

# **Collections (Notifications) Amendment Regulation 2019**

Explanatory notes for SL 2019 No. 223

made under the

*Collections Act 1966*

## **General Outline**

### **Short Title**

*Collections (Notifications) Amendment Regulation 2019*

### **Authorising law**

Section 19, Section 22 and Section 47 of the *Collections Act 1966*

### **Policy objectives and the reasons for them**

The *Collections (Notifications) Amendment Regulation 2019* (Amendment Regulation) seeks to modify the notification requirements for registration and deregistration as a charity under the *Collections Act 1966*.

The *Collections Regulation 2008* (Collections Regulation) prescribes requirements for notifying the public of applications for the registration of a charity, including details of the content of the advertisement and the timing of its publication.

Entities applying for registration as a charity under the Collections Act must advertise their application in two newspapers. The requirement is somewhat outdated and adds unnecessary red tape, and cost, for charitable entities.

The Amendment Regulation proposes to replace the existing advertising requirements for registration of a charity with a requirement for the chief executive to publish notification of the application on the Department of Justice and Attorney-General website. Existing processes for the lodgement and consideration of objections to registration will otherwise remain the same.

The Amendment Regulation will also amend section 10 of the Collections Regulation to allow the chief executive to provide notification on the departmental website of the removal of a charity from the register. This replaces the current requirement for the chief executive to publish a notice in the Gazette or a newspaper.

## **Achievement of policy objectives**

Replacing the requirement to advertise applications for registration in a newspaper with a web-based notification process conducted by the chief executive will reduce costs and red tape for charities who seek the ability to conduct fundraising in Queensland, while retaining existing processes by which the public may have input into the application process. Additionally, allowing the chief executive to notify of the removal of a charity from the register via the department's website, rather than by gazette notice, modernises the notification requirement.

The amendments are considered appropriate as they replace existing notification requirements for applications for registration as a charity, and notification requirements for removal from the register, with more modern methods of notification.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with policy objectives of other legislation.

## **Benefits and costs of implementation**

The not-for-profit sector will benefit from the implementation through reduced red tape, reduced costs and broader consistency with the regulatory regimes of other jurisdictions. In addition, the amendment contributes to modernising the provisions and operation of Queensland's fundraising laws.

The Office of Fair Trading (OFT) will incur some costs in arranging for notifications to be published on the Departmental website. However, these will be offset by the removal of the requirement for OFT to verify that the advertising of applications in newspapers has occurred. In the case of removals from the charities register, the negligible costs of arranging website notices will be offset by the removal of the requirement for OFT to advise of removal from the register by gazette notice.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Amendment Regulation contains minor amendments to modernise notification methods and no formal consultation was undertaken. Stakeholders have however advised of their views regarding the advertising requirement in the media and in their dealings with OFT. The removal of the requirement is consistent with those views.

The Queensland Productivity Commission considers the proposal is unlikely to result in significant adverse impact and does not require further regulatory analysis under the Queensland Government Guide to Better Regulation.