

WAR FUNDS REGULATION.

3° and 4° GEO. VI., No. XXXVII.

No. 37 of 1939.

AN ACT to regulate the raising or collection of money for War Funds and 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 20th December, 1939.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *War Funds Regulation Act, 1939*. Short title.

2. In this Act, unless the context otherwise requires—
“Chief Secretary” means the Minister of the Crown for the time being and from time to time holding the Ministerial office of Chief Secretary in the Government of the State. Interpretation.
cf. S.A. War
Funds Regu-
lation Act,
1916-1935.
s. 2.

“The Council” means the War Funds Council of Western Australia constituted by this Act.

“The present war” means the war with Germany in which His Majesty is at the date of the commencement of this Act engaged and with any allies of Germany in that war.

“The Trustees” means any person or persons or any association or society of persons, whether corporate or unincorporate, who in a fiduciary capacity, and either themselves or through their servants or agents receive or collect moneys for any war fund and engage in the control and administration of such war fund and the moneys therein.

“War fund” means any fund raised before or after the commencement 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:—

(a) the relief of distress occasioned by the present war, whether in this State 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 equipment in whole or in part of any of His Majesty’s naval or military or air 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; and

(e) the relief, assistance, or support of the dependants 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.

Council of Western Australia," which shall consist of the Chief Secretary as chairman and four other members to be appointed by the Governor.

(2) The Chief Secretary shall be the chairman of the Council and the Governor may appoint another member to be vice-chairman thereof.

(3) The Council shall be a body corporate under the name of "The War Funds Council of Western Australia" and by that name shall have perpetual succession and a common seal and shall have power to hold real and personal property and to sue and be sued.

(4) Any three members shall constitute a quorum of the Council and whenever the members are not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Council.

(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.

(6) The Governor may remove any member of the Council other than the Chief Secretary, and may on such removal or on any vacancy from any cause occurring in the Council fill any vacancy by the appointment of another person as a member but the place of any member appointed on the nomination of any body shall be filled only on the like nomination.

(7) The Council shall have the powers conferred on it by this Act, and may also deal with such matters relating to the present war as may be entrusted to it by the Governor.

(8) The Governor may on the termination of the present war, by notice in the *Gazette*, dissolve the Council.

War Funds.
Ibid. s. 7.

4. (1) It shall not be lawful for any person—
- (a) to collect any money or articles for or in aid of any war fund; or
 - (b) to hold or organise or take part in the holding or organising of any sports, races, fete, bazaar, continental, entertainment, or other function for the purpose or purporting to be for the purpose of raising money wholly or partly in aid of any war fund; or
 - (c) to advertise, whether by way of poster, streamer, handbill, notice in any newspaper or any other means, or to hold out or represent in any manner that the whole or any part of the proceeds of any sports, races, fete, bazaar, continental, entertainment, or other function will be paid into or applied for the purposes of any war fund

unless authorised 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.

(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) Where, prior to the commencement of this Act, any war fund has been established or any moneys have been collected for any war fund by any person in relation to which subsection (1) of this section would apply if such war fund had been established or such moneys had been collected after the commencement of this Act, the establishment of such war fund and the collection of such moneys shall for the purposes of this Act be deemed to have been authorised by the Council under and in accordance with the provisions of subsection (1) of this section, and as from the commencement of this

Act the said war fund and all moneys collected for such war fund and the trustees thereof shall in all respects and for all purposes be subject to the provisions of this Act.

(5) If any person contravenes any of the provisions of this section he shall be guilty of an offence.

Penalty: Fifty pounds.

5. (1) The Governor, on the recommendation of the Council, may at any time by proclamation direct that any moneys and securities for moneys, or any articles in any war fund which it considers will not be required for the purposes for which the fund was established shall be—

Transfer of
moneys in
war funds.
Ibid. s. 8.

- (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 made or given by such proclamation.

(3) Where a proclamation is issued under this section the Council shall, when requested so to do by the Governor, give an undertaking to the trustees or persons administering the war fund to which such proclamation refers to pay or deliver to such fund any part of the moneys or articles 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 established.

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

(5) This section shall apply to a war fund notwithstanding any exemption in relation thereto given by a proclamation issued under subsection (2) of section four of this Act.

Vesting of
war funds in
the Council.
Ibid. s. 9.

6. (1) The Governor, on the recommendation of the Council, may by proclamation vest in the Council the moneys, securities for money, and articles 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 or articles in such fund has consented thereto; or
- (b) that there has been maladministration of the moneys or articles in such fund.

(2) The moneys and securities and articles vested in the Council by a proclamation issued under this section shall be held by the Council 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 and articles or any part thereof to such other purposes in connection with the present war, as it may direct.

(3) The said trustees shall make such payments, transfers, and delivery as are necessary to carry out a proclamation issued under this section.

Particulars
to be sup-
plied by
trustees of
war funds.
Ibid. s. 10.

7. (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 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 commencement of this Act, the particulars required to be

furnished as aforesaid shall be furnished within thirty days after the commencement of this Act, 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 of the appointment of any secretary, treasurer, or other administrative officer of any war fund, after the written statement aforesaid has been furnished, 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.

8. In addition to the particulars required to be furnished pursuant to section seven of this Act, 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. 11.

- (a) the amount of the money or the quantity or number of articles for the time being in the fund;
- (b) the amount expended, or the quantity or number of articles distributed from the fund for the special purposes for which the fund was established;
- (c) the names, addresses, and description of persons to whom moneys in the fund have been paid, with the amount so paid, and of persons to whom articles in the fund have been distributed, with the quantity or number so distributed;
- (d) the obligations incurred or undertaken by the trustees of the fund involving future expenditure or distribution of the fund, with estimates as to the amounts to be so expended or the quantity or number to be so distributed; and
- (e) such other matters as the Council may from time to time require.

9. Any persons whose duty it is to furnish particulars pursuant to section seven or section eight of this Act who wilfully fail to furnish such particulars, or who wilfully furnish any statement which is to their knowledge false in any material particular shall be guilty of an offence.

Penalties.
Ibid. s. 12.

Penalty: One hundred pounds, and in addition a further penalty of five pounds for every day during which the failure to supply correct particulars continues.

Banking
account.
Ibid. s. 13.

10. (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 by a name which shall expressly identify such account with the war fund in relation to which the moneys paid to the credit of the account are received.

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

Ibid. s. 14.

(3) (a) Every trustee of a war fund in receipt of moneys belonging to the fund who fails to pay the same into the said account at the said bank within such time as is prescribed by regulations; 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 by the regulations, shall be guilty of an offence.

Penalty: Fifty pounds, and in addition a further penalty of twenty pounds for every day during which the offence continues.

Audit of
accounts.
Ibid. s. 15.

11. (1) Where before or after the commencement of this Act moneys have been raised or collected for any war fund, the Auditor General himself, or by some other officer appointed by him for the purpose, may inspect, examine, and audit accounts relating to any such moneys, and investigate and examine all documents and vouchers connected therewith.

(2) The Auditor General shall as soon as practicable after such inspection, examination, and audit make and forward 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.

(3) Such report may, if the Council so directs, be published in any newspaper.

(4) The Auditor General, and any officer appointed by him as aforesaid, 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, 1904.

12. (1) The Governor may make any regulations, not inconsistent with this Act, 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—

Regulations.

(a) to prescribe the making of returns and accounts of collections for war funds;

(b) to prescribe the manner of investment of moneys in the hands of the Council or of the trustees for war funds;

(c) to prescribe times for the doing of any act, matter, or thing required by this Act to be done by trustees for war funds or by other persons in connection with war funds; and

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

(e) to regulate the proceedings and provide for the carrying on of the functions of the Council.

(2) Any regulation may impose a penalty not exceeding twenty pounds for any breach of any regulation.

13. All proceedings in respect of offences against this Act shall be taken and disposed of summarily under the provisions of the Justices Act, 1902-1936.

Offences to be dealt with summarily.

14. This Act shall continue in operation during the continuance of the present war and thereafter until Parliament determines otherwise.

Duration of Act.