



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 34 of 1981

An Act to amend the Collections Act 1966–1977 in certain  
particulars

[ASSENTED TO 20TH MAY, 1981]

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:—

**1. Short title and citation.** (1) This Act may be cited as the *Collections Act Amendment Act 1981*.

(2) In this Act the *Collections Act 1966–1977* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Collections Act 1966–1981*.

**2. Amendment of s. 5. Meaning of terms.** Section 5 of the Principal Act is amended by—

(a) inserting after the definition of “Inspector” the following definition—

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

(b) omitting the definition of “Public Curator” and substituting the following definition:—

“ “Public Trustee”—The Public Trustee of Queensland within the meaning of the *Public Trustee Act 1978*; ”.

**3. Amendment of s. 10. Conducting of unlawful appeals for support.** Section 10 of the Principal Act is amended by in subsection (2)—

(a) in paragraph (a) omitting the words “six hundred” and substituting the words “one thousand”;

(b) in paragraph (b) omitting the words “one thousand two hundred” and substituting the words “two thousand”.

**4. Amendment of s. 25. Obtaining of information.** Section 25 of the Principal Act is amended by—

(a) in subsection (2) omitting the words “The Minister or Under Secretary or any inspector” and inserting the words “The Minister, Under Secretary, any Inspector or any member of the Police Force”

(b) in paragraph (g) of subsection (3)—

(i) omitting after the words “Under Secretary” the word “or” and substituting the expression “, ”;

(ii) inserting after the word "inspector" the words "or member of the police force,".

(c) in paragraph (i)—

(i) omitting after the words "Under Secretary" the word "or" and substituting the expression ",";

(ii) omitting after the word "inspector" the expression ",";

(iii) inserting after the word "inspector" the words "or member of the police force,".

**5. Amendment of s. 26. Further powers of inspector.** Section 26 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting from paragraph (f)—

(a) the words "upon oath (or affirmation or declaration instead of an oath);

(b) the expression "," where it appears after the words "attending before him" and substituting the expression ".";

(c) the words and expression "and may administer such oath or take and receive such affirmation or declaration;"

(ii) inserting after paragraph (g) the following paragraphs:—

"(ga) require any person in possession of money or property raised by or resulting from an appeal for support or used in the conduct of an appeal for support to produce that money or that property;

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

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

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

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

(b) inserting after subsection (3) the following subsections:—

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

(5) For the purposes of this Act, members of the police force shall have the powers of an inspector under the provisions of subsection (1) with the exception of the powers under the provisions of paragraph (e) and paragraph (f) of that subsection."

**6. New s. 26A.** The Principal Act is amended by inserting after section 26 the following section:—

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

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

(a) for an inspector or a member of the police force—

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

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

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

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

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

**7. Amendment of s. 27. Investigations.** Section 27 of the Principal Act is amended by in subsection (2) inserting after the words “ made by an inspector ” the words “, member of the police force ”.

**8. Amendment of s. 28. Power in relation to records produced.** Section 28 of the Principal Act is amended by inserting after the word “ inspector ” the words “, member of the police force ”.

**9. Amendment of s. 30. Records of appeals for support.** Section 30 of the Principal Act is amended by in subsection (2) omitting the words “ that governing body or the Minister or Under Secretary or any inspector ” and inserting the words “ that governing body, the Minister, Under Secretary, any inspector or any member of the police force ”.

**10. Amendment of s. 35. Vesting of property in the Public Curator.** Section 35 of the Principal Act is amended by—

(a) omitting the word “ Curator ” where it appears in the note at the beginning of that section and wherever it appears in that section and substituting the word “ Trustee ”;

(b) in paragraph (b) inserting after the words “ that any property ” the words “ (whether derived from funds received or held before or after the passing of this Act) ”;

(c) in paragraph (c) inserting after the words "that any property" the words "(whether derived from funds received or held before or after the passing of this Act)";

(d) omitting paragraph (e) and substituting the following paragraph:—

"(e) that any property (whether derived from funds received or held before or after the passing of this Act) is held on behalf of any charity, or is held on behalf of any association whose objects are or were a community purpose, which has ceased to exist or ceased to operate;"

**11. Amendment of s. 35A.–s. 35D.** Sections 35A, 35B, 35C and 35D of the Principal Act are amended by omitting the words "Public Curator" wherever occurring and substituting the words "Public Trustee".

**12. Amendment of s. 37. Failure to comply with lawful requirements, &c.** Section 37 is amended by in subsection (1)—

(a) in paragraph (ii) inserting after the word "inspector", where twice appearing the words "or member of the police force";

(b) inserting after paragraph (iii) the following paragraphs:—

"(iii) being required under this Act to produce any money or property, fails, without reasonable excuse the proof whereof shall lie upon him, to produce that money or property, as the case may be, in accordance with that requirement;

(iii) being required under this Act to produce any document, money, property, item of value or other thing which may be required for evidence, fails, without reasonable excuse the proof whereof shall lie upon him, to produce that document, money, property, item of value or other thing, as the case may be, in accordance with that requirement;"

(c) in paragraph (v) inserting after the words "an inspector" the words "or member of the police force".

**13. New s. 39A.** The Principal Act is amended by inserting after section 39 the following section:—

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

(a) sells, offers to sell or procures any other person to sell any article; and

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

is guilty of an offence against this Act.

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

- (a) for the first offence to a fine not exceeding one thousand 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 two thousand dollars or to imprisonment for a term not exceeding six months or both.”

**14. New s. 39B.** The principal Act is amended by inserting after section 39A the following section:—

“ **39B. Obtaining of information by Police Officers.** (1) Any member of the police force who—

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

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

(2) Any person required under this section to state his name and address or name or address, or to give evidence of the correctness thereof, who fails to do so as required, or who gives a name or address or evidence, as is required, which in the opinion of the officer is false, may be arrested without warrant by that police officer and taken as soon as practicable before a magistrates court, within the meaning of the *Justices Act 1886–1980*, to be dealt with according to law.

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

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

shall be guilty of an offence against this Act.

**15. Amendment of s. 40. Offences and penalties.** Section 40 of the Principal Act is amended by in subsection (2) omitting the words “ five hundred ” and substituting the words “ one thousand ”.

**16. Amendment of s. 43. Facilitation of proof.** Section 43 of the Principal Act is amended by in subsection (1)—

(a) in paragraph (a) inserting after the words “ any inspector ” the words “ or member of the police force ”;

(b) in paragraph (b) inserting after the words “ any inspector ” the words “ or member of the police force ”.

(c) inserting after paragraph (f) the following paragraphs:—

“(g) a document purporting to be signed by the Under Secretary stating that at a specified time or during a specified period there was or was not in force an authority under this Act, as described in the document, issued to a specified person and that such authority was or was not subject to the terms, conditions or restrictions set out in the document shall, upon its production, be evidence, and in the absence of evidence to the contrary conclusive evidence, of the matters contained in that document.

(h) an allegation or averment in the indictment or complaint that at the time when a person committed the act or acts of which the complaint is made that person was not acting in connection with an appeal for support to which this Act is expressed not to apply shall be evidence, and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment.”

**17. Amendment of s. 46. Limitation of actions.** Section 46 of the Principal Act is amended by—

(a) inserting after the words “by any inspector,” the words “or by any member of the police force”;

(b) inserting after the words “Under Secretary, inspector,” the words “or member of the police force,”.

**18. Amendment of s. 47. Regulations.** Section 47 of the Principal Act is amended in subsection (3) by—

(a) in provision (vii) inserting after the words “prescribing those fees;” the words “prescribing for the Minister to have authority to approve, at his discretion, the destruction of records held in relation to a sanction issued under this Act for a specific period of time for a purpose to which this Act applies;”;

(b) in provision (xxiv) omitting the words “Public Curator” and substituting the words “Public Trustee”.