

Queensland



FRIENDLY SOCIETIES (QUEENSLAND) ACT 1997

**Reprinted as in force on 2 October 1997
(Act not amended up to this date)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 2 October 1997.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- omit provisions that are no longer required (s 40)
- make all necessary consequential amendments (s 7(1)(k)).

See endnotes for information about when provisions commenced.

Queensland



**FRIENDLY SOCIETIES (QUEENSLAND)
ACT 1997**

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FRIENDLY SOCIETIES (QUEENSLAND) ACT 1997

[reprinted as in force on 2 October 1997]

An Act to provide for a uniform scheme for friendly societies and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Friendly Societies (Queensland) Act 1997*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Definitions

3. In this Act—

“**AFIC**” means the Australian Financial Institutions Commission.

“**Appeals Tribunal**” means the Australian Financial Institutions Appeals Tribunal established under the *Australian Financial Institutions Commission Act 1992*.

“**financial institutions agreement**” see AFIC Code, section 3.¹

¹ Under the AFIC Code sections 3 and 7 the financial institutions agreement is that agreement made on 22 November 1991 between the States and Territories and includes the agreement as amended or affected by another agreement.

“friendly societies legislation of Queensland” means—

- (a) this Act and regulations under this Act; and
- (b) the Friendly Societies (Queensland) Code; and
- (c) the Friendly Societies (Queensland) Regulations; and
- (d) the AFIC (Queensland) Code and the AFIC (Queensland) Regulations and the Financial Institutions (Queensland) Code and the Financial Institutions (Queensland) Regulations as applying to the code and regulations mentioned in paragraphs (b) and (c).

“Friendly Societies (Queensland) Code” means the provisions applying because of section 5.²

“Friendly Societies (Queensland) Regulations” means the provisions applying because of section 6.³

“Friendly Societies (Victoria) Act” means the *Friendly Societies (Victoria) Act 1996* of Victoria.

“Ministerial Council” means the Ministerial Council established under the financial institutions agreement.

State etc. bound

4.(1) The friendly societies legislation of Queensland binds the State and, as far as the legislative authority of the Parliament permits, the Commonwealth and the other States.

(2) Nothing in this Act permits the Commonwealth or a State to be prosecuted for an offence.

² Section 5 (Application in Queensland of Friendly Societies Code)

³ Section 6 (Application of regulations)

PART 2—FRIENDLY SOCIETIES (QUEENSLAND) CODE AND FRIENDLY SOCIETIES (QUEENSLAND) REGULATIONS

Application in Queensland of the Friendly Societies Code

5. The Friendly Societies Code set out in the Friendly Societies (Victoria) Act, schedule 1, as in force for the time being—

- (a) applies as a law of Queensland; and
- (b) as so applying may be referred to as the Friendly Societies (Queensland) Code.

Application of regulations

6. The regulations in force for the time being under the Friendly Societies (Victoria) Act, part 4—

- (a) apply as regulations in force for the purposes of the Friendly Societies (Queensland) Code; and
- (b) as so applying may be referred to as the Friendly Societies (Queensland) Regulations.

Interpretation of some expressions in the Code and Regulations

7. In the Friendly Societies (Queensland) Code and the Friendly Societies (Queensland) Regulations—

“**continuing society**” means a friendly society constituted under the *Friendly Societies Act 1991* and existing immediately before the commencement of this section.

“**Corporations Law**” has the meaning given by the *Corporations (Queensland) Act 1990*, part 3.

“**Corporations Regulations**” has the meaning given by the *Corporations (Queensland) Act 1990*, part 3.

“**Legislature of this State**” means the Legislative Assembly of Queensland.

“**pharmacy law of this State**” means the *Pharmacy Act 1976*.

“**Supreme Court**” means the Supreme Court of Queensland.

“**the Code**” or “**this Code**” means the Friendly Societies (Queensland) Code.

“**the previous law**” means the *Friendly Societies Act 1991*.

“**the State**” or “**this State**” means Queensland.

Prescription of law for s 19(4) of Code

8. The *Corporations (Queensland) Act 1990*, and the applicable provisions of Queensland under that Act, are prescribed for the Friendly Societies (Queensland) Code, section 19(4).⁴

PART 3—CONFERRAL OF FUNCTIONS AND POWERS

Conferral of functions and powers on AFIC

9. AFIC has the functions and powers conferred or expressed to be conferred on it under the friendly societies legislation of Queensland.

Conferral of functions and powers on Appeals Tribunal

10. The Appeals Tribunal has the functions and powers conferred or expressed to be conferred on it under the friendly societies legislation of Queensland.

⁴ Friendly Societies (Queensland) Code, section 19 (Corporations Law applying under its own force)

PART 4—STATE SUPERVISORY AUTHORITY

QOFS to be SSA

11. The Queensland Office of Financial Supervision is the State supervisory authority for Queensland.

PART 5—IMPOSITION OF FEES

Fees

12. This section imposes the fees prescribed by the Friendly Societies (Queensland) Regulations, or by the AFIC (Queensland) Regulations for matters referred to in the friendly societies legislation of Queensland.

Fees and penalties

13.(1) All fees and other amounts that, under the friendly societies legislation of Queensland, are authorised or directed to be imposed on a person and are not, under the legislation or an Act, fees, levies or other amounts payable to, authorised to be kept by, or required to be dealt with in a specified way by, a specified person must be paid to the consolidated fund.

(2)The *Acts Interpretation Act 1954*, section 43, applies for the appropriation of penalties that, under the friendly societies legislation of Queensland, are authorised or directed to be imposed on a person.

PART 6—MISCELLANEOUS

Decision by friendly society to stop carrying on business of pharmacist

14.(1) A friendly society may give effect to a decision of the society to stop carrying on the business of a pharmacist (a “**pharmacy decision**”) only if the decision is made by means of a special resolution under the Friendly Societies (Queensland) Code, section 307.⁵

(2) A friendly society that is to make a pharmacy decision must send to each of its members a statement approved by the SSA specifying—

- (a) any interest that a director of the friendly society has in the proposed decision or in another entity affected by the proposed decision; and
- (b) any compensation or other consideration to be paid, or any other incentive proposed to be given, to any officer or member of the friendly society in relation to the proposed decision; and
- (c) the reasons for the proposed decision; and
- (d) any other matter specified by the SSA.

(3) The statement must be sent to the members so that it will, in the ordinary course of post, reach each member not later than 21 days before the day on or before which the ballot papers must be returned under the Friendly Societies (Queensland) Regulations by members voting in the postal ballot.

(4) The SSA may exempt a friendly society from having to comply with subsection (2).

(5) For making a special resolution under the Friendly Societies (Queensland) Code, section 307, for this section, that section is taken to require the resolution to be voted on by a postal ballot conducted in accordance with the regulations made for the purpose of subsection (1)(b) of that section.

(6) In this section—

⁵ Friendly Societies (Queensland) Code, section 307 (Special resolutions of societies)

“**director**” see the Friendly Societies (Queensland) Code, section 3.⁶

“**friendly society**” means a society within the meaning of the Friendly Societies (Queensland) Code.

“**member**” of a friendly society, means a person who is a member of the society under the Friendly Societies (Queensland) Code.

“**officer**” see the Friendly Societies (Queensland) Code, section 3.⁷

“**SSA**” see the Friendly Societies (Queensland) Code, section 3.⁸

Copies of certain Victorian legislation to be tabled in Legislative Assembly

15.(1) A copy of each amendment of the Friendly Societies Code passed by the Parliament of Victoria after the commencement of this section must be tabled in the Legislative Assembly by the Minister within 14 sitting days after the amendment receives the royal assent.

(2) A copy of each regulation made under the Friendly Societies (Victoria) Act, part 4, must be tabled in the Legislative Assembly by the Minister within 14 sitting days after it comes into force in Queensland.

(3) This section does not affect the operation of sections 5 and 6.⁹

(4) In this section—

“**Friendly Societies Code**” means the code set out in the Friendly Societies (Victoria) Act, schedule 1.

⁶ Friendly Societies (Queensland) Code, section 3—
“**director**” has the meaning given by section 5.

⁷ Friendly Societies (Queensland) Code, section 3—
“**officer**” has the meaning given by section 9.

⁸ Under section 11 of this Act the Queensland Office of Financial Supervision is the SSA.

⁹ Sections 5 (Application in Queensland of the Friendly Societies Code) and 6 (Application of regulations)

Attachment—Friendly Societies Code

16.(1) Attached to this Act is a copy of the Friendly Societies Code set out in the Friendly Societies (Victoria) Act, schedule 1 (as amended by the *Friendly Societies (Victoria) (Amendment) Act 1997* (Vic)) (the “**Friendly Societies Code**”).

(2) The attachment must be revised so that it is an accurate copy of the Friendly Societies Code as amended from time to time.

(3) The revision under subsection (2) must happen in the first reprint of this Act after an amendment of the Friendly Societies Code.

(4) However, subsection (2) does not apply if the Friendly Societies (Queensland) Code is reprinted as a separate reprint and the revision mentioned in subsection (2), to the extent it applies in Queensland, is contained in the first reprint of that code after an amendment of the Friendly Societies Code.

(5) Despite subsection (2), the attachment is not part of this Act.

Regulation-making power

17. The Governor in Council may make regulations under this Act.

**PART 7—SAVINGS, TRANSITIONAL, AMENDMENT
AND REPEAL****Meaning of words and expressions used in Friendly Societies
(Queensland) Code and this part**

18. Words and expressions used in the Friendly Societies (Queensland) Code and this part have the same respective meanings in this part as they have in that code.

General savings provision

19.(1) All persons, things and circumstances appointed or created under

the *Friendly Societies Act 1991*, or existing or continuing under the Act, immediately before the commencement of this section continue, under and subject to the friendly societies legislation of Queensland, to have the same status, operation and effect as they would have had if this Act had not been enacted.

(2) Subsection (1) is subject to any contrary intention appearing in this Act or the Friendly Societies (Queensland) Code.

Society started to have been formed

20.(1) This section applies if, before the commencement of this section, the formation of a body as a friendly society started under the *Friendly Societies Act 1991*, section 3.1, but the body has not been registered under the Act as a friendly society.

(2) The formation of the body as a friendly society under the Act is taken to have started if a meeting has been called to form the friendly society.

(3) Despite the repeal of the Act, section 3.1 continues to apply to the formation of the body as a friendly society but application may be made under the Friendly Societies (Queensland) Code, section 60, for the body to be registered under the code as a society.

(4) For the application—

- (a) the reference in the Friendly Societies (Queensland) Code, section 60(2)(b)(i), to section 59¹⁰ is taken to be a reference to the *Friendly Societies Act 1991*, section 3.1(1) and (2); and
- (b) the reference in the Friendly Societies (Queensland) Code, section 60(2)(b)(v), to 25 or more adults is taken to be a reference to at least the appropriate number, under the *Friendly Societies Act 1991*, section 3.1, of adults.

(5) The society may be registered under the Friendly Societies (Queensland) Code if its rules are not contrary to the *Friendly Societies Act 1991* even though they are contrary to the friendly societies legislation.

(6) On registration, the rules have effect subject to the friendly societies legislation.

¹⁰ Friendly Societies (Queensland) Code, section 59 (Formation of societies)

(7) If on registration of the society its rules are contrary to the friendly societies legislation, the society must ensure the rules are amended to comply with the legislation within 1 year of registration.

Maximum penalty—133 penalty units.

(8) Subsection (7) does not limit subsection (6).

Disclosure of interests by directors

21.(1) Subsection (2) applies if a director of a continuing society¹¹ has given a general written notice under the *Friendly Societies Act 1991*, section 4.7(5), to all the other directors of the society.

(2) The notice is taken to have been given by the director under the *Friendly Societies (Queensland) Code*, section 292(5).

(3) Subsection (4) applies if a director of a continuing society has made a declaration under the *Friendly Societies Act 1991*, section 4.7(6) and (7), at a meeting of the society's board

(4) The declaration is taken to have been made under the *Friendly Societies (Queensland) Code*, section 292(6) and (7).

Operation of dispensaries

22.(1) This section applies if, immediately before the commencement of this section, under the *Friendly Societies Act 1991*, section 2.2(3), a continuing society is authorised to sell or supply medical requisites and dispense or sell medicines to members of the public generally.

(2) The society's rules are taken to include, as an object of the society, the following—

- to sell or supply medical requisites and therapeutic goods and dispense or sell medicines to members of the public.

¹¹ Section 7—

“**continuing society**” means a friendly society constituted under the *Friendly Societies Act 1991* and existing immediately before the commencement of this section.

Management contracts about pharmacies

23.(1) This section applies to a management contract entered into under an approval mentioned in the *Friendly Societies Act 1991*, section 4.15(14), by a continuing society for the management of a pharmacy.

(2) Subject to the Friendly Societies (Queensland) Code, section 297(5)¹² and the management contract's terms, the contract continues in force.

Copies of management contracts to be given to SSA

24.(1) This section applies to a management contract entered into by a continuing society before the commencement of this section and that is in force immediately before the commencement.

(2) The continuing society must give the SSA a copy of the contract within 1 month after the commencement of this section.

Maximum penalty for subsection (2)—66 penalty units.

Investor information memorandums

25.(1) This section applies to an investor information memorandum for a continuing society that is lawfully being used for investment in the society immediately before the commencement of this section.

(2) While the investor information memorandum continues in force, the *Friendly Societies Act 1991*, part 6, divisions 1 and 2 continue to apply in relation to the memorandum and to a form of application for investment in a friendly society to which the memorandum relates, and the Friendly Societies (Queensland) Code, part 4B, divisions 1 to 3, do not apply in relation to an investment to which the memorandum relates.

(3) For this section an investor information memorandum continues in force until whichever of the following first happens—

- (a) the anniversary of the date of the memorandum's issue under the *Friendly Societies Act 1991*, section 6.3(3);
- (b) a disclosure document relating to the investment to which the memorandum relates is lodged under the Friendly Societies

¹² Friendly Societies (Queensland) Code, section 297 (Management contracts)

(Queensland) Code with the SSA.

(4) This section has effect despite the repeal of the *Friendly Societies Act 1991*.

(5) In this section—

“investor information memorandum”, means an investor information memorandum under the *Friendly Societies Act 1991* approved under section 6.2(1)(a) of that Act or lodged under section 6.2(1)(b) of that Act.

Transfers of engagements

26.(1) Subsection (2) applies if—

- (a) a continuing society has by special resolution under the *Friendly Societies Act 1991*, section 7.1—
 - (i) decided to transfer the society’s engagements, or the engagements relating to a fund of the society, to another continuing society; or
 - (ii) undertaken to fulfil the engagements, or the engagements relating to a fund, of another continuing society; and
- (b) the resolution has not been registered under the Act before the commencement of this section.

(2) For the Friendly Societies(Queensland) Code, section 364(2), the special resolution is taken to be a special resolution approving a proposed transfer of engagements.

(3) Subsection (4) applies if, before the commencement of this section, a continuing society, by ordinary resolution, or by ordinary resolution of the society’s board, under the *Friendly Societies Act 1991*, section 7.1, undertook to fulfil the engagements of another continuing society, or the engagements relating to a fund of another continuing society.

(4) The resolution is taken to be an approval, with the consent of the SSA, of a proposed transfer of engagements by the continuing society’s board under the Friendly Societies(Queensland) Code, section 364(2).

(5) Compliance, before the commencement of this section, by a continuing society with the *Friendly Societies Act 1991*, section 7.1(3) and

(4) about a transfer of engagements is taken to be compliance by the society with the Friendly Societies (Queensland) Code, section 364(3) and(4).

(6) An exemption for a continuing society given under the *Friendly Societies Act 1991*, section 7.1(3) is taken to have been given under the Friendly Societies (Queensland) Code, section 364(5).

Directed transfers of engagements

27.(1) This section applies if a direction under the *Friendly Societies Act 1991*, section 7.2, for a continuing society is in force immediately before the commencement of this section.

(2) The direction is taken to be a direction to the continuing society given by the SSA under the Friendly Societies (Queensland) Code, section 367.

Mergers

28.(1) Subsection (2) applies if a continuing society has, by special resolution under the *Friendly Societies Act 1991*, section 7.4, decided to amalgamate with another continuing society and the resolution has not been registered under the Act before the commencement of this section.

(2) For the Friendly Societies (Queensland) Code, section 364(2), the special resolution is taken to be a special resolution approving a proposed merger with the other continuing society.

(3) Compliance by a continuing society with the *Friendly Societies Act 1991*, section 7.4(2) and (3) before the commencement of this section is, for an amalgamation, taken to be compliance with the Friendly Societies (Queensland) Code, section 364(3) and (4).

(4) An exemption for a continuing society given under the *Friendly Societies Act 1991*, section 7.4(2) is taken to have been given under the Friendly Societies (Queensland) Code, section 364(5).

Exemption from stamp duty in certain cases

29.(1) This section applies if, because of section 26, 27 or 28, and because of the Friendly Societies (Queensland) Code, a transfer of engagements takes effect, or a merged society is registered, under the code.

(2) The vesting of assets under the Friendly Societies (Queensland) Code, section 374 or 375, because of the transfer of engagements or the merger, and any instrument executed to give effect to the section, do not attract duty under the *Stamp Act 1894*.

Administrators and appointed directors.

30.(1) An administrator of a continuing society appointed under the *Friendly Societies Act 1991*, section 9.1, is taken to have been appointed by the SSA under the Friendly Societies (Queensland) Code, section 46.

(2) A director of a continuing society appointed under the *Friendly Societies Act 1991*, section 9.4(2)(b) is taken to have been appointed under the Friendly Societies (Queensland) Code, section 46(11)(d).

Suspension of operations

31. A direction given to a continuing society under the *Friendly Societies Act 1991*, section 9.7 that is in force immediately before the commencement of this section is taken to be a direction given to the society by the SSA under the Friendly Societies (Queensland) Code, section 45.

Code not to apply to continuing societies being wound-up

32.(1) This section applies if, under the *Friendly Societies Act 1991*, the winding-up of a continuing society has started but not finished before the commencement of this section.

(2) The provisions of the Friendly Societies (Queensland) Code about the winding-up of societies do not apply to the continuing society.

(3) Also, section 490 of the code about the winding-up of certain continuing societies does not apply to the continuing society.

(4) The continuing society is to be wound-up in the same way as if the sections 5 and 6 of this Act had not been enacted.

(5) For the winding-up, the *Friendly Societies Act 1991* continues to apply to the continuing society despite the repeal of the Act.

(6) For subsection (1), if a continuing society is being wound-up under the Corporations Law, part 5.6, division 8, as applied by the *Friendly*

Societies Act 1991, the winding-up is taken to have started on the day a letter was posted to the society under the Corporations Law, section 572(1).

(7) Subsection (1) does not limit the operation of the *Acts Interpretation Act 1954*.

(8) This section applies despite anything in the Friendly Societies (Queensland) Code.

(9) In this section—
“winding-up” includes dissolution.

Investigations

33.(1) This section applies if, immediately before the commencement of this section, an inquiry is being conducted into the affairs of a continuing society under the *Friendly Societies Act 1991*, part 8, division 3.

(2) The inquiry may continue as an investigation under the Friendly Societies (Queensland) Code, part 10.

(3) For the purpose of continuing the inquiry, the SSA may appoint an investigator under the Friendly Societies (Queensland) Code, section 411.

(4) A document or other information properly obtained by the person conducting the inquiry before the commencement of this section may be had regard to by the person continuing the inquiry

Warrants

34.(1) This section applies if—

- (a) a warrant is issued under the *Friendly Societies Act 1991*, section 8.30, 8.31 or 8.32; and
- (b) the warrant is effective immediately before the commencement of this section; and
- (c) the person to whom the warrant is issued is, on the commencement of this section, an inspector.

(2) The warrant is taken to have been issued to the inspector under the corresponding provision of the Friendly Societies (Queensland) Code and the code applies accordingly.

(3) In this section—

“**corresponding provision**” of the Friendly Societies (Queensland) Code means—

- (a) for the *Friendly Societies Act 1991*, section 8.30, section 38 of the code; and
- (b) for the *Friendly Societies Act 1991*, section 8.31, section 39 of the code; and
- (c) for the *Friendly Societies Act 1991*, section 8.32, section 40 of the code.

Friendly Societies Act 1991 continues to apply for certain land vested in continuing society

35.(1) This section applies to an interest in land vested in a continuing society under the *Friendly Societies Act 1991*, section 13.4.

(2) Despite the repeal of that Act—

- (a) that section continues to apply for recording the vesting; and
- (b) subsection (4) of that section continues to apply to the vesting and to any instruments executed as a consequence of the section to give the section effect.

Members of continuing societies

36.(1) Until the end of the first annual general meeting of a continuing society held after the commencement of this section, subsection (2) applies for deciding who the members of the society are.

(2) The members are the individuals admitted to membership of the continuing society under the society’s rules.

(3) From the end of the meeting, the Friendly Societies (Queensland) Code applies for deciding who the members of the continuing society are.

Transitional regulations

37.(1) A regulation may provide for matters of a savings or transitional nature consequent on the enactment of this Act and for which this Act does

not make provision or sufficient provision.

(2) Subject to subsection (3), a regulation under this section expires 1 year after it is made unless it is earlier repealed.

(3) This section expires 2 years after it commences.

Repeal

39. The *Friendly Societies Act 1991* is repealed.

ATTACHMENT

section 16

FRIENDLY SOCIETIES CODE

[The *Friendly Societies (Queensland) Act 1997* section 5 applies the Friendly Societies Code set out in the *Friendly Societies (Victoria) Act 1996* (Vic), schedule 1 as a law of Queensland and provides that it may be referred to as the Friendly Societies (Queensland) Code.

Under the *Friendly Societies (Queensland) Act 1997*, section 16(4) the Friendly Societies (Queensland) Code is reprinted as a separate reprint.]

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Friendly Societies (Queensland) Act 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Friendly Societies (Queensland) Act 1997 No. 35

date of assent 18 July 1997

ss 1–2 commenced on date of assent

remaining provisions commence 1 October 1997 (1997 SL No. 307)

5 List of annotations

Transitional regulations

s 37 exp 1 October 1999 (see s 37(3))

Amendment of Acts

s 38 om R1 (see RA s 7(1)(k))

SCHEDULE—CONSEQUENTIAL AND OTHER MINOR AMENDMENTS

om R1 (see RA s 40)