

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To provide for the regulation and audit of collections for charitable purposes; to amend the Audit Act, 1902; and for purposes connected therewith.

BE 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. (1) This Act may be cited as the "Charitable Collections Act, 1928."

Charitable Collections.

(2) In this Act, unless the context or subject-matter otherwise requires,—

“Committee” means the Charities Collection Committee appointed under this Act.

The Committee.

2. (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.

(3) 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.

3. (1) It shall be unlawful for any person to solicit or collect money or articles for any charitable purpose unless authorised so to do 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 any regulations made under this Act are complied with. Unauthorised collections.

(2) This section shall not apply to—

- (a) a general appeal to the public at a public meeting; or
- (b) any raffle, art union, or lottery conducted in accordance with the Lotteries and Art Unions Act, 1901, as amended by subsequent Acts; or
- (c) any collection for ambulance purposes sanctioned by the New South Wales Ambulance Transport Board; or
- (d) any collection sanctioned under the Public Hospitals Act, 1898, or any Act amending or replacing such Act.

(3)

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

4. (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. Moneys collected to be paid into 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.

(2) Moneys for commission or expenses in connection with the collection shall, on being authorised in the manner prescribed by regulations made under this Act, be paid out of the proceeds of cheques drawn on such trust account. Payment of commission and expenses.

If any person pays such commission or expenses out of the moneys collected otherwise than as provided in this subsection, he shall be liable to a penalty not exceeding *fifty* pounds.

Audit.

5. The Minister may, and at the request of the committee shall, by notice in writing under his hand, call upon the promoter, secretary, treasurer, or any one of the committee (or any person who purported to act in any such capacity) of any collection for charitable purposes to lodge with him, within a time to be specified in the notice, a balance-sheet showing the whole receipts and disbursements in connection with such collection, and to produce to such person, at such time and place as is set out in the notice, any books, documents, and vouchers relating to the collection. Minister may require balance-sheet, &c.

6. When any such balance-sheet, books, documents, or vouchers have been lodged or produced in accordance with a notice given under the last preceding section, or otherwise become available, the Minister may direct that the same shall be handed to the Auditor-General, who is hereby authorised and directed to receive, examine, and audit the same, and for that purpose to make such inquiries as to him shall seem proper and necessary. Auditor-General may examine balance-sheet, &c.

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7. (1) The Auditor-General shall as soon as practicable after such examination and audit make and forward to the Minister and to the committee 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 authorised or properly made or for which the necessary certificates, receipts, and vouchers have not been produced.

Auditor-General to report result of audit.

(2) Such report may be published in any newspaper if the Minister so directs.

8. (1) Whosoever is required to lodge a balance-sheet or to produce any books, documents, or vouchers in accordance with section five of this Act and who fails to do so within the time specified in that behalf in the notice given to him, shall be liable to a penalty not exceeding *fifty* pounds.

Offences.

(2) Whosoever refuses to answer the inquiries made by the Auditor-General shall be liable to a penalty not exceeding *fifty* pounds.

9. Whosoever with intent to defraud or deceive any other person—

Falsifying books, &c.

- (a) alters or falsifies any books, documents, or vouchers relating to a collection for charitable purposes; or
- (b) makes or concurs in the making of any false or fraudulent entry in any book, document, or voucher relating to such collection; or
- (c) omits or concurs in omitting any material particular from any book, document, voucher or balance-sheet relating to such collection,

shall be liable on conviction on indictment to imprisonment for a term not exceeding *five* years.

10. Whosoever is concerned in conducting a collection for charitable purposes, and converts to his own use any of the moneys raised by means of such collection, shall be liable on conviction on indictment to imprisonment for a term not exceeding *five* years.

Converting moneys raised.

Exemptions.

Exemptions.

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

Regulations.

12. (1) The Governor may make regulations Regulations. prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act, and in particular for the following:—

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

(2) The regulations may impose a penalty not exceeding *twenty* pounds for any breach thereof.

(3) The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations ;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication, or if Parliament is not then in session, within fourteen sitting days after the commencement of the next session.

Publication of regulations.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before
before

before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

13. Any pecuniary penalty imposed by this Act or any regulations thereunder, may be recovered before a stipendiary or police magistrate or any two justices in petty sessions. ^{Recovery of penalties.}
