

Queensland



Collections Act 1966

COLLECTIONS REGULATION 1975

**Reprinted as in force on 11 July 1997
(includes amendments up to SL No. 173 of 1997)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 11 July 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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COLLECTIONS REGULATION 1975

[as amended by all amendments that commenced on or before 11 July 1997]

PART 1—PRELIMINARY

Short title and commencement

1. This regulation may be cited as the *Collections Regulation 1975* and shall come into operation on and from 1 March 1975.

Interpretation

4. In this regulation—

“**device**” means any badge, emblem, disc, token, artificial flower or other device: any reference 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 that device.

PART 2—CHARITIES

Application for registration

6.(1) Every application for registration as a charity under and for the purposes of the Act shall be made in the approved form by the governing body of the association or some person authorised in that behalf and, without limiting the power of the chief executive to require other documents and information to be supplied, shall be accompanied by—

- (a) a copy of the constitution, as in force at the time of the making of the application, of the association in respect of which the application is made, certified as a true and correct copy under the

hand of any 2 members of the governing body of the association;

- (b) a copy of the resolution or minute of the proceedings of the association or governing body thereof, whereby approval was given to the making of the application, certified as a true and correct copy by the persons certifying the copy of the constitution under paragraph (a);
- (c) where appropriate—a copy of the last balance sheet or statement of the financial affairs of the association.

(2) Every application for registration as a charity under and for the purposes of the Act made by a branch or section of an association (including a charity) shall be accompanied by the consent in writing of the central body of the association.

(3) Within 7 days of the date of the lodging with or posting to the chief executive of the application for registration of the association as a charity the said association shall cause to be published—

- (a) in a newspaper published in Brisbane and circulating throughout the State; and
- (b) in a newspaper (if any) published in the district in which the said association's registered address is situated;

a notification that the said association has so applied to the chief executive for registration as a charity, the date the said application was lodged with or posted to the chief executive and the date by which any objection to the said registration must be lodged with the chief executive.

(4) Upon publication of the said notification the said association shall forthwith forward a copy thereof to the chief executive.

Notification of determination of application

7.(1) The chief executive shall cause each applicant to be notified in writing of—

- (a) the grant and the conditions subject to which the grant is made (if any); or
- (b) the refusal;

by the Minister of the application.

(2) A list of associations that are refused registration must be kept by the chief executive.

(2A) The list must include the following particulars in relation to each association that is included in the list—

- (a) the name of the association;
- (b) the day registration is refused;
- (c) the objects of the association;
- (d) particulars of the governing body.

(3) The certificate of registration to be given by the Minister in accordance with section 19(9) of the Act shall be in the approved form.

Register of charities—Act, s 19

8. The following particulars in relation to an association that is granted an application for registration as a charity by the Minister must be included in the register of charities—

- (a) the name of the association;
- (b) the charitable purpose for which the association is established;
- (c) the day the grant is made;
- (d) any conditions on which the grant is made;
- (e) any particulars or remarks the Minister may require to be entered in the register.

Objections to registration and applications for removal after registration

9.(1) An objection under section 21(2) of the Act to the registration of an association as a charity shall be in the approved form and shall be lodged with the Minister within 1 month of the date of the lodging with or posting to the chief executive of the application for registration of the association as a charity.

(2) An application under section 21(2) of the Act for the removal of an association (including a charity) from the register of charities shall be in the

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approved form, shall be lodged with the Minister and shall set forth the ground on which the removal is sought.

(3) Where an objection to registration or an application for removal is rejected by the Minister no application for removal under section 21(2) of the Act shall be lodged on the same ground or grounds within 12 months of the date of the determination by the Minister of that objection or application.

(4) Every such objection and application shall be lodged with the Minister in duplicate.

(5) A copy of each objection to registration or application for removal shall be given by the objector or applicant, as the case may be, to the association or charity in respect of which the objection or application is made by any of the means provided by section 42 of the Act proof whereof shall be given to the Minister forthwith.

(5A) The association or charity may, within 1 month of the date of receipt of the copy of the objection or application, lodge with the Minister a written statement in answer to such objection or application.

(6) The Minister, at any time after the expiration of the time allowed by subsection (5), shall determine the objection to registration or application for removal, as the case may be, and the Minister's determination thereon shall be final.

(6A) The Minister may either reject or approve the objection or application.

(6B) The chief executive shall cause each objector or applicant, and the association or charity concerned to be notified in writing of the determination by the Minister of the objection or application.

(7) Where the Minister gives approval to the objection to registration or to the application for removal no application for registration of the association thereon refused or removed from the register of charities shall be made within 12 months of the date of the determination by the Minister.

(8) The grounds (other than the ground that the association is not a charity) on which an objection to the registration of an association as a charity may be lodged under section 21(2) of the Act shall be any of the following—

- (a) that the association is not established in good faith as a charity;

- (b) that the charity will not be properly administered;
- (c) that the objects of the charity are already covered by a charity which is registered under the Act;
- (d) that any person connected with its management is not a fit and proper person to administer its affairs.

Removal from the register of charities

10.(1) Where it is made to appear to the Minister that any association (including a charity) should be removed from the register of charities for any of the causes set forth in section 22(1)(a) and (b) of the Act and where a written statement pursuant to section 9(5A) has not been lodged with the Minister the Minister may require the governing body of the said association to show cause why the association should not be removed from the register of charities.

(2) Where pursuant to subsection (1) the Minister so requires the governing body of an association to show cause why it should not be removed from the register of charities the show cause notice shall be in writing and shall be given to the persons to whom it is directed or to such of them as it is possible to find by any of the means provided by section 42 of the Act.

(3) The notice shall set out particulars of the circumstances which make it appear to the Minister that the association should be removed from the register of charities and shall state therein a period not less than 14 days from the date of the notice within which cause is to be shown.

(4) Should good cause not be shown within the period stated in the notice the association shall be removed from the register of charities and shall thereupon cease to be a charity registered under the Act.

Public notice of removal from the register of charities

11. Public notice of any removal from the register of charities shall be given by the chief executive at least once and may be given in the gazette or in a newspaper circulating in the district in which the association (including a charity) was established or made its appeals for support or by such other means as the Minister may direct.

Certificate of registration to be returned

12.(1) Where a charity has ceased to function or has been removed from the register of charities the certificate of registration issued by the Minister shall be returned to the chief executive.

(2) In the case where a charity has ceased to function the certificate shall be so returned by the person who, immediately before the charity ceased to function, was the secretary of the governing body of the charity, not later than 1 month after the charity has ceased to function.

(3) In the case where a charity has been removed from the register of charities the certificate shall be so returned by the secretary of the governing body of the charity not later than 2 months after the date of the decision of the Minister.

(4) Upon proof to the chief executive's satisfaction and upon such conditions as he or she sees fit the chief executive may waive the provisions of this regulation in any case in which a certificate is destroyed, lost or otherwise can not be located.

PART 3—SANCTIONS**Application for sanction**

13.(1) Every application for a sanction under and for the purposes of the Act shall be made in the approved form by the governing body of the association or some person authorised in that behalf and, where the purpose to be sanctioned comprises the objects of any association, shall be accompanied by—

- (a) a copy of the constitution, as in force at the time of the making of the application, of the association in respect of which the application is made, certified as a true and correct copy under the hand of any 2 members of the governing body of the association;
- (b) a copy of the resolution or minute of the proceedings of the association or of the governing body thereof, whereby approval was given to the making of the application, certified as a true and correct copy by the persons certifying the copy of the constitution

under paragraph (a);

- (c) where appropriate—a copy of the last balance sheet or statement of the financial affairs of the association.

(2) Every application for a sanction under and for the purposes of the Act made by a branch or section of an association whose objects are a community purpose shall be accompanied by the consent in writing of the central body of the association.

Notification of determination of application

14.(1) The chief executive shall cause each applicant to be notified in writing of—

- (a) the grant and the conditions subject to which the grant is made (if any); or
- (b) the refusal;

by the Minister of the application.

(2) The chief executive shall cause a sanction in the approved form to be issued to each applicant whose application in that behalf has been granted.

Register of sanctions

15.(1) A register of sanctions must be kept by the chief executive.

(2) The following particulars in relation to an application for a sanction that is given by the Minister must be included in the register—

- (a) the name of the applicant;
- (b) the purpose for which the sanction is given;
- (c) the day the sanction is given;
- (d) any conditions on which the sanction is given;
- (e) any particulars or remarks the Minister may require to be entered in the register.

(3) The chief executive also must include particulars on the register of any revocation of a sanction.

(4) The chief executive must keep a record of any refusal by the Minister of an application for a sanction.

Revocation of sanction

16.(1) Where it is made to appear to the Minister that any sanction should be revoked for any of the causes set forth in section 12(8)(a) to (e) of the Act, the Minister may require the person to whom, or the governing body of the association in respect of which, the sanction is given to show cause why the sanction should not be revoked.

(2) Where pursuant to subsection (1) the Minister so requires the person to whom, or the governing body of the association in respect of which, the sanction is given to show cause why the sanction should not be revoked the show cause notice shall be in writing and shall be given to the persons to whom it is directed or to such of them as it is possible to find by any of the means provided by section 42 of the Act.

(3) The notice shall set out particulars of the circumstances which made it appear to the Minister that the sanction should be revoked and shall state therein a period not less than 14 days from the date of the notice within which cause is to be shown.

(4) Should good cause not be shown within the period stated in the notice the Minister shall revoke the sanction in the approved form and that sanction shall thereupon cease to have effect.

Condition of sanction

17. The promoter of an appeal for support shall be previously authorised by the governing body in writing to act as such whether by the promoter's name or by the office which the promoter holds.

Sanction to be returned

18.(1) Where a sanction has expired or been revoked the sanction issued by the Minister shall be returned to the chief executive.

(2) In the case where a sanction has expired it shall be so returned by the promoter not later than 1 month after the sanction has expired.

(3) In the case where a sanction has been revoked it shall be so returned by the promoter not later than 2 months after the date of the decision of the Minister.

(4) Upon proof to the chief executive's satisfaction and upon such conditions as he or she sees fit the chief executive may waive the provisions of this section in any case in which a sanction is destroyed, lost or otherwise cannot be located.

PART 4—DOOR-TO-DOOR APPEALS AND STREET COLLECTIONS

Appeals for support

19.(1) For the purposes of part 4 of the Act any appeal for support shall be authorised by the governing body of the association or by some officer thereof, in the case of every collection—

- (a) by the issue to the collector of a distinctive armlet or badge. All such armlets or badges shall be consecutively numbered and a record of the persons to whom such armlets or badges have been issued shall be kept by the association. Any such armlet or badge shall be used only by the person to whom it is issued and shall not be transferable; and
- (b) by the execution and delivery to the collector of a written authority in the approved form.

(2) Every collector shall—

- (a) sign his or her name on the written authority issued to the collector and produce it on the demand of any police officer, inspector or any other person when making an appeal; and
- (b) wherever possible, sign his or her name on the armlet or badge issued to the collector and wear it prominently whenever engaged in collecting; and
- (c) keep such authority and armlet or badge in his or her possession and return them to the promoter of the collection on replacement

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thereof or when the collection is completed or at any other time on the demand of the promoter of the collection; and

- (d) return to the promoter of the collection the collecting box (with the seal unbroken) or the receipt book issued to the collector (with a sum equal to the total of the contributions entered therein)—
 - (i) when the collecting box is full or the receipt book is exhausted; or
 - (ii) upon the demand of the promoter of the collection; or
 - (iii) when he or she does not desire to act as a collector; or
 - (iv) upon the completion of the collection.

(3) The promoter of a collection shall exercise all due diligence to ensure that all written authorities and armlets or badges obtained by the promoter for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which the promoter has been duly authorised to promote for the same purpose.

(4) Every application to have a day assigned whereon a door-to-door appeal or a street collection may be made shall be in the approved form.

(4A) The chief executive shall cause each applicant to be notified in writing of—

- (a) the assignment of a day and the conditions subject to which the assignment is made (if any); or
- (b) the refusal to assign a day;

by the Minister.

(4B) Every notification pursuant to subsection (4A)(a) shall be in the approved form.

(4C) Every application shall be made not less than 14 days before the date of the collection and, in the case of a door to door appeal, not more than 12 months before that date.

(4D) The Minister, for good cause shown, may waive either of the provisions of subsection (4C).

(5) Every association or promoter employing any paid collector shall

furnish to the chief executive not less than 14 days prior to the commencement of the collector's itinerary particulars of the towns or suburbs proposed to be visited and the dates of those visits.

Conditions for collection

20.(1) The conditions under which persons may be permitted to make or cause to be made appeals for support for the purposes of part 4 of the Act shall be as follows—

- (a) the collector shall be in possession of a distinctive armlet or badge and a written authority in the form referred to in section 19 with such additions as may be necessary to comply with the requirements of this paragraph;
- (aa) every such authority shall clearly indicate thereon that the association is a charity registered under the Act or that the objects of the association are a community purpose which is sanctioned under the Act, and specify the period it shall remain in force;
- (ab) no authority shall have currency for a period in excess of 2 months;
- (b) tickets or receipts shall be obtained by the collector from the governing body of the association and be issued by the collector to persons giving money to the association, whether by means of contributions or by the sale of articles or otherwise;
- (ba) receipts must be issued on the carbon copy or numbered butt principle for all donations made;
- (c) the governing body of the association shall take such precautions as may be necessary to ensure that all moneys collected shall be properly and promptly accounted for by the collector;
- (d) no child under the age of 15 years shall act as a collector unless the written consent of one of the child's parents has first been obtained and, where that consent has been obtained, that child must be accompanied by an adult;
- (e) no collector shall, in connection with any appeal, visit any house before 9.00 a.m. or after 5.00 p.m. on any day;
- (f) no collector shall importune any person to the annoyance of that

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person, or remain in, or at the door of, any place of residence or place of employment if requested to leave by any occupant thereof;

- (g) no collector shall intimidate any person so as to cause that person to make a donation or buy anything which the person otherwise would not have made or bought;
- (h) all collecting boxes issued to collectors by the governing body of an association shall be—
 - (i) constructed of metal (soldered at the joints) or wood securely screwed or nailed together or other material approved by the Minister; and
 - (ii) properly sealed prior to issue to collectors; and
 - (iii) clearly numbered for identification; and
 - (iv) clearly labelled with the name of the association;
- (ha) seals on collecting boxes shall not be broken by collectors, but only by persons duly authorised in that behalf by the governing body of the association;
- (hb) proper supervision must be exercised by the governing body of the association in connection with the issue and opening of collecting boxes and accounting for the contents;
- (hc) collecting boxes left at any place of residence or employment shall be collected or emptied at least once in each month and the money obtained thereby accounted for;
- (i) every device offered for sale shall—
 - (i) be numbered consecutively, either upon itself or upon a distinctive tab firmly affixed thereto;
 - (ii) have the price plainly marked thereon or on a distinctive tab firmly affixed thereto;
 - (iii) however, if it appears to the Minister to be impracticable for the governing body to comply with subparagraph (ii), the Minister may waive compliance therewith, whereupon the governing body shall cause every such device to be offered for sale in such a manner as, in the opinion of the Minister,

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will clearly indicate to a person intending to purchase any such device, the price thereof;

- (ia) a record is to be kept of all such devices acquired, distributed, sold and unsold;
- (ib) a statement of receipts and expenditure is to be furnished not later than 1 month from the close of the appeal;
- (j) no collector shall take part in a collection commonly known as a 'hi-jack' collection or be masked or use toy firearms while making a collection;
- (k) donations invited by wishing wells and the like shall be collected and accounted for at least once in each month;
- (l) notwithstanding anything contained in this regulation relating to collections, it shall not be an offence for a collection to be made in poor boxes at church doors, nor by way of special offertories taken for the purposes of poor relief.

Further conditions for collection

21.(1) Further conditions under which persons may be permitted to make or cause to be made in any street, road, or public place collections for any association shall be as follows—

- (a) any permission or authority required by the *Vagrants, Gaming and Other Offences Act 1931* is to be obtained;
- (b) a maximum number of 2 collectors in respect of any association shall be permitted on 1 side of the street in each block;
- (c) except with the approval of the Minister—where a collection is made outside a place of public entertainment no more than 1 collector from any 1 association shall be stationed outside each entrance to that place and in no case shall more than 5 collectors from any 1 association be stationed outside that place;
- (d) no collector shall use a collecting box at the end of a pole intended to reach upper windows or the roofs of conveyances.

(2) An association may cause collecting boxes to be exhibited in places of residence or of employment for the purpose of making appeals for

support of the association provided the requirements of section 20 are complied with.

Envelope collection

22.(1) Where a door-to-door appeal is conducted by means of an envelope collection the following provisions shall apply—

- (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
- (b) no collector shall receive a contribution except in an envelope which has been so closed.

(2) In this section—

“**envelope collection**” means a collection made by persons calling from door-to-door distributing envelopes in which money may be placed and which are subsequently called for.

PART 5—DISTRIBUTION OF DEVICES

Register of devices

23.(1) Where the Minister assigns to any charity registered as such under the Act, or to any association whose objects are a community purpose which is sanctioned under the Act for which any appeal or appeals for support may be made, 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 already been assigned, the name of the said charity or association, a description of the said device or any alteration thereof, the date of the said assignment and any conditions which may be imposed in respect of such assignment and such other particulars and remarks as the Minister may in any particular case require to be entered therein shall be entered in the register of devices.

(2) The register of devices to be kept in accordance with subsection (1) shall be in the approved form.

Duties of governing body

24. The governing body of the said charity or association to which the exclusive right to distribute or dispose of any particular device has been assigned shall—

- (a) be responsible for the proper control of such distribution and disposal in connection with any appeal; and
- (b) keep a record of all devices acquired, distributed, sold and unsold and render to the Minister within 1 month of the conclusion of the appeal a duly certified copy of that record.

Unauthorised distribution of devices

25. No person shall distribute or dispose of any device which it is intended shall be offered for sale except to the governing body of the charity or association which has been granted the exclusive right to distribute or dispose of the same, or except in accordance with this regulation.

Maximum penalty—2 penalty units.

PART 6—CONSTITUTIONS**Provisions to be inserted in every constitution**

26. In addition to the matters specified in section 29(4) of the Act, the following matters shall at all times be provided in the constitution of each charity registered under the Act and in the constitution of each association whose objects are a community purpose which is sanctioned under the Act—

- (a) the number of members of the charity or association shall be unlimited;
- (b) the classes of members of the charity or association shall be as set out therein;
- (c) a financial member of the charity or association at any material time is a member who is not then indebted to the charity or

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association in respect of any annual subscription or levy or other payment whatsoever;

- (d) at every meeting of the members of the charity or association, whether annual, general or otherwise designated, only those members (howsoever designated by class) who are financial at the time the meeting is held shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon a motion;
- (e) the secretary shall convene a meeting of the members of the charity or association upon receiving a written request which is signed by a specified number of members of the charity or association and which clearly sets out the purpose for which the meeting is desired;
- (f) the time and place of the annual general meeting of the charity or association and the business to be transacted at that meeting shall be as set out therein;
- (g) the date of the conclusion of the financial year of the charity or association shall be as set out therein;
- (h) the objects of each charity or association shall be set out therein;
- (i) no person shall be allowed to become a life member of the charity or association otherwise than as set out therein;
- (j) the amount of the annual subscription and the manner of payment thereof shall be set out therein;
- (k) no person shall forfeit membership or have membership terminated otherwise than as set out therein;
- (l) a register of members shall be kept containing the particulars set out therein;
- (m) the manner of filling any vacancy which may occur on a committee by resignation or otherwise whatsoever;
- (n) the number of members required to constitute a quorum at any meeting of the committee or any annual, general or special meeting shall be set out therein;
- (o) the manner of convening any meeting of the committee or any annual, general or special meeting and the conduct thereof shall be set out therein;

- (p) power to make, amend, repeal or set aside by-laws not inconsistent with the constitution for the internal management of the charity or association as set out therein;
- (q) power to amend the constitution as set out therein;
- (r) power to appoint trustees as set out therein;
- (s) power relating to dissolution as set out therein;
- (t) the tabling of financial statements at meetings.

PART 7—INVESTIGATIONS AND RECORDS

Attendance before inspector

27.(1) An inspector requiring any person to attend before the inspector to be examined pursuant to section 26(1)(c) of the Act shall cause a notice in writing to be served upon that person by any of the means provided by section 42 of the Act.

(2) The notice shall set forth the time, date and place of the examination and the matters relating to the appeal for support in relation to which that person is to be examined and the records which the person is to produce.

Seizure of records

28. Where any person, who has the custody or control of any record relating to any appeal for support, fails to produce that record to an inspector for inspection, examination or audit, or, being required to attend before an inspector and bring that record with the person, fails to do either of those things the inspector may seize that record for inspection, examination or audit.

Expenses for attendance

29.(1) The allowance for travelling expenses to be paid to a person required to attend before an inspector pursuant to section 26(1)(c) of the Act and obliged to travel more than 16 km shall be—

- (a) the sum actually and properly paid for fares; or
- (b) where there is no public transport available—a sum calculated at a rate of 10 c for every kilometre properly travelled: however, when more than 1 such person travels in a private conveyance, only 1 such payment shall be made for the travelling by that vehicle; and
- (c) an attendance allowance towards meeting any loss of earnings or additional expenses incurred by that person during the time the person is necessarily absent from his or her place of employment or abode for the purpose of attending before an inspector but in no case shall such allowance exceed \$10.50 per day or such other amount as the Minister may determine from time to time.

(2) Travelling expenses shall not be payable where no expense is incurred in travelling to attend before an inspector.

Retention of records of appeal

30. Unless sooner directed or authorised by or under the Act to destroy, hand over or otherwise dispose of the records of an appeal for support for any purpose to which part 3 of the Act applies the period for which the promoter of each appeal shall keep and retain in his or her custody those records pursuant to section 30 of the Act shall be—in the case of—

- (a) receipt books, receipts, cancelled cheques, correspondence in relation to accounts—6 years;
- (b) correspondence other than in relation to accounts—1 year.

PART 8—ACCOUNTS

Records to be kept

31.(1) The records specified in subsection (2) must be kept by the following persons or groups of persons—

- (a) a charity;

- (b) an association whose objects are a community purpose;
- (c) a promoter of an appeal for support for any purpose to which part 3 of the Act applies.

(2) A person or group of persons mentioned in subsection (1) must keep the following records in the approved form—

- (a) a cash book;
- (b) a petty cash book;
- (c) register of receipt books;
- (d) a postage stamp record.

(3) If the chief executive considers it appropriate given the nature or size of the operations of a person or group of persons with respect to an appeal for support, the chief executive also may require the person or group of persons to keep any of the following records in the approved form—

- (a) a ledger;
- (b) if tickets are being sold—a register of bulk tickets;
- (c) if collecting boxes are being used—a register of collecting boxes;
- (d) if devices are being sold—a record of devices;
- (e) a register of assets.

Accounting requirements to be complied with

32.(1) All orders for goods shall be on the usual order form of the charity or association and shall be signed by an official of the charity or association appointed by the governing body.

(2) All items of expenditure shall be approved by the governing body of the charity or association and such approvals shall be recorded in the minute book.

(3) All payments of \$100 or over shall be made by cheque.

(4) All cheques shall be crossed 'not negotiable' except those in payment of wages, allowances and petty cash recoupment which may be open.

(5) All payments must be supported by endorsed cheques or receipts from the payees.

Collections Regulation 1975

(6) All moneys received shall be entered in the cash book daily and deposited into a financial institution account promptly.

(6A) 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.

(7) Disbursements of less than \$100 may be made from a petty cash account, which shall be kept on the imprest system, and full details recorded in a petty cash book.

(7A) Receipts shall be retained in support of disbursements.

(8) In every case where a charity, an association or promoter is possessed of assets other than cash in hand or in the financial institution and the existence of such assets is not recorded in the books of accounts a register of assets shall be kept.

(9) An income and expenditure account shall be prepared from the books of the charity, association or promoter and a copy of such account, together with a balance sheet, duly certified by the auditors of the said charity, association or promoter, shall be forwarded by the secretary, treasurer, president, trustee, or other responsible officer to the Minister within 1 month of the charity, association or promoter ceasing to function or within 2 months of the close of the financial year in the case of a continuing charity, association or promoter, or upon the demand of the Minister in any case or in respect of any aspect of an appeal. In the case of a continuing charity or association a copy of the annual report of such charity or association shall also be furnished.

(9A) The income and expenditure account and balance sheet shall be in the approved form.

(10) The accounts of a continuing charity, association or promoter shall be audited once in each year.

(11) Subject to section 30 all books of account and all receipts, vouchers and other documents relating to the accounts shall be preserved and shall not be destroyed without permission in writing from the Minister.

(12) All tickets and receipts used by a charity, an association or promoter or in connection with any appeal for support of a charity or an association shall be those authorised by the governing body of the charity or association and shall be consecutively numbered and recorded in the prescribed

registers.

(12A) Receipts shall have printed thereon the full name of the charity, association or promoter, and shall be bound in book form and kept on the carbon copy or numbered butt principle.

(13) All invoices in respect of supplies of tickets and receipts shall have clearly shown thereon the commencing and concluding number of such tickets or receipts and such invoices, together with unused tickets and receipts, shall be kept with the records of the charity, association or promoter for the purposes of audit.

(14) The charity or association may invest its assets (including cash in hand or in the financial institution) only as follows—

- (a) in a way mentioned in the *Trusts Act 1973*, section 21;
- (b) in the purchase of shares in, or the deposit of money with, a credit union.

(15) However, a charity or an association may continue to hold any investment held prior to the commencement of this regulation and may accept or receive as a gift any investment whatsoever and may exercise any option and rights had by it by reason of its holding those investments and notwithstanding the provisions of subsection (14) may invest the said assets or any part thereof in the way required by such exercise.

PART 8A—APPEALS FOR SUPPORT—GENERAL REQUIREMENTS

Agreements to be approved

33.(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 section does not apply to—

(a) an employee of a charity or association, other than an employee whose principal duties are those of fundraising, in respect of appeals for support for such charity or association in which the employee participates in the course of his or her employment; or

(b) an appeal for support, other than for any of those purposes specified in section 5(1)(e) and (f) of the 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—

(i) to provide such benefit as an undertaking within the ordinary course of business thereof; and

(ii) to demonstrate that the making or assisting in making such appeal for support is an undertaking which is ancillary to the provision of such benefit and which is outside of the ordinary course of business thereof.

Control of moneys

34.(1) 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 financial institution.

(2) 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.

(3) Such cheques shall be signed by at least 2 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.

(4) This section does not apply to an appeal for support where—

(a) in respect thereto a written agreement or contract as required

pursuant to section 33 has been entered into, unless otherwise provided in such written agreement or contract; or

- (b) 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 (a) it is otherwise provided.

Advertising

35. 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 section 33 applies 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 chief executive; and
 - (ii) approved by that officer.

Prohibitions

35A.(1) 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 this regulation except under and in compliance in every respect with the terms and conditions of such agreement or contract.

(2) 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—

- (a) the conferring upon; or
- (b) the acquisition by;

the commercial undertaking association person or individual of any monetary or other benefit by way of remuneration, other than the recoupment of expenses actually incurred, for the making of the appeal for support.

PART 9—MISCELLANEOUS

Inspections and copies

36.(1) Any person desirous of inspecting any register or list kept under the Act or of inspecting any balance sheet filed with the chief executive or of obtaining a list of registered charities or of associations refused registration or of obtaining an extract, copy or certified copy of any such register or list or of any certificates of registration or sanction or of the names and addresses of the president or chairperson, secretary, treasurer, governing body or of the objects of the charity or association, the name and address of the financial institution handling the business of the charity or association, and the designation of the financial institution account or of the said balance sheet shall make application to the chief executive, who may grant the desired permission or authorise supply of the list or the extract, copy or the certified copy subject to payment of fees in accordance with the following—

		\$
1.	For each inspection	4.10
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	7.10.

(2) Every charity, association and promoter shall make the financial statements in respect of the charity, association or promoter available for

inspection whether by the public or members of the charity or association at all reasonable times upon payment to the charity or association or promoter of the inspection fee prescribed in subsection (1).

Notification of change

37. Where any change occurs in any particular entered in any register kept under the Act, the secretary, treasurer, president, trustee, or other responsible officer of the charity or association shall, within 1 month of such change, notify the chief executive of such change.

Address for service

38. When the Minister grants, subject to any condition, an application for registration as a charity under the Act or sanctions any purpose to which part 3 of the Act applies, the Minister may impose as a condition the requirement that the said charity, or the association whose objects are a community purpose which applies for that purpose to be sanctioned, shall have an address within the State registered with the chief executive to which all communications and notices may be addressed.

Establishment of new branch or section

39. The central body of each charity registered under the Act and of each association whose objects are a community purpose which is sanctioned under the Act shall, within 1 month thereof, notify the chief executive of the establishment of each new branch or section.

Responsibilities of promoter and charity or association in relation to quest

40. Where an appeal for support is by way of any competition which is called a quest—

- (a) the promoter shall ensure that every competitor is made fully aware of the conditions under which the competition is being conducted and the prizes awarded; and

- (b) the charity or association shall ensure that the prizes awarded are in accordance with the conditions of the competition.

Return of office bearers

41. Where a copy of an income and expenditure account and balance sheet is forwarded to the Minister pursuant to section 32(9) it shall be accompanied by a return of office bearers in the approved form.

Prescribed person

42.(1) For the purposes of section 43(1)(d) of the Act the charities officer, Department of Justice shall be a prescribed person.

(2) The term includes any person who for the time being occupies the office or performs the duties of the charities officer.

False advertising

43.(1) No person shall wilfully and falsely represent in any advertisement that the person is conducting an appeal for support on behalf of any charity or association unless the person is duly authorised in writing in that behalf by the governing body of that charity or association.

(2) No person shall make a statement or representation in an advertisement relating to an appeal for support on behalf of any charity or association which is false in a material particular.

Offences against regulation

44. A person commits an offence if the person—

- (a) does not comply with a provision of this regulation; and
- (b) the provision does not impose a penalty.

Maximum penalty—4 penalty units.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated	31
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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 11 July 1997. Future amendments of the Collections Regulation 1975 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 160 of 1995	1 November 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Collections Regulation 1975

pubd gaz 24 February 1975 pp 685–716

commenced 1 March 1975 (see s 1)

exempted from application of Regulatory Reform Act 1986 by order pubd gaz
4 June 1988 p 899

as amended by—

regulations published gazette—

6 May 1978 p 142

commenced 22 May 1978

22 September 1979 p 406

commenced 1 October 1979

24 November 1979 p 1263

commenced 1 January 1980

20 September 1980 p 316

commenced 1 October 1980

5 November 1983 p 928

commenced 1 December 1983

22 September 1984 p 297

commenced 1 October 1984

18 June 1985 p 1304
commenced 1 July 1985

21 June 1986 p 1419
commenced 1 July 1986

30 June 1987 p 2410
commenced 1 July 1987

25 June 1988 p 2403
commenced 1 July 1988

1 July 1989 p 2094
commenced 1 July 1989

12 August 1989 pp 3114–15
commenced 14 August 1989 (see s 2)

Collections (Amendment) Regulations 1990

pubd gaz 30 June 1990 p 1266
commenced 1 July 1990 (see s 3)

Collections (Amendment) Regulations (No. 2) 1990

pubd gaz 29 September 1990 p 493
commenced on date of publication

Department of Justice (Variation of Fees) Regulations 1991 s 3 sch

pubd gaz 29 June 1991 pp 1041–78
commenced 1 July 1991 (see s 2)

**Department of Justice (Variation of Fees) Regulation 1992 SL No. 198 ss 1–3
sch 6**

pubd gaz 26 June 1992 pp 1497–545
ss 1–2 commenced on date of publication
remaining provisions commenced 1 July 1992 (see s 2(1))

**Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1993
SL No. 242 ss 1–3 sch 5**

notfd gaz 25 June 1993 pp 1094–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1993 (see s 2(1))

Collections Amendment Regulation (No. 1) 1993 SL No. 330

notfd gaz 27 August 1993 pp 1974–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 1993 (see s 2)

**Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1995
SL No. 160 ss 1–3 sch**

notfd gaz 9 June 1995 pp 1165–71
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1995 (see s 2(1))

Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1997 SL No. 173 ss 1–2(1), 3 sch
 notfd gaz 27 June 1997 pp 1004–1010
 ss 1–2(1) commenced on date of notification
 remaining provisions commenced 1 July 1997 (see s 2(1))

7 List of annotations

Arrangement

s 2 amd reg pubd gaz 24 November 1979 p 1263
 om 1993 SL No. 330 s 4

Repeal

s 3 om 1993 SL No. 330 s 4

Interpretation

s 4 def “**Act**” om 1993 SL No. 330 s 5
 def “**Month**” om 1993 SL No. 330 s 5
 def “**Schedule**” om 1993 SL No. 330 s 5

Forms

s 5 sub 1993 SL No. 330 s 6
 om R1 (see RA s 39)

Application for registration

s 6 amd 1993 SL No. 330 s 7

Notification of determination of application

s 7 amd 1993 SL No. 330 s 8

Register of charities—Act, s 19

s 8 sub 1993 SL No. 330 s 9

Objections to registration and applications for removal after registration

s 9 amd 1993 SL No. 330 s 10

Public notice of removal from the register of charities

s 11 amd 1993 SL No. 330 s 11

Certificate of registration to be returned

s 12 amd 1993 SL No. 330 s 12

Application for sanction

s 13 amd 1993 SL No. 330 s 13

Notification of determination of application

s 14 amd 1993 SL No. 330 s 14

Register of sanctions

s 15 sub 1993 SL No. 330 s 15

Revocation of sanction

s 16 amd 1993 SL No. 330 s 16

Sanction to be returned

s 18 amd 1993 SL No. 330 s 17

Appeals for support

s 19 amd 1993 SL No. 330 s 18

Register of devices

s 23 amd 1993 SL No. 330 s 19

Unauthorised distribution of devices

s 25 amd 1993 SL No. 330 s 20

Records to be kept

s 31 sub 1993 SL No. 330 s 21

Accounting requirements to be complied with

s 32 amd reg pubd gaz 12 August 1989 pp 3114–15; reg pubd gaz 29 September 1990 p 493; amd 1993 SL No. 330 s 22

PART 8A—APPEALS FOR SUPPORT—GENERAL REQUIREMENTS

pt hdg ins reg pubd gaz 24 November 1979 p 1263

Agreements to be approved

s 33 sub reg pubd gaz 24 November 1979 p 1263

Control of moneys

s 34 sub reg pubd gaz 24 November 1979 p 1263
amd reg pubd gaz 12 August 1989 pp 3114–15; 1993 SL No. 330 s 23

Advertising

s 35 sub reg pubd gaz 24 November 1979 p 1263
amd 1993 SL No. 330 s 24

Prohibitions

s 35A ins reg pubd gaz 24 November 1979 p 1263

Inspections and copies

s 36 amd reg pubd gaz 6 May 1978 p 142; reg pubd gaz 22 September 1979 p 406; reg pubd gaz 20 September 1980 p 316; reg pubd gaz 5 November 1983 p 928; reg pubd gaz 22 September 1984 p 297; reg pubd gaz 18 June 1985 p 1304; reg pubd gaz 21 June 1986 p 1419; reg pubd gaz 30 June 1987 p 2410; reg pubd gaz 25 June 1988 p 2403; reg pubd gaz 1 July 1989 p 2094; reg pubd gaz 12 August 1989 pp 3114–15; reg pubd gaz 30 June 1990 p 1266; reg pubd gaz 29 June 1991 pp 1041–78; 1992 SL No. 198 s 3 sch 6; 1993 SL No. 242 s 3 sch 5; 1993 SL No. 330 s 25; 1995 SL No. 160 s 3 sch; 1997 SL No. 173 s 3 sch

Notification of change

s 37 amd 1993 SL No. 330 s 26

Address for service

s 38 amd 1993 SL No. 330 s 27

Establishment of new branch or section

s 39 amd 1993 SL No. 330 s 28

Return of office bearers

s 41 amd 1993 SL No. 330 s 29

Offences against regulation

s 44 sub reg pubd gaz 24 November 1979 p 1263; 1993 SL No. 330 s 30

SCHEDULE—FORMS

sch hdg om 1993 SL No. 330 s 31

Form 1

amd reg pubd gaz 12 August 1989 pp 3314–15
om 1993 SL No. 330 s 31

Form 2

om 1993 SL No. 330 s 31

Form 3

om 1993 SL No. 330 s 31

Form 4

om 1993 SL No. 330 s 31

Form 5

om 1993 SL No. 330 s 31

Form 6

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Form 7

amd reg pubd gaz 12 August 1989 pp 3314–15
om 1993 SL No. 330 s 31

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amd reg pubd gaz 12 August 1989 pp 3114–15
om 1993 SL No. 330 s 31

Form 25

amd reg pubd gaz 12 August 1989 pp 3114–15
om 1993 SL No. 330 s 31