

5 Definition of “pecuniary gain”

- (1) An organisation provides *pecuniary gain* for its members if:
 - (a) it carries on any activity for the purpose of securing pecuniary gain for its members, or
 - (b) it has capital that is divided into shares or stock held by the organisation’s members, or
 - (c) it holds property in which the organisation’s members have a disposable interest (whether directly, or in the form of shares or stock in the capital of the organisation or otherwise), or
 - (d) it is an organisation that is, or is included in a class of organisations that is, prescribed by the regulations for the purposes of this subsection.
- (2) For the purposes of subsection (1) (a), an organisation does not provide pecuniary gain for its members merely because of any of the following:
 - (a) the organisation itself makes a pecuniary gain, unless that gain or any part of it is divided among or received by the organisation’s members or any of them,
 - (b) the organisation is established for the protection of a trade, business, industry or calling in which the organisation’s members are engaged or interested, but the organisation itself does not engage or take part in, or in any part or branch of, any such trade, business, industry or calling,
 - (c) members of the organisation derive pecuniary gain through the enjoyment of facilities or services provided by the organisation for social, recreational, educational or other like purposes,
 - (d) members of the organisation derive pecuniary gain from the organisation by way of bona fide payment of remuneration,
 - (e) members of the organisation derive pecuniary gain from the organisation of a kind which they could also derive if they were not members of the organisation,
 - (f) members of the organisation compete for trophies or prizes in contests directly related to the objects of the organisation,
 - (g) the organisation provides pecuniary gain of a class prescribed by the regulations for the purposes of this section.