

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

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# A BILL

To provide for the regulation and audit of collections for charitable purposes; for purposes consequent thereon or incidental thereto; and to amend the Audit Act, 1902.

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Charitable Collections Act, 1918." Short title.

It is divided into Parts as follows :—

PART I.—COLLECTIONS FOR CHARITABLE PURPOSES—*ss.* 2-9.

PART II.—AMENDMENT OF AUDIT ACT—*s.* 10.

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PART I.

COLLECTIONS FOR CHARITABLE PURPOSES.

**2.** The provisions of this Part shall not apply to collections for any war fund. Application of this Part.

*The Committee.*

**3.** (1) The Governor may appoint a committee to be known as the Charities Collection Committee, and to consist of such persons, not less than three in number, as he may think fit. Constitution of Committee.

(2) The Governor may appoint one of the members of the said committee to be chairman and another to be vice-chairman thereof; and at all meetings of the committee the chairman, or in his absence the vice-chairman, shall have a deliberative and, where the votes are equal, a casting vote.

*Charitable collections.*

**4.** (1) It shall be unlawful for any person to collect money or articles for any charitable purpose unless authorised by the committee, or by some person appointed by the committee in that behalf, and unless the conditions (if any) attached to such authorisation and the provisions of the regulations made in that behalf under this Part of this Act are complied with. Unauthorised collections.

(2) This section shall not apply to a collection made by way of a general appeal to the public at a public meeting.

(3) If any person contravenes any of the provisions of this section he shall be liable to a penalty not exceeding *fifty* pounds.

**5.**

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**5.** (1) All moneys collected for charitable purposes shall forthwith be paid without any deduction therefrom to the credit of a trust account in a bank. If any person who has so collected any moneys fails to pay them or cause them to be paid as aforesaid, he shall be liable to a penalty not exceeding *fifty* pounds.

Moneys collected to be paid into a bank.

(2) Moneys for commission or expenses in connection with the collection shall, on being duly authorised, be paid out of the proceeds of cheques drawn on such trust account. If any person pays such moneys out of the moneys collected otherwise than as above directed, he shall be liable to a penalty not exceeding *fifty* pounds.

Payment of commission and expenses.

#### *Audit.*

**6.** (1) The Auditor-General may himself, or by some officer in the public service appointed by him for the purpose, inspect, examine, and audit accounts relating to any such collection, and investigate and examine all documents and vouchers connected therewith.

Audit of accounts.

(2) The Auditor-General shall, as soon as practicable after such inspection, examination, and audit, make and forward to the Minister and to the committee appointed under this Part of this Act a report of the result thereof, and of the manner in which the accounts and other documents as aforesaid have been kept, and a statement of all sums not duly accounted for, and of all payments which have not been duly authorised or properly made, or for which the necessary certificates, receipts, and vouchers have not been produced.

Report of Auditor-General.

Such report may be published in any newspaper, if the Minister so directs.

(3) The provisions inserted in the Audit Act, 1902, by Part II of this Act shall, *mutatis mutandis*, apply to an inspection, examination, and audit under the provisions of this section.

Application of Part III of this Act.

#### *Exemptions.*

**7.** The Governor, by proclamation in the Gazette, may exempt collections in aid of any objects or purposes specified therein from the operation of any or all the provisions of this Part of this Act, subject to such conditions (if any) as he may impose.

Exemptions.

*Regulations.*

*Regulations.*

**8.** (1) The Governor may make regulations for Regulations, carrying out the provisions of this Part of this Act, and in particular—

- (a) to regulate the proceedings of the committee appointed thereunder; and
- (b) to prescribe the manner of paying moneys collected into a bank, and of paying commission and expenses in connection with a collection, and to prescribe the accounts and vouchers to be kept and given.

And in such regulations may impose any penalty not exceeding *twenty* pounds for any breach thereof.

(2) Any regulations under this Act shall be Publication of regulations, published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication, or if Parliament is not then sitting, within fourteen days after the next meeting of Parliament.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

**9.** Any penalties imposed by this Act, or any regu- Recovery of penalties. lations thereunder, may be recovered before a stipendiary or police magistrate, or any two justices in petty sessions.

## PART II.

## AMENDMENT OF AUDIT ACT.

**10.** The following sections are inserted next after New section 14A. section fourteen of the Audit Act, 1902 :—

14A. (1) The Auditor-General may, by precept Auditor-General may require attendance of persons and call for papers. under his hand, require all such persons as he may think fit to appear personally before him at a time and place to be named in such precept, and to Commonwealth Audit Act, 1901, s. 13 (1). produce

produce to him all such accounts, books, vouchers, documents, and papers in their possession or control as may appear to him to be necessary for any inspection, examination, or audit under this Act.

(2) The Auditor-General may examine any person upon oath, declaration, or affirmation (which he is hereby authorised to administer or receive) respecting the receipt or payment of any money, or any other matter or thing relating to any examination, inspection, or audit under this Act.

Auditor-General may administer oath.

*Ibid.* s. 14.

(3) If any person fails, when required by precept as aforesaid, to attend the Auditor-General for the purpose of being examined or to produce any accounts, books, vouchers, documents, or papers, or to be sworn or make a declaration or affirmation, or to answer any lawful question, he shall be liable to a penalty not exceeding *one hundred* pounds.

Where witness fails to attend.

*Ibid.* s. 67.

(4) When any person attends before the Auditor-General in pursuance of precept as aforesaid he shall be entitled to be paid such expenses as the Auditor-General certifies to be reasonable.

Witnesses' expenses.

14B. (1) Where it appears to the Auditor-General to be necessary for the purpose of any inspection, examination, or audit under this Act he may appoint any officer of the Department of Audit of rank not less than that of inspector of public accounts or senior examiner of accounts to examine any person upon oath, declaration, or affirmation (which he is hereby authorised to administer or receive) in relation to such inspection, examination, or audit.

Appointment of officer to take evidence.

(2) Such officer may, by summons under his hand, require all such persons as he may think fit to appear personally before him at a time and place to be named in such summons, and to produce to him all such accounts, books, vouchers, documents, and papers in their possession or control as may appear to him to be necessary for such inspection, examination, or audit.

Attendance of witnesses on summons.

(3) If any person fails, when required by summons as aforesaid, to attend such officer for the purpose of being examined or to produce any accounts,

Where witness fails to attend.

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accounts, books, vouchers, documents, or papers, or to be sworn or make a declaration or affirmation, or to answer any lawful question, he shall be liable to a penalty not exceeding *one hundred* pounds.

(4) When any person attends before such officer in pursuance of a summons as aforesaid he shall be entitled to be paid such expenses as the said officer certifies to be reasonable.

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