

## PATRIOTIC FUNDS.

3 GEO. VI.  
NO. 5.  
THE  
PATRIOTIC  
FUNDS  
ADMINISTRA-  
TION ACTS  
AMENDMENT  
ACT OF  
1939.

**An Act to Amend "The Patriotic Funds Administration Acts, 1916 to 1929," in certain particulars, and for other purposes.**

[ASSENTED TO 5TH OCTOBER, 1939.]

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

Short title.

1. This Act may be cited as "*The Patriotic Funds Administration Acts Amendment Act of 1939*," and shall be read as one with \*"*The Patriotic Funds Administration Acts, 1916 to 1929*," herein referred to as the Principal Act.

Collective title.

The Principal Act and this Act may be collectively cited as "*The Patriotic Funds Administration Acts, 1916 to 1939*."

*Amendments of the Principal Act.*

New s. 2A.

2. The following new section 2A is inserted after section two of the Principal Act, namely:—

Meanings of terms.

"[2A.] In this Act, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:—

Fund.

"Fund"—A fund, by whatever name called, to the credit of which are paid or payable any sums of money which have been raised by voluntary contributions or by the net proceeds of sales, art unions, or other enterprises amongst the people of Queensland, and whether other persons have or have not contributed to the same, for affording aid, assistance, relief, or benefit in connection with the War existing at the date of the passing of †"*The Patriotic Funds Administration Act of 1916*," or in connection with the War existing at the date of the passing of

\* 6 Geo. V. No. 36 and amending Acts, *supra*, pages 6988 *et seq.*

† 6 Geo. V. No. 36, *supra*, page 6988.

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\*“*The Patriotic Funds Administration Acts Amendment Act of 1939*,” or in connection with both such Wars (including amongst these objects the affording of assistance, relief, or benefit to men or women who have served, are serving, or may, at any time after the date of the passing of \**“The Patriotic Funds Administration Acts Amendment Act of 1939*,” serve in any capacity with or in connection with His Majesty’s Imperial Forces, the Forces of the Commonwealth of Australia, the Forces of any other Dominion or part of the British Empire, or the Forces of His Majesty’s Allies on land or sea or in the air, and the promotion, formation, management, conduct, and maintenance of any institutes, societies, clubs, or associations for the benefit of such men or women as aforesaid).

In this definition any sum of money hereinbefore referred to shall be deemed to form part of the fund notwithstanding that it has not been paid into the prescribed trust account.

The term “fund” includes the fund referred to in †*“The Toowoomba Patriotic Fund Act of 1914”* to the extent to which it is applied to any trust, object, or purpose relating to the War existing at the passing of \**“The Patriotic Funds Administration Acts Amendment Act of 1939”* ;

“Person”—The term includes any partnership or Person.  
firm, and any body or association of persons,  
corporate or unincorporate ;

“Prescribed”—Prescribed by this Act ; Prescribed.

“This Act”—This Act and all Orders in Council This Act.  
and regulations made or purporting to be  
made hereunder ;

“Trustees”—The person or persons for the time Trustees.  
being constituting the trustees of or having,  
or appointed or purporting to be appointed in

\* This Act.

† 5 Geo. V. No. 15, *supra*, page 6434.

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any manner whatsoever to have, the possession, management, or control of any sums of money paid or payable to the credit of or deemed to form part of a fund."

New s. 2B.

3. The following new section 2B is inserted after section 2A of the Principal Act as previously inserted by this Act, namely:—

Trustee not to act without authority from Chief Secretary.

"[2B.] (1.) No person shall act as a trustee unless the Governor in Council has approved of the establishment of the fund in respect of which he so acts, and of the trusts, objects, and/or purposes for which such fund is, or is proposed to be, established.

(2.) The Governor in Council may fix the number of trustees of any fund and may include in such number such one or more persons not exceeding one-third of such number as he shall, upon the recommendation of the Chief Secretary, appoint to represent the Crown.

Every trustee (whether or not appointed to represent the Crown) shall hold his office as such at the pleasure of the Governor in Council.

If any person acts or purports to act as trustee of a fund—

- (a) The establishment of which has not been approved by the Governor in Council; or
- (b) At any time when the total number of persons purporting to so act exceeds the number fixed by the Governor in Council; or
- (c) At any time after his removal from office as such by the Governor in Council,

he shall be liable to a penalty of not more than fifty pounds.

(3.) This section shall not apply to funds established before the passing of \**"The Patriotic Funds Administration Acts Amendment Act of 1939"* under †*"The Patriotic Funds Administration Acts, 1916 to 1929,"* or under ‡*"The Toowoomba Patriotic Fund Act of 1914"* in respect of the War existing at the passing of §*"The Patriotic Funds Administration Act of 1916"* unless any object or

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\* This Act.

† 6 Geo. V. No. 36 and amending Acts, *supra*, pages 6988 *et seq.*

‡ 5 Geo. V. No. 15, *supra*, page 6434.

§ 6 Geo. V. No. 36, *supra*, page 6988.

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objects for which such fund was established extends or extend or is or are extended at any time to relate to the War existing at the passing of that Amendment Act.

If any such extension occurs the Governor in Council may by Order in Council apply this section to the fund concerned, and may by the same or any later Order in Council modify this section in such manner as he shall think necessary in order to so apply it, and \**"The Toowoomba Patriotic Fund Act of 1914"* shall be read and construed with and subject to this section accordingly.

4. The following new section 2c is inserted after section 2B of the Principal Act as previously inserted by this Act, namely :— New s. 2c.

“[2c.] It shall not be lawful for any person to solicit or accept from any other person any moneys or other valuable consideration or any gift in kind whatsoever for any trust, object, or purpose mentioned in the definition of the term “fund” unless with the consent of the Chief Secretary first had and obtained. Unauthorised collections prohibited.”

Any person who contravenes this section shall be guilty of an offence and liable in the case of an individual person to a penalty of not more than fifty pounds or, in the case of a body corporate, to a penalty of not more than two hundred pounds, and every manager, managing director, or other governing officer by whatever name called of any body corporate which is guilty of an offence against this section shall also be guilty of such offence and liable to a penalty of not more than fifty pounds.

In any proceedings under this section a certificate purporting to be under the hand of the Under Secretary, Chief Secretary's Department, and setting out that the person named therein was not authorised as prescribed by this section shall be sufficient evidence of the fact so certified to until the contrary is proved.”

5. The following new section 2D is inserted after section 2c of the Principal Act as previously inserted by this Act, namely :— New s. 2D.

“[2D.] The trustees shall as soon as may be after the receipt thereof pay all sums of money belonging to the fund into the Commonwealth Savings Bank or such other bank as the Chief Secretary shall permit to the Fund to be paid into bank to special trust account.”

\* 5 Geo. V. No. 15, *supra*, page 6434.

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credit of a separate trust account, and shall keep such books and accounts as may be prescribed or, in so far as not prescribed, as are at all times a correct record of the receipts and disbursements in respect of the Fund.

If the trustees fail to comply with any provision of this section each of them shall be guilty of an offence and liable to a penalty of fifty pounds unless he proves that he did not know of, connive at, or consent to such offence :

Moreover, every such trustee shall be deemed to be a public accountant within the meaning of \**"The Audit Acts, 1874 to 1936"* (or any Act amending or in substitution for those Acts)."

Amendment  
of s. 3.

**6.** Section three of the Principal Act is hereby amended as follows :—

(i.) In subsection one thereof all words from and including the words "the person or persons" to and including the words "maladministration by the trustees of any of such moneys" are repealed and the words "the trustees or a majority of them of any fund, or on being satisfied that there has been or is any maladministration of any fund or of any of the moneys to which any fund relates" are inserted in lieu of the words so repealed.

(ii.) In subsection four thereof the words "the Government Savings Bank at Brisbane" are repealed and the words "the Commonwealth Savings Bank or such other bank as the Chief Secretary shall think fit" are inserted in lieu of such repealed words.

Amendment  
of s. 3A.

**7.** In subsection one of section 3A of the Principal Act the words and brackets "(as defined in subsection one of section three of this Act) of any fund referred to in the said subsection" are repealed and the words "of any fund" are inserted in lieu of such repealed words.

Repeal of  
and new  
s. 4.

**8.** Section four of the Principal Act is repealed and the following new sections 4 and 4A are inserted in lieu thereof, namely :—

Power of  
audit of  
accounts, &c.

"[4.] (1.) The trustees shall cause an auditor approved by the Auditor-General to continuously examine and/or audit, and the Chief Secretary or the Auditor-General may cause any officer of the Public Service or any accountant appointed by the Chief

\* 38 Vic. No. 12 and amending Acts, *supra*, pages 74 *et seq.*

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Secretary or the Auditor-General in that behalf to examine and/or audit, the books and accounts of the trustees, and for the purposes of such audit and/or examination the officer or accountant so appointed may examine any books, accounts, and documents relating to such accounts, and may make and take away with him any extract from any book or copy of any such documents.

(2.) It shall be the duty of every auditor approved by the Auditor-General to report from time to time and at all times to the Auditor-General as and when required by the Auditor-General so to do upon the audit of the fund, and any such auditor who fails at any time to so report or makes a report which is false in a material particular or which does not disclose in full all particulars required by the Auditor-General shall be guilty of an offence and liable to a penalty of not more than one hundred pounds :

Moreover the Auditor-General shall have in respect of funds all of the powers, functions, authorities, and jurisdiction conferred upon him by \**"The Audit Acts, 1874 to 1936."*

(3.) If any person obstructs the auditor approved by the Auditor-General or any officer or any accountant appointed by the Chief Secretary or the Auditor-General in the exercise of his powers or the performance of his duties under this section, or without lawful excuse refuses to produce any book, account, document, writing, paper, or instrument in his possession or under his control, or to permit the making and taking away of any extract from any book or copy of any document, or to answer any question asked by the auditor approved by the Auditor-General or such officer or accountant appointed by the Chief Secretary or the Auditor-General for the purpose of the exercise of such powers or the performance of such duties, or makes a false answer to any such question, he shall be liable to a penalty of not less than two pounds or more than twenty pounds ; and if any person after conviction for any such offence still refuses to produce any such book, account, document, paper, writing, or instrument, or to permit the making and taking away of any extract or copy, or to answer any such question he shall be liable to a further penalty not exceeding twenty pounds for each and every day during which such default continues.

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\* 38 Vic. No. 12 and amending Acts, *supra*, pages 74 *et seq.*

(4.) It shall be the duty of every manager or other principal officer of any bank with which the trustees have deposited any moneys to which this Act refers, whether in his own account or in any general or separate trust account, to disclose every such account to the auditor approved by the Auditor-General or to any officer or accountant appointed by the Chief Secretary or the Auditor-General upon demand made by such auditor, officer, or accountant, and to permit such auditor, officer, or accountant to make and take away with him an extract from any book or copy of any such accounts or copy of any document or writing relating to such accounts.

Any manager or principal officer of such bank as aforesaid who knowingly acts contrary to the provisions of this subsection shall be liable to a penalty of not more than one hundred pounds.

(5.) This section shall apply and extend to any person having the custody or possession of any book, account, register, document, or writing of the trustees or relating to the fund.

Trustees to  
furnish  
statement  
of accounts.

[4A.] The trustees shall from time to time as may be prescribed and, in addition, at any time when required so to do by the Under Secretary, Chief Secretary's Department, deliver to the Chief Secretary a statement of account in respect of the fund, which statement shall be for the period prescribed or, as the case may be, required by the said Under Secretary.

Such statement shall contain such information as may be prescribed and, in so far as not prescribed, shall show all receipts and disbursements during the period to which it relates with particulars of the trusts, objects, purposes, and/or expenses for which disbursements were made, including, in the case of any expense, the name of the person receiving payment and the amount paid to him.

If a statement of account is not furnished at any prescribed time or when required by the said Under Secretary, or if any statement of account so furnished is false in a material particular, every trustee and every person employed by the trustees shall be liable to a penalty of not more than fifty pounds unless he proves that he did not know of, connive at, or consent to such failure or falsity."

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9. Section five of the Principal Act is hereby <sup>Amendment of s. 5.</sup> amended as follows:—

(i.) In subsection one thereof the words “any fund” are repealed, and the words “any fund including a fund” are inserted in lieu of such repealed words.

(ii.) The following paragraphs are added to the said subsection one, namely:—

“Without limiting the generality of the power to make regulations, such regulations may provide for all or any matters required or permitted by this Act to be prescribed.

The power to make regulations hereunder shall include the power to make different regulations with respect to different funds.”

(iii.) Subsection three thereof is repealed.

(iv.) In subsection four thereof all words from and including the words “to be recovered” to the end of the subsection are repealed.

10. The following new section six is inserted after <sup>New s. 6.</sup> section five:—

“[6.] All penalties imposed by this Act may be <sup>Recovery of penalties.</sup> recovered in a summary way under \**“The Justices Acts, 1886 to 1932,”* and proceedings for the recovery thereof may be instituted by any person authorised in that behalf by the Chief Secretary or by any member of the Police Force.”

\* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*