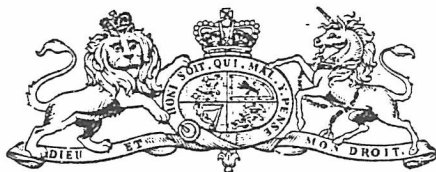


Queensland



ANNO QUINTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 7 of 1966

**An Act Relating to Collections from the Public for purposes
of Charity and otherwise of the Community, and for
other purposes**

[ASSENTED TO 27TH OCTOBER, 1966]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The Collections Act of 1966.*"

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

2. **Division of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—ADMINISTRATION;

PART III—AUTHORIZATION OF APPEALS FOR SUPPORT FOR CERTAIN PURPOSES;

PART IV—CONTROL OF DOOR TO DOOR APPEALS AND STREET COLLECTIONS;

PART V—RESTRICTION ON DISTRIBUTION OF CERTAIN DEVICES;

PART VI—REGISTRATION OF CHARITIES;

PART VII—INFORMATION, INVESTIGATIONS, RECORDS, AUDIT, AND RETURNS;

PART VIII—MISCELLANEOUS.

3. **Severability.** This Act, including every Proclamation, Order in Council and regulation hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any Proclamation, Order in Council, or regulation hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

4. (1) **Repeal.** “*The Charitable Collections Act of 1952*” (hereinafter referred to as “the repealed Act”) is repealed.

(2) **Savings.** Without limiting the operation of “*The Acts Interpretation Acts, 1954 to 1962*,”—

- (a) unless otherwise expressly provided, every record, order, notice, application, determination, delegation, declaration, approval, and act of authority whatsoever kept, made, given, issued, done, or otherwise originated under the repealed Act and subsisting immediately prior to the commencement of this Act shall, so far as it is consistent with this Act, continue in force for the purposes of this Act, but subject to this Act, as fully and effectually as if it had originated under the provisions of this Act (and shall, where necessary, be deemed to have so originated);
- (b) all inspectors and all other officers authorized or appointed under the repealed Act and in office at the commencement of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act, shall continue to hold those offices respectively in terms of their authority or appointment without further or other appointment under this Act.

5. **Meaning of terms.** (1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

“Accounts”—Includes financial statements;

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

- (a) any collection for that purpose;
- (b) any advertisement of any art union or the selling or offering for sale of any ticket or chance in any art union promoted or conducted for that purpose;
- (c) any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, or any collections at, any dance, concert, social entertainment, bazaar, fair,

fete, carnival, show, sports, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) are intended or are to be appropriated for that purpose;

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

For the purposes of this definition—

“advertisement” includes any method of conveying information to the public, whether by writing or pictorially or otherwise, including by any circular, leaflet, newspaper, publication, or other document, by any placard, poster, or sign, or by any public announcement made by means of producing or transmitting light or sound: The term where used in relation to any art union means any advertisement within the meaning of “*The Art Union Regulation Acts, 1964 to 1965*”;

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

“Art Union”—Art Union or lottery within the meaning of “*The Art Union Regulation Acts, 1964 to 1965*”;

“Association”—Any association of persons:

The term includes any society, institution, undertaking, organization, company, or body, by whatever name called, and whether incorporate or unincorporate;

“Charitable purpose”—Any one or more of the following purposes:—

- (a) a purpose which is exclusively charitable according to the law (other than statute law) of Queensland;
- (b) the supplying of help, aid, relief, or support to, or the education or instruction (whether spiritual, mental, physical, technical, social, or otherwise) of, or the care, housing, or assistance otherwise of, any persons in distress;
- (c) the aiding in any manner howsoever, of any hospital or ambulance or nursing service in the State, whether established or proposed to be established;
- (d) any charity;

- (e) any purpose which, pursuant to subsection (2) of this section, the Minister determines to be a charitable purpose;
- (f) any purpose which the Governor in Council by Order in Council declares to be a charitable purpose for the purposes of this Act:

The term does not include any of the objects or purposes specified in the definition "patriotic fund" contained in "*The Patriotic Funds Acts, 1942 to 1953*";

"Charity"—Any association established for any charitable purpose:

The term includes any association which, pursuant to subsection (2) of this section, the Minister determines to be a charity as well as associations of such a class as may from time to time be determined in that behalf by the Governor in Council by Order in Council:

The term does not include any association established for any charitable purpose as well as some other purpose, nor does the term include any association established for the purpose of making one appeal for support only;

"Collection"—Used in relation to any appeal for support for any purpose, the collecting of donations by the public of money or articles for the purpose;

"Community purpose"—Any one or more of the following purposes (other than any charitable purpose):—

- (a) any purpose which promotes or assists in promoting, or is devoted or directed to the promotion of, the general welfare of the public, at large or in a particular locality, including, but without limiting the generality of the foregoing, the construction, carrying out, provision, maintenance, or repair of buildings, works, parks, recreation grounds, or other places (or of amenities therein) for the purpose of use or enjoyment by members of the public;
- (b) the objects of any specified association or specified class of associations for the purposes of such of the provisions of this Act as may be specified by the Governor in Council by Order in Council;
- (c) the objects of any association where such objects comprise both charitable and community purposes;
- (d) any purpose which, pursuant to subsection (2) of this section the Minister determines to be a community purpose;
- (e) any purpose which the Governor in Council by Order in Council declares to be a community purpose for the purposes of such of the provisions of this Act as may be specified in the Order in Council:

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

"Constitution"—In relation to any association, includes the rules or by-laws of the association; and "amendment of the constitution" includes any addition to or omission from or alteration of the constitution;

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- “ Court ”—The Supreme Court of Queensland or any Judge thereof;
- “ Financial statements ”—Includes statements of receipts and expenditure, balance sheets, and such other financial statements as prescribed either generally or in the particular case;
- “ Governing body ”—In relation to any association, the committee or other persons having the general control and management of the administration of the association:
- In the case of an association which is incorporated, the term includes the managing director, manager, or other governing officer by whatever name called:
- In the case of an association having any local or affiliated branch or section of the association, the term means the governing body of the central body except—
- (a) in the case of a charity registered under this Act, where separate registration under this Act has been granted, with the consent of the central body of that registered charity, to any local or affiliated branch or section, the term means, in relation to the application of this Act to that local or affiliated branch or section separately registered, the governing body of that local or affiliated branch or section;
- (b) in the case where, with the consent of the central body of an association whose objects are a community purpose, a sanction is given under this Act to any local or affiliated branch or section of that association for the purpose of making appeals for support for the objects, which are a community purpose, of that local or affiliated branch or section, the term means, in relation to the application of this Act to that local or affiliated branch or section, the governing body of that local or affiliated branch or section;
- “ Inspector ”—A person appointed, or deemed to be appointed, as an inspector under this Act: The term includes any person authorized in writing by the Minister to act as an inspector for the purpose of making any inquiry, investigation, or audit pursuant to that authority for the purposes of any provision of this Act;
- “ Minister ”—The Minister for Justice and Attorney-General or other Minister of the Crown for the time being charged with the administration of this Act: The term includes a Minister of the Crown temporarily performing the duties of the Minister charged with the administration of this Act;
- “ Part ”—Part of this Act, including, where necessary, all Orders in Council and regulations, if any, made under this Act for the purposes of the Part in question;
- “ Persons in distress ”—For the purposes of the term “ charitable purpose ”, any persons in distress by reason of the death or disability of another or others on whom they were wholly or partly dependent, or by reason of disease, sickness, age, any physical or mental infirmity, indigence, unemployment, or other reason, or by reason of fire, flood, cyclone, drought, war, or any other emergency or catastrophe, and includes any dependants of any such persons; and “ persons ” for these purposes includes children as well as persons of a

particular class, whether of a localised section of the community or otherwise or whether of a substantial body of the public or not, any particular individuals, and any fluctuating body of persons of a special class or of particular individuals;

“Promoter”—In relation to an appeal for support for any purpose, the person or persons making the appeal;

“Records”—Includes accounts, minutes, agreements, books, documents, vouchers, correspondence, and other writings whatsoever and any copies thereof;

“Religious denomination”—A religious body or religious organization declared by the Governor-General of the Commonwealth by Proclamation pursuant to the *Marriage Act 1961* of the Commonwealth or any Commonwealth Act in amendment or substitution thereof to be a recognized denomination for the purposes of the Commonwealth Act;

“The public”—Includes any member of the public;

“Under Secretary”—The Under Secretary, Department of Justice:

The term includes any person who for the time being occupies the office or performs the duties of the Under Secretary.

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

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

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

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

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

(4) Nothing in this Act and no assignment under section sixteen of this Act shall prejudice or otherwise affect any of the provisions of any other Act or the provisions of any regulation, ordinance or by-law relating to the regulation or control of traffic or to public health or to the powers, functions, authorities, or duties of any Local Authority or Local Authorities or to the regulation or control of some other matter or thing, save that where a day or days are assigned under section sixteen of this Act for the making of any street collection then no licence or permit shall be issued pursuant to or under the authority of such other Act or such regulation, ordinance or by-law which would enable the holding of any other street collection in the locality, street, city or town in respect of which that assignment was made.

PART II—ADMINISTRATION

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

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

The inspectors and other officers shall be appointed and hold their respective offices under, subject to, and in accordance with "*The Public Service Acts, 1922 to 1965.*"

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

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

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

(3) The Minister may, at his will, revoke a delegation made by him under this section.

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

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

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

PART III—AUTHORIZATION OF APPEALS FOR SUPPORT FOR CERTAIN PURPOSES

9. Application of Part III. This Part applies only to appeals for support for any one or more of the following purposes:—

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

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

- (a) (where the appeal for support is made for the purpose of a charity only), that charity is then registered as such under this Act;
- (b) (where the appeal for support is made for the purpose referred to in paragraph (b), (c), (d), (e), (f), or (g) of section nine of this Act) that purpose is then sanctioned under this Act.

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

- (a) for the first offence to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding three months or to both;
- (b) for a second or subsequent offence to a fine not exceeding one thousand two hundred dollars or to imprisonment for a term not exceeding six months or to both.

11. Conditions to be observed in connexion with appeals for support.

(1) The following conditions shall be observed in connexion with every appeal for support—

- (a) made for any charity registered under this Act—
 - (i) the appeal shall be authorized in writing by the governing body of the charity or by some person authorized either generally or in the particular case in that behalf by the said governing body;
 - (ii) all the conditions, if any, subject to which that authority is given shall be complied with in every respect;
 - (iii) the promoter of the appeal shall be named in that authority;
 - (iv) the name of the charity and the fact that it is registered under this Act shall be specified at all times when making the appeal;

- (v) the conditions (if any) to which the registration of the charity is subjected under this Act shall be complied with in every respect;
- (vi) the provisions of this Act relating to the appeal shall be complied with in every respect;
- (b) made for any purpose sanctioned under this Act—
 - (i) all the conditions, if any, subject to which that sanction is given shall be complied with in every respect;
 - (ii) the promoter of the appeal shall be the person named in the sanction as such unless some other person is approved in writing by the Minister when that other person shall so act, or, where no person is named in the sanction as promoter and the appeal is not exempted by this Act from the application of this provision, the promoter shall be the person authorized to act as such in accordance with the conditions subject to which the sanction is given;
 - (iii) the purpose for which the appeal is made as set forth in the sanction and the fact that the purpose is sanctioned under this Act shall be specified at all times when making the appeal:

Provided that it shall be sufficient for these purposes where an appeal for support is made for a purpose which consists of the objects of any association only or of the objects of any association joined with any other purpose, to name, so far as concerns the objects of that association, that association, without referring to the objects of the association and to specify that the objects of the association are sanctioned under this Act.

- (iv) the provisions of this Act relating to the appeal shall be complied with in every respect.

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

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

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

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

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

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

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

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

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

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

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

- (i) that any condition subject to which the sanction is given has been contravened;
- (ii) that in relation to any appeal for support for the purposes sanctioned there has been misconduct of such a nature that the appeal for support should not continue or that future appeals for support should not be made;
- (iii) that subsequently to the giving of the sanction and in connexion therewith or in connexion with any appeal for support for the purpose sanctioned, any failure, without reasonable excuse having been shown to his satisfaction, has occurred in answering any question, supplying any information, producing any record or lodging any return, in accordance with any requirement, direction, or order, notified, given, or made under and for the purposes of this Act; or
- (iv) that, where the sanction is given for a purpose consisting of the objects of any association, that association has ceased to exist or has ceased to operate, or is not complying with any of the provisions of this Act, or is not being properly administered; or
- (v) that for any other reason such sanction should be revoked.

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

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

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

- (a) all relevant provisions of this Act shall be deemed to come into operation upon the passing of this Act; and

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

13. (1) When art union permits to be regarded as a sanction. For the purposes of this Part, where any appeal for support for any purpose consists only of the conducting of an art union which is authorized by a permit or registration granted under "*The Art Union Regulation Acts, 1964 to 1965*," then that permit or registration, as the case may be, shall be regarded as a sanction given under this Act for that purpose, and, for the purposes hereof, the conditions subject to which the permit or registration is granted shall be deemed to be the conditions, with any necessary adaptations, subject to which such sanction is granted.

(2) Parents and Citizens Associations. The objects of each Parents and Citizens Association formed as prescribed under "*The Education Act of 1964*" shall, while the association continues to be formed as so prescribed, for the purposes of this Part and without other authority be deemed to be sanctioned under this Act, but otherwise the provisions of this Act shall apply to the association and its objects according to their tenor.

PART IV—CONTROL OF DOOR TO DOOR APPEALS AND STREET COLLECTIONS

14. (1) Meaning of terms in or for the purposes of Part IV. In or for the purposes of this Part, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

- "Door to door appeal"—In relation to any purpose to which this Part applies, any appeal for support for such purpose made by visiting any places of residence or places of employment or both, one after another, and there—
- (a) making a collection; or
 - (b) making or distributing any invitation; or
 - (c) selling or offering for sale any tickets or chances in any art union; or
 - (d) distributing or disposing of any device within the meaning of section eighteen of this Act in connexion with the appeal for support; or
 - (e) doing any further thing declared by the Governor in Council by Order in Council as constituting a door to door appeal, or doing more than one of these things:

The term does not include the visiting of places of residence or of employment or both for the purpose of leaving, collecting, or obtaining moneys from collecting boxes, or for the purpose of leaving, collecting, or obtaining articles from collecting receptacles, there used or to be used in accordance with this Act for the purposes of an appeal for support for any purpose to which Part III applies;

"Invitation"—Any invitation (expressed or implied, and whether made verbally or by conduct, or by any advertisement) designed to obtain money or articles;

"Street"—Any road within the meaning of "*The Traffic Acts, 1949 to 1965*," including any place to which the public have access and which adjoins any road as aforesaid: The term includes a part of a street;

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

- (a) making a collection; or
- (b) making or distributing any invitation; or
- (c) distributing or disposing of any device within the meaning of section eighteen of this Act in connexion with the appeal for support; or
- (d) doing any further thing declared by the Governor in Council by Order in Council as constituting a street collection,

or doing more than one of these things.

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

15. Control of door to door appeals. (1) This section shall only be in force in—

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

from time to time by the Governor in Council by Order in Council.

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

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

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

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

Any day so assigned may be a different day from that applied for. The Minister may refuse to assign a day to any applicant.

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

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

(a) in the area of any locality nominated under this section in any city or town; or

(b) (where no locality is so nominated in any city or town), in the whole of the area of any city or town,

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

16. Control of street collections. (1) This section shall be in force in—

(a) such cities or towns specified; and

(b) such cities and towns as are situated in any part of the State specified,

from time to time by the Governor in Council by Order in Council.

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

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

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

(a) from time to time fix the maximum number of days on which street collections for any of the purposes to which this Part applies may be made during a period specified by him;

(b) in relation to any such period, fix a day on or before which applications may be made under this Act to have a day assigned whereon a street collection for any such purpose may be made;

(c) assign to any applicant from time to time a day (but so that the total number of days assigned do not exceed in number the maximum number fixed by him) during any period so specified on which a street collection for any such purpose may be made.

Any day so assigned may be a different day from that applied for.

The Minister may refuse to assign a day to any applicant.

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

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

(a) in any locality or street nominated under this section in any city or town; or

(b) (where no locality or street is so nominated in the city or town), in any city or town,

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

17. Conditions to be observed in connexion with door to door appeals and street collections. (1) This section applies with respect to every door to door appeal and street collection for any purpose to which this Part applies whether made, in the case of a door to door appeal, within or without a city or town to which section fifteen of this Act applies or, in the case of a street collection, within or without a city or town to which section sixteen of this Act applies.

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

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

PART V—RESTRICTION ON DISTRIBUTION OF CERTAIN DEVICES

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

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

(b) Upon consideration of an application under this subsection the Minister in his discretion may grant the application or refuse the application.

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

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

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

(4) In this section "device" means badge, emblem, disc, token, artificial flower, or other device, and any reference herein to the distribution or disposal of any device shall include a reference to the distribution or disposal of any article bearing, containing, or being in any manner whatsoever a representation of such device.

PART VI—REGISTRATION OF CHARITIES

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

For the purposes of this Act registered charities shall be divided into two classes—

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

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

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

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

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

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

(4) (a) This subsection shall come into force upon the passing of this Act.

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

(c) On the commencement of this Act—

(i) A charity so determined shall be deemed to have been registered on the commencement of this Act as a charity pursuant to subsection (7) of this section;

(ii) an association as aforesaid which is not so determined shall be deemed to have been removed on the commencement of this Act from the Register of Charities pursuant to section twenty-two of this Act.

(d) For the purposes of making a determination under this subsection, any association registered in the Register of Charities kept in pursuance of "*The Charitable Collections Act of 1952*" shall, at the request of the Under Secretary lodge with the Under Secretary within the time specified in the request an up-to-date copy of its constitution certified to in writing as a true and correct copy thereof by any two members of the governing body of the association.

(e) For the purpose of giving effect to this subsection—

(i) all relevant provisions of this Act shall be deemed to come into operation upon the passing of this Act; and

(ii) all relevant regulations made under or for the purposes of this Act shall be deemed to come into operation upon the making thereof.

(f) The fact that an association is not, pursuant to this subsection, determined to be a charity shall not affect its registration as a charity under "*The Charitable Collections Act of 1952*."

(5) A charity may apply to the Under Secretary for registration under this Act.

With every such application there shall be supplied to the Under Secretary such documents and information as may be prescribed or as the Under Secretary may require for the purpose of the application.

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

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

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

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

Provided that, without derogating from the aforementioned provisions of this subsection, the Minister before refusing any application under this section shall take into consideration whether the association is a charity, whether the charity is established in good faith as a charity, whether there is a likelihood of its complying with the provisions of this Act including the conditions imposed by or under this Act, whether the charity is or will be properly administered, whether the proposed objects of the charity are already covered by a charity which is registered under this Act, and whether it would be in the public interest to grant such application.

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

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

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

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

20. Restriction on use of charity names. (1) A charity shall not use or permit or suffer the use of any name, other than its name appearing for the time being in the Register of Charities, in connexion with any appeal for support made for the charity or for the charity and any other purpose.

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

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

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

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

21. Effect of, and claims and objections to, registration. (1) Any association shall for all purposes be presumed to be or have been a charity at any time when it is or was on the Register of Charities.

(2) Any person who is or may be affected by the registration of an association as a charity, may, on the ground that it is not a charity or on any other ground prescribed by the regulations, lodge with the Minister an objection to its registration or may apply to the Minister for it to be removed from the register; and provision may be made by the regulations as to the manner and time in which any such objection or application is to be made, prosecuted, or dealt with.

22. Removal from the register, &c. (1) Any association (including any charity) shall be removed from the Register of Charities and shall thereupon cease to be a charity registered under this Act if at any time—

(a) it appears to the Minister that it is no longer a charity within the meaning of this Act, or that it should not have been registered as a charity or that it has ceased to exist or has ceased to operate; or

(b) the Minister is satisfied that it is not being carried on in good faith as a charity or is not complying with any of the provisions of this Act including any of the conditions imposed by or under this Act, or that it is not being properly administered, or that any failure, without reasonable excuse having been shown to his satisfaction has occurred in answering any question, supplying any information, producing any record or lodging any return in accordance with any requirement, direction, or order, notified, given, or made under and for the purposes of this Act, or that it would be in the public interest to remove it from the register; or

(c) it makes application in writing to the Minister to be removed from the Register of Charities and the Minister grants that application.

(2) Without limiting the power to make regulations under section forty-seven of this Act for these purposes, the regulations may prescribe the manner, notices and conditions, or any of these, which shall have application with respect to any removal from the Register of Charities.

23. Effect on certificate of removal from Register. Where any association (including any charity) is removed under this Act from the Register of Charities the certificate of registration given under subsection (9) of section nineteen of this Act shall cease to be in force.

PART VII—INFORMATION, INVESTIGATIONS, RECORDS, AUDIT, AND RETURNS

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

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

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

- (a) to answer any question or to supply such information as required;
- (b) produce all or any records as required;
- (c) lodge all or any returns as required.

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

- (a) (where the appeal for support is made for a charity or the purpose of any association or where an association is the promoter or in the case of any charity or any association as aforesaid), any person who is or at any time was a member of the governing body thereof;
- (b) (In the case of any appeal for support) the promoter and any person assisting or who has assisted in the making of, or is taking part or has taken part in, the appeal for support;
- (c) any person who is or was a trustee of moneys or property resulting from the appeal;
- (d) any person who is or was handling moneys or property received in the appeal;
- (e) any person who is or was in the beneficial receipt of any moneys or property from the appeal;

- (f) the manager or other principal officer of any bank with which any moneys received in or resulting from the appeal or with which any moneys of the charity or association, as the case may be, are or have been deposited;
- (g) (In any case) any other person who, in the opinion of the Minister, Under Secretary or inspector, as the case may be, may be in a position to answer the question or supply the information;
- (h) (where any record is required to be produced) any person having the custody or control of the record;
- (i) (where any return is required to be lodged) any person liable or who, in the opinion of the Minister, Under Secretary or inspector, as the case may be, is in a position to lodge the return.

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

- (a) enter any premises from which any appeal for support for any purpose referred to in subsection (2) of section twenty-five of this Act is being made or to be made or where any record relating to that appeal is or is reasonably suspected to be;
- (b) make such examination and inquiry as he considers necessary to ascertain whether the provisions of this Act and any determination, direction, or requirement thereunder are being complied with;
- (c) require any person who has the custody or control of any record relating to any appeal for support as aforesaid to produce for his inspection, examination, or audit that record;
- (d) require the manager or other principal officer of any bank with which any moneys received in or resulting from any such appeal for support are deposited, whether such moneys are deposited in a separate account or in an account with other moneys, to disclose each and every such account to him and to permit him to inspect and make and take away with him a copy of or an extract from each and every such account;
- (e) require any person concerned in making any appeal for support as aforesaid or any person referred to in subsection (3) of section twenty-five of this Act to attend before him at a time and place named and then and there to be examined in relation to all or any matters whatsoever relating to the appeal for support;
- (f) examine upon oath (or affirmation or declaration instead of an oath) any person attending pursuant to paragraph (e) aforesaid and any person voluntarily attending before him, and may administer such oath or take and receive such affirmation or declaration;
- (g) call to his aid any person he may think competent to assist him in the exercise of any power aforesaid;
- (h) exercise such other powers as may be prescribed.

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

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

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

- (a) any charity, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;
- (b) any association for the objects of which any appeal for support has been or is sanctioned under this Act, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;
- (c) any appeal for support for any purpose referred to in subsection (2) of section twenty-five of this Act.

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

(3) At the conclusion of any investigation pursuant to this section, the person conducting the investigation shall make a report in writing thereon to the Minister who may publish such report and in such manner as he thinks fit.

28. Powers in relation to records produced. The Minister, Under Secretary, inspector or other person to whom any record or return is produced or lodged pursuant to any requirement or direction or order under this Act, save where under the circumstances the person producing or lodging the record or return is not entitled to have it returned to him, may—

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

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

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

- (a) lodge with the Under Secretary every amendment proposed of the constitution of the charity or association, as the case may be, before the proposed amendment is resolved by the charity or association including by any meeting of any members thereof;
- (b) lodge with the Under Secretary a copy, certified to in writing as a true and correct copy thereof by any two members of the governing body, of every amendment of the constitution of the charity or association forthwith after the amendment is made by the charity or association, and no amendment of the constitution of the charity or association shall have any force and effect unless and until that amendment is approved by the Minister.

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

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

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

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

30. Records of appeals for support. (1) Except as prescribed or where the appeal for support consists only of an art union permitted under "*The Art Union Regulation Acts, 1964 to 1965,*" the promoter of each appeal for support for any purpose to which Part III applies shall keep and retain in his custody until such time as he is directed or authorized by or under this Act to destroy, hand over, or otherwise dispose of that record, a record of the appeal for support in writing consisting of or showing—

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

(2) Where any appeal for support is made for a charity registered under this Act or for an association whose objects are a community purpose which is sanctioned under this Act, the promoter may, and if so required by that governing body or the Minister or Under Secretary or any inspector shall, hand over his record of the appeal for support

to the governing body of the charity or association and the governing body shall thereupon cause to be kept and retained in the custody of a responsible officer that record until such time as it is directed or authorized by or under this Act to destroy, hand over, or otherwise dispose of that record.

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

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

shall forthwith—

- (i) cause such financial statements in respect of the charity, association, or appeal for support, as the case may be, and containing such information as prescribed or, in the case of a requirement under paragraph (c) hereof, as so required, to be prepared;
- (ii) comply with the provisions of this Act relating to the manner of preparing and dealing with those financial statements and of allowing them to be inspected, whether by the public or members of the charity or association or otherwise, and of the lodgment of copies thereof where prescribed or required under this Act with the Under Secretary;
- (iii) cause the accounts (including the financial statements), moneys and property of the charity or association or, in the case of an appeal for support, raised by or resulting from the appeal for support to be audited by any of the following persons—
 - (A) (unless otherwise directed by the Minister) a public accountant within the meaning of and registered under “*The Public Accountants Registration Acts, 1946 to 1963*”;
or
 - (B) any person authorized by the Minister in that behalf.

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

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

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

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

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

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

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

PART VIII—MISCELLANEOUS

33. Sweeps on a National sporting event. (1) In this section—

“sweeps” means art unions of the description of art unions known as sweeps the prize winner or winners in which are decided by the result of the particular horse race in Australia known as the Melbourne Cup race and which sweeps provide prizes whether of money or otherwise;

“the Principal Act” means “*The Art Union Regulation Acts, 1964 to 1965.*”

(2) (a) An appeal for support for any charitable purpose or community purpose only and consisting only of the conducting of a sweep and promoted and conducted under the authority of a permit granted under Division II of Part III of the Principal Act as amended in relation to the conduct of a sweep by this section, shall be lawful but otherwise the conditions prescribed by subsection (2) of section thirteen of the Principal Act shall be observed in connexion with the promotion and conduct of that sweep.

(b) Subject to the observance of all of the following conditions, every sweep to which this paragraph (b) applies promoted and conducted without the authority of a permit referred to in paragraph (a) of this subsection shall be lawful—

- (i) the whole proceeds of the sweep shall not exceed two hundred dollars;
- (ii) no remuneration shall be paid in respect of the sweep to the promoter or to any other person whomsoever and no payment of expenses shall be made in connexion with the sweep;
- (iii) the tickets or chances in the sweep shall be sold and issued and the drawing occur and the prize winner or winners shall be declared on the day of the running of the Melbourne Cup race;
- (iv) the amount of the proceeds of the sweep appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
- (v) no payment of prizes in relation to the sweep shall be made out of the moneys held at any time by or on behalf of the purpose for which the moneys are to be or are raised other than the proceeds of the sweep;

- (vi) the price of every ticket or chance in the sweep shall be the same and shall not exceed twenty cents;
- (vii) every holder of a ticket or chance shall participate in the sweep and no person shall be admitted to participate in the sweep in respect of a ticket or chance except after payment of the whole price of the ticket or chance;
- (viii) no notice or advertisement of the sweep shall be made, exhibited, published, or distributed;
- (ix) the whole proceeds of the sweep after deducting sums lawfully appropriated for the provision of prizes shall be applied for the purpose for which the sweep was conducted;
- (x) any unclaimed prize shall within fourteen days of the drawing of the sweep be paid by the promoter to the purpose for which the sweep was conducted.

This paragraph (b) applies to sweeps promoted and conducted for any one or more of the following purposes only—

- (A) any charity then registered under “*The Charitable Collections Act of 1952*”;
- (B) any charity then registered under this Act;
- (C) any charitable purpose or any community purpose or any charitable purpose and community purpose then sanctioned under this Act.

(c) Subject to the observance of all of the following conditions every sweep promoted and conducted shall be lawful—

- (i) the whole proceeds of the sweep shall not exceed fifty dollars and shall be appropriated for the provision of prizes;
- (ii) no remuneration shall be paid in respect of the sweep to the promoter or to any other person whomsoever and no payment of expenses shall be made in connexion with the sweep;
- (iii) the tickets or chances in the sweep shall be sold and issued and the drawing occur and the prize winner or winners shall be declared on the day of the running of the Melbourne Cup race;
- (iv) the price of every ticket or chance in the sweep shall be the same and shall not exceed twenty cents;
- (v) every holder of a ticket or chance shall participate in the sweep and no person shall be admitted to participate in the sweep in respect of a ticket or chance except after payment of the whole price of the ticket or chance;
- (vi) no notice or advertisement of the sweep shall be made, exhibited, published, or distributed;
- (vii) any unclaimed prize shall within fourteen days of the drawing of the sweep be paid by the promoter to the Under Secretary for Consolidated Revenue.

(3) This section shall be read as one with the Principal Act.

(4) The provisions of this section shall come into operation on the passing of this Act and for the purpose of giving effect to this subsection—

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

34. Power to act for the protection of the public, &c. (1) Where the Minister is satisfied that in relation to the promotion or conduct of any appeal for support for any purpose to which Part III applies, there has been any misconduct or mismanagement he may do any one or more of the following things:—

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

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

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

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

35. Vesting of property in the Public Curator. (1) Where the Governor in Council is satisfied—

- (a) that in any case set forth in section five of "*The Charitable Funds Acts, 1958 to 1964*," the property in any fund or any part or residue thereof raised by or resulting from any appeal for support for any purpose to which Part III applies may be dealt with under this section; or
- (b) that any property of or held for or on behalf of any charity which is unable to make any lawful appeal for support under this Act may be dealt with under this section; or
- (c) that any property of or held by or on behalf of any association, whose objects are a community purpose, which is unable to make any lawful appeal for support under this Act may be dealt with under this section; or
- (d) that the Minister has given a direction in respect of any property pursuant to subsection (1) of section thirty-four of this Act;
- (e) that any property raised by or resulting from any appeal for support is held on behalf of any charity, or is held on behalf of any association whose objects are a community purpose, which has ceased to exist or ceased to operate; or
- (f) that there has been maladministration in respect of any property raised by or resulting from any appeal for support for any purpose to which Part III applies and held by or on behalf of any charity or any association whose objects are a community purpose; or
- (g) that a majority of at least three-fourths in number of the governing body or of the persons who are trustees or who have the control of any property raised by, or resulting from any appeal for support for any charitable purpose or community purpose have consented to such action,

and he considers that it is for the benefit of the community so to do, he may by Order in Council vest in the Public Curator of Queensland all or any of that property.

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

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

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

(5) The receipt of the Public Curator of Queensland shall be a sufficient discharge to any persons paying or transferring any property pursuant to subsection (4) of this section as to the property paid or transferred, and the said persons shall not thereafter be liable or accountable therefor or be bound to see to the application, distribution, or appropriation thereof.

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

36. Enforcement of orders of Minister. Without limit or prejudice to any other means of enforcing the requirement, direction or order, or any proceeding for failure to comply therewith, a person failing to comply with any requirement notified, or direction given, or order made under this Act, may on the application on behalf of the Minister to the Court be dealt with as for disobedience to an order of the Court.

37. Failure to comply with lawful requirements, &c. (1) Every person who—

- (i) being required under this Act to supply any information, produce any record, or lodge any return, fails, without reasonable excuse the proof whereof shall lie upon him, to supply that information, produce that record, or lodge that return, as the case may be, in accordance with that requirement;
- (ii) being required under this Act to disclose any account or permit any inspector to inspect or make and take away a copy or extract of that account, fails, without reasonable excuse the proof whereof shall lie upon him, to disclose that account, or to permit the inspector to inspect that account or to make and take away a copy or extract of that account, as the case may be;
- (iii) being required under this Act by any inspector to attend before him and to be examined by him fails, without reasonable excuse the proof whereof shall lie upon him, to attend before him or refuses to take an oath or affirmation or declaration instead of an oath, or refuses, without reasonable excuse the proof whereof shall lie upon him, to answer any question put to him by the inspector;
- (iv) being required under this Act to answer any question, fails, without reasonable excuse the proof whereof shall lie upon him, to answer that question or gives any answer which he knows to be false;

- (v) assaults, resists, or obstructs an inspector in the exercise of his powers or in the discharge of his duties under this Act, or attempts so to do,

shall be guilty of an offence against this Act.

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

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

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one thousand dollars.

38. Falsifying books, &c. Any person who with intent to defraud or deceive any other person—

- (a) alters or falsifies or destroys any record, return, or other document whatsoever relating to any appeal for support for any purpose to which Part III applies, or any property or income whatsoever of a charity or association whose objects are a community purpose; or
- (b) makes or concurs in the making of any entry in any such record, return, or other document; or
- (c) omits or concurs in omitting any material particular from any such record, return, or other document,

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

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

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

(2) Any person guilty of an offence against this Act shall be liable, unless some specific penalty is prescribed by this Act for such offence, to a penalty not exceeding five hundred dollars.

(3) Subject to the provisions of this Act relating to the prosecution upon indictment for certain offences hereunder, any offence against this Act may be prosecuted in a summary way under "*The Justices Acts, 1886 to 1965.*"

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

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

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

- (a) by delivering or giving the same to the person concerned personally; or
- (b) by prepaid post letter containing the same, addressed to the person concerned at his last known or usual business or residential address and sent by ordinary post; or
- (c) by prepaid telegram, or registered letter or certified mail letter containing the same, sent or addressed to the person concerned at his last known or usual business or residential address; or
- (d) by such other means as the Minister may direct.

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

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

appeal for support specified shall be evidence of the matter alleged and, in the absence of evidence in rebuttal thereof, shall be conclusive such evidence.

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

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

45. Constitution not to provide defence, &c. (1) Where proceedings as for an offence may be taken under this Act against more than one of a number of persons, the proceedings may be taken against any of those persons.

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

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

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

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

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

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

(3) Without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes, matters and things:—

- (i) prescribing forms for the purposes of this Act and the particulars to be contained therein and the respective purposes for which such form or forms to the like effect shall be used;
- (ii) prescribing the persons by and to whom applications under this Act shall be made and to whom certificates, sanctions, approvals, and other authorities under this Act shall be issued, given, or granted;
- (iii) prescribing any matters or things with respect to the giving, serving, making known, publishing, and recording of any revocations, removals, requirements, directions, orders, determinations, approvals, notices, and other acts of authority under or for the purposes of this Act including, but without limiting the generality of the foregoing, the manner thereof and the persons to and on whom the acts of authority shall be given, served, or made known;
- (iv) prescribing the occasions on which the Minister may require, direct, or order any action to be taken or thing to be done under and for the purposes of this Act;
- (v) prescribing, in relation to local or affiliated branches or sections of any associations and the central bodies of those associations, the duties of the governing bodies of the local or affiliated branches or sections and of the governing body of the central body of each association respectively for the purposes of all or any of the provisions of this Act or with respect to any appeals for support made by or on behalf of or for the purposes of the association or of the local or affiliated branch or section; prescribing any matter or thing for the purpose of distinguishing, in the application of any of the provisions of this Act, between appeals for support made by any local or affiliated branch or section for its own objects and the objects generally of the association;
- (vi) prescribing conditions to which any registration, sanction, or other act of authority granted, given, or issued shall be subjected and conditions subject to which all or any appeals for support for any purpose may be permitted;
- (vii) prescribing, regulating, and controlling any matters or things necessary or desirable with respect to the recording of all sanctions given under this Act, including of the conditions to which any sanctions are subjected, of sanctions revoked, and of applications for sanctions refused, and of permits and registrations which by this Act are regarded as sanctions given under this Act; with respect to the keeping of true and correct records and the division of the records of sanctions given between sanctions of various classes; prescribing the person by whom or the place where those records are to be kept, the

particulars to be entered therein; providing for, regulating and controlling alterations of any sanctions or of any particulars in any record, the informing of the public of any information relating to those sanctions and of applications therefor, and the inspection by the public of those records; prescribing the occasions when fees shall be payable for furnishing copies of or extracts from any record and prescribing those fees; prescribing, regulating and controlling all or any matters necessary or desirable with respect to the giving of sanctions the revocation or surrender of sanctions, and the amendment by the issuing authority of any sanctions given;

- (viii) prescribing, regulating and controlling the making of all or any appeals for support for any purpose, whether a purpose to which Part III applies or not, including such provisions as are necessary or desirable for safeguarding the public from fraud or deceit or cheating, the ensuring of the true and correct accounting for and recording of all moneys and property received in and resulting from the appeals, the true and correct accounting for and recording of all expenditure incurred in connexion with the appeals, and the handing over to the purpose for which the appeals are made all moneys and property resulting from the appeals;
- (ix) prescribing, regulating and controlling all or any of the expenses, including the amount thereof, (and including salaries, commissions, wages and fees and other remuneration of promoters, agents, collectors, and other persons) in relation to all or any appeals for support for any purpose to which Part III applies;
- (x) prescribing, regulating, and controlling all or any agreements or contracts between all or any commercial undertakings, associations, persons or individuals and all or any charities or associations in relation to all or any appeals for support for any purpose to which Part III applies; requiring, in relation to all or any such appeals, that all or any such contracts or agreements shall be approved by the Minister and, where such approval of a contract or agreement relating to an appeal is so required, prohibiting any person from making the appeal except under and in compliance in every respect with the terms and conditions of an agreement or contract so approved.
- (xi) prescribing special provisions, including the conditions under which such appeals may be permitted, in relation to door to door appeals and street collections for the purposes of Part IV and for safe-guarding the public and to ensure true and correct accounting and records in relation to those classes of appeals;
- (xii) providing for payment without deduction of all moneys raised by or resulting from any appeal for support including door to door appeals and street collections for any purpose to which Part III applies to separate accounts in banks carrying on business in Queensland and regulating and controlling names in which those accounts shall be opened and kept, and the manner by which and with respect to which payments and orders and requests for payments from such accounts may be made;
- (xiii) ensuring that moneys or property resulting from all or any appeals for support are applied for the purpose for which the appeals are made;

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- (xiv) prescribing for the purposes of section seventeen of this Act the conditions under which persons may be permitted to make or cause to be made door to door appeals and street collections;
 - (xv) regulating and controlling for the purposes of section eighteen of this Act, the distribution and disposal of any device within the meaning of that section;
 - (xvi) regulating and controlling the investment of moneys, for the purpose for which they are raised or vested, resulting from any appeals for support, by charities and associations;
 - (xvii) regulating and controlling the manner of conversion of articles and other property resulting from any appeals for support, into moneys;
 - (xviii) prescribing the form of Register of Charities to be kept for the purposes of this Act, and the particulars to be entered therein; providing for a record of applications for registration refused and of removals from the register, and with respect to Parents and Citizens Associations formed as prescribed by the regulations under "*The Education Act of 1964*" which by this Act are deemed to be charities registered under this Act; providing for the keeping of a true and correct register, and of true and correct records; providing for, regulating and controlling the alteration of all or any of those particulars required by this Act to be entered in the Register of Charities, and for the informing of the public of the names and objects of charities registered under this Act and of any other information relating thereto and of applications for registration and of removals from the Register; prescribing the occasions when fees shall be payable for furnishing copies of, or extracts from, any entries in the Register and prescribing those fees; prescribing all or any matters and things considered necessary or desirable with respect to the surrender by any charities of their certificates of registration under this Act and to the consequent removal of those charities from the Register of Charities and providing for, regulating and controlling the disposal or distribution of the moneys or property of any charity removed from the Register of Charities;
 - (xix) providing for any matters or things relating to the division of charities registered under this Act into the classes of exempted charities and non-exempted charities, including the returns to be lodged by charities of each class;
 - (xx) providing for, regulating and controlling any matters or things considered necessary or desirable in relation to inquiries and investigations under or for the purposes of this Act;
 - (xxi) (with respect to all or any charities, all or any associations whose objects are a community purpose, and all or any appeals for support for any purpose to which any of the provisions of this Act applies) prescribing the records to be kept, the mode of keeping and maintaining those records, providing for the handing over and destruction of those records; prescribing the financial statements to be prepared, the times for and the manner of the preparation of those statements, the form of and the information to be contained in such statements, providing for the laying of those statements at meetings and otherwise for the publication thereof, providing for their inspection, whether by the public or others, providing for the lodgment

- with the Under Secretary of copies thereof, and providing for the dealing with those statements otherwise; providing for the lodgment with the Under Secretary of returns and the times for their lodgment, prescribing the form of returns and the information to be contained therein, and providing otherwise in respect of those returns; providing all or any matters and things necessary or desirable in relation to the audit of the records, moneys and property before the financial statements are dealt with or the returns lodged with the Under Secretary, as prescribed;
- (xxii) providing for, regulating and controlling the inspection, examination, and audit connected with any such inspection or examination, of any record, moneys, and property under and for the purposes of this Act;
 - (xxiii) providing for, and regulating and controlling the seizure of any records and other things upon any contravention of this Act or otherwise for the purposes of this Act;
 - (xxiv) prescribing, regulating and controlling the powers, functions, and duties of the Under Secretary, the Public Curator, Clerks of the Courts, members of the Police Force, inspectors and other officers for the purposes of any of the provisions of this Act;
 - (xxv) prescribing the amount of any penalty or other punishment for any offence against any regulation, provided that any such penalty shall not exceed three hundred dollars and any such punishment by imprisonment shall not exceed a term of three months;
 - (xxvi) providing for exemptions and the subjecting of all or any exemptions to conditions from all or any of the provisions of this Act;
 - (xxvii) regulating and controlling advertisements of all or any appeals for support for all or any purposes;
 - (xxviii) defining any term or expression in and for the purposes of this Act;
 - (xxix) prescribing the conditions under which collecting boxes for moneys and collecting receptacles for articles may be permitted to be left for use at or in places of residence, places of employment, places of public resort, public places, and other places in connexion with all or any appeals for support for any purpose, including the conditions subject to which those boxes and receptacles may be used, and moneys and articles therefrom collected;
 - (xxx) prescribing the conditions under which all or any collections may be permitted to be made; prescribing, regulating and controlling the use of boxes and receptacles in making collections, including the standards of construction of all or any such boxes and receptacles; prohibiting the use of any box or receptacle which does not comply with the prescribed standards;
 - (xxxi) providing for the notification of any change in the membership of the governing body of any charity or association whose objects are a community purpose and otherwise for the enabling of a true and correct record to be kept by the Under Secretary of the governing body and of such other officers as may be prescribed of those charities and associations.

(xxxii) prescribing all matters or things which by this Act are required or permitted to be prescribed.

48. Publication of Orders in Council, &c. (1) Every Order in Council and regulation made under this Act shall—

- (i) be published in the *Gazette*;
- (ii) upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (iii) take effect from the date of such publication unless, in the case of any regulation a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date;
- (iv) be laid before the Legislative Assembly within fourteen sitting days after such publication, if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Order in Council or regulation has been laid before it disallowing the same or part thereof, that Order in Council, regulation or part thereof shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Order in Council or regulation.