



THE GAWLER INSTITUTE
READING ROOM ONLY

ANNO SEPTIMO

GEORGI V REGIS.

A.D. 1916.

No. 1254.

An Act to make provision for the Administration and Control of Moneys raised wholly or partly by Private Subscription for purposes connected with the Present War, and for purposes incidental thereto or consequent thereon.

[Assented to, November 16th, 1916.]

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 "War Funds Regulation Act, 1916." Short title.

Interpretation.

2. In this Act—

"The Council" means the State War Council of South Australia constituted by this Act: Interpretation terms.

"The present war" means the war with Germany which commenced on the fourth day of August, nineteen hundred and fourteen, and with any of the Allies of Germany in that war:

"War fund" means any fund raised before or after the passing of this Act, wholly or in part by private subscription, for any purpose in connection with the present war, and in particular for any of the following purposes:— Cf. N.Z. 41, 1915, s. 2.

- (a) The relief of distress occasioned by the present war, whether in South Australia or in other parts of the British Empire, or in territory of any of the Allies of His Majesty in the present war whether or not in enemy occupation: (b) The

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- (b) The equipment in whole or in part of any of His Majesty's Naval or Military Forces, including the equipment of ambulances, hospitals, and hospital ships :
- (c) The supply of comforts and conveniences to members of the said Forces :
- (d) The relief, assistance, or support of persons who are or have been members of the said Forces and who are sick, wounded, disabled, or unemployed :
- (e) The relief, assistance, or support of the dependents of such persons, or of members of the said Forces who have lost their lives directly or indirectly in or in connection with the present war :

and includes the Transvaal Patriotic Fund.

The Council.

Constitution
of Council.

Cf. *ibid.*, s. 3.

Cf. W.A. 59, 1915,
s. 2.

3. (1) The Governor may appoint a Council to be known as the State War Council of South Australia, and to consist of such persons, not less than three in number, as he may think fit: Provided that the persons appointed by the Governor to constitute the State War Council existing at the time of the passing of this Act shall be deemed to have been duly appointed to be members of the Council hereby constituted.

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

Incorporation of
Council.

4. The Council shall be a body corporate under the name of "The State War Council of South Australia," and by that name shall have perpetual succession and a common seal.

Evidentiary
provisions.

5. All courts, judges, and persons acting judicially shall take judicial notice of the incorporation and of the common seal of the Council when affixed to any deed, instrument, or writing, and shall presume that such seal was properly affixed thereto; and such deed, instrument, or writing, when sealed, whether such deed, instrument, or writing is by law required to be sealed or not, shall be admissible in evidence for or against the Council on the mere production thereof, without any other or further proof of the making of such deed, instrument, or writing.

Powers of
Council.

6. The Council shall have the powers conferred on it by this Act, and may deal with such matters relating to the present war as may be entrusted to it by the Governor or by the Federal Parliamentary War Committee.

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7. (1) It shall not be lawful for any person to collect money or articles for any war fund unless authorised by the Council or by some person appointed by the Council in that behalf, and unless the conditions (if any) which may be attached by the Council to its authorisation and the provisions of the regulations made in that behalf under this Act are complied with. Such authorisation may be given either generally or in respect of some particular purpose or occasion, and may, subject to such conditions and provisions as aforesaid, be delegated by the grantee thereof to other persons.

Unauthorised
collections.

Cf. *ibid.*, s. 4.

Cf. Qd. 36, 1916,
s. 5 (3).

Cf. N.Z. 41, 1915
s. 22.

(2) The Governor may by proclamation exempt collections in aid of any objects or purposes specified therein from the operation of this section.

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

(4) If any person contravenes any of the provisions of this section he shall be liable to a penalty not exceeding Fifty Pounds.

8. (1) The Governor, on the recommendation of the Council, may by proclamation direct that any moneys and securities for money in any war fund which he considers will not be required for the purposes for which the fund was instituted shall be—

Transfer of moneys
in war funds.

Cf. *ibid.*, s. 18.

(a) applied by the trustees of such fund to purposes connected with the present war but not authorised by their trust ;
or

(b) vested in and transferred to some other war fund ; or

(c) vested in and transferred to the Council for allotment for the purposes of other war funds, or for other purposes connected with the present war.

(2) Every 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) Where a proclamation is made under this section the Council shall, when requested by the Governor, give an undertaking to the trustees or persons administering the war fund to which such proclamation refers to pay to such fund any part of the moneys transferred from such fund which may thereafter be shown to the satisfaction of the Council to be necessary to carry out the purposes for which such fund was constituted.

(4) 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.

(5) No such proclamation shall in any circumstances be made in the case of the South Australian Soldiers' Fund.

9. (1) The

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Vesting of war funds
in Council.

Cf. Qd. 36, 1916, s. 3.

9. (1) The Governor, on the recommendation of the Council, may by proclamation vest in the Council the moneys and securities for money in any war fund, on being satisfied—

(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 in such fund have consented thereto; or

(b) that there has been maladministration of the moneys in such fund.

(2) The moneys and securities vested in the Council by a proclamation made under this section shall be held upon the trusts upon which they were held by the persons who were trustees of the fund to which such proclamation refers: Provided that the Governor may by proclamation vary such trusts and authorise the Council to apply the said moneys and securities or any part thereof to such other purposes in connection with the present war as he may direct.

(3) The said trustees shall make such payments and transfers as are necessary to carry out such proclamation.

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

(5) All acts and things done, and all payments made, with respect to any war fund, before the date on which the moneys or securities for money in any war fund were vested in the Council under this section, by the trustees of such fund, in or in relation to the administration thereof, or in or for the purpose of executing the trusts thereof, are hereby declared to be valid and effectual for all purposes, and are hereby ratified and confirmed; and no such trustees, and no person acting under the authority or direction of such trustees, and no chairman or presiding or executive officer of such trustees, shall be liable in any proceeding whatsoever for any such act or thing done or payment made.

Particulars to
be supplied by
trustees of war funds.

Cf. N.Z. 41, 1915, s. 9.

10. (1) It shall be the duty of the trustees of every war fund which has not been transferred to the Council as hereinbefore provided to furnish to the Council a written statement setting forth—

(a) the name of the fund;

(b) the date of the establishment of the fund;

(c) the objects of the fund;

(d) the name, address, and description of the trustees of the fund;

(e) the name, address, and description of the secretary, the treasurer, and the other administrative officers of the fund;

(f) the

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(*f*) the name of the bank at which the fund is kept; and

(*g*) such other particulars as may be prescribed, or as the Council may require.

(2) In the case of a fund established before the passing of this Act, the particulars required to be furnished as aforesaid shall be furnished within thirty days after such passing, and in the case of all other funds shall be furnished within thirty days after the date of the establishment of the fund.

(3) In the event of the death or retirement of a trustee, or of the appointment of a new trustee, or the appointment of any secretary, treasurer, or other administrative officer, of any war fund, it shall be the duty of the trustees of such fund forthwith to send to the Council notice in writing of such death, retirement, or appointment, as the case may be.

11. In addition to the particulars required to be supplied pursuant to section 10, it shall be the duty of the trustees of every war fund, as and when required by the Council, to cause to be furnished to the Council a statement in writing setting forth such particulars as the Council may require with respect to—

Other particulars as to fund.

Ibid., s. 10.

(*a*) the amount for the time being in the fund;

(*b*) the amount expended from the fund for the special purposes for which the fund was established;

(*c*) the names, addresses, and descriptions of persons to whom moneys in the fund have been paid, with the amounts so paid;

(*d*) the obligations incurred or undertaken by the trustees of the fund, involving future expenditure of the fund, with estimates as to the amounts to be so expended; and

(*e*) such other matters as the Council may from time to time require.

12. Any person whose duty it is to furnish particulars pursuant to section 10 or section 11 who wilfully fails to furnish such particulars, or who wilfully furnishes any statement which is to his knowledge false in any material particular, shall be liable to a penalty not exceeding One Hundred Pounds, and to a further penalty not exceeding Five Pounds for every day during which the failure to supply correct particulars continues.

Penalties.

Ibid., s. 11.

13. (1) All moneys received by or on behalf of the trustees of any war fund shall forthwith be paid into such bank as the trustees may determine to the credit of an account to be known as “The (*distinctive name of fund*) War Fund Account,” or of an account to be kept in the names of the trustees as trustees of the said fund.

Banking account.

Ibid., s. 15.

(2) Every

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(2) Every such account shall be operated on only by cheque signed by the treasurer of the fund and countersigned by a trustee.

Penalty.

14. (a) Every trustee of a war fund in receipt of moneys belonging to the fund who fails to pay the same into the account referred to in section 13 within such time as is prescribed, and

(b) every person other than a trustee in receipt of any such moneys who fails to pay the same to the trustees of the fund within such time as is prescribed,

shall be liable, for every day during which such failure continues, to a penalty not exceeding Twenty Pounds.

Audit.

Audit of accounts.

Cf. *ibid.*, s. 19.

15. (1) Where, before or after the passing of this Act, moneys have been raised or collected for any war fund, the Commissioner of Audit 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 moneys, and investigate and examine all documents and vouchers connected therewith.

Report of Commissioner of Audit.

(2) The Commissioner of Audit shall, as soon as practicable after such inspection, examination, and audit, make and forward to the Minister and to the Council—

(a) a report of the result thereof, and of the manner in which the accounts and documents and vouchers aforesaid have been kept; and

(b) a statement of all sums found to have been omitted to be collected, or 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.

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

(3) The Commissioner of Audit shall have and may exercise, for the purposes of this section, all or any of the powers conferred upon him, with reference to the auditing of public accounts, by the Audit Act, 1882.

No. 241 of 1882.

Regulations.

Regulations.

16. (1) In addition to any power by any other section of this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which regulations are referred to, or in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and in particular—

(a) to regulate the proceedings of the Council: (b) to

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(b) to prescribe the making of returns and accounts of collections for war funds:

(c) to prescribe the manner of investment of moneys in the hands of the Council or of trustees for war funds: N.Z. 41, 1915, s. 6.

(d) to prescribe the forms to be used for the purposes of this Act.

(2) Any regulation may impose a penalty not exceeding Twenty Pounds for any breach of that or any other regulation. Penalty.

Legal Procedure.

17. All proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings for offences.

18. There shall be an appeal in respect of proceedings in respect of offences against this Act. Appeal.

19. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated. Special case.

Dissolution of Council.

20. The Governor may, on or after the termination of the present war, by notice published in the *Government Gazette*, dissolve the Council. Dissolution of Council.

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

H. L. GALWAY, Governor.