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[Reprinted as at 5th October, 1971.

No. 6208.

BENEFIT ASSOCIATIONS ACT 1958.

Reprint (No. 1) incorporating amendments up to Act No. 6961.

An Act to consolidate the Law relating to the Registration of Sickness Hospital Medical and Funeral Benefit Associations, and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Benefit Associations Act 1958*,* and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Short title and commencement.

2. (1) The Acts mentioned in the Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

Repeal. Schedule.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under any of the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act

* The *Benefit Associations Act 1958* was assented to on the 30th September, 1958 and came into operation on the 1st April, 1959 (see *Government Gazette* 18th March, 1959 at page 892).

This reprint incorporates the amendments made to the *Benefit Associations Act 1958* by the following Acts:—

Name.	No.	Date of Assent.	Date of Commencement.
<i>Companies Act 1958</i>	6455	2.12.58	1.4.59 : <i>Government Gazette</i> 4.3.59 p. 496
<i>Companies Act 1961</i>	6839	19.12.61	1.7.62 : <i>Government Gazette</i> 21.2.62 p. 392
<i>Subordinate Legislation Act 1962</i> ..	6886	8.5.62	1.8.62 : <i>Government Gazette</i> 4.7.62 p. 2314
<i>Statute Law (Further Revision) Act 1962</i>	6961	18.12.62	18.12.62 : but see s. 3

shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation rule application registration order exemption declaration report validation nomination statement investment notice valuation payment distribution transfer requirement certificate award authorization winding-up appeal liability or right made issued granted given paid accrued incurred or acquired or existing or continuing by or under any of such repealed Acts before the commencement of this Act.

3. In this Act unless inconsistent with the context or subject-matter—

“Association” means any person or body of persons (corporate or unincorporate) undertaking or carrying on sickness hospital medical or funeral benefit business in Victoria notwithstanding that the Association also undertakes or carries on any other business and notwithstanding that it carries on such business in Victoria through an agent or other person acting for it or on its behalf.

“Contributor” means any person who makes periodical contributions in the form of payments, by whatever name known, to an association or to any person acting as agent of or for or on behalf of an association in respect of sickness hospital medical or funeral benefits provided or to be provided by that association, and “contribution” has a corresponding interpretation.

“Government Statist” means the Government Statist under the *Statistics Act 1958* whether exercising his functions under that title or as “Government Actuary in Victoria”, and includes any Assistant Government Statist.

“Governing body” means the governing body by whatever name known of an association and, without limiting the generality of the foregoing, means in the case of an association which is registered as a company under the *Companies Act 1958*^(a) the directors of that company.

“Prescribed” means prescribed by the regulations.

(a) Now see *Companies Act 1961*.

- “Public officer” of an association means the person named as such in the application for registration or subsequent notice to the Registrar under this Act. “Public officer.”
- “Registrar” means the Registrar of sickness hospital medical and funeral benefit associations under this Act. “Registrar.”
- “Regulations” means regulations made under this Act. “Regulations.”
- “Rules” means the rules from time to time in force of an association registered under this Act. “Rules.”
- “Sickness hospital medical or funeral benefit business” means—
- (a) sickness benefit business (that is to say) the provision for the relief or maintenance in sickness or other infirmity bodily or mental of contributors or other persons for whom or on whose behalf contributions are made;
 - (b) hospital benefit business (that is to say) the provision for payments in respect of—
 - (i) periods of accommodation and maintenance in hospitals of contributors or other persons for whom or on whose behalf contributions are made; or
 - (ii) surgical therapeutic or other medical treatment in hospitals of contributors or other persons for whom or on whose behalf contributions are made;
 - (c) medical benefit business (that is to say) the provision of or the reimbursement in whole or in part of moneys expended for medical attendance and medicines for contributors or other persons for whom or on whose behalf contributions are made; or
 - (d) funeral benefit business (that is to say) the provision for contributors or other persons for whom or on whose behalf contributions are made of funeral and burial or cremation services (with or without any other services or benefits connected therewith) or of the costs and expenses of such funeral and burial or cremation services or other such services or benefits connected therewith.
- “Trustees” means trustees of a Benefits Trust Fund of an association. “Trustees.”

(2) This Act shall apply to an association which undertakes or carries on—

- (a) sickness benefit business;
- (b) hospital benefit business;
- (c) medical benefit business;
- (d) funeral benefit business—

notwithstanding that the association also undertakes or carries on any other business.

4. (1) Sickness hospital medical or funeral benefit business shall not be undertaken or carried on except by an association registered under this Act.

(2) An association may be registered under this Act to undertake and carry on sickness benefit business or hospital benefit business or medical benefit business or funeral benefit business or all or some of such businesses.

(3) The following associations shall be exempt from the provisions of this Act other than provisions expressly or by necessary implication relating to exemptions or exempt associations:—

- (a) Friendly societies registered under the *Friendly Societies Act 1958*;
- (b) Trade unions registered under the *Trade Unions Act 1958*;
- (c) Associations of employes registered as organizations under any Act of the Commonwealth relating to conciliation and arbitration;
- (d) Any association which is declared by Order of the Governor in Council published in the *Government Gazette* to be exempt from the provisions of this Act: Provided that in the case of an association carrying on funeral benefit business (where an order for winding-up, including such an order validated by the *Benefit Associations Act 1953*, was made by the Minister before the commencement of that Act) the following provisions shall apply:—
 - (i) the winding-up order shall be discharged upon the making of the exemption Order;
 - (ii) the exemption Order may where necessary provide for the re-transfer and re-vesting

of such property as has by reason of the operation of sub-section (2) of section twenty-six of the *Benefit Associations Act* 1951 been transferred to and vested in the Registrar;

- (iii) no new contributors shall be accepted by the association after the date of the exemption Order;
- (iv) no contributor to the association shall be deemed to have ceased to be a contributor or to be disentitled to any benefit by reason only of not having paid any contribution after the date of the winding-up order and before the date of the exemption Order but nothing in this sub-paragraph shall be deemed to require the association to credit any contributor with any contribution which he has not paid; and
- (v) if the association contravenes or fails to comply with the last two preceding sub-paragraphs or either of them or with any term or condition contained in the exemption Order the Minister may make a new winding-up order which shall as from the date upon which it is made have the same force and effect in all respects as if it were made under section twenty-six of the *Benefit Associations Act* 1951 and as if it were an order to which section four of the *Benefit Associations Act* 1953 and sections twenty-nine and thirty of this Act apply.

(4) The Governor in Council may by Order published in the *Government Gazette* revoke any Order declaring any association to be exempt from the provisions of this Act.

(5) If any association undertakes or carries on sickness benefit business or hospital benefit business or medical benefit business or funeral benefit business in contravention of the provisions of this Act without being registered so to do under this Act that association shall be liable to a penalty of not more than \$200 and to a further penalty of not more than \$10 for every day on which such business is so undertaken or carried on after conviction under this section.

(6) Any exemption under paragraph (d) of sub-section (3) of this section may be given subject to such terms and conditions as the Governor in Council thinks fit to specify in the Order declaring the exemption or in any subsequent Order.

(7) If any association which is exempt from provisions of this Act contravenes or fails to comply with any term or condition subject to which the exemption is hereafter or has been granted that association shall be liable to a penalty of not more than \$200 and to a further penalty of not more than \$10 for every day on which any such term or condition is contravened or not complied with after conviction.

(8) The Governor in Council shall not make any Order under this section exempting or revoking the exemption of any association except after consideration by the Minister of reports in writing made by the Registrar and the Government Statist relative to the proposed exemption or revocation and, in the case of a proposed exemption, relative to the terms and conditions to be imposed.

4. 5. The Registrar of sickness hospital medical and funeral benefit associations shall be the person for the time being holding the office of Registrar of Friendly Societies under the *Friendly Societies Act 1958*.

5. 6. (1) Any person or body of persons (corporate or unincorporate) desirous of being registered as an association under this Act may lodge with the Registrar an application in the prescribed form.

m. (2) In every such application there shall be stated—

(a) the name and proposed registered office of the association;

(b) the whole of the objects for which the association is established;

(c) separate particulars of contributions and benefits in relation to each sickness benefit scheme, hospital benefit scheme, medical benefit scheme and funeral benefit scheme by which benefits are or are to be provided;

(d) the purposes for which the funds of the association are to be applicable;

(e) the name and address of the chairman and each of the other members of the governing body (if any) of the association and of the public officer of the association;

(f) particulars of the property and funds of the association;

(g) in the case of sickness benefit schemes and funeral benefit schemes, a list of the contributors (if any)

(h) the names and addresses of three trustees to be appointed to administer each Benefits Trust Fund of the association; and

(i) such other particulars as are prescribed.

(3) Every such application shall—

(a) be signed by each member of the association or by the chairman of the governing body (if any) of the association and by the public officer of the association; and

(b) be verified by a statutory declaration of each such member or of such chairman and such public officer.

(4) Every such application shall be accompanied by—

(a) a copy (verified by a statutory declaration of the public officer) of the rules or proposed rules of the association and of the instrument creating the trust under which the trustees are to administer each Benefits Trust Fund of the association; and

(b) a report by an actuary (approved for the purposes of this Act by the Minister) upon each sickness benefit scheme and funeral benefit scheme and also (unless exempted by the Minister on the recommendation of the Government Statist) upon each hospital benefit scheme and medical benefit scheme by which benefits are to be provided.

7. (1) The rules of every benefit association registered under this Act shall contain provisions in respect of—

(a) the establishment and maintenance in respect of sickness benefit business hospital benefit business medical benefit business and funeral benefit business of separate Benefits Trust Funds;

(b) the control of each Benefits Trust Fund of the association by not less than three trustees (all of whom shall be persons having for the time being the approval of, and one of whom shall be a person nominated by, the Registrar);

(c) the terms under which persons may become contributors, the scale and nature of benefits to be provided and the fines and forfeitures which may be imposed on contributors;

(d) the extent to which benefits will continue to be available after contributions cease to be paid;

(e) the manner of making altering or rescinding rules and of appointing and removing trustees;

- (f) the investment of the funds the keeping of the accounts and the audit thereof once a year at least;
- (g) the proportion of each contribution of a contributor which is to be paid to the trustees of each Benefits Trust Fund of the association;
- (h) the inspection of the books of the association by any contributor or his legal personal representative; and
- (i) such other matters as are prescribed—

and shall contain the forms of agreement approved by the Registrar to be made between the association and contributors with respect to—

- sickness benefits;
- hospital benefits;
- medical benefits;
- funeral benefits.

(2) The rules of every association registered under this Act shall provide that—

(a) no benefit to be provided by the association—

- (i) in the case of a sickness benefit—in respect of any one person shall exceed an amount of \$6 a week;
- (ii) in the case of a funeral benefit—in respect of any one person shall exceed an amount of \$60 or the equivalent thereof in funeral and burial or cremation services or (where that person is a child under the age of ten years) shall exceed an amount of \$20 or the equivalent thereof in funeral and burial or cremation services; and

(b) no benefit shall be provided by the association for any persons other than contributors their husbands wives children step-children and adopted children and those dependants of contributors including parents step-parents and adopting parents who are nominated by contributors when making the first contribution for benefits for such dependants.

(3) The limitations referred to in the last preceding sub-section shall not apply with respect to any benefit for which contributions were commenced before the commencement of the

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(4) The rules of every association registered under this Act which carries on funeral benefit business shall provide that, in any case where the association is unable to carry out funeral and burial or cremation services in respect of a contributor or other person for whom or on whose behalf funeral benefit contributions have been made, the contributor or his legal personal representative shall be entitled to be paid out of the Funeral Benefits Trust Fund of the association towards the cost of funeral and burial or cremation services actually carried out an amount equal to the amount of the benefit which the association has under its rules undertaken to provide by way of funeral benefit but not exceeding \$60 or (where the deceased was a child under the age of ten years) \$20.

Special provision in rules for case where funeral benefits not carried out by association.

8. (1) The Registrar shall prepare maintain and keep a panel of names of such persons as are in his opinion fit and proper persons for nomination as trustees of Benefits Trust Funds established by associations under this Act.

Panel of trustees and nomination therefrom as trustees of Benefits Trust Funds.

(2) The Registrar shall whenever the case requires nominate from such panel a person for appointment as trustee of any such Benefits Trust Fund and may at any time and for any reason he thinks proper remove any trustee so nominated.

No. 5577 s. 7;
No. 5681
s. 9 (1).

(3) Every trustee of a Benefits Trust Fund (including any person so nominated) shall be entitled to receive from the association establishing the fund remuneration for his services as such a trustee at such rates as are prescribed.

9. Every report by an approved actuary accompanying an application for registration shall contain—

Report of approved actuary.

(a) a statement of the proportion of each contribution by a contributor which is to be paid to the trustees of each Benefits Trust Fund of the association;

No. 5577 s. 8.

(b) a statement that in the opinion of the actuary the proportion of such contributions to be paid to such trustees together with other moneys (if any) to be paid into the fund is adequate to provide the benefits to contributors and other persons for whom contributions are to be made provided for in the rules of the association, and the information calculations and reasons upon which such opinion is based; and

(c) such other particulars as are prescribed.

10. No association shall be registered under this Act by any name which is identical with, or in the opinion of the Registrar so nearly resembles as to be calculated to deceive, the name of any other organization or body (corporate or unincorporate)

Associations not to be registered under certain names.

No. 5577 s. 9.
s. 10 amended
by No. 6961 s. 2

registered under the *Friendly Societies Act 1958*, the *Business Names Act 1958*, the *Industrial and Provident Societies Act 1958*, the *Trade Unions Act 1958*, the Commonwealth Act known as the *Life Insurance Act 1945-1950*^(a) or any Act of the Commonwealth relating to conciliation and arbitration.

Registrar to register associations where in compliance with requirements of Act.

No. 5577 s. 10;
No. 5681 s. 10.

11. (1) If in the opinion of the Registrar the application for registration as an association the rules or proposed rules of the association and the report by an approved actuary comply with the requirements of this Act and the regulations the Registrar shall register such association; but if in the opinion of the Registrar such requirements are not complied with the Registrar shall refuse registration:

Registrar to refuse registration of proposed payments to Benefits Trust Fund inadequate to meet benefits, &c.

Provided that if the Registrar is satisfied, after consultation with the Government Statist, that the proportion of contributions and other moneys proposed to be paid into the Benefits Trust Fund of the association will be inadequate to meet the proposed benefits to contributors or that the proportion of contributions proposed to be so paid is too low or that the proposed benefits to contributors are insufficient in relation to the proposed contributions, the Registrar shall refuse registration.

Appeal to Minister from refusal by Registrar to register.

(2) If the Registrar refuses registration the applicant for registration may within the prescribed time and in the prescribed manner appeal to the Minister against such refusal and the decision of the Minister in the matter shall be final and conclusive.

Proportion of each contribution to be forthwith paid to trustees and placed to credit of Benefits Trust Fund.
No. 5577 s. 11;
No. 5681
ss. 9 (2), 11.

12. (1) The proportion of each contribution by a contributor provided in the rules to be paid to the trustees shall not later than the last day in the month in which it is received be paid by the association to the trustees to be placed by the trustees to the credit of the Benefits Trust Fund or (as the case may be) the appropriate Benefits Trust Fund of the association.

Investment of trust moneys.

(2) The trustees may invest any moneys standing to the credit of any such trust fund in manner provided by the *Trustee Act 1958* and in or on any securities in or on which trustees are under that or any other Act authorized to invest trust funds in their hands.

Income from investment.

(3) The income received from any such investment shall be paid into the trust fund.

Application of trust fund.

(4) Subject to this Act the money standing to the credit of a Benefits Trust Fund shall be applied only for or towards—

(a) the provision in accordance with this Act and the rules of the association of appropriate benefits for contributors or persons for whom or on whose behalf contributions have been made; and

(a) Now see *Life Insurance Act 1945-1965*.

(b) the costs and expenses properly incurred by the trustees in the administration of the trust fund—
and such money shall not be liable to be taken in execution under the order or process of any court at the instance of any creditor (other than a contributor or his legal personal representative in respect of benefits due and payable therefrom).

(5) The moneys in each Benefits Trust Fund shall be accounted for and invested separately from all other moneys or funds of the association.

Trust moneys to be accounted for and invested separately.

13. Notice in the prescribed form of every change of registered office and of every change in the office of public officer of an association registered under this Act and of trustee of any Benefits Trust Fund of such an association shall be lodged by the association with the Registrar within seven days after such change takes place.

Notice of change of registered office public officer and trustees to be lodged with Registrar.

No. 5577 s. 12.

14. Before the first day of September in each year the public officer of every association registered under this Act shall furnish to the Government Statist—

Annual returns to be furnished by public officer.

No. 5577 s. 13.

(a) a general statement of the receipts and expenditure funds properties and effects of the association as audited by a person registered as a companies' auditor under the *Companies Act 1961*—

Para. (a) amended by Nos. 6455 s. 2, 6839 s. 4 (1).

(i) made out for the period of twelve months ending on the thirtieth day of June immediately preceding;

(ii) showing separately the receipts and expenditure in respect of the several objects of the association; and

(iii) verified by a statutory declaration of such public officer;

(b) duplicates of all statements of accounts issued by the association in or in respect of the said period of twelve months and of any auditor's report in respect of the said period of twelve months;

(c) (in relation to sickness benefit business and to funeral benefit business) particulars with respect to—

(i) persons who have become contributors during the said period of twelve months;

(ii) sickness or funeral (as the case may be) claims paid to contributors during such period;

(iii) persons who have ceased to be contributors during such period and the reasons therefor;

- (d) particulars in respect of such other matters relating to the affairs of the association as are prescribed.

Quinquennial
valuation of
Benefits Trust
Funds.
No. 5577 s. 14.

15. (1) Once at least in every five years as and when determined by the Minister the assets and liabilities of each Benefits Trust Fund of every association registered under this Act shall be valued by the Government Statist:

Provided that the Minister, on the recommendation of the Government Statist, may dispense with such a valuation in respect of any such fund to which he deems such a valuation to be inapplicable.

(2) The governing body of the association and the trustees of any such fund shall make available to the Government Statist all such books accounts and documents as the Government Statist may require for the purposes of the valuation.

(3) On the completion of the valuation the Government Statist shall send to the public officer of the association and the trustees of the fund an abstract of the results of the valuation and a report thereon.

(4) If from his valuation it appears to the Government Statist that the assets of the fund are insufficient to meet its liabilities he shall notify the public officer of the association and the said trustees accordingly in writing pointing out—

- (a) the apparent cause and the nature and extent of the deficiency; and
- (b) the nature and extent of the changes in the contributions or benefits or the manner of conducting the business of the association that will be necessary in order that the assets of the said fund will be sufficient to meet its liabilities.

(5) Upon the public officer being so notified it shall be the duty of the association to alter its rules so as to effect such changes in its contributions or benefits or to make such changes in the manner of conducting its business as may be necessary in order that the assets of the fund will be sufficient to meet its liabilities.

(6) If from his valuation it appears to the Government Statist that the assets of the fund are more than sufficient to meet its liabilities he shall notify the public officer of the association and the said trustees accordingly in writing pointing out—

- (a) the apparent cause and the nature and extent of the surplus;
- (b) the nature and extent of the changes in the contributions or benefits that will be necessary to enable the surplus to be reduced or eliminated.

Where assets
insufficient to
meet
liabilities.

Where assets
more than
sufficient to
meet
liabilities.

(7) Upon the public officer being so notified it shall be the duty of the association to alter its rules so as to effect such changes in its contributions or benefits:

Provided that—

- (a) the association may formulate a scheme for the reduction or elimination of such surplus by a distribution (either in cash or by increases of benefits or reductions of contributions) of portion thereof among its contributors and a transfer of the remaining portion thereof to the association but so that such remaining portion does not exceed ten per centum of the total amount to be so distributed and transferred; and
- (b) if the scheme is approved by the Government Statist—
 - (i) the association shall be deemed to have complied with the foregoing provisions of this sub-section; and
 - (ii) the trustees of the fund shall distribute portion of such surplus to contributors and pay the remaining portion to the association accordingly.

16. (1) Where in the case of any Benefits Trust Fund of an association registered under this Act the assets and liabilities of which by reason of dispensation pursuant to the last preceding section are not required to be valued by the Government Statist the Registrar is satisfied that the assets of the fund are more than sufficient to meet its liabilities he may—

- (a) notify the public officer of the association accordingly; and
- (b) require the association to formulate a scheme for the reduction or elimination of surplus funds by the distribution of portion thereof among its contributors and a transfer of the remaining portion thereof to the association but so that such remaining portion does not exceed ten per centum of the total amount to be so distributed and transferred.

(2) The distribution of portion of the surplus among contributors as aforesaid may take the form of a cash distribution or increases of benefits or reductions of contributions.

(3) If the Registrar approves the scheme formulated the association shall alter its rules to provide for the necessary changes in contributions or benefits and the trustees of the fund shall make any distribution of portion of the surplus to contributors in cash required by the scheme and pay the remaining portion to the association accordingly.

Provision for distribution of surplus funds in case of a Benefits Trust Fund not subject to quinquennial valuation by Government Statist.

No. 5577 s. 15.

Cancellation of registration of association on failure to alter rules or make changes in manner of conducting business.
No. 5577 s. 16.

17. If, within three months after the public officer has under either of the last two preceding sections received a notification from the Government Statist or the Registrar, the association does not as required by the appropriate section alter its rules or make the necessary changes in the manner of conducting its business the Registrar shall cancel the registration of the association under this Act.

Power to Registrar to cancel registration of association.
No. 5577 s. 17.

18. The Registrar may cancel the registration of an association by writing under his hand—

(a) if he thinks fit at the request of an association evidenced in such manner as he from time to time directs;

(b) upon proof to his satisfaction that the registration of the association has been obtained by fraud or mistake or that the association exists for an illegal purpose or has wilfully and after notice from the Registrar violated any of the provisions of this Act or the regulations or the rules of the association or has ceased to exist.

Provisions applicable to cancellation of registration of association.
No. 5577 s. 18.

19. (1) The following provisions shall have effect with regard to the cancellation of the registration of an association under this Act:—

(a) Cancellation of the registration of an association shall be notified by the Registrar by writing under his hand to the public officer of the association, and such notice shall specify briefly the ground of the cancellation of the registration;

(b) The association may within the prescribed time and in the prescribed manner appeal to the Minister against such cancellation and the decision of the Minister in the matter shall be final and conclusive;

(c) An association whose registration under this Act has been cancelled shall thereupon absolutely cease to enjoy as such the privileges of a registered association but without prejudice to any liability actually incurred by such association and any such liability may be enforced against such association as if such cancellation had not taken place;

(d) Save as aforesaid an association whose registration has been cancelled shall not undertake or carry on sickness hospital medical or funeral benefit business after the date of such cancellation if no appeal against the cancellation is pending, or (if such an appeal is pending) after the date of a decision of the Minister confirming such cancellation.

(2) Upon the cancellation of the registration of an association under this Act the Minister shall order the trustees of each Benefits Trust Fund of the association to realize upon any securities held by them, and, after meeting any claims in respect of benefits accrued before such cancellation and providing for the costs and expenses of such realization and distribution to contributors, to distribute the moneys standing to the credit of such fund rateably among contributors according to the amounts of their interests in the fund as determined by an actuary approved by the Minister.

Distribution
of Benefits
Trust Fund
among
contributors.

20. The following provisions shall have effect with regard to rules of associations registered under this Act:—

Provisions
as to rules.
No. 5577 s. 19.

- (a) No amendment of a rule shall be valid unless registered by the Registrar and no amendment of a rule which contains any table of contributions or benefits or which might in any way affect the sufficiency of the contributions to provide benefits shall be registered by the Registrar unless (in the case of a Sickness Benefits Trust Fund or a Funeral Benefits Trust Fund) the Government Statist first certifies, or (in the case of any other Benefits Trust Fund) the Registrar is satisfied, that the contributions under the rules as amended are sufficient to provide the benefits or that the amendment improves or does not in any way prejudice the financial position of the relevant Benefits Trust Fund of the association;
- (b) The Registrar shall on being satisfied that any amendment is not contrary to the provisions of this Act furnish the public officer of the association with an acknowledgment of registration of the amendment which shall be conclusive evidence that the amendment is duly registered;
- (c) A copy of the rules of any association registered under this Act shall be delivered by the public officer thereof to any person on demand on payment of a sum of ten cents (\$0.10).

21. (1) If any dispute arises between an association or the trustees of any Benefits Trust Fund and—

- (a) any contributor to the association or his legal personal representative; or
- (b) any person aggrieved who has ceased to be a contributor or his legal personal representative—
- in respect of any claim made by any such contributor person aggrieved or legal personal representative, the Registrar may settle such dispute and make such award as he thinks proper and such award shall be final and conclusive and binding upon the parties to the dispute.

Provision for
settlement of
disputes
between
association
or trustees
and
contributors.
No. 5577 s. 20.

(2) In the case of a funeral benefit business if—

(a) a contributor; or

(b) the personal representatives or next of kin of a contributor or of any other person for whom or on whose behalf contributions are made for funeral and burial or cremation services—

is of opinion that the funeral and burial or cremation services for which contributions have been made have not been properly given by any undertaker, such contributor personal representatives or next of kin may refer the matter to the Registrar and the Registrar may settle the matter and make such award as he thinks proper and such award shall be final and conclusive and binding upon the parties to the dispute.

Enforcement
of awards.

(3) Any such award may be enforced as if it were an award on a submission under the *Arbitration Act* 1958.

(4) If any association or trustee fails to comply with the requirements of any award made by the Registrar as aforesaid the association or trustee (as the case may be) shall (without affecting any other liability) be liable to a penalty of not more than \$200.

Annual
report by
Registrar.

No. 5577 s. 21.

22. (1) The Registrar shall in every year make to the Minister a report upon—

(a) the principal matters transacted by him under this Act; and

(b) the position and affairs of each association registered under this Act.

Annual report
by
Government
Statist.

(2) The Government Statist shall in every year make to the Minister a report of the principal matters transacted by him under this Act and in particular of the valuations made during the period elapsed since the date of the last report made by him to the Minister.

Reports to be
laid before
Parliament.

(3) The Minister shall cause every such report to be laid before Parliament within the period of twenty-eight days after he receives it or if Parliament does not sit within such period then within twenty-eight days after the next meeting of Parliament.

Powers of
Registrar to
make
inspections
of books &c.
of
associations.

No. 5577 s. 22.

23. (1) The Registrar may—

(a) require any association registered under this Act or the public officer thereof to produce for inspection any of the books and documents of the association;

(b) examine on oath any director officer or servant of the association in relation to its business and administer such oath accordingly;

- (c) make such inspection and examination of the books and documents of the association as he deems necessary;
- (d) require from the manager or other officer of any bank (including the State Savings Bank of Victoria) in which any funds of the association are deposited or invested a written statement of the amount of such deposit or investment and any other particulars relating thereto which he considers necessary;
- (e) authorize any officer in the public service to examine and report to him upon the business and affairs of the association and any officer so authorized shall have all the powers of the Registrar under the foregoing provisions of this section.

(2) Any association or person who neglects or refuses to comply with any requisition made under this section by the Registrar or by any officer authorized by him as aforesaid shall be guilty of an offence against this Act.

24. Any person who accepts or solicits any contribution or payment by whatever name known for any benefit in or arising out of sickness hospital medical or funeral benefit business shall be guilty of an offence against this Act unless such person accepts or solicits such contribution or payment for and on behalf of an association registered under or exempt from the provisions of this Act.

Prohibition of acceptance or soliciting for contribution for funeral benefits unless on behalf of registered or exempt association.
No. 5681 s. 7;
No. 6094 s. 6.

25. (1) Any association or person which or who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act.

Offences.
No. 5577 s. 23;
No. 6094 s. 5.

(2) Any association or person which or who is guilty of an offence against this Act for which no penalty is specially provided shall be liable to a penalty of not more than \$100 or imprisonment for not more than three months and in the case of a continuing offence to a further penalty of not more than \$4 for every day on which the offence is continued after conviction.

General penalty.

26. Where an association guilty of an offence against this Act is a body corporate or unincorporate every member of the governing body director manager secretary or public officer of such association shall be deemed to have committed the like offence unless he proves that the act or omission which constituted the offence took place without his knowledge.

Liability of members of governing body &c. of associations.
No. 5577 s. 24.

Protection of
Minister,
Registrar &c.
from personal
liability in
respect of
exercise of
powers.
No. 5681
s. 12 (1).

27. No act or omission of the Minister or the Registrar or any officer or person engaged in the administration of this Act in the exercise or purported exercise of his powers or in the performance or purported performance of his duties under this Act shall subject such Minister Registrar officer or person to any personal liability whatever in respect thereof.

Regulations.
No. 5577 s. 25.

28. (1) The Governor in Council may make regulations for or with respect to—

- (a) the registration of associations under this Act;
- (b) the payment of proportions of contributions into Benefits Trust Funds of associations;
- (c) the administration of Benefits Trust Funds by trustees;
- (d) prescribing fees to be paid upon the registration of associations, alterations to rules, the winding up of existing associations by the Registrar and valuations and certificates by the Government Statist under this Act;
- (e) the manner in which and the conditions under which associations may amalgamate or transfer their liabilities to other associations;
- (f) prescribing forms to be used under this Act (and such forms or forms to the like effect shall be valid in law); and
- (g) generally any matter or thing which by this Act is required or permitted to be prescribed or which is necessary or expedient to be prescribed for carrying this Act into effect.

Ss. (2) repealed
by No. 6886 s. 3.

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Transitory Provisions.

Effect of
winding up
order.
No. 5577 s. 26
(2) (a) (i).

29. Where the Minister has under section twenty-six of the *Benefit Associations Act* 1951 made an order winding up a sickness hospital medical or funeral benefit association then all property real or personal and all powers authorities immunities rights obligations and duties which immediately before the date of such order were vested in exercisable by or imposed upon the association or the governing body of such association or any other body or person on behalf of the association shall by virtue of and without further or other authority than this Act be transferred to vested in exercisable by imposed upon and executed by the Registrar.

30. (1) The provisions of this section and of any regulation made thereunder shall apply to and in relation to every sickness hospital medical or funeral benefit association which the Minister has before the commencement of the *Benefit Associations Act 1953* ordered to be wound up under section twenty-six of the *Benefit Associations Act 1951*.

Provisions
applicable to
winding up.
No. 5681 s. 5.

(2) (a) The rights of contributors to benefits shall by virtue of this section be converted into rights to the payment of amounts of money ascertained as hereinafter provided and all such amounts shall be deemed to be debts due by the association to the respective contributors or (where contributors have died) to their personal representatives.

(b) If any question arises as to whether any person is or was immediately before his death a contributor that question shall be determined by the Registrar whose determination shall be final and conclusive.

(3) The Registrar shall proceed to wind up the association or (where the Minister so directs) the sickness hospital medical or funeral benefit business (as the case may be) of the association and for that purpose may appoint a liquidator approved by the Minister.

(4) (a) The liquidator shall on behalf of the Registrar realize upon property of the association and after discharging the debts and obligations of the association and after making provision for the reimbursement of the Crown for the costs and expenses of winding-up to be paid out of Consolidated Revenue release any property or pay over or distribute any surplus proceeds to the directors or other governing body of the association, or (where the association is an individual person) to that person.

(b) If the liquidator is satisfied that any former property of the association was, immediately before the date of the order made by the Minister for the winding-up of the association, no longer the property of the association he may apply to a Judge of the Supreme Court for an order declaring that such former property is the property of the association, and upon such Judge, after making such inquiry as he thinks proper, being satisfied that such former property has been transferred by or divested from the association in circumstances in which it should for the purposes of this section properly be regarded as the property of the association such Judge may make such an order accordingly, and may also make such order for or in relation to the re-transfer or re-vesting of the property as to the Judge seems necessary or expedient in order to secure the re-transfer or re-vesting of the property or a monetary equivalent thereof.

(5) The amount of the debt due by the association to any contributor or his personal representative (as the case may be) shall be ascertained by reference to the classification of the contributor within tables prepared by the Government Statist and based upon the periods for which classes of contributors have been contributing for benefits current at the date of the order for the winding-up of the association and the rates of their periodical contributions.

(6) The costs and expenses of the winding-up of the association or (where the case so requires) of the sickness hospital medical or funeral benefit business (as the case may be) of the association as certified by the Registrar shall be paid out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly).

(7) The remuneration of the liquidator shall be as fixed by the Minister.

(8) (a) Subject to this section and notwithstanding anything in any other Act the Governor in Council may make regulations providing for the winding-up of associations and, in cases where the Minister so directs, of the sickness hospital medical or funeral benefit business (as the case may be) of associations and such regulations (without affecting the generality of the foregoing) may make different provisions according to whether an association is a corporate body or an unincorporate body or a person or persons, and may confer authority on the Registrar and any liquidator to conduct inquiries, to require the attendance of persons and the production of documents, to administer oaths and examine persons on oath in relation to any business transactions or affairs of an association, to seize all books records and documents relating to the business transactions or affairs of an association and for that purpose to enter any premises and use any necessary force, and to execute transfers conveyances and other documents necessary or expedient in relation to or arising out of the winding-up of an association; and such regulations may provide penalties (not exceeding \$200 in any case) for breaches of the regulations and failures to comply with any direction or requirement of the Registrar or a liquidator given or made under the regulations.

(b) The provisions of sub-section (2) of section twenty-eight of this Act shall extend and apply to such regulations.

(9) In this section "personal representative" in relation to a deceased contributor means the executor or administrator of the deceased contributor, but where some person, other than such executor or administrator, has paid or undertaken in writing to pay costs and expenses of the funeral burial or cremation of the deceased contributor of a funeral benefit association and has not been reimbursed by the executor or administrator (if any) of the deceased contributor means that person.

SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
5577 ..	<i>Benefit Associations Act 1951</i> ..	So much as is not already repealed.
5681 ..	<i>Benefit Associations Act 1953</i> ..	
5882 ..	<i>Benefit Associations (Amendment) Act 1955</i>	The whole.
6094 ..	<i>Benefit Associations (Amendment) Act 1957</i>	The whole.