



Queensland

Collections Regulation 2008

Subordinate Legislation 2008 No. 287

made under the

Collections Act 1966

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
3	Definition	4
Part 2	Charities	
Division 1	Registration	
4	Application for registration	4
5	Additional prescribed grounds—Act, s 21	6
6	Objections	6
Division 2	Register of charities	
7	Prescribed particulars for register—Act, s 19.	7
8	Prescribed matters for applications for removal from register—Act, s 21	7
9	Removal from register	8
10	Public notice of removal from register	8
Division 3	Miscellaneous	
11	Certificate of registration to be returned	9
Part 3	Sanctions	
12	Application for sanction	9
13	Notice of decision	10

Contents

14	Prescribed notice of revocation of sanction—Act, s 12	10
15	Sanction to be returned	11
16	Register of sanctions	11
Part 4	Door-to-door appeals and street collections	
17	Prescribed cities and towns—Act, ss 15 and 16	12
18	Appeals for support	12
19	Assigning days for collections	13
20	Notice of paid collector’s itinerary	14
21	Prescribed additional conditions for collection—Act, s 17	14
22	Envelope collection.	14
Part 5	Distribution of devices	
23	Register of devices	15
24	Duties of governing body	16
25	Unauthorised distribution of devices.	16
Part 6	Investigations and records	
26	Attendance before inspector.	16
27	Seizure of records	17
28	Prescribed travelling expenses and attendance allowance—Act, s 26	17
29	Prescribed period for retention of record of appeal—Act, s 30	18
Part 7	Accounts	
30	Prescribed records—Act, s 31	18
31	Investing assets	19
32	Accounting requirements	20
Part 8	General provisions about appeals for support	
33	Agreements to be approved	20
34	Dealing with amounts collected	21
35	Advertising	22
36	Other offences for pt 8	22
Part 9	Miscellaneous	
37	Inspections and copies	23
38	Giving notice of changes in register particulars	24
39	Establishing a new branch or section	24
40	Responsibilities of promoter, charity or association in relation to a quest	24
41	False advertising	25

42	Fees	25
Part 10	Repeal	
43	Repeal of Collections Regulation 1998	25
Part 11	Transitional provisions	
44	References to Collections Regulation 1998	25
Part 12	Amendment of State Penalties Enforcement Regulation 2000	
45	Regulation amended in pt 12	26
46	Amendment of sch 1 (Consumer related legislation)	26
Schedule 1	Additional conditions for door-to-door and street collections	27
Schedule 2	Accounting requirements	30
Schedule 3	Fees	32

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Collections Regulation 2008*.

2 Commencement

This regulation commences on 1 September 2008.

3 Definition

In this regulation—

device see section 18(7) of the Act.

Part 2 Charities

Division 1 Registration

4 Application for registration

- (1) The governing body of an association or a person authorised by the governing body may apply for registration of the association as a charity.
- (2) The application must be made in the approved form and be accompanied by each of the following—
 - (a) a copy of the association's constitution, as in force when the application is made, certified as an accurate copy by any 2 members of the association's governing body;
 - (b) a copy of the resolution or minute of the proceedings of the association or governing body giving approval to the

-
- making of the application, certified as an accurate copy by any 2 members of the association's governing body;
- (c) if appropriate—a copy of the last balance sheet or statement of the association's financial affairs;
 - (d) if made by a branch or section of an association—the written consent of the central body of the association to the making of the application.
- (3) Within 7 days after filing the application with, or posting it to, the chief executive, the association must give notice of the application—
- (a) in a newspaper published in Brisbane and circulating throughout the State; and
 - (b) in another newspaper, if any, published at least 5 days in each week, and circulating throughout the locality in which the association's registered address is situated.
- (4) The notice must state that—
- (a) the association has applied for registration as a charity; and
 - (b) a person may object to the registration by filing an objection in the approved form with the Minister by the date stated in the notice; and
 - (c) within 7 days after filing an objection with the Minister, the person must serve a copy of the objection on the association at the address for service stated in the notice.
- (5) The date stated in the notice under subsection (4)(b) must be the last day of the period within which an objection may be filed under section 6(2).
- (6) The association must give the chief executive a copy of the notice as soon as practicable after it is published.
- (7) The chief executive must give the applicant written notice of the Minister's decision to grant the application, with or without conditions, or to refuse to grant the application.

[s 5]

5 Additional prescribed grounds—Act, s 21

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

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

6 Objections

- (1) An objection under section 21(2) of the Act to the registration of an association as a charity under the Act must be—
 - (a) in the approved form; and
 - (b) filed with the Minister.
- (2) The objection must be filed with the Minister within 1 month after the last publication under section 4(3) for the application.
- (3) An objector must, within 7 days after the filing, serve a copy of the objection on the association to which the objection relates.
- (4) The objector must also give the Minister evidence satisfactory to the Minister of the service.
- (5) Within 1 month after the day the association receives the copy, the association may file with the Minister a written statement in answer to the objection.
- (6) After considering the objection and any answer to it given under subsection (5), the Minister must decide whether to accept or reject the objection.
- (7) The chief executive must give each objector and the association written notice of the Minister's decision.

Division 2 Register of charities

7 Prescribed particulars for register—Act, s 19

The following particulars are prescribed for section 19(1) of the Act—

- (a) the name of the association;
- (b) the charitable purpose for which the association is established;
- (c) the day the grant is made;
- (d) any conditions on which the grant is made.

8 Prescribed matters for applications for removal from register—Act, s 21

- (1) An application under section 21(2) of the Act for the removal of a charity from the register of charities must be—
 - (a) in the approved form; and
 - (b) filed with the Minister.
- (2) The applicant must serve a copy of the application on the charity to which the application relates.
- (3) The applicant must also give the Minister evidence satisfactory to the Minister of the service.
- (4) Within 1 month after the day the charity receives the copy, the charity may file with the Minister a written statement in answer to the application.
- (5) After considering the application and any answer to it given under subsection (4), the Minister must decide whether to accept or reject the application.
- (6) The chief executive must give each applicant and the charity written notice of the Minister's decision on the application.
- (7) If the Minister decides to accept the application, the charity can not reapply for registration as a charity within 1 year after the day of the decision.

[s 9]

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

9 Removal from register

- (1) If the Minister proposes to remove a charity from the register of charities under section 22(1)(a) or (b) of the Act, the Minister must give written notice to the charity's governing body—
 - (a) stating the Minister proposes to remove the charity from the register and the grounds for removal; and
 - (b) inviting the charity to show cause within a stated period, of at least 14 days, why it should not be removed from the register.
- (2) If, after considering all written representations made within the stated period, the Minister still considers a ground exists to remove the association from the register, the Minister may remove it from the register.

10 Public notice of removal from register

- (1) The chief executive must give notice of the removal of a charity from the register.
- (2) The notice must be given at least once and may be given—
 - (a) in the gazette; or
 - (b) in a newspaper circulating in the district in which the charity was established or made its appeals for support;
or
 - (c) in a way the Minister considers is at least equivalent to giving notice under paragraph (a) or (b).

Division 3 Miscellaneous

11 Certificate of registration to be returned

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

Maximum penalty—1 penalty unit.

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

Maximum penalty—1 penalty unit.

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

Part 3 Sanctions

12 Application for sanction

- (1) An application for a sanction under section 12 of the Act must be in the approved form and accompanied by—
- (a) if the purpose to be sanctioned is an object of the association—
- (i) a copy of the constitution of the association to which the application relates, as in force when the application is made and certified as an accurate

[s 13]

- copy by 2 members of the association's governing body; and
- (ii) a copy of the resolution or minute of the proceedings of the association or its governing body giving approval to the making of the application, and certified as an accurate copy by 2 members of the association's governing body; and
 - (iii) if appropriate—a copy of the last balance sheet or statement of the association's financial affairs; and
- (b) if the application is made by a branch or section of an association whose objects are a community purpose—the written consent of the central body of the association to the making of the application.
- (2) The application must be made by the governing body of the association or a person authorised by the association to make the application.

13 Notice of decision

- (1) The chief executive must give each applicant written notice of the Minister's decision—
- (a) to sanction a purpose for which an appeal for support may be made, subject to the conditions, if any, stated in the sanction; or
 - (b) to refuse to sanction the purpose.
- (2) If the Minister sanctions a purpose, the chief executive must, as soon as practicable, give the applicant a sanction in the approved form.

14 Prescribed notice of revocation of sanction—Act, s 12

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

15 Sanction to be returned

- (1) This section applies if a sanction expires or is revoked.
- (2) The promoter of an appeal for support for the purpose to which the sanction relates must return the sanction to the chief executive within the following period, unless the promoter has a reasonable excuse for not returning it within the period—
 - (a) if the sanction expires—1 month after its expiry;
 - (b) if the sanction is revoked—1 month after the date of the Minister's decision to revoke it.

Maximum penalty—1 penalty unit.

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

16 Register of sanctions

- (1) The chief executive must keep a register of sanctions.
- (2) The register must include the following particulars for each application for a sanction under the Act—
 - (a) the name of the applicant;
 - (b) if the sanction is given—
 - (i) the purpose for which it is given; and
 - (ii) the day it is given; and
 - (iii) any conditions on which it is given;
 - (c) if the sanction is revoked—the day the revocation takes effect;
 - (d) whether the application is refused.

[s 17]

Part 4 Door-to-door appeals and street collections

17 Prescribed cities and towns—Act, ss 15 and 16

Sections 15 and 16 of the Act apply to all cities and towns.

18 Appeals for support

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

Maximum penalty—6 penalty units.

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

Maximum penalty—6 penalty units.

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

Maximum penalty—6 penalty units.

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

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

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

Maximum penalty—3 penalty units.

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

Maximum penalty—6 penalty units.

19 Assigning days for collections

- (1) An application to have a day assigned for a door-to-door appeal or a street collection must be in the approved form.
- (2) The application must be made—
 - (a) for a street collection—at least 14 days before the collection day; or
 - (b) for a door-to-door appeal—within 1 year before the appeal day.
- (3) Failure to comply with subsection (2) does not prevent the Minister from assigning a day.

[s 20]

- (4) The chief executive must give the applicant notice in the approved form of the Minister's decision to assign a day or refuse to assign a day.
- (5) If the assignment is given on conditions, the notice must state the conditions.

20 Notice of paid collector's itinerary

- (1) This section applies if an association or a collection's promoter employs a paid collector.
- (2) The association or promoter must give the chief executive a written itinerary showing particulars of—
 - (a) the towns or suburbs proposed to be visited by the collector for the collection; and
 - (b) the proposed dates for the visits.
- (3) The association or promoter must give the itinerary under subsection (2) at least 14 days before the proposed start of the visits.

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

21 Prescribed additional conditions for collection—Act, s 17

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

22 Envelope collection

- (1) This section applies if an appeal for support is conducted by way of an envelope collection.
- (2) An association conducting the appeal for support or the promoter of the appeal must ensure each envelope used for the collection has a gummed flap by which it can be securely closed.

Maximum penalty—4 penalty units.

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

Maximum penalty—4 penalty units.

- (4) In this section—

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

Part 5 Distribution of devices

23 Register of devices

- (1) This section applies if, under section 18 of the Act, the Minister—

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

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

- (3) The register must include the following particulars—

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

[s 24]

24 Duties of governing body

- (1) The governing body of a charity or association to which an exclusive right to distribute or dispose of a device has been assigned is responsible for the proper control of the distribution and disposal of the device when conducting an appeal.
- (2) The governing body must—
 - (a) keep a record of all devices acquired, distributed, sold or unsold; and
 - (b) give the Minister, within 1 month after the end of the appeal, a certified copy of the record mentioned in paragraph (a).

Maximum penalty—6 penalty units.

25 Unauthorised distribution of devices

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

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

Maximum penalty—2 penalty units.

Part 6 Investigations and records

26 Attendance before inspector

- (1) This section applies if an inspector requires a person to attend before the inspector to be examined about an appeal for support.

Editor's note—

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

- (2) The inspector must give the person a written notice stating—
 - (a) when and where the examination is to take place; and
 - (b) the matters relating to the appeal about which the person is to be examined; and
 - (c) the records the person must produce.

27 Seizure of records

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

- (a) produce the record to an inspector for inspection, examination or audit;
- (b) produce the record under a notice under section 26.

28 Prescribed travelling expenses and attendance allowance—Act, s 26

- (1) The amount of the travelling expenses payable to a person under section 26(2) of the Act is—
 - (a) the amount actually and properly paid as fares; or
 - (b) if there is no public transport available—an amount worked out at the rate of 10c for every kilometre actually travelled.
- (2) However, if more than 1 person travels in a private vehicle, only 1 payment is payable for travelling in the vehicle.
- (3) Travelling expenses are not payable if no expense is incurred in travelling to attend before an inspector.
- (4) The amount payable as an allowance for any loss of earnings or other expenses incurred by the person while the person is

[s 29]

necessarily absent from his or her place of employment or residence for attending before an inspector is \$10.50 for each day or part of a day.

29 Prescribed period for retention of record of appeal—Act, s 30

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

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

Maximum penalty—6 penalty units.

Part 7 Accounts

30 Prescribed records—Act, s 31

- (1) For section 31(1)(d) of the Act, a charity or an association whose objects are a community purpose, or a promoter of an appeal for support must keep the following records—

- (a) a cash book or statement of amounts received and paid;
- (b) a petty cash book;
- (c) any other records required to be kept under subsection (2).

Maximum penalty—6 penalty units.

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

- (a) a ledger;

-
- (b) a receipt book of receipt forms;
 - (c) if tickets are sold—a register of bulk tickets;
 - (d) if collecting boxes are used—a register of collecting boxes;
 - (e) if devices are sold—a record of devices;
 - (f) a register of assets.
- (3) Unless a receipt book mentioned in subsection (2)(b) is kept by way of a computer system record, it must—
- (a) contain receipt forms printed in duplicate and consecutively numbered; or
 - (b) be kept on the numbered butt principle.

31 Investing assets

- (1) The *Trusts Act 1973*, part 3, other than section 22(1), applies in relation to a charity or association as if—
- (a) the charity or association were a trustee; and
 - (b) the assets of the charity or association were trust funds.
- (2) A charity or association must, in exercising a power of investment—
- (a) if the profession, business or employment of a member of the governing body of the charity or association is, or includes, acting as a trustee or investing money for other persons—exercise the care, diligence and skill a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons; or
 - (b) if the profession, business or employment of a member of the governing body of the charity or association is not, or does not include, acting as a trustee or investing money for other persons—exercise the care, diligence and skill a prudent person of business would exercise in managing the affairs of other persons.
- (3) However, a charity or association may—

[s 32]

- (a) continue to hold an investment held before 1 March 1975; and
- (b) accept any investment as a gift; and
- (c) in relation to any investment accepted as a gift, exercise any option or right in relation to the investment and deal with the investment in the way required by the exercise of the option or right.

32 Accounting requirements

For section 47(3)(o) of the Act, the accounting requirements for a charity or association are in schedule 2.

Part 8 General provisions about appeals for support

33 Agreements to be approved

- (1) A charity or association must not allow a person to make, allow to be made or assist in making, an appeal for support for the charity or association for commission or in expectation of reward unless—
 - (a) the charity or association and the person enter into a written agreement to do so; and
 - (b) the agreement has been approved by the Minister.

Maximum penalty—6 penalty units.

Editor's note—

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

- (2) Subsection (1) does not apply—

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

34 Dealing with amounts collected

- (1) A charity or association must ensure that—
 - (a) amounts collected from an appeal for support are, as soon as practicable, paid to the credit of a separate account at a financial institution in the name of the charity or association; and
 - (b) amounts payable to any person for commission, expenses or otherwise relating to the appeal for support are paid from the amounts collected by cheque drawn on, or electronic funds transfer from, the separate account; and
 - (c) a cheque mentioned in paragraph (b) is signed by at least 2 persons who are authorised in writing by the governing body of the charity or association for which the appeal for support is made to sign cheques from the separate account.

Maximum penalty—6 penalty units.

- (2) Subsection (1) does not apply to an appeal for support if—
 - (a) the charity or association has, under section 33, entered into a written agreement in relation to the appeal with a person; and

[s 35]

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

35 Advertising

A person must not distribute a leaflet or publish an advertisement about an appeal for support the subject of an agreement under section 33 unless—

- (a) the leaflet or advertisement contains the following—
 - (i) the name and address of the promoter of the appeal and the charity or association;
 - (ii) a statement showing particulars of the arrangements made under the agreement about the beneficial entitlements of the promoter and the charity or association; and
- (b) before the leaflet or advertisement is distributed or published—a copy of the leaflet or advertisement is given to and approved by the chief executive.

Maximum penalty—6 penalty units.

36 Other offences for pt 8

- (1) A person making an appeal for support under an agreement that is approved by the Minister under section 33 must comply with the agreement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—6 penalty units.

- (2) If a person makes an appeal for support for a charity or association on the understanding that the person is not entitled to commission or reward, the charity or association may only

pay the person for expenses actually incurred by the person in making the appeal.

Maximum penalty—6 penalty units.

Part 9 Miscellaneous

37 Inspections and copies

- (1) A person may, on payment of the relevant fee under schedule 3, do any of the following—
 - (a) inspect a register or list kept under the Act;
 - (b) inspect an audited financial statement filed with the chief executive;
 - (c) obtain a list of registered charities or of associations refused registration;
 - (d) obtain an extract, copy or certified copy of any of the following—
 - (i) a register, part of a register or list kept under the Act;
 - (ii) a certificate of registration or sanction;
 - (iii) the name and address of a member of the governing body;
 - (iv) the constitution and objects of a charity or association;
 - (v) the name and address of the financial institution handling the business of a charity or association and the designation of the financial institution account;
 - (vi) an audited financial statement filed by a charity or association.

[s 38]

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

38 Giving notice of changes in register particulars

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

Maximum penalty—2 penalty units.

39 Establishing a new branch or section

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

40 Responsibilities of promoter, charity or association in relation to a quest

- (1) This section applies if an appeal for support is made by conducting a competition called a quest.
- (2) The promoter must ensure each competitor is made fully aware of the conditions under which the competition is conducted and the prizes awarded.

Maximum penalty—6 penalty units.

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

Maximum penalty—6 penalty units.

41 False advertising

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

Maximum penalty—6 penalty units.

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

Maximum penalty—6 penalty units.

42 Fees

The fees payable under the Act are in schedule 3.

Part 10 Repeal

43 Repeal of Collections Regulation 1998

The Collections Regulation 1998, SL No. 152 is repealed.

Part 11 Transitional provisions

44 References to Collections Regulation 1998

A reference in any document to the repealed *Collections Regulation 1998* is, if the context permits, taken to be a reference to this regulation.

[s 45]

Part 12 **Amendment of State Penalties Enforcement Regulation 2000**

45 Regulation amended in pt 12

This part amends the *State Penalties Enforcement Regulation 2000*.

46 Amendment of sch 1 (Consumer related legislation)

Schedule 1, entry for *Collections Regulation 1998*—
omit, insert—

‘Collections Regulation 2008

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 11(1)	1
s 11(2)	1
s 15(2)	1
s 18(4)	1
s 20(3)	1
s 22(2)	1
s 22(3)	1
s 24(2)	1
s 25	1
s 38	1

Authorised person for service of infringement notices—an inspector appointed under the *Collections Act 1966*’.

Schedule 1 Additional conditions for door-to-door and street collections

section 21

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

Schedule 1

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

- 17 The governing body of an association must, at least once a month, collect and account for donations invited by association signs at a wishing well or other similar thing.

Schedule 2 Accounting requirements

section 32

- 1 Orders for goods must be on the charity's or association's usual order form, and must be signed by an official appointed by the governing body of the charity or association.
- 2 Expenditure over \$100 must be approved or ratified by the governing body of the charity or association, and the approval or ratification must be recorded in the minute book.
- 3 Payments of more than \$100 must be made by cheque or electronic funds transfer.
- 4 Cheques, other than cheques for wages, allowances and petty cash recoupment, must be crossed 'not negotiable'.
- 5 Payments made by the association must be supported by documentary evidence and, if a receipt is received, the receipt must be kept.
- 6 Amounts received must as soon as practicable be—
 - (a) deposited into the charity's or association's account with a financial institution; and
 - (b) entered into the charity's or association's cash book.
- 7 The cash book must be balanced and a reconciliation made between the cash book and account balances regularly, and the reconciliation must be shown in the cash book.
- 8 Payments of less than \$100 may be made from a petty cash account that must be kept on the imprest system, and full details of the payments must be recorded in a petty cash book.
- 9 A register of assets must be kept if a charity, an association or promoter has assets, other than cash in hand or in a financial institution, which are not recorded in the books of accounts.
- 10 An income and expenditure account must be prepared from the books of the charity, association or promoter.

-
- 11 A copy of the income and expenditure account, a balance sheet certified by the auditors of the charity, association or promoter, and a return of office bearers in the approved form must be given to the Minister by the secretary, treasurer, president, trustee, or other responsible officer—
- (a) if the charity, association or promoter stops functioning—within 1 month after the charity, association or promoter stops functioning; or
 - (b) within 7 months after the end of each financial year; or
 - (c) if the Minister asks for the documents.
- 12 The accounts of a continuing charity, association or promoter must be audited at least once a year.
- 13 Tickets and receipts used by a charity, an association or promoter, or for an appeal for support by a charity or association must be—
- (a) authorised by the governing body of the charity or association; and
 - (b) consecutively numbered; and
 - (c) recorded in—
 - (i) for tickets—if a register of bulk tickets is kept by the charity, association or promoter—the register; or
 - (ii) for receipts—the register of receipt books.
- Editor's note—*
- For the requirement to keep a register of receipt books, see section 30 (Prescribed records—Act, s 31).
- 14 Receipts issued to a collector must—
- (a) be in bound book form; and
 - (b) state the full name of the charity, association or promoter issuing the receipts; and
 - (c) be kept on the carbon copy or numbered butt principle.

Schedule 3 Fees

sections 37 and 42

	\$
1 Inspecting a register or other document under section 37 . .	5.40
2 List of registered charities given under section 37(1)(c) . . .	9.50
3 List of associations refused registration given under section 37(1)(c)	2.60
4 Extract, copy or certified copy, given under section 37(1)(d)—	
(a) from the register; or	
(b) of a document, for each page	2.60

ENDNOTES

- 1 Made by the Governor in Council on 28 August 2008.
- 2 Notified in the gazette on 29 August 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2008