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Queensland



# COLLECTIONS ACT 1966

**Reprinted as in force on 24 May 1994  
(includes amendments up to Act No. 32 of 1993)**

**Reprint No. 1**

**This reprint is authorised by  
the Parliamentary Counsel and printed by  
the Government Printer**

# Information about this reprint

This Act is reprinted as at 24 May 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use gender neutral office names (s 25)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- reorder definitions consistent with current legislative drafting practice (s 30)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit unnecessary referential words (section 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see Endnotes for—

- details about when provisions commenced
- any provisions that have not commenced and are not incorporated in the reprint
- further information about editorial changes made in the reprint, including—
  - Table of changed names and titles
  - Table of changed citations and remade laws
  - Table of obsolete and redundant provisions
  - Table of renumbered provisions.



# COLLECTIONS ACT 1966

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# COLLECTIONS ACT 1966

[as amended by all amendments that commenced on or before 24 May 1994<sup>2</sup>]

**An Act relating to collections from the public for purposes of charity and otherwise of the community, and for other purposes**

## PART 1—PRELIMINARY

### Short title

**1.(1)** This Act may be cited as the *Collections Act of 1966*<sup>3-8</sup>.

### Commencement

**(2)** Except as otherwise expressly provided, this Act shall come into operation on a date to be fixed by the Governor in Council by proclamation published in the Gazette.

### Meaning of terms

**5.(1)** In this Act—

**“accounts”** includes financial statements;

**“amendment of the constitution”** includes any addition to or omission from or alteration of the constitution;

**“appeal for support”**, used in relation to any purpose, means any invitation means (expressed or implied, and whether made verbally, or by writing or conduct, or by any advertisement), to the public, which is designed to obtain money or articles for that purpose, including—

- (a) any collection for that purpose;
- (b) any advertisement of any art union or the selling or offering for sale of any ticket or chance in any art union promoted or



conducted for that purpose;

- (c) any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, or any collections at, any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sport, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) are intended or are to be appropriated for that purpose;
- (d) the holding of any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sports, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) any proceeds of which, or any moneys from which, or any collections at which are appropriated or intended for that purpose;
- (e) any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, the sale of any articles or the supplying of any service are intended or are to be appropriated for that purpose;
- (f) the sale of any articles or the supplying of any service, any proceeds of, or any moneys from which are appropriated or intended for that purpose;
- (g) any notification to the public, expressly or impliedly indicating that the whole or part of any fees for membership of any association are intended for or are to be appropriated for that purpose;
- (h) anything prescribed to be an appeal for support.

For the purposes of this definition—

**“advertisement”** includes any method of conveying information to the public, whether by writing or pictorially or otherwise, including by any circular, leaflet, newspaper, publication, or other document, by any placard, poster, or sign, or by any public announcement made by means of producing or transmitting light or sound;

**“notification”** includes statement or representation, whether made verbally or by writing or by advertisement;

**“art union”** has the meaning given by the *Art Unions and Public*

*Amusements Act 1992;*

**“association”** means any association of persons, and includes any society, institution, undertaking, organisation, company, or body, by whatever name called, and whether incorporate or unincorporate;

**“charitable purpose”** means any 1 or more of the following purposes—

- (a) a purpose which is exclusively charitable according to the law (other than statute law) of Queensland;
- (b) the supplying of help, aid, relief, or support to, or the education or instruction (whether spiritual, mental, physical, technical, social, or otherwise) of, or the care, housing, or assistance otherwise of, any persons in distress;
- (c) the aiding in any manner howsoever, of any hospital or ambulance or nursing service in the State, whether established or proposed to be established;
- (d) any charity;
- (e) any purpose which, pursuant to subsection (2), the Minister determines to be a charitable purpose;
- (f) any purpose which the Governor in Council by order in council declares to be a charitable purpose for the purposes of this Act;

**“charity”** means any association established for any charitable purpose, and includes any association which, pursuant to subsection (2), the Minister determines to be a charity as well as associations of such a class as may from time to time be determined in that behalf by the Governor in Council by order in council, but does not include any association established for any charitable purpose as well as some other purpose, nor any association established for the purpose of making 1 appeal for support only;

**“collection”**, used in relation to any appeal for support for any purpose, means the collecting of donations by the public of money or articles for the purpose;

**“community purpose”** means any 1 or more of the following purposes (other than any charitable purpose)—

- (a) any purpose which promotes or assists in promoting, or is devoted or directed to the promotion of, the general welfare of the

public, at large or in a particular locality, including, but without limiting the generality of the foregoing, the construction, carrying out, provision, maintenance, or repair of buildings, works, parks, recreation grounds, or other places (or of amenities therein) for the purpose of use or enjoyment by members of the public;

- (b) the objects of any specified association or specified class of associations for the purposes of such of the provisions of this Act as may be specified by the Governor in Council by order in council;
- (c) the objects of any association where such objects comprise both charitable and community purposes;
- (d) any purpose which, pursuant to subsection (2) the Minister determines to be a community purpose;
- (e) any purpose which the Governor in Council by order in council declares to be a community purpose for the purposes of such of the provisions of this Act as may be specified in the order in council;

but does not include any purposes, and the objects of any association of such classes of associations, as may be declared from time to time for the purposes of such of the provisions of this Act as may be specified by the Governor in Council by order in council;

**“constitution”**, in relation to any association, includes the rules or by-laws of the association;

**“Court”** means the Supreme Court or any Judge thereof;

**“financial statements”** includes statements of receipts and expenditure, balance sheets, and such other financial statements as prescribed either generally or in the particular case;

**“governing body”**, in relation to any association, means the committee or other persons having the general control and management of the administration of the association, and, in the case of an association which is incorporated, includes the managing director, manager, or other governing officer by whatever name called, and, in the case of an association having any local or affiliated branch or section of the association, means the governing body of the central body except—

- (a) in the case of a charity registered under this Act, where separate

registration under this Act has been granted, with the consent of the central body of that registered charity, to any local or affiliated branch or section—the term means, in relation to the application of this Act to that local or affiliated branch or section separately registered, the governing body of that local or affiliated branch or section;

- (b) in the case where, with the consent of the central body of an association whose objects are a community purpose, a sanction is given under this Act to any local or affiliated branch or section of that association for the purpose of making appeals for support for the objects, which are a community purpose, of that local or affiliated branch or section—the term means, in relation to the application of this Act to that local or affiliated branch or section, the governing body of that local or affiliated branch or section;

**“inspector”** means a person appointed, or deemed to be appointed, as an inspector under this Act, and includes any person authorised in writing by the Minister to act as an inspector for the purpose of making any inquiry, investigation, or audit pursuant to that authority for the purposes of any provision of this Act;

**“persons in distress”**, for the purposes of the term “charitable purpose”, means any persons in distress by reason of the death or disability of another or others on whom they were wholly or partly dependent, or by reason of disease, sickness, age, any physical or mental infirmity, indigence, unemployment, or other reason, or by reason of fire, flood, cyclone, drought, war, or any other emergency or catastrophe, and includes any dependants of any such persons; and **“persons”** for these purposes includes children as well as persons of a particular class, whether of a localised section of the community or otherwise or whether of a substantial body of the public or not, any particular individuals, and any fluctuating body of persons of a special class or of particular individuals;

**“police officer”** includes the Commissioner, the Deputy Commissioner, every Assistant Commissioner, every Superintendent (including Chief Superintendent), inspector, technical or scientific officer (including every principal technical officer and principal scientific officer) sergeant and constable of police of the police force of the State of Queensland;

**“promoter”**, in relation to an appeal for support for any purpose, means the person or persons making the appeal;

**“Public Trustee”** means the Public Trustee within the meaning of the *Public Trustee Act 1978*;

**“records”** includes accounts, minutes, agreements, books, documents, vouchers, correspondence, and other writings whatsoever and any copies thereof;

**“religious denomination”** means a religious body or religious organisation declared by the Governor-General of the Commonwealth by proclamation pursuant to the *Marriage Act 1961* (Cwlth) to be a recognised denomination for the purposes of the Commonwealth Act;

**“the public”** includes any member of the public.

(2) Any question arising under or for the purposes of all or any of the provisions of this Act as to whether a purpose is a charitable purpose or a community purpose or not or whether any association is a charity or not shall be determined by the Minister whose decision thereon shall be final.

### **Application of this Act**

6.(1) Unless otherwise herein indicated, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of any Act or of any regulation or rule thereunder.

(1A) However, where any act or omission constitutes an offence both under a provision of this Act and under a provision of such other Act or of any regulation or rule thereunder, the offender may be prosecuted under either such provision but so that the offender shall not be twice punished in respect of that act or omission.

(2) This Act shall not apply to any appeal for support solely for the advancement of religion by or on behalf of any religious denomination.

(3) Unless herein otherwise expressly provided, this Act shall not apply to any appeal for support for any purpose to which Part 3 applies, made by or on behalf of any religious denomination.

(4) Nothing in this Act and no assignment under section 16 shall prejudice or otherwise affect any of the provisions of any other Act or the provisions of any regulation or local law relating to the regulation or control

of traffic or to public health or to the powers, functions, authorities, or duties of any local government or local governments or to the regulation or control of some other matter or thing, save that where a day or days are assigned under section 16 for the making of any street collection then no licence or permit shall be issued pursuant to or under the authority of such other Act or such regulation or local law which would enable the holding of any other street collection in the locality, street, city or town in respect of which that assignment was made.

## PART 2—ADMINISTRATION

### Administration of this Act

7.(1) Unless otherwise herein indicated, this Act shall be administered by the Minister.

(2) The Governor in Council may from time to time appoint under and for the purposes of this Act such inspectors and other officers as the Governor in Council deems necessary for the effectual execution of this Act.

(3) The inspectors and other officers shall be appointed and hold their respective offices under, subject to, and in accordance with the *Public Service Management and Employment Act 1988*.

### Powers of delegation by Minister

8.(1) The Minister may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by writing under the Minister's hand delegate all or any of the Minister's powers, authorities, functions, and duties under this Act as may be specified in the writing (other than this power of delegation) so that any delegated power, authority, function or duty may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the writing.

(1A) Any delegation under this section may, if the Minister deems it so desirable, be made by the delegation of all or any of the Minister's powers,

authorities, functions, and duties under this Act as may be specified in the delegation to the holder of an office specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while the holder or person holds or occupies or performs the duties of that office every delegated power, authority, function, or duty with respect to the matter or class of matters or in relation to the particular part of the State specified in the writing.

(2) Where, by or under this Act, the exercise of a power, authority, or function or the performance of a duty of the Minister is dependent upon the opinion, belief, or state of mind of the Minister in relation to any matter, that power, authority, function, or duty may be exercised or performed upon the opinion, belief, or state of mind of the person to whom it is delegated under this section.

(3) The Minister may, at the Minister's will, revoke a delegation made by the Minister under this section.

(3A) A delegation under this section shall not prevent the exercise of any power, authority, function, or the performance of any duty by the Minister.

(4) The Minister may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as the Minister may consider necessary or desirable.

(5) Any delegation may be published in the Gazette and upon such publication shall be judicially noticed and shall be presumed in force until the contrary is proved.

## **PART 3—AUTHORISATION OF APPEALS FOR SUPPORT FOR CERTAIN PURPOSES**

### **Application of Part 3**

**9.** This Part applies only to appeals for support for any 1 or more of the following purposes—

- (a) any charity;
- (b) any charitable purpose other than a charity;
- (c) any charitable purpose joined with any other purpose, whether community purpose or not;
- (d) any community purpose;
- (e) any community purpose joined with any other purpose, whether a charitable purpose or not;
- (f) any commercial undertaking or purpose of private gain joined with any purpose as aforementioned;
- (g) any fund by whatever name called, established or to be established for the payment therein of moneys collected or of moneys received upon the disposal of articles collected and for the payment thereof, whether at times certain or uncertain, of moneys for any purpose or purposes as aforementioned.

### **Conducting of unlawful appeals for support**

**10.(1)** No person shall make or cause to be made or assist in making any appeal for support for any purpose to which this Part applies unless—

- (a) where the appeal for support is made for the purpose of a charity only—that charity is then registered as such under this Act;
- (b) where the appeal for support is made for the purpose referred to in section 9(b) to (g)—that purpose is then sanctioned under this Act.

**(2)** Any person guilty of an offence against this section shall be liable—

- (a) for the first offence—to a fine not exceeding \$1 000 or to



- imprisonment for a term not exceeding 3 months;
- (b) for a second or subsequent offence—to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 6 months.

**Conditions to be observed in connection with appeals for support**

**11.(1)** The following conditions shall be observed in connection with every appeal for support—

- (a) made for any charity registered under this Act—
- (i) the appeal shall be authorised in writing by the governing body of the charity or by some person authorised either generally or in the particular case in that behalf by the said governing body;
  - (ii) all the conditions (if any) subject to which that authority is given shall be complied with in every respect;
  - (iii) the promoter of the appeal shall be named in that authority;
  - (iv) the name of the charity and the fact that it is registered under this Act shall be specified at all times when making the appeal;
  - (v) the conditions (if any) to which the registration of the charity is subjected under this Act shall be complied with in every respect;
  - (vi) the provisions of this Act relating to the appeal shall be complied with in every respect;
- (b) made for any purpose sanctioned under this Act—
- (i) all the conditions (if any) subject to which that sanction is given shall be complied with in every respect;
  - (ii) the promoter of the appeal shall be the person named in the sanction as such unless some other person is approved in writing by the Minister when that other person shall so act, or, where no person is named in the sanction as promoter and the appeal is not exempted by this Act from the application of this provision, the promoter shall be the person authorised to act as such in accordance with the

conditions subject to which the sanction is given;

- (iii) the purpose for which the appeal is made as set forth in the sanction and the fact that the purpose is sanctioned under this Act shall be specified at all times when making the appeal, but it shall be sufficient for these purposes where an appeal for support is made for a purpose which consists of the objects of any association only or of the objects of any association joined with any other purpose, to name, so far as concerns the objects of that association, that association, without referring to the objects of the association and to specify that the objects of the association are sanctioned under this Act;
- (iv) the provisions of this Act relating to the appeal shall be complied with in every respect.

(2) If any condition required to be observed by this section in respect of any appeal for support is contravened, the following persons shall be guilty of an offence against this Act—

- (a) every person who is a party to the contravention;
- (b) where the appeal for support is made for a charity or other association whatsoever—each member of the governing body of that association;
- (c) in every case—the promoter of the appeal for support.

(3) A person charged with such an offence by reason of the person being a member of the governing body of a charity or other association or by reason of the person being a promoter shall not be convicted thereof if the Court is satisfied that the contravention occurred without the person's consent and connivance and that the person exercised all due diligence to prevent it.

### **Sanctions under this Act**

**12.(1)** The Minister may from time to time sanction any purpose to which this Part applies as a purpose for which any appeal or appeals for support may be made and may subject every such sanction to such conditions as the Minister thinks fit.

(1A) A sanction for such a purpose may be in force at the same time as a sanction for that purpose joined with some other purpose.

(2) Any such sanction may be given for an indefinite duration of time or for such period as may be specified therein.

(2A) However, a sanction for an indefinite duration of time shall not be given for a purpose consisting of the objects of an association which, in the opinion of the Minister, does not continuously make appeals for support for that purpose.

(2B) Where a sanction is given for an indefinite duration of time, it shall remain in force until revoked under this Act.

(3) Conditions (if any) imposed by the Minister in respect of the giving of a sanction under this Act, shall not be inconsistent with those prescribed with respect thereto and every condition so imposed shall be set out in the sanction.

(4) While a sanction remains in force then, subject to this Act and the conditions to which the sanction is subjected, any appeal for support for the purpose sanctioned may be made.

(5) The Minister may at any time while it remains in force revoke any sanction given under this Act if at any time the Minister is of the opinion—

- (a) that any condition subject to which the sanction is given has been contravened; or
- (b) that in relation to any appeal for support for the purposes sanctioned there has been misconduct of such a nature that the appeal for support should not continue or that future appeals for support should not be made; or
- (c) that subsequently to the giving of the sanction and in connection therewith or in connection with any appeal for support for the purpose sanctioned, any failure, without reasonable excuse having been shown to the Minister's satisfaction, has occurred in answering any question, supplying any information, producing any record or lodging any return, in accordance with any requirement, direction, or order, notified, given, or made under and for the purposes of this Act; or
- (d) that, where the sanction is given for a purpose consisting of the objects of any association, that association has ceased to exist or

has ceased to operate, or is not complying with any of the provisions of this Act, or is not being properly administered; or

(e) that for any other reason such sanction should be revoked.

(5A) The Minister may, under subsection (5), revoke any such sanction by giving the prescribed notice and the Minister may by notice in writing, first require the person to whom the sanction is given or some other interested person to show, within the period stated in the notice, cause why the sanction should not be revoked.

(5B) The revocation of a sanction in pursuance of subsection (5) shall not prejudice or affect any proceedings brought or that may be brought in respect of any matter or thing in consequence of which the sanction was revoked.

(6) Applications for sanctions under this Act may be made and may be granted at any time after the passing of this Act for the purpose of those sanctions being in force upon the commencement of this Act and for the purpose of giving effect to this subsection—

- (a) all relevant provisions of this Act shall be deemed to come into operation upon the passing of this Act; and
- (b) all relevant regulations made under or for the purposes of this Act shall be deemed to come into operation upon the making thereof.

### **When art union permits to be regarded as a sanction**

13.(1) For the purposes of this Part, where any appeal for support for any purpose consists only of the conducting of an art union which is authorised by a permit or registration granted under the *Art Union Regulation Act 1964*, then that permit or registration, as the case may be, shall be regarded as a sanction given under this Act for that purpose, and, for the purposes hereof, the conditions subject to which the permit or registration is granted shall be deemed to be the conditions, with any necessary adaptations, subject to which such sanction is granted.

### **Parents and Citizens Associations**

(2) The objects of each Parents and Citizens Association formed as prescribed under the *Education Act 1964* shall, while the association continues to be formed as so prescribed, for the purposes of this Part and

without other authority be deemed to be sanctioned under this Act, but otherwise the provisions of this Act shall apply to the association and its objects according to their tenor.

## **PART 4—CONTROL OF DOOR-TO-DOOR APPEALS AND STREET COLLECTIONS**

### **Meaning of terms in or for the purposes of Part 4**

**14.(1)** In or for the purposes of this Part—

**“door-to-door appeal”**, in relation to any purpose to which this Part applies, means any appeal for support for such purpose made by visiting any places of residence or places of employment or both, one after another, and there—

- (a) making a collection; or
- (b) making or distributing any invitation; or
- (c) selling or offering for sale any tickets or chances in any art union; or
- (d) distributing or disposing of any device within the meaning of section 18 in connection with the appeal for support; or
- (e) doing any further thing declared by the Governor in Council by order in council as constituting a door-to-door appeal;

or doing more than 1 of these things, but does not include the visiting of places of residence or of employment or both for the purpose of leaving, collecting, or obtaining moneys from collecting boxes, or for the purpose of leaving, collecting, or obtaining articles from collecting receptacles, there used or to be used in accordance with this Act for the purposes of an appeal for support for any purpose to which Part 3 applies;

**“invitation”** means any invitation (expressed or implied, and whether made verbally or by conduct, or by any advertisement) designed to obtain money or articles;

“**street**” means any road within the meaning of the *Traffic Act 1949*, including any place to which the public have access and which adjoins any road as aforesaid, and includes a part of a street;

“**street collection**”, in relation to any purpose to which this Part applies, means any appeal for support for such purpose made in any street, and there—

- (a) making a collection; or
- (b) making or distributing any invitation; or
- (c) distributing or disposing of any device within the meaning of section 18 in connection with the appeal for support; or
- (d) doing any further thing declared by the Governor in Council by order in council as constituting a street collection;

or doing more than 1 of these things.

#### **Application of Part 4**

(2) This Part applies to door-to-door appeals and street collections for any purpose to which Part 3 applies including any door-to-door appeal or street collection for any such purpose made by or on behalf of any religious denomination.

#### **Control of door-to-door appeals**

**15.(1)** This section shall only be in force in—

- (a) such cities or towns specified; and
- (b) such cities and towns as are situated in any part of the State specified;

from time to time by the Governor in Council by order in council.

(2) Any city or town or part of the State so specified and the boundaries thereof may be specified in such a manner as the Governor in Council considers sufficient for identification.

(3) For the purpose of controlling door-to-door appeals in any city or town to which this section applies, the Minister may from time to time nominate localities therein, in such a manner as the Minister considers sufficient for the identification of each locality.

(4) In relation to the area of any locality so nominated in any city or town, or where no locality is nominated in any city or town, then in relation to the whole of the area of the city or town in which this section is in force, the Minister may—

- (a) from time to time fix the maximum number of days on which door-to-door appeals for any of the purposes to which this Part applies may be made during a period specified by the Minister;
- (b) in relation to any such period—fix a day on or before which applications may be made under this Act to have a day assigned whereon a door-to-door appeal for any such purpose may be made;
- (c) assign to any applicant from time to time a day (but so that the total number of days assigned do not exceed in number the maximum number fixed by the Minister) during any period so specified on which a door-to-door appeal for any such purpose may be made.

(4A) Any day so assigned may be a different day from that applied for.

(4B) The Minister may refuse to assign a day to any applicant.

(4C) In assigning days in accordance with subsections (4) to (4B), the Minister shall first consider the applications of those persons who made application to the Minister on or before the day fixed by the Minister pursuant to subsection (4)(b).

(5) No person shall make or cause to be made or assist in making or take part in any door-to-door appeal for any purpose to which this Part applies—

- (a) in the area of any locality nominated under this section in any city or town; or
- (b) where no locality is so nominated in any city or town—in the whole of the area of any city or town;

where this section is in force in any period specified under this section in relation to the area of that locality or, as the case may be, the whole of the area of that city or town on a day other than a day assigned under this section for the making of that appeal.

## **Control of street collections**

**16.(1)** This section shall be in force in—

- (a) such cities or towns specified; and
- (b) such cities and town as are situated in any part of the State specified;

from time to time by the Governor in Council by order in council.

**(2)** Any city or town or part of the State so specified and the boundaries thereof may be specified in such a manner as the Governor in Council considers sufficient for identification.

**(3)** For the purposes of controlling street collections in any city or town to which this section applies, the Minister may from time to time nominate localities or streets therein, in such a manner as the Minister considers sufficient for the identification of each locality or street, as the case may be.

**(4)** In relation to all streets in any locality or to any street so nominated in any city or town, or where no locality or street is nominated in any city or town, then in relation to all streets in the city or town in which this section is in force, the Minister may—

- (a) from time to time fix the maximum number of days on which street collections for any of the purposes to which this Part applies may be made during a period specified by the Minister;
- (b) in relation to any such period—fix a day on or before which applications may be made under this Act to have a day assigned whereon a street collection for any such purpose may be made;
- (c) assign to any applicant from time to time a day (but so that the total number of days assigned do not exceed in number the maximum number fixed by the Minister) during any period so specified on which a street collection for any such purpose may be made.

**(4A)** Any day so assigned may be a different day from that applied for.

**(4B)** The Minister may refuse to assign a day to any applicant.

**(4C)** In assigning days in accordance with subsections (4) to (4B), the Minister shall first consider the applications of those persons who made application to the Minister on or before the day fixed by the Minister



pursuant to subsection (4)(b).

(5) Where a day is assigned under this section for the making of any street collection—

- (a) in any locality or street nominated under this section in any city or town; or
- (b) where no locality or street is so nominated in the city or town—in any city or town;

in which this section is in force for any purpose, then no person shall make or cause to be made or assist in making or take part in any street collection for any other purpose, whether a purpose to which this Part applies or not, in that locality or street or city or town, as the case may be, on that day.

### **Conditions to be observed in connection with door-to-door appeals and street collections**

17.(1) This section applies with respect to every door-to-door appeal and street collection for any purpose to which this Part applies whether made, in the case of a door-to-door appeal, within or without a city or town to which section 15 applies or, in the case of a street collection, within or without a city or town to which section 16 applies.

(2) In addition to the conditions prescribed for the appeal for support by section 11, there shall be observed in connection with each door-to-door appeal or street collection to which this section applies, the conditions particularly prescribed for door-to-door appeals or, as the case may be, street collections.

(3) The provisions of section 11(2) shall apply in relation to any contravention of any condition required by subsection (2) of this section to be observed in connection with any such door-to-door appeal or street collection as if a condition referred to in the section 11(2) were a condition referred to in subsection (2) of this section.

## **PART 5—RESTRICTION ON DISTRIBUTION OF CERTAIN DEVICES**

### **Restriction on distribution of certain devices**

**18.(1)** An application may be made to the Minister by or on behalf of the governing body of any charity registered as such under this Act or of any association whose objects are a community purpose which is sanctioned under this Act for which any appeal or appeals for support may be made for the assigning to that charity or association of the exclusive right to distribute or dispose of a device in connection with all or any appeals for support made for that charity or objects of that association, as the case may be, or to alter any device in respect of which such exclusive right has been previously assigned.

**(1A)** Any such application may be made with respect to appeals for support made throughout the State or in any specified part or parts of the State.

**(1B)** Upon consideration of an application under subsection (1) the Minister in the Minister's discretion may grant the application or refuse the application.

**(1C)** An application may be granted for an indefinite duration of time or for such period as the Minister thinks fit and any grant may be revoked at any time by the Minister should, in the Minister's opinion, the circumstances justify such revocation.

**(2)** The exclusive right to distribute or dispose of certain devices conferred by the regulations under the repealed Act on certain charities within the meaning of that Act in connection with appeals for support by or on behalf of those charities respectively shall continue for the purposes of this Act as an exclusive right to distribute or dispose of the same assigned to that particular body in connection with appeals for support made in any part of the State for the body, but without prejudice to the right of each body to apply under this section at any time and from time to time for the alteration of that device or to apply for the assigning thereto of a further device for the purposes of this section and without prejudice to the determination under this Act of any question as to whether that body is a charity or not for the purposes of all or any of the provisions of this Act.

(3) Where the exclusive right to distribute or dispose of any device is continued or is assigned by or under this Act to any charity or association in connection with all or any appeals for support made in the State or any part of the State for that charity or purpose of that association, as the case may be, then no person shall distribute or dispose of any such device (or any device so nearly resembling the same as is likely to deceive or is intended to deceive) in connection with any appeal for support for any purpose whatsoever in any part of the State or, as appropriate, in that part of the State, save in connection with an appeal for support for the charity or objects of the association, as the case may be, to which that device is for the time being assigned by or under this Act.

(4) In this section—

“**device**” means badge, emblem, disc, token, artificial flower, or other device, and any reference herein to the distribution or disposal of any device shall include a reference to the distribution or disposal of any article bearing, containing, or being in any manner whatsoever a representation of such device.

## **PART 6—REGISTRATION OF CHARITIES**

### **Registration of charities**

**19.(1)** There shall be a register of charities containing all charities for the time being registered under this Act and in which there shall be entered with respect to such charities such particulars as may be prescribed.

**(1A)** For the purposes of this Act registered charities shall be divided into 2 classes—

- (a) exempted charities;
- (b) non-exempted charities.

**(1B)** The class of exempted charities shall comprise those charities which the Minister for the time being determines to be included in that class and while remaining in that class a charity shall be subject to the requirements of this Act as to the lodgment with the chief executive periodically of such a return as is prescribed for that class.

(1C) The class of non-exempted charities shall comprise those charities which the Minister for the time being determines to be included in that class and while remaining in that class a charity shall be subject to the requirements of this Act as to the lodgment with the chief executive periodically of a return as to the finances and affairs of the charity as prescribed for that class.

(2) For the purposes of this Act, the registration of an association as a charity shall embrace every local or affiliated branch or section of the association unless, with the consent of the central body, any such local or affiliated branch or section applies for and is granted registration separately.

(2A) Where a local or affiliated branch or section of a charity which is registered separately from the central body as a charity, is subsequently removed from the register of charities then until the Minister otherwise directs no appeal for support shall be made for that local or affiliated branch or section or for its objects as distinct from an appeal for support for the central body or for the objects of the central body.

(3) While a charity remains registered under this Act then, subject to this Act and the conditions to which the registration is subjected, any appeal for support for the charity may be made.

(4) Subsections (4) to (4E) shall come into force upon the passing of this Act.

(4A) The Minister may before this Act comes into force determine which of the associations registered in the register of charities kept in pursuance of the *Charitable Collections Act 1952* are charities within the meaning of this Act.

(4B) On the commencement of this Act—

- (a) a charity so determined shall be deemed to have been registered on the commencement of this Act as a charity pursuant to subsection (7);
- (b) an association as aforesaid which is not so determined shall be deemed to have been removed on the commencement of this Act from the register of charities pursuant to section 22.

(4C) For the purposes of making a determination under subsection (4A), any association registered in the register of charities kept in pursuance of the *Charitable Collections Act 1952* shall, at the request of the chief executive

lodge with the chief executive within the time specified in the request an up-to-date copy of its constitution certified to in writing as a true and correct copy thereof by any 2 members of the governing body of the association.

(4D) For the purpose of giving effect to subsections (4) to (4E)—

- (a) all relevant provisions of this Act shall be deemed to come into operation upon the passing of this Act; and
- (b) all relevant regulations made under or for the purposes of this Act shall be deemed to come into operation upon the making thereof.

(4E) The fact that an association is not, pursuant to subsection (4A), determined to be a charity shall not affect its registration as a charity under the *Charitable Collections Act 1952*.

(5) A charity may apply to the chief executive for registration under this Act.

(5A) With every such application there shall be supplied to the chief executive such documents and information as may be prescribed or as the chief executive may require for the purpose of the application.

(6) The Minister may, before granting any application, make such inquiries with respect to the charity as the Minister thinks fit.

(6A) Every member of the governing body and every officer and member of the charity and any other person shall supply or cause to be supplied all documents in his or her possession or under his or her control or all information within his or her knowledge as is required by the Minister in any inquiry made under subsection (6).

(7) Upon consideration of an application under this section, the Minister in the Minister's discretion may—

- (a) grant the application; or
- (b) grant the application subject to such conditions as the Minister thinks fit; or
- (c) refuse the application.

(7A) However, without derogating from subsection (7), the Minister before refusing any application under this section shall take into consideration whether the association is a charity, whether the charity is established in good faith as a charity, whether there is a likelihood of its

complying with the provisions of this Act including the conditions imposed by or under this Act, whether the charity is or will be properly administered, whether the proposed objects of the charity are already covered by a charity which is registered under this Act, and whether it would be in the public interest to grant such application.

(8) The Minister may at any time, if the Minister thinks fit, limit the registration under and for the purposes of this Act of any charity to such activity of the charity as relates to or is concerned with any specified object, area, period of time, or manner of making an appeal for support, and where any such conditions are fixed the charity shall comply in every respect therewith.

(9) The Minister shall cause to be given to every charity registered under this Act a certificate in or to the effect of the prescribed form, and, subject to this Act, every such certificate while it continues in force under this Act, shall be evidence of the matter certified to therein.

(10) Every charity registered under this Act shall comply in every respect with the provisions of this Act, and the conditions subject to which its registration is granted.

(11) The register of charities (including the entries cancelled when associations are removed from the register) shall be open to public inspection at all reasonable times and copies of entries therein or of extracts therefrom may be made available in accordance with the regulations.

### **Patriotic funds**

**19A.(1)** For the purposes of this section—

**“patriotic fund”** has the meaning which was assigned to it by the *Patriotic Funds Act 1942*.

(2) An association which managed or controlled a patriotic fund at the commencement of section 7 of the *Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988* shall be deemed to be registered as a charity for the purposes of this Act.

(3) Where the trustees of a patriotic fund are the only persons exercising management or control of that fund, the trustees shall be deemed to be the association which managed or controlled the patriotic fund at the commencement of section 7 of the *Patriotic Funds Act Repeal Act and*

*Other Acts Amendment Act 1988* and shall be deemed to be registered as a charity for the purposes of this Act.

(4) Except as otherwise prescribed, the provisions of this Act which apply to a charity granted registration pursuant to section 19 shall also apply to an association deemed to be registered as a charity pursuant to this section.

### **Restriction on use of charity names**

**20.(1)** A charity shall not use or permit or suffer the use of any name, other than its name appearing for the time being in the register of charities, in connection with any appeal for support made for the charity or for the charity and any other purpose.

(2) For the purpose of the registration of a charity, the name of the charity shall be such as, in the opinion of the Minister—

- (a) is not undesirable; or
- (b) is not likely to be confused with or mistaken for a name which already appears for the time being in the register of charities of a charity registered under this Act.

(3) Notwithstanding anything to the contrary in any other Act or any rule of law, the name appearing in the register of charities of a charity registered under this Act may be identical with or similar to the name of charity which is not so registered.

(4) No charity or association shall use or cause or permit to be used as its name, a name identical with or similar to the name of a charity registered under this Act or a name calculated to mislead the public into believing or to induce the public to believe, that it is one and the same as the charity so registered or that it is associated with the charity so registered.

### **Effect of, and claims and objections to, registration**

**21.(1)** Any association shall for all purposes be presumed to be or have been a charity at any time when it is or was on the register of charities.

(2) Any person who is or may be affected by the registration of an association as a charity, may, on the ground that it is not a charity or on any other ground prescribed by the regulations, lodge with the Minister an

objection to its registration or may apply to the Minister for it to be removed from the register; and provision may be made by the regulations as to the manner and time in which any such objection or application is to be made, prosecuted, or dealt with.

### **Removal from the register etc.**

**22.(1)** Any association (including any charity) shall be removed from the register of charities and shall thereupon cease to be a charity registered under this Act if at any time—

- (a) it appears to the Minister that it is no longer a charity within the meaning of this Act, or that it should not have been registered as a charity or that it has ceased to exist or has ceased to operate; or
- (b) the Minister is satisfied that it is not being carried on in good faith as a charity or is not complying with any of the provisions of this Act including any of the conditions imposed by or under this Act, or that it is not being properly administered, or that any failure, without reasonable excuse having been shown to the Minister's satisfaction has occurred in answering any question, supplying any information, producing any record or lodging any return in accordance with any requirement, direction, or order, notified, given, or made under and for the purposes of this Act, or that it would be in the public interest to remove it from the register; or
- (c) it makes application in writing to the Minister to be removed from the register of charities and the Minister grants that application.

**(2)** Without limiting the power to make regulations under section 47 for these purposes, the regulations may prescribe the manner, notices and conditions, or any of these, which shall have application with respect to any removal from the register of charities.

### **Effect on certificate of removal from Register**

**23.** Where any association (including any charity) is removed under this Act from the register of charities the certificate of registration given under section 19(9) shall cease to be in force.



## **PART 7—INFORMATION, INVESTIGATIONS, RECORDS, AUDIT, AND RETURNS**

**Information etc. may be obtained on any aspect of an appeal for support**

24. Where by any provision of this Part, power is conferred upon any person to require the answering of any question or the supplying of any information, or the production of any record, or the lodgment of any return in relation to any appeal for support, then, without limiting the generality of the foregoing, that power shall be deemed to include power to require the answering of any question or the supplying of any information, or the production of any record, or the lodgment of any return, as the case may be, in relation to the administration and management of the association (if any) making or causing to be made the appeal for support or for whose objects or purposes the appeal is made, the receipts and expenditure associated with the appeal, and the administration management, and application of moneys and property resulting from the appeal for support.

### **Obtaining of information**

25.(1) Upon receipt of any application under this Act, the Minister or chief executive may, if the Minister or chief executive thinks it necessary or desirable so to do, require the applicant to supply such information, in addition to the information to be contained in the application and accompanying documents (if any) as the Minister or chief executive considers necessary and, without limiting any other provision of this Act whereby power is conferred to refuse the application, the application may be refused by reason of the failure to supply the additional information required.

(2) The Minister, chief executive, any inspector or any police officer at any time, and from time to time, in relation to any appeal for support for any purpose whether a purpose to which Part 3 applies or not, or in relation to any charity or any association whose objects are a community purpose, verbally or by notice in writing, may require any person specified in subsection (3)—

(a) to answer any question or to supply such information as required;

- (b) produce all or any records as required;
- (c) lodge all or any returns as required.

(3) Any requirement under subsection (2) may be addressed to any of the following persons—

- (a) where the appeal for support is made for a charity or the purpose of any association or where an association is the promoter or in the case of any charity or any association as aforesaid—any person who is or at any time was a member of the governing body thereof;
- (b) in the case of any appeal for support—the promoter and any person assisting or who has assisted in the making of, or is taking part or has taken part in, the appeal for support;
- (c) any person who is or was a trustee of moneys or property resulting from the appeal;
- (d) any person who is or was handling moneys or property received in the appeal;
- (e) any person who is or was in the beneficial receipt of any moneys or property from the appeal;
- (f) the manager or other principal officer of any financial institution with which any moneys received in or resulting from the appeal or with which any moneys of the charity or association, as the case may be, are or have been deposited;
- (g) in any case—any other person who, in the opinion of the Minister, chief executive, inspector or police officer as the case may be, may be in a position to answer the question or supply the information;
- (h) where any record is required to be produced—any person having the custody or control of the record;
- (i) where any return is required to be lodged—any person liable or who, in the opinion of the Minister, chief executive, inspector or police officer, as the case may be, is in a position to lodge the return.

**Further powers of inspector**

**26.(1)** Without derogating from an inspector's powers under any other provision of this Act, an inspector for the purposes of this Act may at any time and from time to time—

- (a) enter any premises from which any appeal for support for any purpose referred to in section 25(2) is being made or to be made or where any record relating to that appeal is or is reasonably suspected to be;
- (b) make such examination and inquiry as the inspector considers necessary to ascertain whether the provisions of this Act and any determination, direction, or requirement thereunder are being complied with;
- (c) require any person who has the custody or control of any record relating to any appeal for support as aforesaid to produce for the inspector's inspection, examination, or audit that record;
- (d) require the manager or other principal officer of any financial institution with which any moneys received in or resulting from any such appeal for support are deposited, whether such moneys are deposited in a separate account or in an account with other moneys, to disclose each and every such account to the inspector and to permit the inspector to inspect and make and take away with the inspector a copy of or an extract from each and every such account;
- (e) require any person concerned in making any appeal for support as aforesaid or any person referred to in section 25(3) to attend before the inspector at a time and place named and then and there to be examined in relation to all or any matters whatsoever relating to the appeal for support;
- (f) examine any person attending pursuant to paragraph (e) and any person voluntarily attending before the inspector;
- (g) call to the inspector's aid any person the inspector may think competent to assist the inspector in the exercise of any power aforesaid;
- (ga) require any person in possession of money or property raised by or resulting from an appeal for support or used in the conduct of

an appeal for support to produce that money or that property;

(gb) require any person in possession of any document, money, property, item of value or other thing which, in any case, the inspector has reason to believe, may be required as evidence in proceedings for an offence to produce that document, money, item of value or other thing;

(gc) seize and remove any document, money, property, item of value or other thing—

(i) which in any case, the inspector has reason to believe, may be required as evidence in proceedings for an offence;

(ii) raised by or resulting from or used in the conduct of an appeal for support;

(h) exercise such other powers as may be prescribed.

(2) No person shall be obliged to travel to attend before an inspector more than 16 km from the person's place of abode without previously having been tendered such sum as is prescribed for the person's travelling expenses and attendance.

(3) Without limiting the power to make regulations under section 47, the regulations may prescribe rates of allowances for travelling expenses and attendance of any persons who are required to attend before an inspector.

(4) The power of entry conferred by subsection (1) does not include power to enter a building used solely as a private residence or to enter any part of a building that is so used save under the authority of a warrant.

(5) For the purposes of this Act, police officers shall have the powers of an inspector under the provisions of subsection (1) with the exception of the powers under the provisions of paragraphs (e) and (f).

### **Warrant to enter premises**

**26A.(1)** A justice of the peace who is satisfied upon a complaint on oath that there is reasonable ground for suspecting that an offence against this Act is being, has been or is about to be committed on any premises may issue a warrant authorising an inspector or a police officer to enter the premises specified in the warrant.

(2) A warrant shall be, for a period of 14 days from the date of its issue, sufficient authority—

(a) for an inspector or a police officer—

(i) to enter the premises specified in the warrant; and

(ii) to exercise therein in relation thereto the powers conferred by section 26;

and for those purposes to use such force as is reasonable; and

(b) for a police officer to arrest and search any person found on the premises whom the police officer has reasonable cause to believe to be committing, to have committed or to be about to commit an offence against this Act; and

(c) to use such force as may be reasonably necessary to perform any of the things referred to in this section.

### **Investigations**

**27.(1)** The Minister may at any time and from time to time cause an investigation to be made into—

(a) any charity, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;

(b) any association for the objects of which any appeal for support has been or is sanctioned under this Act, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;

(c) any appeal for support for any purpose referred to in section 25(2).

(2) The Minister may cause any such investigation to be made by an inspector, police officer or by any other person (who shall for the purposes thereof have all the powers of and shall be deemed an inspector) appointed in writing by the Minister in that behalf.

(3) At the conclusion of any investigation pursuant to this section, the person conducting the investigation shall make a report in writing thereon to

the Minister who may publish such report and in such manner as the Minister thinks fit.

### **Powers in relation to records produced**

**28.** The Minister, chief executive, inspector, police officer or other person to whom any record or return is produced or lodged pursuant to any requirement or direction or order under this Act, save where under the circumstances the person producing or lodging the record or return is not entitled to have it returned to the person, may—

- (a) examine the same and take copies thereof, or make extracts therefrom;
- (b) retain the same for such time as the person considers sufficient to enable it to be examined by any other person the person thinks competent to do so, or for any purpose as specified in paragraph (a), or for the purpose of making further inquiries in relation thereto, or retain the same for the purpose of any legal proceedings.

### **Constitution of charity etc.**

**29.(1)** Every application for the registration under this Act of a charity, and every application by an association whose objects are a community purpose, for the sanctioning under this Act of that community purpose, shall be accompanied by an up-to-date copy of the constitution thereof certified to in writing as a true and correct copy thereof by any 2 members of the governing body thereof.

**(2)** The governing body of each charity registered under this Act and the governing body of each association whose objects are a community purpose which is sanctioned under this Act shall—

- (a) lodge with the chief executive every amendment proposed of the constitution of the charity or association, as the case may be, before the proposed amendment is resolved by the charity or association including by any meeting of any members thereof;
- (b) lodge with the chief executive a copy, certified to in writing as a true and correct copy thereof by any 2 members of the governing

body, of every amendment of the constitution of the charity or association forthwith after the amendment is made by the charity or association, and no amendment of the constitution of the charity or association shall have any force and effect unless and until that amendment is approved by the Minister.

(3) The governing body of each charity registered under this Act and the governing body of each association whose objects are a community purpose which is sanctioned under this Act shall lodge with the chief executive if and when required, an up-to-date copy of the constitution of the charity or association certified to in writing as a true and correct copy thereof by any 2 members of the governing body of the charity or association.

(4) The constitution of each charity registered under this Act and the constitution of each association whose objects are a community purpose which is sanctioned under this Act, shall at all times provide—

- (a) that income and property of the charity or association shall be applied in promotion of its objects and that dividends shall not be paid to, nor income or property of the charity or association distributed amongst, members;
- (b) that the business and affairs of the charity or association shall be under the management of, or the general control and management of the administration of the charity or association shall be by, a committee, elected for a period not less than a year by the general body of members and subject in whole or in a specified proportion to annual re-election;
- (c) that the governing body shall consist of not less than 3 persons;
- (d) that the governing body shall hold periodical meetings, and that full and accurate minutes of all resolutions and proceedings of such governing body and of all meetings of the members of the charity or association shall be entered in books to be provided for that purpose;
- (e) that the full qualifications for membership and the mode of admission as a member of the charity or association shall be as set out therein;
- (f) that proper books and accounts shall be kept and maintained

- showing correctly the financial affairs of the charity or association and the particulars usually shown in books of account of a like nature;
- (g) that no persons shall be allowed to become honorary members of the charity or association or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the constitution and subject to the conditions and provisions provided therein;
  - (h) that, where any local or affiliated branch or section of that charity or association, as the case may be, is unable to make any lawful appeal for support for that local or affiliated branch or section or for its objects, as distinct from an appeal for support for the central body or the objects of the central body, no moneys or property whatsoever shall be paid or transferred to the local or affiliated branch or section by the central body or any other local or affiliated branch or section of the charity or association, as the case may be, or be used for the purposes of the local or affiliated branch or section first mentioned;
  - (i) that any person who is refused membership of the charity or association may appeal to a general meeting of the members of the charity or association concerned for the purpose of determining that appeal and the governing body of the charity or association shall convene such a general meeting in accordance with the constitution so that the general meeting is held within 3 months or such later period as may be prescribed of the date of the receipt by the governing body of notice of that person's intention to appeal at a time suitable to the majority of members to attend thereat;
  - (j) for such other matters as may be prescribed.

### **Records of appeals for support**

**30.(1)** Except as prescribed or where the appeal for support consists only of an art union permitted under the *Art Union Regulation Act 1964*, the promoter of each appeal for support for any purpose to which Part 3 applies shall keep and retain in the promoter's custody until such time as the promoter is directed or authorised by or under this Act to destroy, hand



over, or otherwise dispose of that record, a record of the appeal for support in writing consisting of or showing—

- (a) the purpose for which the appeal was made;
- (b) the full name and address of the promoter and the promoter's authority for acting as promoter;
- (c) an accurate statement showing full details, of all income and expenditure associated with the appeal (and if and where prescribed in the form prescribed) and of the moneys and property raised by or resulting from the appeal and of the disposal of all such moneys and property;
- (d) the audit report or a copy thereof, if such a report is received by the promoter, in relation to the appeal for support;
- (e) such other matters as may be prescribed in that behalf.

(2) Where any appeal for support is made for a charity registered under this Act or for an association whose objects are a community purpose which is sanctioned under this Act, the promoter may, and if so required by that governing body, the Minister, chief executive, any inspector or any police officer shall, hand over his or her record of the appeal for support to the governing body of the charity or association and the governing body shall thereupon cause to be kept and retained in the custody of a responsible officer that record until such time as it is directed or authorised by or under this Act to destroy, hand over, or otherwise dispose of that record.

### **Financial statements and audit**

**31.(1)** Every charity, every association whose objects are a community purpose, and every promoter of an appeal for support for any purpose to which Part 3 applies—

- (a) on the close of each prescribed period of time, in relation to that period;
- (b) in the case of an appeal for support the purpose of which has been sanctioned under this Act for a specified period of time—on the close of the period for which the sanction is given, in relation to that period;
- (c) in every case—if and when so required by the Minister, in

relation to the period stated in that requirement;  
shall forthwith—

- (d) cause such financial statements in respect of the charity, association, or appeal for support, as the case may be, and containing such information as prescribed or, in the case of a requirement under paragraph (c), as so required, to be prepared;
- (e) comply with the provisions of this Act relating to the manner of preparing and dealing with those financial statements and of allowing them to be inspected, whether by the public or members of the charity or association or otherwise, and of the lodgment of copies thereof where prescribed or required under this Act with the chief executive;
- (f) cause the accounts (including the financial statements), moneys and property of the charity or association or, in the case of an appeal for support, raised by or resulting from the appeal for support to be audited by—
  - (i) a person who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants; or
  - (ii) a person approved by the chief executive.

(2) For the purposes of subsection (1)(c) the Minister may at any time and from time to time require the accounts, moneys and property of any charity or association whose objects are a community purpose, or the accounts, moneys and property relating to or raised by or resulting from any appeal for support for any purpose to which Part 3 applies, to be audited by any of the persons set forth in subsection (1)(f)(i) and (ii).

(3) Every person conducting an audit pursuant to subsection (1)—

- (a) shall, for the purposes of the audit, have the powers conferred by this Act on an inspector;
- (b) shall forthwith upon the completion of the audit lodge with the chief executive a report, or as the circumstances require, a copy of the person's report in writing of the result of the audit accompanied by the prescribed documents.

**Returns**

**32.(1)** Every charity, every association whose objects are a community purpose, and every promoter of an appeal for support for any purpose to which Part 3 applies—

- (a) on the close of each prescribed period of time, in relation to that period;
- (b) in the case of an appeal for support the purpose of which has been sanctioned under this Act for a specified period of time—on the close of the period for which the sanction is given, in relation to that period;
- (c) in every case—if and when so required by the Minister in relation to the period stated in that requirement;

shall forthwith lodge with the chief executive a return in respect of the charity, association or appeal for support, as the case may be, containing such information as may be prescribed in relation thereto.

**(2)** For the purposes of subsection (1)(c), the Minister may at any time and from time to time require any charity, association, or promoter as aforesaid, to so lodge such a return.

## **PART 8—MISCELLANEOUS**

**Power to act for the protection of the public etc.**

**34.(1)** Where the Minister is satisfied that in relation to the promotion or conduct of any appeal for support for any purpose to which Part 3 applies, there has been any misconduct or mismanagement the Minister may do any 1 or more of the following things—

- (a) direct that the appeal for support be discontinued;
- (b) direct that no future appeals for support for the purpose be made;
- (c) direct any financial institution or person who holds property raised by or resulting from the appeal for support not to part with the property without the prior approval of the Minister.

(2) No person shall knowingly make or cause to be made or assist in making or take part in any appeal for support in contravention of any such direction, or otherwise contravene any such direction, unless and until that direction is revoked by the Minister.

(3) The Minister may at any time revoke any direction given under this section.

(4) The provisions of this section shall not be read as limiting or restricting any other provision of this Act or as prohibiting any action being taken thereunder or any proceedings being taken for any non-compliance with this Act or any other Act.

### **Vesting of property in the Public Trustee**

**35.(1)** Where the Governor in Council is satisfied—

- (a) that in any case set forth in section 5 of the *Charitable Funds Act 1958*, the property in any fund or any part or residue thereof raised by or resulting from any appeal for support for any purpose to which Part 3 applies may be dealt with under this section; or
- (b) that any property (whether derived from funds received or held before or after the passing of this Act) of or held for or on behalf of any charity which is unable to make any lawful appeal for support under this Act may be dealt with under this section; or
- (c) that any property (whether derived from funds received or held before or after the passing of this Act) of or held by or on behalf of any association, whose objects are a community purpose, which is unable to make any lawful appeal for support under this Act may be dealt with under this section; or
- (d) that the Minister has given a direction in respect of any property pursuant to section 34(1); or
- (e) that any property (whether derived from funds received or held before or after the passing of this Act) is held on behalf of any charity, or is held on behalf of any association whose objects are or were a community purpose, which has ceased to exist or ceased to operate; or

- (f) that there has been maladministration in respect of any property raised by or resulting from any appeal for support for any purpose to which Part 3 applies and held by or on behalf of any charity or any association whose objects are a community purpose; or
- (g) that a majority of at least  $\frac{3}{4}$  in number of the governing body or of the persons who are trustees or who have the control of any property raised by, or resulting from any appeal for support for any charitable purpose or community purpose have consented to such action;

and the Governor in Council considers that it is for the benefit of the community so to do, the Governor in Council may by order in council vest in the Public Trustee all or any of that property.

(2) Subject to subsection (3) the property vested in the Public Trustee by an order in council under this section shall be held upon the trusts and for the purposes upon or for which they were held prior to being vested in the Public Trustee.

(3) The Governor in Council may by order in council vary the aforesaid trusts or purposes and may by the same or any subsequent order in council vest the said property or any part of it in such persons and for such charitable purposes or community purposes as the Governor in Council shall specify.

(4) Every such order in council shall have the force of law, and payments and transfers shall be made to carry out the directions of the Governor in Council thereby made.

(5) The receipt of the Public Trustee shall be a sufficient discharge to any persons paying or transferring any property pursuant to subsection (4) as to the property paid or 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.

(6) This section applies to any property, charity, or association as aforesaid, irrespective of any action or proceedings taken in respect of such property, charity, or association under any other provision or provisions of this Act.

## Disaster Appeals Trust Fund and Committee

**35A.(1)** The Public Trustee shall establish and keep in the accounts of the Public Trustee an account titled the 'Disaster Appeals Trust Fund'.

**(2)** There is hereby established a committee to be called the 'Disaster Appeals Trust Fund Committee', hereinafter in this section and in section 35B referred to as the "**Committee**".

**(3)** The Public Trustee shall be, ex officio, 1 of the members of the Committee.

**(4)** There shall be 4 other members of the Committee, appointed by the Governor in Council by notification published in the Gazette (the "**appointed members**").

**(5)** Subject to this section, the appointed members shall hold office for 3 years and shall be eligible for reappointment.

**(6)** The Public Trustee may, either generally or in respect of a particular meeting or in respect of a period of time, under the Public Trustee's hand and seal of office, designate the Senior Deputy Public Trustee or a Deputy Public Trustee to be the Public Trustee's delegate on the Committee.

**(7)** The Governor in Council shall, by notification published in the Gazette, designate 1 of the members of the Committee to be chairperson of the Committee and, where the member so designated is one of the appointed members and whilst the member remains a member of the Committee, the member shall be chairperson, during the member's term of office, but the member may resign office as chairperson by signed notice addressed to and delivered to the Minister.

**(8)** The members of the Committee shall elect from among their number a person to be deputy chairperson of the Committee and, where the member so elected is one of the appointed members and whilst the member remains a member of the Committee, the member shall be deputy chairperson during the member's term of office, but the member may resign office as deputy chairperson by signed notice addressed to and delivered to the Minister.

**(9)** A member of the Committee who is one of the appointed members shall be deemed to have vacated the member's office if the member—

- (a)** dies or becomes a patient within the meaning of the *Mental Health Act 1974*;

- (b) resigns office by signed notice addressed to and delivered to the Minister;
- (c) is absent from 3 consecutive meetings of the Committee and is not excused by the Committee for the absence, either in advance or at its meeting next following the third absence;
- (d) is removed from office by the Governor in Council.

(9A) The Governor in Council may, for any cause that appears to the Governor in Council to be sufficient, remove a member of the Committee who is one of the appointed members from office as such a member.

(10) When a vacancy occurs in the office of any of the appointed members of the Committee before the expiration of the member's term of office, the Governor in Council shall, by notification published in the Gazette, appoint another person to hold office, subject to this section, either for 3 years or until the time when the person's predecessor's term would have expired, and in either case the appointee shall be eligible for reappointment.

(11) The Committee shall meet at such times and places and conduct its business in such manner as it determines from time to time and, without limiting the foregoing, the chairperson of the Committee or the deputy chairperson or, if neither of them is available, the Minister may convene a meeting of the Committee.

(11A) The chairperson or, if the chairperson is not present, the deputy chairperson shall preside at all meetings of the Committee, but if neither of them is present at a meeting, the members present at that meeting shall elect a member from among those present to preside at the meeting during the absence of the chairperson and the deputy chairperson, and the person so elected shall have, during such absence, all the powers of the chairperson.

(12) Any 3 members of the Committee shall be a quorum for the purposes of a meeting of the Committee and shall be competent to transact the business of the Committee and to perform its functions pursuant to this section.

(13) Any matter before a meeting of the Committee shall be determined by vote of the majority of the members of the Committee (being a quorum) present at the meeting, and in the event of an equality of votes upon any matter the person who presides at the meeting at the time of the taking of

the vote shall have a second or casting vote.

(14) A member of the Committee who, being present at a meeting and entitled to vote on a matter, abstains from voting on that matter shall be taken to have voted in the negative.

(15) No act or proceeding of the Committee shall be invalidated or prejudiced by reason of the fact that at the time when such act or proceeding was done or taken there was a vacancy in the office of any member or there was a defect in the appointment of any member.

(16) An officer of the public service may be appointed a member of the Committee and may hold office as such member in conjunction with the officer's holding office as an officer of the public service.

(17) Members of the Committee shall be paid such fees and allowances (if any) as the Governor in Council may from time to time determine and subject to such conditions (if any) as the Governor in Council may from time to time determine.

(18) Fees and allowances with respect to any member may differ, according to class or rate or both class and rate, from fees and allowances with respect to any other member.

### **Disaster relief funds and their application**

**35B.(1)** In this section—

**“disaster relief fund”** means any fund raised by or resulting from any appeal for support for the purpose of assisting persons suffering distress, whether physical, mental or financial, as a result of any catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence.

(2) In any case where the Governor in Council is satisfied that—

- (a) a fund is a disaster relief fund;
- (b) no payment has been made from moneys (whether invested or not) in or belonging to that fund for a period of 1 year or more;
- (c) those moneys do not appear likely to be applied for the benefit or relief of any of the persons for whose benefit or relief that fund was established;



the Governor in Council may, by order in council, vest all or any of such moneys (whether invested or not) in the Public Trustee who shall—

- (d) in the case of moneys not invested—pay such moneys to the credit of the Disaster Appeals Trust Fund (the **“Trust Fund”**);
- (e) in the case of invested moneys—realise the investments when directed to do so by the Committee and pay the proceeds of such realisation to the Trust Fund, and in the meantime hold such investments on behalf of the Trust Fund.

(3) The moneys shall vest in the Public Trustee on the day of publication of the order in council in the Gazette save where some other day for vesting is stipulated in the order in council, in which case the moneys shall vest on the day so stipulated.

(4) Moneys vested in the Public Trustee under this section shall vest freed and discharged from all trusts to which they are or may be subject.

(5) Every order in council made under this section shall have the force of law, and payments and transfers shall be made and effected to carry out the directions of the Governor in Council thereunder.

(6) In any case where an order in council is made under this section with respect to a fund which the Governor in Council is satisfied is a disaster relief fund and—

- (a) there is an insubstantial variation between the name of the fund indicated in the order in council and the name in which the fund is held; and
- (b) the Public Trustee is satisfied that the fund indicated in the order in council is the same fund as that so held;

a certificate under the hand and seal of the Public Trustee that, in the circumstances as aforesaid, the funds so named are one and the same fund shall, until the contrary is proved, be sufficient evidence of the matters stated and be acted upon by any person required to make any payment or transfer with respect thereto.

(6A) In subsection (6)—

**“the name in which the fund is held”** includes the name—

- (a) of any account relating to the fund; and

- (b) in which any fund moneys are invested; and
- (c) in which any security is held in respect of moneys so invested.

(7) The receipt of the Public Trustee shall be a full and sufficient discharge to any governing body or any persons paying or transferring any moneys or investments in pursuance of this section as to the moneys or investments made or transferred, and such governing body or persons shall not thereafter be liable or accountable therefor or be bound to see to the application, distribution or appropriation thereof.

(8) The Committee may from time to time direct the Public Trustee (who shall comply with such direction)—

- (a) to invest any moneys standing to the credit of the Trust Fund in any authorised trustee investment nominated by the Committee;
- (b) to realise any investment so made;

and income arising from any such investment shall be paid into and form part of the Trust Fund.

(9) The Committee may from time to time, with the approval of the Governor in Council, direct the Public Trustee to pay or apply the whole or any part of the moneys standing to the credit of the Trust Fund, including moneys derived from the realisation of investments—

- (a) for the benefit or relief of any of the persons for whose benefit or relief a fund referred to in subsection (2) was established; or
- (b) to or for the use or benefit of any other fund that in the opinion of the Committee is a disaster relief fund;

and in any such case the Public Trustee shall pay or apply the moneys the subject of the direction in accordance with the terms of such direction.

### **Donations to disaster relief funds**

**35C.(1)** In this section—

**“disaster”** means any catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence;

**“disaster relief fund”** has the same meaning as that assigned to it by section 35B(1).

(2) Where a disaster occurs moneys may be donated to the Disaster Appeals Trust Fund for payment to any disaster relief fund that has been or may be established in respect of the disaster.

(2A) The Public Trustee shall as soon as possible forward those moneys to the governing body of or persons raising the disaster relief fund for payment into the fund.

(3) Where—

- (a) moneys are donated to the Disaster Appeals Trust Fund for payment to a disaster relief fund that as far as the Public Trustee can ascertain has ceased to exist or operate;
- (b) it is not clear to which disaster relief fund a donor of moneys to the Disaster Appeals Trust Fund intended the moneys to be paid and the Public Trustee is unable to clarify the intention; or
- (c) a disaster occurs and a disaster relief fund in respect of the disaster is not established within 1 month after the occurrence of the disaster and moneys are donated to the Disaster Appeals Trust Fund for the benefit or relief of persons suffering distress, whether physical, mental or financial, as a result of the disaster;

those moneys shall as from a date declared by the Public Trustee under the Public Trustee's hand and seal form part of the Disaster Appeals Trust Fund as if they had vested in the Public Trustee by order in council pursuant to section 35B(2) freed and discharged from all trusts to which they are or may be subject.

### **Donations for future disasters**

**35D.(1)** Any person desiring to donate moneys (including any moneys invested in any authorised trustee investment) for the benefit or relief of persons suffering distress whether physical, mental or financial, as a result of any future catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence may pay moneys or provide by way of will or trust or otherwise for the payment of moneys to the Disaster Appeals Trust Fund.

(2) Section 35B shall apply to such moneys as if they had vested in the Public Trustee by order in council pursuant to section 35B(2) and the

moneys shall vest in the Public Trustee on the day they are paid into the Disaster Appeals Trust Fund.

### **Enforcement of orders**

**36.** Without limit or prejudice to any other means of enforcing the requirement, direction or order, or any proceeding for failure to comply therewith, a person failing to comply with any requirement notified, or direction given, or order made under this Act, may on the application on behalf of the Minister to the Court, which application may be so made whether or not the requirement, direction or order was notified, given or made by the Minister, be dealt with as for disobedience to an order of the Court.

### **Failure to comply with lawful requirements etc.**

**37.(1)** Every person who—

- (a) being required under this Act to supply any information, produce any record, or lodge any return, fails, without reasonable excuse the proof whereof shall lie upon the person, to supply that information, produce that record, or lodge that return, as the case may be, in accordance with that requirement;
- (b) being required under this Act to disclose any account or permit any inspector or police officer to inspect or make and take away a copy or extract of that account, fails, without reasonable excuse the proof whereof shall lie upon the person, to disclose that account, or to permit the inspector or police officer to inspect that account or to make and take away a copy or extract of that account, as the case may be;
- (c) being required under this Act by any inspector to attend before the inspector and to be examined by the inspector fails, without reasonable excuse the proof whereof shall lie upon the person, to attend before the inspector or refuses to take an oath or affirmation or declaration instead of an oath, or refuses, without reasonable excuse the proof whereof shall lie upon the person, to answer any question put to the person by the inspector;
- (d) being required under this Act to produce any money or property,

fails, without reasonable excuse the proof whereof shall lie upon the person, to produce that money or property, as the case may be, in accordance with that requirement;

- (e) being required under this Act to produce any document, money, property, item of value or other thing which may be required for evidence, fails, without reasonable excuse the proof whereof shall lie upon the person, to produce that document, money, property, item of value or other thing, as the case may be, in accordance with that requirement;
- (f) being required under this Act to answer any question, fails, without reasonable excuse the proof whereof shall lie upon the person, to answer that question or gives any answer which the person knows to be false;
- (g) assaults, resists, or obstructs an inspector or police officer in the exercise of powers or in the discharge of duties under this Act, or attempts so to do;

shall be guilty of an offence against this Act.

(2) Every person who in relation to the making of any appeal for support—

- (a) for a charity, specifies that the charity is registered under this Act when it is not so registered;
- (b) for any purpose, specifies that the purpose is sanctioned under this Act when that purpose is not so sanctioned;

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding \$1 000.

### **Falsifying books etc.**

38. Any person who with intent to defraud or deceive any other person—

- (a) alters or falsifies or destroys any record, return, or other document whatsoever relating to any appeal for support for any purpose to which Part 3 applies, or any property or income whatsoever of a charity or association whose objects are a community purpose; or

- (b) makes or concurs in the making of any entry in any such record, return, or other document; or
- (c) omits or concurs in omitting any material particular from any such record, return, or other document;

shall be guilty of an offence against this Act and shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years, or on summary conviction to imprisonment for a term not exceeding 12 months.

### **Converting moneys etc.**

**39.** Any person making or causing to be made or assisting to make or taking part in any appeal for support for any purpose to which Part 3 applies, or in the management, supervision, administration or control of any property or income of a charity or association whose objects are a community purpose, who converts unlawfully to the person's own use or fails to account properly for any money or articles obtained in the course of such appeal for support or for any such property or income shall be guilty of an offence against this Act and shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years, or on summary conviction to imprisonment for a term not exceeding 12 months.

### **Trading by reference to charities prohibited**

**39A.(1)** A person who save in accordance with an authority to make or assist in making an appeal for support in accordance with the provisions of this Act, or save in connection with an appeal for support to which this Act is expressed not to apply—

- (a) sells, offers to sell or procures any other person to sell any article; and
- (b) in connection with such sale or offer for sale makes or procures another to make any representation expressed or implied and whether made verbally, or by writing or conduct, that the proceeds of such sale or any part thereof will be contributed to charities in general, a particular charity, or any community purpose whether upon the fulfilment of a further condition or otherwise;

is guilty of an offence against this Act.

(2) Any person guilty of an offence against this section shall be liable—

- (a) for the first offence to a fine not exceeding \$1 000 or to imprisonment for a term not exceeding 3 months;
- (b) for a second or subsequent offence to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 6 months.

### **Obtaining of information by police officers**

**39B.(1)** Any police officer who—

- (a) finds any person committing or who reasonably suspects any person of having committed an offence against this Act; or
- (b) is making investigations with a view to establishing whether or not an offence against this Act has been committed by any person;

may require that person to state the person's name and address or name or address and, if the officer has reasonable ground to suppose that the name and address or name or address stated is false, may require evidence of the correctness thereof.

(2) Any person required under this section to state the person's name and address or name or address, or to give evidence of the correctness thereof, who fails to do so as required, or who gives a name or address of evidence, as is required, which in the opinion of the officer is false, may be arrested without warrant by that police officer and taken as soon as practicable before a Magistrates Court, within the meaning of the *Justices Act 1886*, to be dealt with according to law.

(3) Any person who when required under this Act—

- (a) to state the person's name and address or name or address, fails to state the person's name and address or, as the case may be, name or address, or states a false name and address or, as the case may be, a false name or address; or
- (b) to give evidence of the correctness of the person's name and address or name or address, fails to give that evidence or gives false evidence with respect to the person's name and address or,

as the case may be, name or address;  
shall be guilty of an offence against this Act.

### **Offences and penalties**

**40.(1)** Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

**(2)** Any person guilty of an offence against this Act shall be liable, unless some specific penalty is prescribed by this Act for such offence, to a penalty not exceeding \$1 000.

**(3)** Subject to the provisions of this Act relating to the prosecution upon indictment for certain offences hereunder, any offence against this Act may be prosecuted in a summary way under the *Justices Act 1886*.

**(4)** Nothing in this Act contained shall render any person compellable to answer any question incriminating or tending to incriminate himself or herself.

### **Saving of remedies**

**41.** No proceeding or conviction for any offence against this Act shall affect any civil right or remedy to which any person aggrieved by the offence may be entitled.

### **Service of notices etc.**

**42.** Unless otherwise indicated by this Act, any requirement, direction, determination, approval, order, notice, or other authority under or for the purposes of this Act, may be given, served, made known, or published—

- (a) by delivering or giving the same to the person concerned personally; or
- (b) by prepaid post letter containing the same, addressed to the person concerned at the person's last known or usual business or residential address and sent by ordinary post; or
- (c) by prepaid telegram, or registered letter or certified mail letter containing the same, sent or addressed to the person concerned at



the person's last known or usual business or residential address;  
or

- (d) by such other means as the Minister may direct.

### **Facilitation of proof**

**43.(1)** In any proceedings under or for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the chief executive or of any inspector or police officer or other officer appointed under this Act;
- (b) a signature purporting to be that of the Minister or of the chief executive or of any inspector or police officer or other officer appointed under this Act shall be taken to be the signature it purports to be until the contrary is proved;
- (c) it shall not be necessary to prove the limits of any city or town or part of the State specified, or of any locality or street nominated, under or for the purposes of this Act, but this paragraph shall not prejudice the right of any defendant to prove those limits;
- (d) a document purporting to be signed by the chief executive or by a prescribed person and purporting to be a copy of or extract from any entry in the register of charities under this Act or purporting to be a copy of any application, certificate, determination, sanction, order, direction, request, or requirement under this Act shall, upon its production in evidence be evidence of the matters contained therein, and in the absence of evidence in rebuttal thereof shall be conclusive evidence thereof;
- (e) a document purporting to be signed by the chief executive and stating that at any specified time there was or there was not in force a sanction under this Act as stated therein, or that any sanction was or was not issued subject to conditions, shall upon its production in evidence be evidence of the matters contained in that document and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;
- (f) the allegation in the indictment or complaint that any association is or is not a charity, or association whose objects are a community purpose, or that any specified purpose is or is not a

charitable purpose or community purpose or a purpose to which Part 3 applies or that any charity is or is not registered as such under this Act or that an appeal for support for a purpose specified or that a specified person made or caused to be made or assisted in making or took part in an appeal for support specified shall be evidence of the matter alleged and, in the absence of evidence in rebuttal thereof, shall be conclusive such evidence;

- (g) a document purporting to be signed by the chief executive stating that at a specified time or during a specified period there was or was not in force an authority under this Act, as described in the document, issued to a specified person and that such authority was or was not subject to the terms, conditions or restrictions set out in the document shall, upon its production, be evidence, and in the absence of evidence to the contrary conclusive evidence, of the matters contained in that document;
- (h) an allegation or averment in the indictment or complaint that at the time when a person committed the act or acts of which the complaint is made that person was not acting in connection with an appeal for support to which this Act is expressed not to apply shall be evidence, and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment.

(2) Any determination, approval, registration, sanction, assignment, nomination, requirement, direction, order, or other act of authority, made, given, or issued by the Minister under or for the purposes of this Act may be notified by the Minister in the Gazette and thereupon the same shall be judicially noticed.

### **Persons to perform duties**

44. Where by any provision of this Act a duty is cast upon a charity or association or where by or under any provision of this Act any charity or association is ordered, directed, requested or required to do or omit to do any act or thing or to observe any condition or other matter but no reference is made in such provision, order, direction, request, or requirement to any person or class of persons who shall act on behalf of the charity or association in the performance of that duty or in the compliance with such provision, order, direction, request or requirement or in the observance of

such condition or other matter then each member of the governing body of the charity or association, as the case may be, shall perform that duty, or comply with such provision, order, direction, request, or requirement, or observe such condition or other matter as the case requires.

### **Constitution not to provide defence etc.**

**45.(1)** Where proceedings as for an offence may be taken under this Act against more than 1 of a number of persons, the proceedings may be taken against any of those persons.

**(2)** It shall be no defence to any proceedings under this Act against any person as for an offence against this Act to allege that by the constitution of any charity or association any duties which may be material to those proceedings are required to be performed by some other person or persons.

### **Limitation of actions**

**46.** No matter or thing done by the Minister or by the chief executive, or by any inspector, or by any police officer or by any other person, in good faith and without negligence for the purpose of executing this Act or in the execution of his or her powers and duties under this Act, shall subject the Crown, or the Minister, or the chief executive, inspector, or police officer, or other person as aforesaid to any liability in respect thereof.

### **Regulations**

**47.(1)** The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

**(2)** The power to make with respect to any appeals for support, purposes for which any appeals for support are made, charities, associations, persons, or any matters or things whatsoever, any regulation under this Act shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, class, description, or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same

persons, matters or things.

(2A) The power to make with respect to any purpose, matter or thing regulations, or to regulate and control any matter or thing, under this Act shall include power to make regulations prohibiting that matter or thing either generally or to meet particular cases.

(2B) The approval by the Minister, pursuant to regulations made under the authority of subsection (3)(q), of a contract or agreement in relation to an appeal for support, or the making of the appeal under and in compliance in every respect with the terms and conditions of the contract or agreement so approved, shall not authorise, justify or excuse any act or omission which is an offence against this Act.

(3) Without limiting the generality of subsections (1) to (2B), regulations may be made for or in respect of all or any of the following purposes, matters and things—

- (a) prescribing forms for the purposes of this Act and the particulars to be contained therein and the respective purposes for which such form or forms to the like effect shall be used;
- (b) prescribing the persons by and to whom applications under this Act shall be made and to whom certificates, sanctions, approvals, and other authorities under this Act shall be issued, given, or granted;
- (c) prescribing any matters or things with respect to the giving, serving, making known, publishing, and recording of any revocations, removals, requirements, directions, orders, determinations, approvals, notices, and other acts of authority under or for the purposes of this Act including, but without limiting the generality of the foregoing, the manner thereof and the persons to and on whom the acts of authority shall be given, served, or made known;
- (d) prescribing the occasions on which the Minister may require, direct, or order any action to be taken or thing to be done under and for the purposes of this Act;
- (e) prescribing, in relation to local or affiliated branches or sections of any associations and the central bodies of those associations, the duties of the governing bodies of the local or affiliated

branches or sections and of the governing body of the central body of each association respectively for the purposes of all or any of the provisions of this Act or with respect to any appeals for support made by or on behalf of or for the purposes of the association or of the local or affiliated branch or section;

- (f) prescribing any matter or thing for the purpose of distinguishing, in the application of any of the provisions of this Act, between appeals for support made by any local or affiliated branch or section for its own objects and the objects generally of the association;
- (g) prescribing conditions to which any registration, sanction, or other act of authority granted, given, or issued shall be subjected and conditions subject to which all or any appeals for support for any purpose may be permitted;
- (h) prescribing, regulating, and controlling any matters or things necessary or desirable with respect to the recording of all sanctions given under this Act, including of the conditions to which any sanctions are subjected, of sanctions revoked, and of applications for sanctions refused, and of permits and registrations which by this Act are regarded as sanctions given under this Act;
- (i) with respect to the keeping of true and correct records and the division of the records of sanctions given between sanctions of various classes;
- (j) prescribing the person by whom or the place where those records are to be kept, the particulars to be entered therein;
- (k) providing for, regulating and controlling alterations of any sanctions or of any particulars in any record, the informing of the public of any information relating to those sanctions and of applications therefor, and the inspection by the public of those records;
- (l) prescribing the occasions when fees shall be payable for furnishing copies of or extracts from any record and prescribing those fees;
- (m) prescribing for the Minister to have authority to approve, at the

Minister's discretion, the destruction of records held in relation to a sanction issued under this Act for a specific period of time for a purpose to which this Act applies;

- (n) prescribing, regulating and controlling all or any matters necessary or desirable with respect to the giving of sanctions the revocation or surrender of sanctions, and the amendment by the issuing authority of any sanctions given;
- (o) prescribing, regulating and controlling the making of all or any appeals for support for any purpose, whether a purpose to which Part 3 applies or not, including such provisions as are necessary or desirable for safeguarding the public from fraud or deceit or cheating, the ensuring of the true and correct accounting for and recording of all moneys and property received in and resulting from the appeals, the true and correct accounting for and recording of all expenditure incurred in connection with the appeals, and the handing over to the purpose for which the appeals are made all moneys and property resulting from the appeals;
- (p) prescribing, regulating and controlling all or any of the expenses, including the amount thereof, (and including salaries, commissions, wages and fees and other remuneration of promoters, agents, collectors, and other persons) in relation to all or any appeals for support for any purpose to which Part 3 applies;
- (q) prescribing, regulating, and controlling all or any agreements or contracts between all or any commercial undertakings, associations, persons or individuals and all or any charities or associations in relation to all or any appeals for support for any purpose to which Part 3 applies;
- (r) requiring, in relation to all or any such appeals, that all or any such contracts or agreements shall be approved by the Minister and, where such approval of a contract or agreement relating to an appeal is so required, prohibiting any person from making the appeal except under and in compliance in every respect with the terms and conditions of an agreement or contract so approved;
- (s) prescribing special provisions, including the conditions under

which such appeals may be permitted, in relation to door-to-door appeals and street collections for the purposes of Part 4 and for safeguarding the public and to ensure true and correct accounting and records in relation to those classes of appeals;

- (t) providing for payment without deduction of all moneys raised by or resulting from any appeal for support including door-to-door appeals and street collections for any purpose to which Part 3 applies to separate accounts in banks or building societies carrying on business in Queensland and regulating and controlling names in which those accounts shall be opened and kept, and the manner by which and with respect to which payments and orders and requests for payments from such accounts may be made;
- (u) ensuring that moneys or property resulting from all or any appeals for support are applied for the purpose for which the appeals are made;
- (v) prescribing for the purposes of section 17 the conditions under which persons may be permitted to make or cause to be made door-to-door appeals and street collections;
- (w) regulating and controlling for the purposes of section 18, the distribution and disposal of any device within the meaning of that section;
- (x) regulating and controlling the investment of moneys, for the purpose for which they are raised or vested, resulting from any appeals for support, by charities and associations;
- (y) regulating and controlling the manner of conversion of articles and other property resulting from any appeals for support, into moneys;
- (z) prescribing the form of register of charities to be kept for the purposes of this Act, and the particulars to be entered therein;
- (za) providing for a record of applications for registration refused and of removals from the register, and with respect to Parents and Citizens Associations formed as prescribed by the regulations under the *Education Act 1964* which by this Act are deemed to be charities registered under this Act;

- (zb) providing for the keeping of a true and correct register, and of true and correct records;
- (zc) providing for, regulating and controlling the alteration of all or any of those particulars required by this Act to be entered in the register of charities, and for the informing of the public of the names and objects of charities registered under this Act and of any other information relating thereto and of applications for registration and of removals from the register;
- (zd) prescribing the occasions when fees shall be payable for furnishing copies of, or extracts from, any entries in the register and prescribing those fees;
- (ze) prescribing all or any matters and things considered necessary or desirable with respect to the surrender by any charities of their certificates of registration under this Act and to the consequent removal of those charities from the register of charities and providing for, regulating and controlling the disposal or distribution of the moneys or property of any charity removed from the register of charities;
- (zf) providing for any matters or things relating to the division of charities registered under this Act into the classes of exempted charities and non-exempted charities, including the returns to be lodged by charities of each class;
- (zg) providing for, regulating and controlling any matters or things considered necessary or desirable in relation to inquiries and investigations under or for the purposes of this Act;
- (zh) (with respect to all or any charities, all or any associations whose objects are a community purpose, and all or any appeals for support for any purpose to which any of the provisions of this Act applies) prescribing the records to be kept, the mode of keeping and maintaining those records, providing for the handing over and destruction of those records;
- (zi) prescribing the financial statements to be prepared, the times for and the manner of the preparation of those statements, the form of and the information to be contained in such statements, providing for the laying of those statements at meetings and otherwise for the publication thereof, providing for their



inspection, whether by the public or others, providing for the lodgment with the chief executive of copies thereof, and providing for the dealing with those statements otherwise;

- (zj) providing for the lodgment with the chief executive of returns and the times for their lodgment, prescribing the form of returns and the information to be contained therein, and providing otherwise in respect of those returns;
- (zk) providing all or any matters and things necessary or desirable in relation to the audit of the records, moneys and property before the financial statements are dealt with or the returns lodged with the chief executive, as prescribed;
- (zl) providing for, regulating and controlling the inspection, examination, and audit connected with any such inspection or examination, of any record, moneys, and property under and for the purposes of this Act;
- (zm) providing for, and regulating and controlling the seizure of any records and other things upon any contravention of this Act or otherwise for the purposes of this Act;
- (zn) prescribing, regulating and controlling the powers, functions, and duties of the chief executive, the Public Trustee, clerks of the Courts, police officers, inspectors and other officers for the purposes of any of the provisions of this Act;
- (zo) prescribing the amount of any penalty or other punishment for any offence against any regulation, provided that any such penalty shall not exceed \$300 and any such punishment by imprisonment shall not exceed a term of 3 months;
- (zp) providing for exemptions and the subjecting of all or any exemptions to conditions from all or any of the provisions of this Act;
- (zq) regulating and controlling advertisements of all or any appeals for support for all or any purposes;
- (zr) defining any term or expression in and for the purposes of this Act;
- (zs) prescribing the conditions under which collecting boxes for moneys and collecting receptacles for articles may be permitted to

be left for use at or in places of residence, places of employment, places of public resort, public places, and other places in connection with all or any appeals for support for any purpose, including the conditions subject to which those boxes and receptacles may be used, and moneys and articles therefrom collected;

- (zt) prescribing the conditions under which all or any collections may be permitted to be made;
- (zu) prescribing, regulating and controlling the use of boxes and receptacles in making collections, including the standards of construction of all or any such boxes and receptacles;
- (zv) prohibiting the use of any box or receptacle which does not comply with the prescribed standards;
- (zw) providing for the notification of any change in the membership of the governing body of any charity or association whose objects are a community purpose and otherwise for the enabling of a true and correct record to be kept by the chief executive of the governing body and of such other officers as may be prescribed of those charities and associations;
- (zx) prescribing all matters or things which by this Act are required or permitted to be prescribed.

### **Publication and operation of orders in council**

**48.** Section 28A of the *Acts Interpretation Act 1954* applies in respect of orders in council made for the purposes of this Act as if they were regulations.

## ENDNOTES

### 1 Index to Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 May 1994. Future amendments of the Collections Act 1966 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

#### **Collections Act 1966 No. 7**

date of assent 27 October 1966

commenced 1 October 1967 (proc pubd Gaz 2 September 1967 p 42)

as amended by—

#### **Metric Conversion Act 1972 No. 31 Pt 2 Sch 1**

date of assent 21 December 1972

commenced 1 June 1973 (proc pubd Gaz 5 May 1973 p 93)

#### **Art Union Regulation Act Amendment Act 1973 No. 72 s 22**

date of assent 19 December 1973

commenced 11 March 1974 (proc pubd Gaz 9 March 1974 p 979)

#### **Collections Act Amendment Act 1975 No. 34**

date of assent 17 September 1975

commenced 24 January 1976 (proc pubd Gaz 24 January 1976 p 272)

**Collections Act Amendment Act 1977 No. 48**

date of assent 3 October 1977

commenced on date of assent

**Collections Act Amendment Act 1981 No. 34**

date of assent 20 May 1981

commenced on date of assent

**Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988 No. 19  
Pt 3**

date of assent 7 April 1988

commenced 1 February 1989 (proc pubd Gaz 21 January 1989 p 299)

**Collections Act Amendment Act 1989 No. 6**

date of assent 30 March 1989

ss 1–2 commenced on date of assent

remaining provisions commenced 14 August 1989 (proc pubd Gaz 12 August 1989 p 3093)

**Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 Sch**

date of assent 25 October 1989

commenced on date of assent

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 6**

date of assent 14 November 1990

commenced 7 December 1989 (see s 2(4)(b))

**Public Accountants Registration (Repeal and Consequential Amendments) Act  
1990 No. 85 s 5 Sch 2**

date of assent 29 November 1990

commenced 1 January 1991 (see s 2(3))

**Queensland Office of Financial Supervision Act 1992 No. 12 s 66 Sch**

date of assent 6 May 1992

commenced 29 May 1992 (1992 SL No. 109)

**Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 1 (as amd by Act  
No. 15 of 1994 s 3 Sch 2)**

date of assent 3 June 1993

amendments 3, 6–9 commenced 1 September 1993 (1993 SL No. 328)

remaining provisions commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Division of Act

s 2 om 1993 No. 32 s 3 Sch 1

### Severability

s 3 om 1993 No. 32 s 3 Sch 1

### Repeal

s 4 om 1993 No. 32 s 3 Sch 1

### Meaning of terms

s 5 def "appeal for support" amd 1993 No. 32 s 3 Sch 1  
 def "Art Union" om 1993 No. 32 s 3 Sch 1  
 def "art union" ins 1993 No. 32 s 3 Sch 1  
 def "charitable purpose" amd 1988 No. 19 s 6  
 def "Director-General" ins 1990 No. 80 s 3 Sch 6;  
 om 1993 No. 32 s 3 Sch 1  
 def "Minister" sub 1990 No. 80 s 3 Sch 6;  
 om 1993 No. 32 s 3 Sch 1  
 def "Part" om 1993 No. 32 s 3 Sch 1  
 def "Permanent building Society" ins 1989 No. 6 s 4;  
 om 1993 No. 32 s 3 Sch 1  
 def "police officer" ins 1981 No. 34 s 2(a)  
 def "Public Curator" ins 1975 No. 34 s 3;  
 om 1981 No. 34 s 2(b)  
 def "Public Trustee" ins 1981 No. 34 s 2(b)  
 def "the public" amd 1990 No. 80 s 3 Sch 6  
 def "Under Secretary" om 1990 No. 80 s 3 Sch 6

**Conducting of unlawful appeals for support**

s 10      amd 1981 No. 34 s 3; R1 (see RA s 39)

**Registration of charities**

s 19      amd 1990 No. 80 s 3 Sch 6

**Patriotic funds**

s 19A     ins 1988 No. 19 s 7

**Obtaining of information**

s 25      amd 1981 No. 34 s 4; 1989 No. 6 s 5; 1989 No. 103 s 3 Sch; 1990 No. 80  
s 3 Sch 6; 1992 No. 12 s 66 Sch; 1993 No. 32 s 3 Sch 1

**Further powers of inspector**

s 26      amd 1972 No. 31 s 6 Sch 1; 1981 No. 34 s 5; 1989 No. 6 s 6; 1992 No. 12  
s 66 Sch; 1993 No. 32 s 3 Sch 1

**Warrant to enter premises**

s 26A     ins 1981 No. 34 s 6  
amd 1989 No. 103 s 3 Sch

**Investigations**

s 27      amd 1981 No. 34 s 7

**Powers in relation to records produced**

s 28      amd 1981 No. 34 s 8; 1990 No. 80 s 3 Sch 6

**Constitution of charity etc.**

s 29      amd 1990 No. 80 s 3 Sch 6

**Records of appeals for support**

s 30      amd 1981 No. 34 s 9; 1990 No. 80 s 3 Sch 6

**Financial statements and audit**

s 31      amd 1990 No. 80 s 3 Sch 6; 1990 No. 85 s 5 Sch 2

**Returns**

s 32      amd 1990 No. 80 s 3 Sch 6

**Sweeps on a National sporting event**

s 33      om 1972 No. 72 s 22

**Power to act for the protection of the public etc.**

s 34      amd 1989 No. 6 s 7; 1992 No. 12 s 66 Sch; 1993 No. 32 s 3 Sch 1

**Vesting of property in the Public Trustee**

prov hdg amd 1981 No. 34 s 10(a)

s 35      amd 1975 No. 34 s 4; 1981 No. 34 s 10(b)-(d)

**Disaster Appeals Trust Fund and Committee**

s 35A     ins 1975 No. 34 s 5  
amd 1981 No. 34 s 11

**Disaster relief funds and their application**

s 35B     ins 1975 No. 34 s 6  
amd 1977 No. 48 s 2; 1981 No. 34 s 11

**Donations to disaster relief funds**

s 35C ins 1977 No. 48 s 3  
amd 1981 No. 34 s 11

**Donations for future disasters**

s 35D ins 1977 No. 48 s 3  
amd 1981 No. 34 s 11

**Enforcement of orders**

prov hdg amd 1975 No. 34 s 7(a)  
s 36 amd 1975 No. 34 s 7(b)

**Failure to comply with lawful requirements etc.**

s 37 amd 1981 No. 34 s 12

**Trading by reference to charities prohibited**

s 39A ins 1981 No. 34 s 13  
amd R1 (see RA s 39)

**Obtaining of information by police officers**

s 39B ins 1981 No. 34 s 14

**Offences and penalties**

s 40 amd 1981 No. 34 s 15

**Facilitation of proof**

s 43 amd 1981 No. 34 s 16; 1989 No. 103 s 3 Sch; 1990 No. 80 s 3 Sch 6

**Limitation of actions**

s 46 amd 1981 No. 34 s 17; 1990 No. 80 s 3 Sch 6

**Regulations**

s 47 amd 1981 No. 34 s 18; 1989 No. 6 s 8; 1990 No. 80 s 3 Sch 6; 1992 No. 12  
s 66 Sch; 1993 No. 32 s 3 Sch 1

**Publication and operation of orders in council**

s 48 sub 1989 No. 6 s 9

## 5 Table of changed names and titles

### TABLE OF CHANGED NAMES AND TITLES under the Reprints Act 1992 ss 23, 23A and 29

Old	New	Reference provision
by-law (of a local authority)	local law (of a local government)	Local Government Act 1993 s 755(1)(l)
Director-General	chief executive	see Acts Interpretation Act 1954 s 33(5B)
local authority	local government	Local Government Act 1993 s 755(1)(a)

member (of the police force)	police officer	Police Service Administration Act 1990 s 11.1(1)(c) (see also s 1.4)
mentally ill person (or like term)	patient (within the meaning of the Mental Health Act 1974)	see Mental Health Act 1974 om s 4(f)(i)
ordinance (of a local authority)	local law (of a local government)	Local Government Act 1993 s 755(1)(l)

## 6 **Table of changed citations and remade laws**

### TABLE OF CHANGED CITATIONS AND REMADE LAWS under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Public Service Act 1922	Public Service Management and Employment Act 1988	Public Service Management and Employment Act 1988 s 38(1)

## 7 **Table of obsolete and redundant provisions**

### TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
penalty provision permitting fine or imprisonment permits both	Penalties and Sentences Act 1992 s 180A
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to Queensland implied	Acts Interpretation Act 1954 s 35



## 8 Table of renumbered provisions

### TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

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6(1), proviso	6(1A)
7(2), 2nd sentence	7(3)
8(1), 2nd sentence	8(1A)
8(3), 2nd sentence	8(3A)
11(2)(a)	11(2)
11(2)(a)(i)	11(2)(a)
11(2)(a)(ii)	11(2)(b)
11(2)(a)(iii)	11(2)(c)
11(2)(b)	11(3)
12(1), 2nd sentence	12(1A)
12(2), proviso	12(2A)
12(2), 3rd sentence	12(2B)
12(5)(a)	12(5)
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12(5)(a)(ii)	12(5)(b)
12(5)(a)(iii)	12(5)(c)
12(5)(a)(iv)	12(5)(d)
12(5)(a)(v)	12(5)(e)
12(5)(b)	12(5A)
12(5)(c)	12(5B)
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15(4), 4th sentence	15(4C)
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16(4), 3rd sentence	16(4B)
16(4), 4th sentence	16(4C)
18(1)(a)	18(1)
18(1)(a), 2nd sentence	18(1A)
18(1)(b)	18(1B)
18(1)(b), 2nd sentence	18(1C)
19(1), 2nd sentence	19(1A)
19(1), 3rd sentence	19(1B)
19(1), 4th sentence	19(1C)
19(2), 2nd sentence	19(2A)
19(4)(a)	19(4)
19(4)(b)	19(4A)
19(4)(c)	19(4B)
19(4)(c)(i)	19(4B)(a)
19(4)(c)(ii)	19(4B)(b)

19(4)(d)	19(4C)
19(4)(e)	19(4D)
19(4)(e)(i)	19(4D)(a)
19(4)(e)(ii)	19(4D)(b)
19(4)(f)	19(4E)
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31(1)(iii)	31(1)(f)
31(1)(iii)(A)	31(1)(f)(i)
31(1)(iii)(B)	31(1)(f)(ii)
35A(9)(a)	35A(9)
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35A(9)(a)(iii)	35A(9)(c)
35A(9)(a)(iv)	35A(9)(d)
35A(9)(b)	35A(9A)
35A(11)(a)	35A(11)
35A(11)(b)	35A(11A)
35A(17)(a)	35A(17)
35A(17)(b)	35A(18)
35B(6)(a)	35B(6)
35B(6)(a)(i)	35B(6)(a)
35B(6)(a)(ii)	35B(6)(b)
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35B(6)(b)(i)	35B(6A)(a)
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47(3)(xxx), 2nd part	47(3)(zu)
47(3)(xxx), 3rd part	47(3)(zv)

47(3)(xxxi)  
47(3)(xxxii)

47(3)(zw)  
47(3)(zx)

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CONSUMER AFFAIRS (FEES AND CHARGES)  
AMENDMENT REGULATION (No. 1) 1995 (No. 160)]

**COLLECTIONS REGULATION 1975**

**Amendment**

**1. Section 36(1), items 1 to 4—**

*omit, insert—*

	\$
1. For each inspection .....	4.00
2. For each page or sheet of a copy or certified copy prepared by photographic or similar means .....	2.00
3. For a list of associations refused registration .....	2.00
4. For a list of charities .....	7.00'.

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## COLLECTIONS ACT 1966-1977

Department of Justice,  
Brisbane, 22nd November, 1979.

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Collections Act 1966-1977*, has been pleased to amend the *Collections Regulations 1975* in the manner set out hereunder, such amendments to have effect on and from the first day of January, 1980.

W. D. LICKISS.

1. Regulation 2 is amended by—

- (i) deleting the classification "Part VIII—Accounts (31-35)" and inserting the following classification in lieu thereof:—

"Part VIII—Accounts (31-32)"; and

- (ii) inserting after the classification "Part VIII—Accounts (31-32)" the following classification:—

"Part VIIIA—Appeals for Support—General Requirements (33-35A)".

2. Regulations 33, 34 and 35 are deleted and the following Regulations classified as Part VIIIA are inserted in lieu thereof:—

**"PART VIIIA—APPEALS FOR SUPPORT—GENERAL REQUIREMENTS**

**33. Agreements to be approved.** (1) A charity or association shall not permit a commercial undertaking association person or individual to make or cause to be made or assist in making an appeal for support on behalf of such charity or association whereby such commercial undertaking association person or individual does so on commission or in expectation of a fee gain or reward unless—

- (a) a written agreement or contract has been entered into by the charity or association as the case may be and the commercial undertaking association person or individual intending to make the appeal for support; and
- (b) such agreement or contract has been approved by the Minister.

(2) This regulation does not apply to—

- (i) an employee of a charity or association, other than an employee whose principal duties are those of fund raising, in respect of appeals for support for such charity or association in which he participates in the course of his employment; or
- (ii) an appeal for support, other than for any of those purposes specified in paragraphs (e) and (f) of subsection (1) of section 5 of this Act, which provides for the offering of a benefit to a contributor of money to such appeal for support and the commercial undertaking association person or individual concerned therewith is able—

A. to provide such benefit as an undertaking within the ordinary course of business thereof; and

B. demonstrate that the making or assisting in making such appeal for support is an undertaking which is ancillary to the provision of such

**34. Control of moneys.** (a) All moneys collected as a result of an appeal for support shall forthwith as they are collected be paid without deduction therefrom to the credit of a separate account in the name of the charity or association as the case may be in a bank.

(b) The moneys for commission or expenses or other payments to any person in connection with such appeal for support shall be paid out of the proceeds by cheques drawn on the separate account and not otherwise. Such cheques shall be signed by at least two persons, one of whom shall be a member of the governing body of the charity or association for which the appeal for support is made.

(c) This regulation does not apply to an appeal for support where—

- (i) in respect thereto a written agreement or contract as required pursuant to regulation 33 of these regulations has been entered into, unless otherwise provided in such written agreement or contract; or
- (ii) the commercial undertaking association person or individual concerned therewith has undertaken to be responsible for the provision of any benefit, including the payment of expenses associated therewith, being offered to a contributor of money to such appeal for support, unless pursuant to paragraph (i) of this provision (c) of this regulation it is otherwise provided.

**35. Advertising.** A person shall not distribute any leaflet in relation to or publish any advertisement in connection with an appeal for support in respect of which the provisions of regulation 33 of these regulations apply unless—

- (a) every such leaflet or advertisement contains the names and addresses of the commercial undertaking association person or individual concerned therewith and the charity or association as the case may be and a statement showing particulars of the arrangements agreed upon in the agreement or contract relating to such appeal for support in respect of the beneficial entitlements of such commercial undertaking association person or individual and such charity or association; and
- (b) a copy of the contents of every such leaflet or advertisement has prior to distribution or publication been—
  - (i) lodged with the Under Secretary; and
  - (ii) approved by that officer.

**35A. Prohibitions.** (a) A commercial undertaking association person or individual shall not make an appeal for support in respect of which an agreement or contract has been approved by the Minister as provided in this Part of these regulations except under and in compliance in every respect with the terms and conditions of such agreement or contract.

(b) Where an appeal for support is made on behalf of a charity or association by a commercial undertaking association person or individual on the understanding that such commercial undertaking association person or individual would not be entitled to commission or any fee gain or reward the charity or association as the case may be shall not permit—

- (i) the conferring upon; or
- (ii) the acquisition by,

the commercial undertaking association person or individual of any monetary or other benefit by way of remuneration, other than the reimbursement of expenses actually incurred, for

3. Regulation 44 is deleted and the following regulation is inserted in lieu thereof—

**"44. Offences against Regulations.** A person who contravenes or fails to comply with any provision of those regulations commits an offence against these regulations and shall, except where otherwise specially provided, be liable to a penalty not exceeding \$200 or to imprisonment for a term not exceeding 2 months."

Gov. Gaz., 24th November, 1979, No. 67, page 1263

V. R. Ward, Government Printer, Queensland

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Department of Justice  
Brisbane, 10th August, 1989

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Collections Act 1966-1988*, has been pleased to make the following regulations.

PAUL CLAUSON

**1. Citation.** The Collections Regulations 1975 as previously amended are in these regulations referred to as the Principal Regulations.

**2. Commencement.** These regulations shall take effect from 14th August, 1989.

**3. Amendment of reg. 32.** Regulation 32 of the Principal Regulations is amended by:—

(a) omitting subregulation (6) and substituting the following subregulation:—

“(6) All moneys received shall be entered in the cash book daily and deposited into a bank or permanent building society account promptly. At least once each month the cash book shall be balanced and a reconciliation shall be made between the cash book and account balances, and a copy of such reconciliation shall be shown in the cash book.”; and

(b) inserting after the word “bank” wherever it appears in subregulations (8) and (14), the words “or permanent building society” in each case.

**4. Amendment of reg. 34.** Regulation 34 of the Principal Regulations is amended in provision (a) by inserting after the word “bank” the words “or permanent building society”.

**5. Amendment of reg. 36.** Regulation 36 of the Principal Regulations is amended in subregulation (1) by inserting after the word “bank” where it twice appears the words “or permanent building society”.

**6. Amendment of Schedule.** The Schedule to the Principal Regulations is amended by:—

(a) in Form No. 1 inserting after the word “Bank” where it thrice appears the words “or Permanent Building Society”;

(b) in Form No. 7—

(i) inserting after the word “Bank” the words “or Permanent Building Society”; and

(ii) inserting after the word “bank” where it twice appears the words “or permanent building society”;

(c) in Form No. 15 inserting after the word "Bank" where it twice appears the words "or Permanent Building Society";

(d) in Form No. 24 omitting the expression "Cash at Bank (as per Bank certificate and Reconciliation attached)" and substituting the expression "Cash at Bank or Permanent Building Society (as per certificate and Reconciliation attached)"; and

(e) in Form No. 25—

(i) inserting after the word "bank" the words "or permanent building society"; and

(ii) inserting after the word "Bank" where it thrice appears the words "or Permanent Building Society".

Gov. Gaz., 12th August, 1989, No. 152, pages 3114-5

V. R. Ward, Government Printer, Queensland

**COLLECTIONS (AMENDMENT) REGULATIONS 1990 (No. 2)**

Department of Justice and  
Corrective Services  
Brisbane, 27th September, 1990

THE Deputy Governor, for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Collections Act 1966-1989*, has been pleased to make the following regulations.

G. R. MILLINER

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**COLLECTIONS (AMENDMENT) REGULATIONS 1990 (No. 2)**

**1. Short title.** These regulations may be cited as the Collections (Amendment) Regulations 1990 (No. 2).

**2. Principal Regulations.** The Collections Regulations 1975 as previously amended are referred to in these regulations as the Principal Regulations.

**3. Amendment of reg. 32.** Regulation 32 of the Principal Regulations is amended by, in subregulations (3) and (7), omitting the words "twenty dollars" and substituting the words "one hundred dollars" in each case.

Gov. Gaz., 29th September, 1990, No. 43, page 493



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# COLLECTIONS (AMENDMENT) REGULATIONS 1990

Department of Justice and Corrective Services,  
Brisbane, 28th June, 1990

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Collections Act 1966-1989*, has been pleased to make the following regulations.

G. R. MILLINER

**1. Short title.** These regulations may be cited as the Collections (Amendment) Regulations 1990.

**2. Citation.** The Collections Regulations 1975 as previously amended are in these regulations referred to as the Principal Regulations.

**3. Commencement.** These regulations shall take effect from 1st July, 1990.

**4. Amendment of regulation 36. Inspections and Copies.** Regulation 36 of the Principal Regulations is amended by, in subregulation (1), omitting all words following the words "in accordance with the following:—" to the end of the subregulation and substituting the following:—

	\$
"For each inspection . . . . .	3.50
For each copy or certified copy prepared by photographic or similar means	
per page or sheet . . . . .	1.70
For each typewritten copy or certified copy, per folio of seventy-two words . . . . .	1.30
For each carbon copy or certified copy, per folio of seventy-two words . . . . .	1.20
List of Associations refused registration . . . . .	1.70
List of Charities . . . . .	6.50".

Gov. Gaz., 30th June, 1990, No. 72, page 1266

V. R. Ward, Government Printer, Queensland

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# A PROCLAMATION

By His Excellency the Honourable Sir Walter Benjamin Campbell,  
Companion of the Order of Australia, one of Her Majesty's  
Counsel learned in the law, Governor in and over the State  
of Queensland in the Commonwealth of Australia.

[L.S.]

W. B. CAMPBELL,

Governor

I, Sir Walter Benjamin Campbell, the Governor aforesaid, acting  
by and with the advice of the Executive Council and in pursuance  
of the provisions of section 2 (2) of the *Collections Act Amendment  
Act 1989*, do by this my Proclamation appoint the fourteenth day  
of August, 1989, as the day on which the provisions of sections 3  
to 9 inclusive of the *Collections Act Amendment Act 1989* shall  
commence.

Given under my Hand and Seal at Government House,  
Brisbane, this tenth day of August, in the year of our Lord one  
thousand nine hundred and eighty-nine, and in the thirty-eighth  
year of Her Majesty's reign.

By Command, PAUL CLAUSON  
God Save the Queen!

Gov. Gaz., 12th August, 1989, No. 152, page 3093

V. R. Ward, Government Printer, Queensland

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