



ANNO TERTIO

GEORGIUS VI REGIS.

A.D. 1939.

No. 16 of 1939.

An Act to provide for the control of persons soliciting money or goods for certain charitable purposes, and to repeal the Collections for Unemployment Act, 1930.

[Assented to 22nd November, 1939.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the " Collections for Charitable Purposes Act, 1939 ". Short title.
2. This Act shall come into force upon a day to be fixed by proclamation. Commencement.
3. The Collections for Unemployment Act, 1930, is repealed. Repeal.
4. In this Act— Interpretation.

" charitable purpose " means—

 - (a) the affording of relief to diseased, sick, infirm, incurable, poor, destitute, helpless, or unemployed persons, or to the dependents of any such persons :
 - (b) the relief of distress occasioned by war, whether occasioned in South Australia or elsewhere :
 - (c) the supply of equipment to any of His Majesty's naval, military, or air forces, including the supply of ambulances, hospitals and hospital ships :
 - (d) the supply of comforts or conveniences to members of the said forces :

Collections for Charitable Purposes Act, 1939.

(e) the affording of relief, assistance, or support to persons who are or have been members of the said forces or to the dependents of any such persons :

“ Minister ” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor.

Application of Act.
1966, 1980, s. 2.

5. (1) This Act shall apply only to those parts of the State which are proclaimed by the Governor.

(2) The Governor may by proclamation declare the parts of the State to which this Act shall apply and may from time to time by proclamation declare additional areas to which this Act shall apply or declare that this Act shall cease to apply to any area to which it formerly applied.

Restriction on certain collections.
Cf. 1966, 1980, s. 3.

6. (1) No person shall—

- (a) collect or attempt to collect any money or goods ; or
- (b) obtain or attempt to obtain money by the sale of any disc, badge, token, flower, or other device,

for any charitable purpose unless he is—

- (i.) the holder of a licence under this Act ; or
- (ii.) a member of the committee or other governing body of a society, body, or association which is the holder of a licence under this Act and who is authorized by such licensee ; or
- (iii.) authorized to do so by a person, society, body, or association which holds a licence under this Act,

and except in accordance with such licence and authority.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds: Provided that it shall not be an offence for any person to collect or attempt to collect any goods for the purpose of affording any relief to any particular person or the dependents of any particular person, if the whole of the goods so collected is applied for that purpose.

(3) In any proceedings for an offence against this section the prosecution need not negative any of the matters specified in paragraphs (i.), (ii.), or (iii.) of subsection (1) or in subsection (2) of this section, but it shall lie on the defendant to prove any of those matters on which he relies.

(4) This section shall apply whether the money or goods are collected or attempted to be collected solely for any charitable purpose or partly for any charitable purpose and partly for any other purpose.

7. (1) No person shall conduct any entertainment to which any charge for admission is made in any case where it is held out that any part of the proceeds of the entertainment are to be devoted (either wholly or partly) for any charitable purpose unless he is—

Restriction
on holding
certain enter-
tainments.
Cf. 1966,
1930, s. 4.

- (a) the holder of a licence under this Act ; or
- (b) a member of the committee or other governing body of a society, body, or association which is the holder of a licence under this Act and who is authorized by such licensee ; or
- (c) authorized so to do by a person, society, body, or association which holds a licence under this Act,

and except in accordance with such licence and authority.

(2) No person shall sell or attempt to sell any ticket for admission to any entertainment in any case where it is held out that any part of the proceeds of the entertainment are to be devoted (either wholly or partly) to any charitable purpose unless he is—

- (a) the holder of a licence under this Act ; or
- (b) a member of the committee or other governing body of a society, body, or association which is the holder of a licence under this Act and who is authorized by such licensee ; or
- (c) authorized so to do by a person, society, body, or association which holds a licence under this Act,

and except in accordance with such licence and authority.

(3) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(4) In any proceedings for an offence against this section the prosecution need not negative any of the matters specified in paragraph (a), (b), or (c) of subsection (1) or (2) of this section, but it shall lie on the defendant to prove any of those matters on which he relies.

8. (1) Any person, society, body, or association being the holder of a licence under this Act may give any authority referred to in either of the last two preceding sections by any means approved by the Minister either generally or in any particular case. Any such approval may be revoked by the Minister.

Grant of
authority by
licensee.

(2) The Minister may upon the application of any person, society, body, or association being the holder of a licence, by notice in writing given to the licensee, approve of money or

Collections for Charitable Purposes Act, 1939.

goods being collected or entertainments being held for the purposes of the licensee, although any person collecting or attempting to collect the money or goods or conducting any entertainment or selling or attempting to sell tickets for any entertainment is not authorized so to do by the licensee, and in any proceedings against any such person for any contravention of either of the last two preceding sections, it shall be a defence to show that the person charged acted in accordance with the notice given by the Minister. Any such notice may be revoked by the Minister.

Revocation of
authority by
society, etc.
Vic. 4079,
1932, s. 39.

9. (1) Any person, society, body, or association being the holder of a licence under this Act who or which gives any authority referred to in section 6 or section 7 may revoke any such authority, and when any such authority is revoked the person to whom it was given shall, if the authority was given in writing, within seven days after notice in writing of the revocation produce and deliver the same to such first-mentioned person or to a member of the committee or other governing body of such society, body, or association.

(2) Any such person to whom such authority is given who fails to produce or deliver such authority as aforesaid shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Advisory
committee.

10. (1) There shall be an advisory committee for the purposes of this Act.

(2) There shall be five members of the committee who shall from time to time be appointed by the Governor upon the recommendation of the Minister.

(3) The Minister shall from time to time appoint one of the members of the committee to be the chairman thereof.

Application
for licence.
Cf. 1966, 1930,
s. 5.

11. (1) An application for a licence under this Act shall be made to the Minister, who shall refer the application for consideration and report by the advisory committee.

(2) In considering any application for a licence the advisory committee, in addition to taking into account any other matters thought fit by the committee, shall consider whether, having regard to the objects of the applicant, those objects would be more effectively or economically carried out by any other person, society, body, or association being the holder of or an applicant for a licence under this Act.

(3) After considering the report of the advisory committee on any application, the Minister may, in his discretion, grant or refuse a licence to any applicant and shall not be liable to any proceedings whatsoever as a consequence of any refusal.

12. (1) A licence under this Act may authorize collections to be made, money to be obtained, or entertainments to be conducted, for such period or for such occasions as the Minister thinks fit, or may authorize collections to be made, money to be obtained, or entertainments to be conducted, during such time as the licence remains unrevoked.

Conditions of
licence.
Ct. 1966,
1930, s. 6.

(2) A licence may be issued subject to any condition fixed by the Minister limiting the proportion of the proceeds of collections and entertainments which may be applied as remuneration to collectors or other persons concerned in the collections or entertainments and may be issued subject to any other conditions of any kind fixed by the Minister.

(3) A licence may at any time be revoked by the Minister as an administrative act.

13. (1) The advisory committee shall, when requested so to do by the Minister, inquire whether any licence issued under this Act to any person, society, body, or association should be revoked.

Inquiry as to
revocation of
licences.

(2) The advisory committee may recommend that any such licence be revoked if it is of opinion—

- (a) that the money or goods received for charitable purposes by the person, society, body, or association are mismanaged or are substantially applied otherwise than for affording the relief for which the money or goods were collected ; or
- (b) that the amount of any money or goods received by the person, society, body, or association and applied towards charitable purposes or to be so applied, is inadequate in proportion to the total amount so received ; or
- (c) that remuneration at a rate which is excessive, in relation to the part of any money or goods received by the person, society, body, or association and applied towards charitable purposes, has been, or is likely to be, paid to any person from the money or goods so received ; or
- (d) that the person, society, body, or association has ceased effectively to carry out any charitable purpose ; or
- (e) that for any other reason the licence should be revoked.

14. No fee shall be charged for any licence under this Act.

Licences to be
issued gratis.
1966, 1930, s. 7.

Statements to
be furnished
by licensees.
Cf. Vic. 4079,
1932, s. 42.

15. (1) Every person, society, body, or association to whom or to which a licence is issued under this Act who or which collects or receives any money or goods for any charitable purpose shall at the time or times (if any) fixed in the licence and also at any other time when required by the Minister, submit to the Minister a statement setting out the money and goods so collected or received and the manner in which the same have been dealt with. The statement shall be certified as correct by statutory declaration made by such person or by the chairman and the secretary or treasurer of the society, body, or association.

(2) The accounts of all persons, societies, bodies, or associations to whom or to which licences are issued under this Act shall, if the Minister so requires, be audited by a person appointed by the Minister.

(3) Every person, society, body, or association who or which contravenes or fails to comply with the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(4) When any society, body, or association is liable to any such penalty every member of the committee or governing body thereof or (if there is no committee or governing body thereof) every member of the society, body, or association shall be severally liable to the penalty unless he proves that the offence was committed without his knowledge or without his consent.

(5) The Minister may, from time to time, by notice in writing declare that this section shall not apply to any person, society, body, or association specified in the notice and may, by writing, revoke any such notice. During the time any such notice is unrevoked, this section shall not apply to the person, society, body, or association to which the notice relates.

Transfers of
moneys.
Cf. 1254, 1916,
s. 8.

16. (1) If the Governor is satisfied that any moneys or securities for moneys held for any charitable purpose by or on behalf of any person, society, body or association to whom or to which a licence is or has been issued under this Act, are not or will not be required for that purpose, the Governor may, by proclamation, declare that the whole or any part of such moneys and securities shall be—

(a) applied by such person, society, body or association to any other charitable purpose; or

(b) be vested in and transferred to the Minister to be applied to any charitable purpose.

(2) Any such proclamation shall have the force of law, and payments and transfers shall be made to carry out the directions of the Governor thereby made.

(3) A proclamation shall not be made under this section until a resolution has been passed by both Houses of Parliament approving of the making of the proclamation.

17. (1) The Governor may, by proclamation, vest in the Minister the moneys and securities for moneys held for any charitable purpose by or on behalf of any person, society, body, or association to whom or to which a licence is or has been issued under this Act, on being satisfied—

Vesting of funds in Minister.
Cf. 1254, 1916, s. 9.

(a) that a majority of at least three-fourths in number of the persons who are trustees or who have the control of the moneys or securities for money have consented thereto ; or

(b) there has been maladministration of the moneys or securities.

(2) The moneys and securities vested in the Minister by a proclamation made under this section shall be held upon the trusts upon which they were held prior to being vested in the Minister: Provided that the Governor may by proclamation vary the trusts and authorize the Minister to apply the said moneys and securities or any part thereof to such charitable purposes as he may direct.

(3) Any such proclamation shall have the force of law, and payments and transfers shall be made to carry out the directions of the Governor thereby made.

(4) The receipt of the Minister shall be a sufficient discharge to the said persons as to moneys and securities paid and transferred, and the said persons shall not thereafter be liable or accountable therefor, or be bound to see to the application, distribution, or appropriation thereof.

18. Proceedings for offences against this Act shall be disposed of summarily.

Summary disposal of proceedings.

19. (1) No prosecution for an offence against this Act shall be instituted without the approval in writing of the Minister.

Proceedings for offences.

(2) Unless proof to the contrary is given, any document purporting to be signed by the Minister and to be an approval by the Minister under subsection (1) shall, without any further proof or proof of the signature of the Minister, be sufficient proof before any court of the giving of the approval.

Collections for Charitable Purposes Act, 1939.

Regulations.
1966, 1930, s. 9.

20. The Governor may make any regulations necessary or convenient for giving effect to this Act, and may by any regulation impose penalties not exceeding ten pounds for the breach of any regulations.

Saving
provision.
1966, 1930,
s. 10.

21. The provisions of this Act are in addition to and not in substitution for any other provisions by or under which collections of money are controlled.

In the name and on behalf of His Majesty, I hereby assent
to this Bill.

C. M. BARCLAY-HARVEY, Governor.