



**COLLECTIONS FOR CHARITABLE PURPOSES (LICENSING AND
MISCELLANEOUS) AMENDMENT ACT 1995**

No. 66 of 1995

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ELIZABETHAE II REGINAE

A.D. 1995

No. 66 of 1995

An Act to amend the Collections for Charitable Purposes Act 1939.

[Assented to 17 August 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Collections for Charitable Purposes (Licensing and Miscellaneous) Amendment Act 1995*.

(2) The *Collections for Charitable Purposes Act 1939* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended—

(a) by inserting before the definition of "charitable purpose" the following definition:

"body" means a body whether corporate or unincorporate;;

(b) by inserting in paragraph (a) of the definition of "charitable purpose" "disabled," after "diseased, ";

(c) by striking out paragraphs (c) and (d) of the definition of "charitable purpose";

(d) by striking out from paragraph (e) of the definition of "charitable purpose" "said forces" and substituting "armed forces of Australia";

(e) by inserting after the definition of "charitable purpose" the following definition:

"collection contract" means a contract under which a person or body (the "collector") agrees with a person, society, body or association (the "charity") for valuable consideration to—

- (a) collect, or attempt to collect, any money or goods; or
- (b) obtain, or attempt to obtain, money by the sale of any disc, badge, token, flower or other device,

for a charitable purpose on behalf of the charity;;

(f) by inserting after the definition of "Minister" the following definitions:

"section 6 licence" means a licence granted under this Act for the purposes of section 6;

"section 6A licence" means a licence granted under this Act for the purposes of section 6A;

"section 7 licence" means a licence granted under this Act for the purposes of section 7.

Repeal of s. 5

4. Section 5 of the principal Act is repealed.

Amendment of s. 6—Restriction on certain collections

5. Section 6 of the principal Act is amended—

- (a) by striking out from subparagraphs (i), (ii) and (iii) of subsection (1) "a licence" and substituting, in each case, "a section 6 licence";
- (b) by striking out from subsection (2) "a penalty not exceeding one hundred dollars" and substituting "a division 6 fine";
- (c) by striking out from subsection (3) "paragraphs (i), (ii) or (iii)" and substituting "paragraph (ii) or (iii)".

Insertion of s. 6A

6. The following section is inserted after section-6 of the principal Act:

Collector to hold licence in certain circumstances

6A. A person or body who has entered into a collection contract with a charity as a collector for the charity must not employ another person (whether or not for valuable consideration)—

- (a) to collect, or attempt to collect, any money or goods; or
- (b) to obtain, or attempt to obtain, money by the sale of any disc, badge, token, flower or other device,

in performance of the collector's obligations under the contract unless the collector is the holder of a section 6A licence granted under this Act.

Penalty: Division 6 fine.

Amendment of s. 7—Restriction on holding certain entertainments

7. Section 7 of the principal Act is amended—

- (a) by striking out from paragraphs (a), (b) and (c) of subsection (1) "a licence" and substituting, in each case, "a section 7 licence";
- (b) by striking out from paragraph (a), (b) and (c) of subsection (2) "a licence" and substituting, in each case, "a section 7 licence";
- (c) by striking out from subsection (3) "and liable to a penalty not exceeding one hundred dollars" and inserting at the foot of that subsection "Penalty: Division 6 fine";
- (d) by striking out from subsection (4) "paragraph (a), (b), (c)" and substituting "paragraph (b) or (c)".

Amendment of s. 8—Grant of authority by licensee

8. Section 8 of the principal Act is amended—

- (a) by striking out from subsections (1) and (2) "a licence" and substituting, in each case, "a section 6 or 7 licence";
- (b) by striking out from subsections (1) and (2) "either of the last two preceding sections" and substituting, in each case, "section 6 or 7".

Amendment of s. 9—Revocation of authority by society, etc.

9. Section 9 of the principal Act is amended by striking out from subsection (2) "and liable to a penalty not exceeding one hundred dollars" and inserting at the foot of that subsection "Penalty: Division 6 fine".

Amendment of s. 11—Application for licence

10. Section 11 of the principal Act is amended by striking out "a licence" from subsection (2) and substituting "a section 6 or 7 licence".

Amendment of s. 12—Conditions of licence, etc.

11. Section 12 of the principal Act is amended—

- (a) by striking out "A licence under this Act" from subsection (1) and substituting "A section 6 or 7 licence";
- (b) by inserting after subsection (1) the following subsection:
 - (1a) A section 6A licence is in force during such period or periods as are specified in the licence.;
- (c) by inserting after subsection (2) the following subsection:
 - (2a) Without limiting subsection (2), a licence may be issued subject to a condition requiring the licensee to comply with the provisions of a code of practice issued by the Minister.;
- (d) by inserting after paragraph (b) of subsection (4) the following paragraph:
 - (ba) the licensee's contravention of or failure to comply with a condition of the licence.

Amendment of s. 15—Statements to be furnished by licensees**12. Section 15 of the principal Act is amended—**

(a) by inserting before subsection (1) the following subsection:

(1) A person, society, body or association to whom a licence has been granted under this Act must keep proper accounts of the receipt and payment of money collected or received by it for charitable purposes and of the receipt and disposal of goods collected or received by it for charitable purposes.;

(b) by redesignating subsections (1), (2), (3), (4) and (5) as subsections (2), (3), (4), (5) and (6) respectively;

(c) by striking out from subsection (2) (formerly subsection (1)) "and the manner in which the same have been dealt with" and substituting ", the manner in which they have been dealt with and such other information as is required by the Minister to be included in the statement";

(d) by inserting after "treasurer" in subsection (2) (formerly subsection (1)) ", or at least two members of the governing body,";

(e) by striking out subsection (3) (formerly subsection (2)) and substituting the following subsection:

(3) A person, society, body or association must appoint a registered company auditor, a member of the Australian Society of Certified Practising Accountants, a member of The Institute of Chartered Accountants in Australia or some other person, or some other person of a class, approved by the Minister to audit—

(a) the accounts referred to in subsection (1) in each financial year; and

(b) each statement submitted to the Minister under subsection (2).

(f) by striking out from subsection (4) (formerly subsection (3)) "and liable to a penalty not exceeding one hundred dollars" and inserting at the foot of that subsection "Penalty: Division 6 fine."

Substitution of s. 16

13. Section 16 of the principal Act is repealed and the following section is substituted:

Application of money and goods for other charitable purposes

16. (1) Where, in the opinion of the Minister, it is impracticable to apply money or goods collected or received pursuant to a licence under this Act or to apply the proceeds of an entertainment conducted pursuant to a licence under this Act for the charitable purpose for which the money or goods were collected or received, or to which the proceeds of the entertainment were to be devoted, the Governor may, by proclamation made on the recommendation of the Minister, direct the person, society, body or association concerned to apply the money or goods for a similar charitable purpose specified in the proclamation or to give them to another person, society, body or association to be applied for that charitable purpose.

(2) In subsection (1)—

"money" includes money accruing from investment of money referred to in that subsection.

Substitution of s. 20

14. Section 20 of the principal Act is repealed and the following section is substituted:

Regulations

20. (1) The Governor may make such regulations as are contemplated by this Act or are necessary or expedient for the purposes of this Act.

(2) Without limiting subsection (1), the regulations may—

- (a) require information of a kind prescribed by the regulations to be displayed on receptacles that are left in public places to enable members of the public to make gifts of goods for charitable purposes or to dispose of unwanted goods;
- (b) prohibit the display of information of a kind prescribed by the regulations on receptacles referred to in paragraph (a);
- (c) regulate the form in which information may be displayed on receptacles referred to in paragraph (a);
- (d) impose a fine (not exceeding a division 7 fine) for breach of, or non-compliance with, the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

BASIL S. HETZEL, Governor's Deputy