition **“association”** in section 5(1) of this Act.

‘Definitions

‘49B. In this Part—

“eligible friendly society” has the meaning given by the *Friendly Societies Act 1991*.

“former society” means an eligible friendly society that becomes an incorporated association under this Part.

“Registrar” has the meaning given by the *Friendly Societies Act 1991*.

“transfer day” see section 49E(3).

‘Notice about special resolutions

‘49C.(1) This section applies to an eligible friendly society that has passed a special resolution under section 12A.2 of the *Friendly Societies Act 1991* to transfer its incorporation to this Act.

‘(2) Within 14 days of passing the resolution, the society must give the chief executive—

- (a) a copy of the resolution approving the proposed transfer of incorporation; and
- (b) if relevant, a copy of the resolution to change the society’s name; and
- (c) if relevant, a copy of the resolution to change the society’s rules.

‘Application

‘**49D.(1)** This section applies to an eligible friendly society that has been given a certificate under section 12A.4 of the *Friendly Societies Act 1991* consenting to the society transferring its incorporation to this Act.

‘(2) Before the certificate ceases to have effect, the society may apply to the chief executive to transfer its incorporation to this Act.

‘(3) The application must be in the form approved by the chief executive.

‘(4) The application must be accompanied by—

- (a) the certificate under section 12A.4 of the *Friendly Societies Act 1991*; and
- (b) a copy of the society’s certificate of incorporation under the *Friendly Societies Act 1991* certified as a true copy by the society’s secretary; and
- (c) a copy of the society’s proposed rules certified as complying with this Act by the society’s secretary; and
- (d) the fee prescribed by regulation.

‘Incorporation

‘**49E.(1)** If, after considering the application by an eligible friendly society, the chief executive is satisfied about the matters mentioned in subsection (2), the chief executive must promptly issue a certificate of incorporation under this Act for the society.

‘(2) The matters about which the chief executive must be satisfied are—

- (a) the society has complied with Part 12A of the *Friendly Societies Act 1991*; and
- (b) since the certificate under section 12A.4 of the *Friendly Societies Act 1991* was issued by the Registrar, none of the events mentioned in section 12A.1(2) of that Act has happened in relation to the society; and
- (c) the society has complied with the requirements for incorporation under this Act.

‘(3) When the chief executive issues the society with a certificate of incorporation (the “**transfer day**”), the society is incorporated as an incorporated association under this Act.

‘**Chief executive must give Registrar copy of certificate of incorporation**

‘**49F.** Within 7 days after the transfer day for an incorporated association, the chief executive must give the Registrar a copy of the certificate of incorporation for the association.

‘**Matters happening on transfer day**

‘**49G.(1)** On the transfer day for an incorporated association—

- (a) the property of the former society vests in the association without any conveyance, transfer or assignment subject to any debt, liability or obligation affecting the property; and
- (b) the debts and liabilities of the former society become debts and liabilities of the association; and
- (c) the personality of the former society merges in that of the association.

‘(2) Subsection (1)—

- (a) does not result in the dissolution of the former friendly society; or
- (b) affect a right or obligation of the society or of a member or other person; or
- (c) make a legal proceeding by or against the society defective.

‘(3) However, the right or obligation becomes that of, and the legal proceeding may be continued by or against, the incorporated association that the former society has become.

‘**Duty to notify Registrar of Titles**

‘**49H.(1)** Within 30 days after the transfer day for an incorporated association, the secretary of the association must notify—

- (a) the Registrar of Titles of the vesting of property in the association under section 49G(1); and
- (b) all other persons responsible for keeping registers about dealings with property affected by section 49G(1).

‘(2) The Registrar of Titles and any other person notified must make all endorsements necessary to record the vesting of the property in the register for which the person is responsible.

‘(3) A request under subsection (2) is not liable to stamp duty and no fees or charges are payable for the request.

‘(4) Stamp duty is not otherwise payable because of the operation of this section.

‘(5) The Registrar of Titles may approve a form for the purposes of notice under subsection (1)(a).

‘Directors of former society become members of management committee of incorporated association

‘49I. On the transfer day for an incorporated association, the directors of the former society become the members of the management committee of the association.

‘Secretary of former society becomes secretary of incorporated association

‘49J. On the transfer day for an incorporated association, the secretary of the former society becomes the secretary of the incorporated association.

‘Rules

‘49K.(1) On the transfer day for an incorporated association, the rules of the former society become the rules of the association as if they had been sanctioned by the chief executive.

‘(2) However if the former society had, by special resolution under section 12A.2 of the *Friendly Societies Act 1991*, amended its rules to comply with this Act, and the amendment does not take effect until its incorporation under this Act, subsection (1) applies to the rules as amended.

‘Financial year

‘**49L.** The financial year for a former society continues as the financial year of the incorporated association and section 40 applies to the financial year.

‘False or misleading information

‘**49M.(1)** A person must not, for this Part—

- (a) state anything to the chief executive the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to the chief executive anything without which the statement is, to the person’s knowledge, misleading in a material particular.

Maximum penalty—10 penalty units.

‘**(2)** A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states the statement made was false or misleading to the person’s knowledge.

‘False, misleading or incomplete documents

‘**49N.(1)** A person must not, for this Part, give the chief executive a document containing information the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—10 penalty units.

‘**(2)** Subsection (1) does not apply to a person who, when giving the document—

- (a) informs the chief executive, to the best of the person’s ability, how it is false, misleading or incomplete; and
- (b) gives the correct information to the chief executive if the person has, or can reasonably obtain, the correct information.

‘**(3)** A complaint against a person for an offence against subsection (1) is sufficient if it states the document was false, misleading or incomplete to the person’s knowledge.’.

Insertion of new s 68A

51. After section 68—

insert—

‘Transitional regulations

‘68A.(1) A regulation may make provision about anything for which—

- (a) it is necessary or convenient to make provision because of an eligible friendly society becoming an incorporated association; and
- (b) this Act does not make provision or sufficient provision.

‘(2) A regulation under subsection (1) may be given retrospective operation to a date not earlier than 1 October 1994.

‘(3) This section expires 1 year after it commences.’.

**PART 7—AMENDMENT OF ROYAL NATIONAL
AGRICULTURAL AND INDUSTRIAL ASSOCIATION
OF QUEENSLAND ACT 1971**

Act amended

52. This Part amends the *Royal National Agricultural and Industrial Association of Queensland Act 1971*.

Omission of s 3 (Repeal and savings)

53. Section 3—

omit.

Amendment of s 4 (Meaning of terms)

54.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4, definitions “Minister” and “Society—
omit.

(3) Section 4—
insert—

‘**“registered company auditor”** means a person registered as an auditor, or taken to be registered as an auditor, under Part 9.2 of the Corporations Law.’.

(4) Section 4, definition “Trust”, ‘repealed Act’—
omit, insert—
‘Brisbane Exhibition Grounds Trust Act 1965’.

Amendment of s 5 (Association incorporated)

55. Section 5, from ‘, a society’ to ‘1913–1970’,
omit.

Replacement of ss 6–9

56. Sections 6 to 9—
omit, insert—

‘Membership

‘6.(1) The Association consists of persons who, at the material time, are members of the Association under its rules.

‘(2) The members of the Association immediately before the commencement of this section continue as members of the Association.

‘Objects

‘7.(1) The Association’s objects are its objects in force immediately before the commencement of this section.

‘(2) The objects may be amended by a resolution passed by a majority of two-thirds of its members present at a general meeting of which notice is given under the Association’s rules.

‘(3) Within 14 days after the objects are amended, the Association must send a copy of its amended objects, under the seal of the Association, to the chief executive.

‘(4) The resolution does not have effect until approved by the Minister.

‘Rules

‘8.(1) The Association’s rules are its rules in force immediately before the commencement of this section.

‘(2) The rules may be amended in the way mentioned in the rules.

‘(3) Within 14 days after the rules are amended, the Association must send a copy of its amended rules, under the seal of the Association, to the chief executive.

‘(4) The amended rules do not have effect until approved by the Minister.’.

Amendment of s 13 (Dealing with Association’s land)

57.(1) Section 13(2)—

omit, insert—

‘(2) A purported sale of an estate in fee simple in land vested in the Association is void unless the approval of the Governor in Council for the sale was obtained before the sale.’.

(2) Section 13(3), proviso—

omit, insert—

‘(4) However, section 351(3) of the *Land Act 1962* does not apply to a mortgagee of the Association’s land if, when the land was acquired by the Association (however described), the unimproved value of the land was paid.’.

Insertion of new ss 17A–17C

58. After section 17—

insert—

‘Report

‘17A.(1) The Association must, for each of its financial years—

- (a) prepare a report containing the following particulars—
 - (i) the income and expenditure of the Association in the financial year;
 - (ii) details sufficient to identify the assets and liabilities of the Association at the end of the financial year;
 - (iii) details sufficient to identify all mortgages, charges and securities of any description affecting the property of the Association at the end of the financial year; and
- (b) have the report audited by a registered company auditor; and
- (c) present the audited report to the next annual general meeting of the Association after the end of the financial year for adoption by the Association.

Maximum penalty—10 penalty units.

‘(2) The Association must give the chief executive a copy of the report certified as correct by the auditor.

‘(3) The report must be given to the chief executive within 1 month after the audited report is adopted by the annual general meeting or, if the chief executive allows a longer period, within the longer period.

‘Auditors

‘17B. A person must not—

- (a) consent to be appointed as auditor of the Association; or
- (b) act as auditor of the Association; or
- (c) prepare a report required to be prepared under section 17A;

if—

- (d) the person is not a registered company auditor; or
- (e) the person is—
 - (i) an employee of the Association; or
 - (ii) a member of the Council; or
 - (iii) a partner, employer or employee of a member of the Council.

Maximum penalty—10 penalty units.

‘Application of Associations Incorporation Act 1981 to winding-up of Association

‘17C. The Association may be wound-up in the same way as an incorporated association may be wound-up under the *Associations Incorporation Act 1981*, and for that purpose, the Association is taken to be an incorporated association under that Act.’

Replacement of s 19

59. Section 19—

omit, insert—

‘Protection from liability for Council members

19.(1) A member of the Council does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act including the Association’s rules.

‘(2) If subsection (1) prevents a civil liability attaching to a member of the Council, the liability attaches instead to the Association.’

Replacement of s 21

60. Section 21—

omit, insert—

‘Regulations

‘21. The Governor in Council may make regulations under this Act.’

‘PART 5—TRANSITIONAL**‘Association ceases to be friendly society**

‘22.(1) On the commencement of this section, the Association ceases to be a friendly society under the *Friendly Societies Act 1991*.

‘(2) Within 30 days of the Association ceasing to be a friendly society, the Association must either—

- (a) surrender its certificate of incorporation under the *Friendly Societies Act 1991* to the Registrar within the meaning of that Act for cancellation; or
- (b) if the certificate has been lost or destroyed—give the Registrar a certificate stating the certificate has been lost or destroyed.

Maximum penalty—2 penalty units.

‘(3) This section expires 6 months after it commences.

‘Regulations

‘23.(1) A regulation may make provision about anything for which—

- (a) it is necessary or convenient to make provision because of the Association ceasing to be a friendly society; and
- (b) this Act does not make provision or sufficient provision.

‘(2) A regulation under subsection (1) may be given retrospective operation to a date not earlier than 1 October 1994.

‘(3) This section expires 1 year after it commences.’