

No. 67

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 67

A Bill respecting the Canvassing of Contributions for
Charitable Purposes

HON. MR. HALMRAST

Explanatory Note

General. This Bill will repeal and replace The Public Contributions Act, which is chapter 253 of the Revised Statutes of Alberta.

2. Definitions.

3. Authorization by the Minister or a city, as the circumstances require, before a campaign is undertaken.

BILL

No. 67 of 1965

An Act respecting the Canvassing of Contributions for
Charitable Purposes

(Assented to _____, 1965)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Public Contributions Act, 1965*".

2. (1) In this Act,

- (a) "charitable purpose" includes any benevolent, philanthropic, patriotic, artistic, athletic, recreational or civic purpose and any purpose that has as its object the promotion or provision of a public service;
- (b) "Minister" means the member of the Executive Council charged with the administration of this Act;
- (c) "organization" means a person, an association of persons or a corporation.

(2) For the purposes of this Act, an organization is conducting a campaign to obtain funds for a charitable purpose

(a) when it

- (i) canvasses for, solicits or collects money, goods or financial assistance of any kind, or
- (ii) sells or provides or offers to sell or provide any goods, services or other thing of value or purported value,

on the plea or representation, direct or implied, that the money, goods or financial assistance or the sale or provision of the whole or part of the proceeds thereof is for a charitable purpose, or

(b) when it instructs or causes any person to do any thing to which clause (a) refers.

3. (1) No organization shall conduct a campaign to obtain funds for a charitable purpose unless it is authorized to do so

4. Application for authorization.

5. Contents of application.

- (a) by the Minister, or
- (b) in the case of a campaign to be conducted within the corporate boundaries of a city that has a by-law passed pursuant to section 16, by the approving authority of that city.

(2) This Act does not apply to the soliciting of funds by an organization only from persons who are members of the organization at the time of the soliciting, and the spouses, parents and children of such members.

4. (1) An application for authorization shall be made to the Minister or to the approving authority of any city whose authorization is required, as the case may be.

(2) Where an application is made to the approving authority of a city, a copy thereof shall be delivered to the Minister.

(3) An application for authorization shall be made at least thirty days prior to the proposed starting date of the campaign, unless the Minister or the approving authority of the city, as the case may be, otherwise permits.

(4) Where the gross amount of funds that an organization intends to raise by a campaign does not exceed two hundred and fifty dollars, the Minister or the approving authority of the city, as the case may be, may with respect to that campaign exempt the organization from complying with any specified provision or provisions of this Act, the regulations or the city by-law passed under this Act.

5. The application for authorization shall state

- (a) the name and address of the organization seeking to obtain funds,
- (b) the names, addresses and occupations of the officers of the organization,
- (c) the names, addresses and occupations of persons in charge of the campaign,
- (d) the place or area in which the organization will attempt to obtain funds,
- (e) the objective of the campaign,
- (f) the duration of the campaign,
- (g) the budgetted expenses of the campaign, in detail,
- (h) the budgetted salaries, wages, subsistence and travelling expenses that will be paid to organizers, employees and campaign workers,
- (i) the purpose for which the moneys obtained will be used,
- (j) the estimated percentage of the funds obtained that will be expended in Alberta for the services stated in the application to raise funds,

6. Authorization may be limited, refused and revoked.

7. Financial statement of receipts from campaign required.

- (k) the proportion of the funds obtained in any annual canvass or campaign that will be placed in a sinking fund for long-term projects, to meet debentures and a reserve fund for programs of expansion, and
- (l) such other information as may be required.

6. (1) An authorization given under this Act may, at the discretion of the authority giving it, be made valid for a limited time only or until revoked and any such authority may be revoked at any time.

(2) An authorization may be refused or revoked by and in the discretion of the Minister or the approving authority of a city, as the case may be,

- (a) where there is or will be a non-compliance with this Act, the regulations or any other applicable law, or
- (b) where there is or is likely to be a misuse of the funds collected, or
- (c) where the amount to be actually applied to a charitable purpose is too little considering the total amount of the funds to be obtained, or
- (d) where a campaign of a similar nature and to be conducted in the same period has previously been authorized, or
- (e) where the Minister or the approving authority of the city, as the case may be, is not satisfied of the honesty, integrity or *bona fides* of the persons conducting or to be conducting the campaign, or any of them, or
- (f) for any other reason considered by the Minister to be sufficient and in the public interest.

(3) Where an authorization is refused or revoked by the approving authority of a city, the organization affected thereby may, within thirty days after receiving notice of the decision, appeal the decision to the Minister who, after considering the representations of the organization and of the approving authority, may either confirm the decision or direct the approving authority to grant or reinstate the authorization.

7. (1) Every organization that conducts a campaign to obtain funds for a charitable purpose shall, after the completion of the campaign, file with the Minister and with the approving authority of a city that gave an authorization for the campaign a financial statement audited by an independent and qualified auditor showing

- (a) the total amount of the moneys received,
- (b) the total amount of the expenses incurred in conducting the campaign,
- (c) the disposition of the proceeds, and
- (d) the assets and liabilities of the organization.

8. Statement of distribution of proceeds may be required.

9. Audit may be required.

10. Annual report by the Minister to the Lieutenant Governor in Council and Legislative Assembly.

11. Minister may publish information on organizations and campaigns conducted by them.

12. Appointment of trustee.

(2) Where the receipt of moneys is continuous, the organization shall file its financial statement with the Minister forthwith after the end of the fiscal year of the organization or at such other times as the Minister requires.

(3) Where moneys are received from or the campaign is conducted in the Province and elsewhere, the financial statement required to be filed pursuant to this section shall show only the moneys received in, the expenses incurred in and the disposition of the proceeds collected in the Province.

8. (1) The Minister may require an organization that has obtained funds from the public for a charitable purpose to file at such times as the Minister may designate a financial statement accounting for the distribution of those contributions, until the contributions or the contributions of a particular campaign or drive have been expended or disposed of.

(2) The Minister may at any time require any organization that places any of the funds received by it into a sinking fund to file with him a financial statement respecting the sinking fund.

9. If so directed by the Minister, an organization that has obtained funds from the public for a charitable purpose shall at any time permit the Provincial Auditor to inspect the books, records and accounts of the organization relating to the collection, expenditure and distribution of the contributions.

10. (1) The Minister shall submit to the Lieutenant Governor in Council an annual report containing a statement of the receipts and expenditures of each organization to which this Act applies.

(2) The report shall be laid before the Legislative Assembly within fifteen days after the commencement of the next regular session.

11. The Minister may publish or cause to be published such information as he considers to be in the public interest relating to

- (a) any organization that obtains or attempts to obtain funds from the public for charitable purposes whether that organization has complied with this Act or not, and
- (b) any campaign to obtain funds from the public for charitable purposes.

12. (1) The Minister may apply to a judge of the Supreme Court, either *ex parte* or upon such notice as the judge may require, for an order appointing a trustee

13. Offence by organizations.

14. Offence by individuals.

15. Authority to make regulations.

of all or any of the assets of an organization that has obtained funds from the public for a charitable purpose and if it appears to the judge that

- (a) the organization is misapplying any of the funds received by it, or
- (b) the organization has failed or is failing to apply all or any of the funds received by it to the charitable purpose for which the contributions were obtained, or
- (c) it is otherwise in the public interest to do so,

the judge may appoint a trustee and vest in him the control of all or any of the assets of the organization on such terms as he considers proper.

(2) Subject to any directions or conditions contained in the order appointing him, the trustee may apply the assets placed under his control to the charitable purposes for which the funds were originally obtained.

13. (1) An organization that contravenes this Act, or any regulation or by-law hereunder, is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars for each day that the offence continues.

(2) An officer of an organization who contravenes this Act, or any regulation or by-law hereunder, is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars for each day that the offence continues.

14. A person who on behalf of an organization canvasses or solicits or obtains a contribution from the public for a charitable or benevolent purpose when the organization is not authorized under this Act to conduct a campaign is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars for each day the offence continues.

15. The Lieutenant Governor in Council may make regulations

- (a) governing the operation and activities of organizations to which this Act applies,
- (b) governing the obtaining of funds from the public and the application thereof by an organization to which this Act applies,
- (c) designating charitable purposes within the scope of this Act, either generally or in particular cases,
- (d) designating organizations or campaigns to obtain funds as organizations or campaigns to which this Act applies,

16. City to designate approving authority.

17. Repeal of present Act.

18. Commencement of new Act.

- (e) exempting a designated organization or any designated class or classes of organizations from compliance with this Act or with a named provision of this Act,
- (f) respecting records to be kept by organizations and returns to be filed pursuant to this Act,
- (g) prescribing forms to be used under this Act and the regulations, including the form of by-law that may be adopted by a city under section 16,
- (h) prescribing when an organization is required to give receipts for contributions and requiring and governing the use of identification cards by persons who canvass or solicit for organizations, and
- (i) prescribing any other matter or thing deemed necessary or advisable to facilitate the administration of this Act and the carrying out of its provisions according to their true intent.

16. A city, by by-law, may designate any person or body as an approving authority for the purpose of this Act and may make such rules, not inconsistent with this Act or the regulations, as may be necessary to give proper effect to this Act within the city.

17. This Act repeals and replaces *The Public Contributions Act*, being chapter 253 of the Revised Statutes.

18. This Act comes into force on the first day of July, 1965.

No. 67

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting the Canvassing of
Contributions for Charitable
Purposes

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
