

Queensland



*Collections Act 1966*

# COLLECTIONS REGULATION 1998

**Reprinted as in force on 8 March 2002  
(includes amendments up to SL No. 36 of 2002)**

**Reprint No. 1F**

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# Information about this reprint

This regulation is reprinted as at 8 March 2002. 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 reprints 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.**

# Queensland



## COLLECTIONS REGULATION 1998

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# COLLECTIONS REGULATION 1998

[as amended by all amendments that commenced on or before 8 March 2002]

## PART 1—PRELIMINARY

### 1 Short title

This regulation may be cited as the *Collections Regulation 1998*.

### 2 Definition

In this regulation—

“**device**” see section 18(7)<sup>1</sup> of the Act.

## PART 2—CHARITIES

### *Division 1—Registration*

### 3 Application for registration

(1) The governing body of an association or a person authorised by the governing body may apply for registration of the association as a charity.

(2) The application must be made in the approved form and be accompanied by the following—

- (a) a copy of the association’s constitution, as in force when the application is made, certified as an accurate copy by any 2 members of the association’s governing body;

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<sup>1</sup> Section 18 (Restriction on distribution of certain devices) of the Act

- (b) a copy of the resolution or minute of the proceedings of the association or governing body giving approval to the making of the application, certified as an accurate copy by the persons certifying the copy of the constitution under paragraph (a);
- (c) if appropriate—a copy of the last balance sheet or statement of the association's financial affairs;
- (d) if made by a branch or section of an association—the written consent of the central body of the association to the making of the application.

(3) Within 7 days after filing the application with, or posting it to, the chief executive, the association must give notice of the application—

- (a) in a newspaper published in Brisbane and circulating throughout the State; and
- (b) in another newspaper, if any, published at least 5 days in each week, and circulating throughout the locality in which the association's registered address is situated.

(4) The notice must state that—

- (a) the association has applied for registration as a charity; and
- (b) a person may object to the registration by filing an objection in the approved form with the Minister by the date stated in the notice; and
- (c) within 7 days after filing an objection with the Minister, the person must serve a copy of the objection on the association at the address for service stated in the notice.

(5) The date stated in the notice under subsection (4)(b) must be the last day of the period within which an objection may be filed under section 7(1A).

(6) The association must give to the chief executive a copy of the notice as soon as practicable after it is published.

#### **4 Notice of decision**

The chief executive must give to the applicant written notice of the Minister's decision to grant the application, with or without conditions, or to refuse to grant the application.



## **5 List of refused applications**

(1) The chief executive must keep a list of associations that are refused registration.

(2) The list must include the following—

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

## **6 Grounds for objection**

The following are additional grounds on which a person may object to the registration of a charity under section 21(2)<sup>2</sup> of the Act—

- (a) the charity is not established in good faith as a charity;
- (b) the charity will not be properly administered;
- (c) the objects of the charity are already covered by a charity that is registered under the Act;
- (d) someone connected with the charity's management is not an appropriate person to administer its affairs.

## **7 Objections**

(1) An objection under section 21(2) of the Act to the registration of an association as a charity under the Act must be—

- (a) in the approved form; and
- (b) filed with the Minister.

(1A) The objection must be filed with the Minister within 1 month after—

- (a) if there is 1 notice published under section 3(3)—the day of publication; or
- (b) if there are 2 notices published under section 3(3) and the notices are published on the same day—the day of publication; or

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<sup>2</sup> Section 21 (Effect of, and claims and objections to, registration) of the Act

(c) if there are 2 notices published under section 3(3) and the notices are published on different days—the later of the days.

(2) An objector must, within 7 days after filing the objection with the Minister, serve a copy of the objection on the association to which the objection relates.

(3) The objector must also give to the Minister evidence satisfactory to the Minister of the service of the objection on the association.

(4) Within 1 month after the day the association receives the copy of the objection, the association may file with the Minister a written statement in answer to the objection.

(5) After considering the objection and any answer to it given under subsection (4), the Minister must decide whether to accept or reject the objection.

(6) The chief executive must give each objector and the association written notice of the Minister's decision.

### *Division 2—Register of charities*

## **8 Register**

The following particulars are prescribed for section 19(1)<sup>3</sup> of the Act—

- (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.

## **9 Applications for removal from register**

(1) An application under section 21(2)<sup>4</sup> of the Act for the removal of a charity from the register of charities must be—

- (a) in the approved form; and
- (b) filed with the Minister.

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3 Section 19 (Registration of charities) of the Act

4 Section 21 (Effect of, and claims and objections to, registration) of the Act

(2) The applicant must serve a copy of the application on the charity to which the application relates.

(3) The applicant must also give to the Minister evidence satisfactory to the Minister of service of the application on the charity.

(4) Within 1 month after the day the charity receives the copy of the application, the charity may file with the Minister a written statement in answer to the application.

(5) After considering the application and any answer to it given under subsection (4), the Minister, must decide whether to accept or reject the application.

(6) The chief executive must give each applicant and the charity written notice of the Minister's decision on the application.

(7) If the Minister decides to accept the application, the charity can not reapply for registration as a charity within 1 year after the day of the decision.

(8) If the Minister decides to reject the application, the person who made the application can not apply for removal of the charity from the register on the same or a similar ground within 1 year after the day of the decision.

## **10 Removal from register**

(1) If the Minister proposes to remove a charity from the register of charities under section 22(1)(a) or (b)<sup>5</sup> of the Act, the Minister must give written notice to the charity's governing body—

- (a) stating the Minister proposes to remove the charity from the register and the grounds for removal; and
- (b) inviting the charity to show cause within a stated period, of at least 14 days, why it should not be removed from the register.

(2) If, after considering all written representations made within the stated period, the Minister still considers a ground exists to remove the association from the register, the Minister may remove it from the register.

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5 Section 22 (Removal from the register etc.) of the Act

**11 Public notice of removal from register**

(1) The chief executive must give notice of the removal of a charity from the register.

(2) The notice must be given at least once and may be given—

- (a) in the gazette; or
- (b) in a newspaper circulating in the district in which the charity was established or made its appeals for support; or
- (c) in a way the Minister considers is at least equivalent to giving notice under paragraph (a) or (b).

***Division 3—Miscellaneous*****12 Certificate of registration to be returned**

(1) If a charity has stopped functioning, the person who, immediately before it stopped functioning, was the secretary of its governing body must, within 1 month after the day the charity stopped functioning, return to the chief executive the certificate of registration, unless the person has a reasonable excuse.

Maximum penalty—1 penalty unit.

(2) If a charity has been removed from the register of charities, the secretary of the charity's governing body must, within 1 month after the date of the Minister's decision to remove the charity from the register, return to the chief executive the certificate of registration, unless the person has a reasonable excuse.

Maximum penalty—1 penalty unit.

(3) It is a reasonable excuse for subsections (1) and (2) that the certificate of registration has been lost, destroyed or otherwise can not be located.

## **PART 3—SANCTIONS**

### **13 Application for sanction**

(1) An application for a sanction under the Act<sup>6</sup> must be in the approved form and accompanied by—

- (a) if the purpose to be sanctioned is an object of the association—
  - (i) a copy of the constitution of the association to which the application relates, as in force when the application is made and certified as an accurate copy by 2 members of the association's governing body; and
  - (ii) a copy of the resolution or minute of the proceedings of the association or its governing body giving approval to the making of the application, and certified as an accurate copy by the persons certifying the copy of the constitution under subparagraph (i); and
  - (iii) if appropriate—a copy of the last balance sheet or statement of the association's financial affairs; and
- (b) if the application is made by a branch or section of an association whose objects are a community purpose—the written consent of the central body of the association to the making of the application.

(2) The application must be made by the governing body of the association or a person authorised by the association to make the application.

### **14 Notice of decision**

(1) The chief executive must give each applicant written notice of the Minister's decision—

- (a) to sanction a purpose for which an appeal for support may be made, subject to the conditions, if any, stated in the sanction; or
- (b) to refuse to sanction the purpose.

(2) If the Minister sanctions a purpose, the chief executive must, as soon as practicable, give to the applicant a sanction in the approved form.

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6 See section 12 (Sanctions under this Act) of the Act.

## **15 Notice of revocation of sanction**

A notice of the revocation of a sanction under section 12(9)<sup>7</sup> of the Act must be written stating the grounds of the revocation and the day the revocation takes effect.

## **16 Sanction to be returned**

(1) This section applies if a sanction expires or is revoked.

(2) The promoter of an appeal for support for the purpose to which the sanction relates must return the sanction to the chief executive within the following period, unless the promoter has a reasonable excuse for not returning it within the period—

- (a) if the sanction expires—1 month after its expiry;
- (b) if the sanction is revoked—1 month after the date of the Minister's decision to revoke it.

Maximum penalty—1 penalty unit.

(3) It is a reasonable excuse for subsection (2) that the sanction has been lost, destroyed or otherwise can not be located.

## **17 Register of sanctions**

(1) The chief executive must keep a register of sanctions.

(2) The register must include the following particulars for each application for a sanction under the Act—

- (a) the name of the applicant;
- (b) if the sanction is given—
  - (i) the purpose for which it is given; and
  - (ii) the day it is given; and
  - (iii) any conditions on which it is given;
- (c) if the sanction is revoked—the day the revocation takes effect;
- (d) whether the application is refused.

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<sup>7</sup> Section 12 (Sanctions under this Act) of the Act

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

### **18 Application of Act, ss 15 and 16**

Sections 15 and 16<sup>8</sup> of the Act apply to all cities and towns.

### **19 Appeals for support**

(1) The governing body of an association proposing to make a door-to-door appeal or street collection, or a person authorised by the governing body, must issue to each collector a distinctive armband or badge (an “**association armband or badge**”), and an authority in the approved form.

Maximum penalty—6 penalty units.

(2) The association must keep a record of each person to whom it issues an association armband or badge.

Maximum penalty—6 penalty units.

(3) A person other than the person to whom an association issues an association armband or badge must not use an association armband or badge.

Maximum penalty—6 penalty units.

(4) A collector to whom an association armband or badge, or authority is issued must—

- (a) sign the written authority and produce it if a police officer, inspector or other person asks to see it during the collection; and
- (b) if possible, sign the armband or badge; and
- (c) wear the armband or badge prominently when collecting; and
- (d) keep the authority and armband or badge in his or her possession and return it to the promoter—
  - (i) if the authority or the armband or badge is replaced; or
  - (ii) when the collector has finished collecting; or
  - (iii) if the promoter asks the collector to return it; and

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8 Sections 15 (Control of door-to-door appeals) and 16 (Control of street collections) of the Act

- (e) return to the collection's promoter the collecting box (with the seal unbroken) or the receipt book issued to the collector (with an amount equalling the total of the contributions entered in the receipt book)—
  - (i) when the collecting box is full or all receipts in the receipt book are used; or
  - (ii) if the promoter asks for the collecting box or receipt book to be returned; or
  - (iii) if the collector does not want to act as a collector; or
  - (iv) when the collector has finished collecting.

Maximum penalty—3 penalty units.

(5) A collection's promoter must take all reasonable steps to ensure that each written authority, armlet or badge obtained by the promoter for the collection is kept in safe custody when it is no longer required for the collection or a further collection the promoter has been authorised to promote for the same purpose.

Maximum penalty—6 penalty units.

## **20 Assigning days for collections**

(1) An application to have a day assigned for a door-to-door appeal or a street collection must be in the approved form.

(2) The application must be made—

- (a) for a street collection—at least 14 days before the collection day; or
- (b) for a door-to-door appeal—within 1 year before the appeal day.

(3) Failure to comply with subsection (2) does not prevent the Minister from assigning a day.

(4) The chief executive must give to the applicant notice in the approved form of the Minister's decision to assign a day or refuse to assign a day.

(5) If the assignment is given on conditions, the notice must state the conditions.



## **21 Notice of paid collector's itinerary**

(1) This section applies if an association or a collection's promoter employs a paid collector.

(2) The association or promoter must give to the chief executive a written itinerary showing particulars of—

- (a) the towns or suburbs proposed to be visited by the collector for the collection; and
- (b) the proposed dates for the visits.

(3) The association or promoter must give the itinerary under subsection (2) at least 14 days before the proposed start of the visits.

Maximum penalty for subsection (3)—1 penalty unit.

## **22 Additional conditions for collection**

For section 17(2)<sup>9</sup> of the Act, the additional conditions for a door-to-door appeal or a street collection are in schedule 1.

## **23 Envelope collection**

(1) This section applies if an appeal for support is conducted by way of an envelope collection.

(2) An association conducting the appeal for support or the promoter of the appeal must ensure that each envelope has a gummed flap by which it can be securely closed.

Maximum penalty—4 penalty units.

(3) A collector for the appeal for support must not receive a contribution other than in an envelope that has been closed.

Maximum penalty—4 penalty units.

(4) In this section—

**“envelope collection”** means a collection made by a person calling from door-to-door, distributing envelopes in which an amount may be placed, and later collecting the envelopes.

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9 Section 17 (Conditions to be observed in connection with door-to-door appeals and street collections) of the Act

## **PART 5—DISTRIBUTION OF DEVICES**

### **24 Register of devices**

(1) This section applies if, under section 18<sup>10</sup> of the Act, the Minister—

- (a) assigns to a charity registered under the Act, or an association whose objects are a community purpose sanctioned under the Act, the exclusive right to distribute or dispose of a device when making an appeal for support; or
- (b) grants an application for the alteration of a device assigned to a charity or association.

(2) The chief executive must keep a register of devices assigned or altered under the Act.

(3) The register must include the following particulars—

- (a) a description of the device and any alteration to it;
- (b) the date of the assignment;
- (c) the period for which the assignment is made;
- (d) any conditions imposed by the Minister.

### **25 Duties of governing body**

(1) The governing body of a charity or association to which an exclusive right to distribute or dispose of a device has been assigned is responsible for the proper control of the distribution and disposal of the device when conducting an appeal.

(2) The governing body must—

- (a) keep a record of all devices acquired, distributed, sold or unsold; and
- (b) give to the Minister, within 1 month after the end of the appeal, a properly certified copy of the record mentioned in paragraph (a).

Maximum penalty—6 penalty units.

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10 Section 18 (Restriction on distribution of certain devices) of the Act

**26 Unauthorised distribution of devices**

A person must not distribute or dispose of a device that is intended to be offered for sale, other than—

- (a) to the governing body of the charity or association that has been granted the exclusive right to distribute or dispose of the device;  
or
- (b) in accordance with this regulation.

Maximum penalty—2 penalty units.

**PART 7—INVESTIGATIONS AND RECORDS****28 Attendance before inspector**

(1) This section applies if an inspector requires a person to attend before the inspector to be examined about an appeal for support.<sup>11</sup>

(2) The inspector must give to the person a written notice stating—

- (a) when and where the examination is to take place; and
- (b) the matters relating to the appeal about which the person is to be examined; and
- (c) the records the person must produce.

**29 Seizure of records**

If a person who has the custody or control of a record relating to an appeal for support fails to do either of the following, the inspector may seize the record for inspection, examination and audit—

- (a) produce the record to an inspector for inspection, examination or audit;
- (b) produce the record under a notice under section 28.

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<sup>11</sup> For the power to require the person's attendance, see section 26 (Further powers of inspector) of the Act.

**30 Travelling expenses and attendance allowance**

(1) The amount of the travelling expenses payable to a person under section 26(2)<sup>12</sup> of the Act is—

- (a) the amount actually and properly paid as fares; or
- (b) if there is no public transport available—an amount worked out at the rate of 10c for every kilometre actually travelled.

(2) However, if more than 1 person travels in a private vehicle, only 1 payment is payable for travelling in the vehicle.

(3) Travelling expenses are not payable if no expense is incurred in travelling to attend before an inspector.

(4) The amount payable as an allowance for any loss of earnings or other expenses incurred by the person while the person is necessarily absent from his or her place of employment or residence for attending before an inspector is \$10.50 for each day or part of a day.

**31 Retention of records**

For section 30(1)(e)<sup>13</sup> of the Act, a promoter of an appeal for support must keep in his or her custody the following records for the period stated for the records—

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

Maximum penalty—6 penalty units.

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12 Section 26 (Further powers of inspector) of the Act

13 Section 30 (Records of appeals for support) of the Act

## PART 8—ACCOUNTS

### 32 Record keeping

(1) For section 31(1)(d)<sup>14</sup> of the Act, a charity or an association whose objects are a community purpose, or a promoter of an appeal for support must keep the following records in the approved form—

- (a) a cash book;
- (b) a petty cash book;
- (c) a register of receipt books;
- (d) any other records required to be kept under subsection (2).

Maximum penalty—6 penalty units.

(2) If the chief executive considers it appropriate because of the nature or size of the operations of a person conducting an appeal for support, the chief executive may also require the person to keep the following records in the approved form—

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

### 33 Investing assets

(1) The *Trusts Act 1973*, part 3,<sup>15</sup> other than section 22(1),<sup>16</sup> applies in relation to a charity or association as if—

- (a) the charity or association were a trustee; and
- (b) the assets of the charity or association were trust funds.

(2) A charity or association must, in exercising a power of investment—

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14 Section 31 (Financial statements and audit) of the Act

15 *Trusts Act 1973*, part 3 (Investments)

16 *Trusts Act 1973*, section 22 (Duties of trustee in relation to power of investment)

- (a) if the profession, business or employment of a member of the governing body of the charity or association is, or includes, acting as a trustee or investing money for other persons—exercise the care, diligence and skill a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons; or
  - (b) if the profession, business or employment of a member of the governing body of the charity or association is not, or does not include, acting as a trustee or investing money for other persons—exercise the care, diligence and skill a prudent person of business would exercise in managing the affairs of other persons.
- (3) However, a charity or association may—
- (a) continue to hold an investment held before 1 March 1975; and
  - (b) accept any investment as a gift; and
  - (c) in relation to any investment accepted as a gift, exercise any option or right in relation to the investment and deal with the investment in the way required by the exercise of the option or right.

### **34 Accounting requirements**

For section 47(3)(o)<sup>17</sup> of the Act, the accounting requirements for a charity or association are in schedule 3.

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<sup>17</sup> Section 47 (Regulations) of the Act

## **PART 9—GENERAL PROVISIONS ABOUT APPEALS FOR SUPPORT**

### **35 Agreements to be approved**

(1) A charity or association must not allow a person<sup>18</sup> to make, allow to be made or assist in making, an appeal for support for the charity or association for commission or in expectation of reward unless—

- (a) the charity or association and the person enter into a written agreement to do so; and
- (b) the agreement has been approved by the Minister.

Maximum penalty—6 penalty units.

(2) Subsection (1) does not apply—

- (a) if the person is an employee who participates in the appeal in the course of his or her employment, unless the employee's principal duties are fundraising; or
- (b) to an appeal for support under which a benefit is offered to a contributor of an amount to the appeal for support if the person making the appeal—
  - (i) provides the benefit as an undertaking in the ordinary course of the person's business; and
  - (ii) demonstrates that making or assisting in making the appeal for support is an undertaking that is ancillary to providing the benefit and is outside the ordinary course of the person's business.

### **36 Dealing with amounts collected**

(1) A charity or association must ensure that—

- (a) amounts collected from an appeal for support are, as soon as practicable, paid to the credit of a separate account at a financial institution in the name of the charity or association; and

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18 Under section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*, "person" includes an individual and a corporation.

- (b) amounts payable to any person for commission, expenses or otherwise relating to the appeal for support are paid out of the amounts collected by cheque drawn on the separate account; and
- (c) a cheque mentioned in paragraph (b) is signed by at least 2 persons, 1 of whom must be a member of the governing body of the charity or association for which the appeal for support is made.

Maximum penalty—6 penalty units.

(2) Subsection (1) does not apply to an appeal for support if—

- (a) the charity or association has, under section 35, entered into a written agreement in relation to the appeal with a person; and
- (b) the person undertakes responsibility for providing any benefit, including the payment of expenses, offered to a contributor of an amount to the appeal; and
- (c) the agreement does not state that the amounts collected because of the appeal are to be paid to the charity's or association's separate account.

### **37 Advertising**

A person must not distribute a leaflet or publish an advertisement about an appeal for support the subject of an agreement under section 35<sup>19</sup> unless—

- (a) the leaflet or advertisement contains the following—
  - (i) the name and address of—
    - (A) the promoter of the appeal; and
    - (B) the charity or association;
  - (ii) a statement showing particulars of the arrangements made under the agreement about the beneficial entitlements of the promoter and the charity or association; and

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19 Section 35 (Agreements to be approved)



- (b) before the leaflet or advertisement is distributed or published—a copy of the leaflet or advertisement is given to and approved by the chief executive.

Maximum penalty—6 penalty units.

### **38 Other offences for pt 9**

(1) A person making an appeal for support under an agreement that is approved by the Minister under section 35 must comply with the agreement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—6 penalty units.

(2) If a person makes an appeal for support for a charity or association on the understanding that the person is not entitled to commission or reward, the charity or association may only pay the person for expenses actually incurred by the person in making the appeal.

Maximum penalty—6 penalty units.

## **PART 10—MISCELLANEOUS**

### **39 Inspections and copies**

(1) A person may, on payment of the prescribed fee, do any of the following—

- (a) inspect a register or list kept under the Act;
- (b) inspect an audited financial statement filed with the chief executive;
- (c) obtain a list of registered charities or of associations refused registration;
- (d) obtain an extract, copy or certified copy of any of the following—
  - (i) a register, part of a register or list kept under the Act;
  - (ii) a certificate of registration or sanction;

- (iii) the name and address of the president or chairperson, secretary, treasurer or governing body of a charity or association;
- (iv) the constitution and objects of a charity or association;
- (v) the name and address of the financial institution handling the business of a charity or association and the designation of the financial institution account;
- (vi) an audited financial statement filed by a charity or association.

(2) A charity, association or promoter of an appeal for support must make the charity's, association's or promoter's financial statements available for inspection by the public or members of the charity or association at all reasonable times on payment to the charity, association or promoter of the prescribed inspection fee.

#### **40 Giving notice of changes in register particulars**

Within 1 month after a change happens in a particular entered in a register kept under the Act, the secretary, treasurer, president, trustee, or other responsible officer of the charity or association to which the particular relates must give the chief executive written notice of the change.

Maximum penalty—2 penalty units.

#### **41 Establishing a new branch or section**

Within 1 month after a registered charity or an association whose objects are a community purpose sanctioned under the Act establishes a new branch or section, the governing body of the charity or association must give the chief executive written notice of the establishment of the branch or section.

#### **42 Responsibilities of promoter, charity or association in relation to a quest**

(1) This section applies if an appeal for support is made by conducting a competition called a quest.

(2) The promoter must ensure that each competitor is made fully aware of the conditions under which the competition is conducted and the prizes awarded.

Maximum penalty—6 penalty units.

(3) The charity or association must ensure that the prizes are awarded in accordance with the conditions of the competition.

Maximum penalty—6 penalty units.

### **43 False advertising**

(1) A person must not falsely represent in an advertisement that the person is conducting an appeal for support on behalf of a charity or association, unless the person is properly authorised in writing by the governing body of the charity or association to conduct the appeal.

Maximum penalty—6 penalty units.

(2) A person must not, in an advertisement relating to an appeal for support on behalf of a charity or association, make a statement or representation that is false in a material particular.

Maximum penalty—6 penalty units.

### **44 Fees**

The fees payable under the Act are in schedule 4.

### **45 Vesting of property in public trustee (Act, s 35)**

The property described in schedule 5 is vested in the public trustee.

### **45A Vesting of disaster relief funds in public trustee (Act, s 35B)**

Each fund mentioned in schedule 6 is vested in the public trustee.

**PART 11—TRANSITIONAL PROVISIONS FOR  
COLLECTIONS AMENDMENT  
REGULATION (No. 1) 2001**

**46 Transitional provision—application for registration of charity**

(1) This regulation applies in respect of an existing application as if the *Collections Amendment Regulation (No. 1) 2001* had not been made.

(2) In this section—

**“existing application”** means an application under section 19<sup>20</sup> of the Act made before the commencement of this section and, in relation to which, the Minister has not exercised the Minister’s discretion under section 19(12) of the Act.

**47 Transitional provision—end of financial year documents**

To avoid doubt, it is declared that—

- (a) schedule 3, item 11(b),<sup>21</sup> as in force immediately before the commencement of this section, applies in relation to a charity’s or association’s financial year ending more than 3 months before the commencement of this section; and
- (b) schedule 3, item 11(b), as in force immediately after the commencement of this section, applies in relation to a charity’s or association’s financial year ending 3 months or less before the commencement of this section.

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20 Section 19 (Registration of charities) of the Act

21 Schedule 3 (Accounting requirements)

**SCHEDULE 1****ADDITIONAL CONDITIONS FOR DOOR-TO-DOOR  
AND STREET COLLECTIONS**

section 22

1. An authority must clearly state the period, of not more than 2 months, for which it is in force and indicate that—
  - (a) the association is a charity registered under the Act; or
  - (b) the objects of the association are a community purpose sanctioned under the Act.
2. The collector must give to each person giving an amount to the association, whether in exchange for articles or otherwise, a ticket or receipt issued to the collector by the governing body of the association, unless the amount is given in exchange for a device, or a collecting box is used.
3. Receipts for all donations must be issued on the carbon copy or numbered butt principle.
4. The governing body of the association must take reasonable steps to ensure all amounts collected are properly and promptly accounted for by the collector.
5. A child under 15 must not act as a collector without the previous written consent of 1 of the child's parents or guardians and, if the consent is given, the child must be accompanied by an adult.
6. A collector must not, for an appeal, visit any house before 9.00 a.m. or after 5.00 p.m. on any day.
7. A collector must not—
  - (a) by words or conduct, unreasonably annoy any person approached during a collection; or
  - (b) stay in, or at the door of, any place of residence or place of employment if asked to leave by any occupant of the place.

## SCHEDULE 1 (continued)

8. A collector must not intimidate any person so as to cause the person to make a donation or buy anything the person otherwise may not have made or bought.
9. Each collecting box issued to a collector by the governing body of an association must be—
  - (a) securely constructed to avoid tampering; and
  - (b) properly sealed before its issue to a collector; and
  - (c) clearly numbered for identification; and
  - (d) clearly labelled with the association's name.
10. A seal on a collecting box may only be broken by a person properly authorised by the governing body of the association to break the seal.
11. The governing body must supervise properly the issue and opening of collecting boxes and accounting for the contents of collecting boxes.
12. A collecting box left at a place of residence or employment must be collected or emptied at least once a month and the amount removed from the collecting box must be accounted for.
13. Each device offered for sale must—
  - (a) have the price clearly marked on it or on a distinctive tab firmly attached to it; or
  - (b) if the Minister considers it is impracticable to have the price marked in accordance with paragraph (a)—be offered for sale in a way that the Minister considers clearly indicates the price to a potential buyer.
14. The governing body of the association must keep a record of all devices acquired, distributed, sold or unsold.
15. The governing body of an association must give to the chief executive, within 1 month after the day of the appeal, a statement of receipts and expenditure of the appeal.
16. A collector must not take part in a collection commonly known as a 'hijack' collection, or wear a mask or use a toy firearm while collecting.

## SCHEDULE 1 (continued)

17. The governing body of an association must, at least once a month, collect and account for donations invited by association signs at a wishing well or other similar thing.
18. The governing body of an association must obtain any permission required under the *Vagrants, Gaming and Other Offences Act 1931*.
19. A maximum of 2 collectors from any 1 association are permitted on 1 side of the street in each block.
20. Unless the Minister approves otherwise, if a collection is made outside a place of public entertainment—
  - (a) no more than 1 collector from any 1 association may be stationed outside each entrance to the place; and
  - (b) no more than 5 collectors from any 1 association may be stationed outside the place.

**SCHEDULE 3****ACCOUNTING REQUIREMENTS**

section 34

1. Orders for goods must be on the charity's or association's usual order form, and must be signed by an official appointed by the governing body of the charity or association.
2. Items of expenditure over \$100 must be approved by the governing body of the charity or association, and the approval must be recorded in the minute book.
3. Payments of more than \$100 must be made by cheque.
4. Cheques, other than cheques for wages, allowances and petty cash recoupment, must be crossed 'not negotiable'.
5. Payments made by the association must be supported by documentary evidence and, if a receipt is received, the receipt must be kept.
6. Amounts received must be entered in the cash book daily, and promptly deposited into a financial institution account.
7. The cash book must be balanced and a reconciliation made between the cash book and account balances at least once a month, and the reconciliation must be shown in the cash book.
8. Payments of less than \$100 may be made from a petty cash account that must be kept on the imprest system, and full details of the payments must be recorded in a petty cash book.
9. A register of assets must be kept if a charity, an association or promoter has assets, other than cash in hand or in a financial institution, which are not recorded in the books of accounts.
10. An income and expenditure account must be prepared from the books of the charity, association or promoter.
11. A copy of the income and expenditure account, a balance sheet properly certified by the auditors of the charity, association or promoter, and a return of office bearers in the approved form must be given to the Minister by the secretary, treasurer, president, trustee, or other responsible officer—



## SCHEDULE 3 (continued)

- (a) if the charity, association or promoter stops functioning—within 1 month after the charity, association or promoter stops functioning; or
  - (b) within 7 months after the end of each financial year; or
  - (c) if the Minister asks for the documents.
- 12.** A copy of the annual report of the charity or association must be given to the Minister within 3 months after the end of each financial year.
- 14.** The accounts of a continuing charity, association or promoter must be audited at least once a year.
- 15.** Tickets and receipts used by a charity, an association or promoter, or for an appeal for support by a charity or association must be—
- (a) authorised by the governing body of the charity or association; and
  - (b) consecutively numbered; and
  - (c) recorded in—
    - (i) for tickets—if a register of bulk tickets is kept by the charity, association or promoter—the register; or
    - (ii) for receipts—the register of receipt books.<sup>22</sup>
- 16.** Receipts issued to a collector must—
- (a) be in bound book form; and
  - (b) state the full name of the charity, association or promoter issuing the receipts; and
  - (c) be kept on the carbon copy or numbered butt principle.
- 17.** Invoices for the supply of tickets and receipts must clearly show the first and last number of the tickets or receipts, and the invoices, unused tickets and receipts must be kept by the charity, association or promoter for audit.

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<sup>22</sup> For the requirement to keep a register of receipt books, see section 32 (Record keeping).

**SCHEDULE 4****FEES**

section 44

	\$
1. Inspecting a document . . . . .	4.50
2. Extract, copy or certified copy of a document—for each page . . . . .	2.10
3. List of associations refused registration . . . . .	2.10
4. List of registered charities . . . . .	7.70

**SCHEDULE 5****PROPERTY VESTED IN PUBLIC TRUSTEE**

section 45

1. The property raised by, or resulting from, the appeal for support made for the purposes of the Mikayla Appeal.<sup>23</sup>

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<sup>23</sup> The Mikayla Appeal is identified in a certificate of sanction given under section 12 (Sanctions under this Act) of the Act on 12 October 2000.

**SCHEDULE 6**

**DISASTER RELIEF FUNDS VESTED IN PUBLIC  
TRUSTEE**

section 45A

1. The amount of \$295 930.48 raised by, or resulting from, the North Queensland Floods Relief Appeal.

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	35
3	Key . . . . .	35
4	Table of earlier reprints . . . . .	36
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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 8 March 2002. Future amendments of the Collections Regulation 1998 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	none	22 May 1998
1A	to SL No. 253 of 1998	9 October 1998
1B	to SL No. 161 of 2000	14 July 2000
1C	to SL No. 347 of 2000	21 December 2000
1D	to SL No. 210 of 2001	7 December 2001
1E	to SL No. 290 of 2001	4 January 2002

## 5 List of legislation

### **Collections Regulation 1998 SL No. 152**

made by the Governor in Council on 18 May 1998

notfd gaz 22 May 1998 pp 509–14

commenced on date of notification

exp 1 September 2008 (see SIA s 54)

amending legislation—

### **Equity and Fair Trading (Fees and Charges) Amendment Regulation (No. 1) 1998 SL No. 253 s 3 sch**

notfd gaz 11 September 1998 pp 145–7

ss 1–2 commenced on date of notification

remaining provisions commenced 5 October 1998 (see s 2)

### **Equity and Fair Trading Legislation Amendment Regulation (No. 1) 2000 SL No. 161 ss 1–2(1), 3 sch**

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2(1))

### **Collections Amendment Regulation (No. 1) 2000 SL No. 347**

notfd gaz 15 December 2000 pp 1478–83

commenced on date of notification

### **Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2001 SL No. 210 ss 1–3 sch**

notfd gaz 16 November 2001 pp 982–5

ss 1–2 commenced on date of notification

remaining provisions commenced 3 December 2001 (see s 2)

### **Collections Amendment Regulation (No. 1) 2001 SL No. 290**

notfd gaz 21 December 2001 pp 1482–8

commenced on date of notification

**Collections Amendment Regulation (No. 1) 2002 SL No. 36**

notfd gaz 1 March 2002 pp 850–2  
commenced on date of notification

**6 List of annotations****Application for registration**

s 3 amd 2001 SL No. 290 s 3

**Objections**

s 7 amd 2001 SL No. 290 s 4

**PART 6—CONSTITUTIONS**

pt 6 (s 27) om 2001 SL No. 290 s 5

**Investing assets**

s 33 amd 2001 SL No. 290 s 6

**Vesting of property in public trustee (Act, s 35)**

s 45 prev s 45 exp 23 May 1998 (see s 45)  
pres s 45 ins 2000 SL No. 347 s 3

**Vesting of disaster relief funds in public trustee (Act, s 35B)**

s 45A ins 2002 SL No. 36 s 3

**PART 11—TRANSITIONAL PROVISIONS FOR COLLECTIONS AMENDMENT  
REGULATION (No. 1) 2001**

pt 11 (ss 46–47) ins 2001 SL No. 290 s 7

**SCHEDULE 2—MATTERS TO BE INCLUDED IN A CONSTITUTION**

om 2001 SL No. 290 s 8

**SCHEDULE 3—ACCOUNTING REQUIREMENTS**

amd 2001 SL No. 290 s 9

**SCHEDULE 4—FEES**

sub 1998 SL No. 253 s 3 sch; 2000 SL No. 161 s 3 sch; 2001 SL No. 210  
s 3 sch

**SCHEDULE 5—PROPERTY VESTED IN PUBLIC TRUSTEE**

ins 2000 SL No. 347 s 4

**SCHEDULE 6—DISASTER RELIEF FUNDS VESTED IN PUBLIC TRUSTEE**

ins 2002 SL No. 36 s 4