

# Collections (Deemed Registration) Amendment Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the *Collections (Deemed Registration) Amendment Regulation 2023* (Amendment Regulation) made under the *Collections Act 1966* (Collections Act).

In my opinion, the *Collections (Deemed Registration) Amendment Regulation 2023*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019* (Human Rights Act). I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The *Casino Control and Other Legislation Amendment Act 2022* (CCOLAA) was passed on 14 October 2022 and received assent on 21 October 2022. Part 5 of CCOLAA amends the *Collections Act 1966* (Collections Act) to introduce a nationally agreed cross-border recognition scheme under which charities registered with the Australian Charities and Not for Profits Commission (ACNC) will be taken, or “deemed”, to be registered as a charity in Queensland from the date the Minister receives a notification that they intend to conduct appeals for support in the state. Deemed registration will allow these entities to begin fundraising immediately without the need to meet local application requirements under the Collections Act.

Part 5 of CCOLAA also amends the Collections Act to simplify and expedite fundraising authorisations for charities who are not registered with the ACNC and are thus not eligible for deemed registration, by removing a public objections process in relation to applications for direct local registration as a charity. This, in turn, will remove a requirement for charities to await the completion of a 28-day objection period before their applications for registration can be finalised. Members of the public will still be able to apply to have a charity deregistered under existing provisions of the Collections Act, and deregistration will remain an option for the Minister in response to upheld complaints about a charity, even if the complainant does not specifically seek deregistration.

The Amendment Regulation supports the commencement of Part 5 of CCOLAA by amending the *Collections Regulation 2008* to:

- provide for the matters necessary to support the cross-border recognition scheme;
- removing redundant provisions that relate to the public objections process.

Additionally, the Amendment Regulation removes certain financial record-keeping, accounting and reporting requirements no longer considered necessary for charities registered under the Collections Act (including deemed registrants).

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Removing the ability to object to an application to register as a charity is capable of engaging human rights as it removes a course of action available to individuals. However, any limitation on the right to take part in public life (section 23 of the Human Rights Act) was imposed by the CCOLAA amendments. The Amendment Regulation mechanically and consequentially removes redundant provisions that set out the former process for making objections, for the purpose of supporting the implementation of the CCOLAA amendment, and does not extend the limitation any further.

The Human Rights Statement of Compatibility accompanying the Casino Control and Other Legislation Amendment Bill 2022 addressed the justification for the amendment removing the ability to object to applications for registration as a charity.

## Conclusion

I consider that the *Collections (Deemed Registration) Amendment Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not limit, restrict or interfere with a human right.

**SHANNON FENTIMAN MP**  
Attorney-General and Minister for Justice  
Minister for Women and  
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