



Australian Capital Territory

# **Collections Act 1959      No 17 (repealed)**

**Republication No 4**

**Effective: 9 October 2003**

Republication date: 9 October 2003

As repealed by A2003-17

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Collections Act 1959* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 9 October 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

## Collections Act 1959 (repealed)

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Australian Capital Territory

## Collections Act 1959 (repealed)

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An Act to provide for the regulation of collections

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**1 Short title**

This Act may be cited as the *Collections Act 1959*.

**2 Restriction on certain collections**

A person shall not—

- (a) in a public street, road or thoroughfare; or
- (b) at a place of residence in the course of going from door-to-door;

collect from members of the public—

- (c) any money or goods, other than prescribed goods or goods included in a prescribed class of goods, by way of gifts or contributions; or
- (d) any money by the sale of discs, badges, tokens, flowers or other devices;

unless the person is the holder of a licence issued to the person under this Act or the holder of an authority duly issued to the person by the holder of a licence under this Act, and the collection is made in accordance with the licence, or the licence and authority, as the case may be.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**3 Application for licence**

(1) An application for a licence shall—

- (a) be made in writing to the Minister and signed by or on behalf of the applicant; and
- (b) specify the purposes to which the moneys or goods that are to be collected will be devoted, the day, part of a day or other

period or periods for which, and the places in relation to which, the licence is required; and

- (c) contain particulars of the expenses proposed to be incurred in connection with the collection or collections.
- (2) The Minister may require an applicant for a licence to furnish such further information in relation to the application as the Minister requires, and in the event of noncompliance with such a requirement the Minister may refuse to consider the application.
- (3) Where the applicant is a society, association or body, the application shall be signed on its behalf by its chairperson, secretary or treasurer, or by a person authorised for that purpose by the society, association or body.

#### **4 Licences**

- (1) The Minister may issue to a person, society, association or body a licence authorising the holder to conduct a collection or collections during the day, part of a day or other period or periods specified in the licence.
- (2) A licence may be issued subject to such conditions as the Minister determines.
- (3) The Minister may at any time cancel a licence issued under this section if the holder of the licence contravenes or fails to comply with any of the provisions of this Act.
- (4) For this Act (other than section 2) the person, society, association or body to whom or to which a licence has been issued shall be deemed to be the holder of the licence notwithstanding that the period to which the licence relates has expired.

#### **5 Refusal to issue licence**

- (1) The Minister may refuse to issue a licence under section 4 if the Minister is of opinion—

- (a) that the purposes to which the moneys or goods that are to be collected will be devoted are not such that it is in the public interest that the licence should be issued; or
  - (b) that the expenses incurred in connection with the collection or collections are likely to be unreasonably high in relation to the amount of the moneys, or the value of the goods, that will be collected; or
  - (c) that excessive remuneration is likely to be retained or paid out of the proceeds of the collection or collections; or
  - (d) where the applicant does not propose to apply the whole or substantially the whole of the money or goods collected for the benefit of residents of the ACT, that there is in the ACT a society, association or body which applies the whole or the greater part of its resources for the benefit of residents of the ACT for purposes that include purposes similar to those for which the moneys or goods are proposed to be collected; or
  - (e) that the applicant is not a fit and proper person to hold a licence; or
  - (f) that, for any other reason, it would be contrary to the public interest to issue the licence.
- (2) The Minister may refuse to issue a licence under section 4 if the issue of the licence would result in 2 or more licences being issued for the same day, part of a day or other period or periods and in relation to the same place or places.
- (3) Without prejudice to the provisions of subsections (1) and (2), the Minister may refuse to issue a licence for a door-to-door collection under section 4 if the issue of the licence would result in—
- (a) more than 6 licences for door-to-door collections being issued in a year to the same person, society, association or body; or

- (b) 2 or more different persons, societies, associations or bodies being authorised to conduct separate door-to-door collections in relation to the same place or places during a particular week.
- (4) In subsection (3):  
*door-to-door collection* means a collection that involves collecting at places of residence by means of going from door-to-door.

## **5A Appeals**

- (1) Where the Minister—
  - (a) issues a licence subject to conditions; or
  - (b) cancels a licence; or
  - (c) refuses to issue a licence,the holder or former holder of the licence, or the applicant, as the case may be, may, within 21 days after the date on which notice of the issue, cancellation or refusal, as the case may be, is served on him or it, appeal to the Magistrates Court against the decision of the Minister.
- (2) Jurisdiction to hear and determine appeals under subsection (1) is vested in the Magistrates Court.
- (3) An appeal under this section shall be by way of a rehearing.
- (4) The Minister shall be the respondent on an appeal under this section.
- (5) On an appeal under this section, the court may—
  - (a) affirm, set aside or vary the decision of the Minister; or
  - (b) give such judgment as to the court seems proper; and
  - (c) make such other order as justice requires.

**6 Duties of licence holder**

- (1) The holder of a licence shall not contravene or fail to comply with a condition specified in the licence.

Maximum penalty: 50 penalty units.

- (2) The holder of the licence shall issue to each person authorised by the holder to collect goods or money for the purposes of the collection to which the licence relates a written authority signed by or on behalf of the holder indicating—

- (a) that the person is authorised to collect goods or money for the purposes of that collection; and

- (b) where the licence is issued subject to conditions to be complied with by a person so authorised—the conditions to be complied with by that person.

Maximum penalty: 50 penalty units.

- (3) The holder of a licence shall, in addition to the authority referred to in subsection (2), issue to each person authorised to collect otherwise than by way of the sale of discs, badges, tokens, flowers or other devices official forms of receipt or tickets to be given to the donors by the person authorised to collect in exchange for the goods or money collected by the person.

Maximum penalty: 50 penalty units.

- (4) The holder of a licence may at any time revoke an authority issued in accordance with subsection (2) by notice in writing to the holder of the authority, and the person who held the authority shall thereupon forthwith deliver up the authority to the holder of the licence.

Maximum penalty: 50 penalty units.

- (5) The holder of a licence shall not issue an authority under subsection (2) to a person under the age of 13 years.

Maximum penalty: 50 penalty units.

- (6) The holder of a licence shall take reasonable measures—
  - (a) to ensure that persons authorised to collect are fit and proper persons; and
  - (b) to prevent armlets or badges used in connection with a collection, or forms of authority to collect, being obtained by unauthorised persons; and

- (c) to ensure that the money or goods collected by authorised persons are properly and promptly accounted for.

Maximum penalty: 50 penalty units.

## **7 Collectors**

- (1) A person authorised to collect shall not contravene or fail to comply with a condition specified in the person's authority as a condition to be complied with by the person.

Maximum penalty: 50 penalty units.

- (2) Where required to do so by a person approached for the purposes of the collection or by a member of the Police Force of the Territory, a person authorised to collect shall produce his or her authority and give his or her name and address to that person or member.

Maximum penalty: 5 penalty units.

- (3) A person authorised in accordance with section 6 (2) to collect otherwise than by way of the sale of discs, badges, tokens, flowers or other devices shall, in respect of all money or goods collected by the person, give a written receipt or ticket on an official form issued to him or her by the holder of the licence.

Maximum penalty: 10 penalty units.

- (4) A person authorised to collect shall not importune any person to the annoyance of that person.

Maximum penalty: 10 penalty units.

## **8 Statements to be furnished**

- (1) The holder of a licence shall, within 30 days after the day or other period to which the licence relates or within such other time or times as are specified in the licence, unless exempted by the Minister from so doing, submit to the Minister a statement in writing, verified in accordance with subsection (2), setting out the

money or goods collected, details of the expenses incurred and the manner in which the net proceeds have been dealt with.

- (2) The statement shall be verified by statutory declaration made by the person who is the holder of the licence, or, where the licence is held by a society, association or body, then by the secretary or treasurer of that society, association or body.
- (3) The Minister may, by notice in writing, require the holder of a licence to produce, at a time and place and to a person specified in the notice, any books, documents or vouchers in connection with the collection.
- (4) A holder of a licence to whom a notice is given under subsection (3) shall comply with the requirements contained in the notice.

Maximum penalty: 10 penalty units.

## **9 Liability for penalties**

Where the holder of a licence being a society, association or body contravenes or fails to comply with a provision of this Act in relation to which a penalty is provided, every member of the committee or governing body of that society, body or association commits an offence against that provision and is liable to a penalty not exceeding the penalty so provided, unless the member proves that the contravention or failure was committed without his or her knowledge or consent.

## **10 Untrue statements**

A person shall not make a false statement in an application or other document under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## **11 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

|   |   |
|---|---|
| am = amended  | ord = ordinance   |
| amdt = amendment                                    | orig = original   |
| ch = chapter  | p = page  |
| cl = clause   | par = paragraph   |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | prov = provision  |
| exp = expires/expired                               | pt = part   |
| Gaz = Gazette                                       | r = rule/subrule  |
| hdg = heading                                       | reg = regulation/subregulation                                    |
| IA = Interpretation Act 1967                        | renum = renumbered  |
| ins = inserted/added                                | reloc = relocated   |
| LA = Legislation Act 2001                           | R[X] = Republication No   |
| LR = legislation register                           | RI = reissue  |
| LRA = Legislation (Republication) Act 1996          | s = section/subsection  |
| mod = modified / modification                       | sch = schedule  |
| No = number   | sdiv = subdivision  |
| num = numbered                                      | sub = substituted   |
| o = order   | SL = Subordinate Law  |
| om = omitted/repealed                               | <u>underlining</u> = whole or part not commenced or to be expired |

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Street Collections Ordinance 1959* No 17 (Cwlth). It was renamed by the *Collections Ordinance 1976* (see s 2).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### Legislation before becoming Territory enactment

##### **Collections Act 1959 No 17**

notified 17 December 1959

commenced 17 December 1959

as amended by

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19**

notified 23 December 1966

commenced 23 December 1966

##### **Collections Ordinance 1976 No 5**

notified 24 February 1976

commenced 24 February 1976

##### **Magistrates Court Ordinance 1985 No 67**

notified 19 December 1985

commenced 1 February 1986 (see s 2 and Cwlth Gaz 1986 No G3)

**Self-Government (Consequential Amendments) Ordinance 1989  
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)  
s 1, s 2 commenced 10 May 1989 s 2 (1))  
sch 1 commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment**

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 65**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 65 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

as repealed by

**Charitable Collections Act 2003 A2003-17 s 66**

notified LR 9 April 2003  
s 1, s 2 commenced 9 April 2003 (LA s 75 (1))  
s 66 commenced 9 October 2003 (s 2 and LA s 79)

## 4 Amendment history

**Title**

title am 1976 No 5

**Short title**

s 1 am 1976 No 5

**Restriction on certain collections**

s 2 am 1966 No 19  
sub 1976 No 5  
am Act 1994 No 81

**Licences**

s 4 am 1976 No 5

**Refusal to issue licence**

s 5 am 1976 No 5

## Endnotes

### 5 Earlier republishing

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#### Appeals

s 5A ins 1976 No 5  
am 1985 No 67

#### Duties of licence holder

s 6 am 1966 No 19; 1976 No 5; 1994 No 81

#### Collectors

s 7 am 1966 No 19; 1976 No 5; 1994 No 81

#### Statements to be furnished

s 8 am 1966 No 19; 1994 No 81

#### Untrue statements

s 10 am 1966 No 19; 1994 No 81; 2001 No 44 amdt 1.755,  
amdt 1.756

#### Regulation-making power

s 11 am 1966 No 19; 1989 No 38 sch 1; 1994 No 81  
sub 2001 No 44 amdt 1.757

## 5 Earlier republishing

Some earlier republishing were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republishing has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishing have also been published in printed format. These republishing are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republishing are identical.

| Republishing No | Amendments to  | Republishing date |
|-----------------|----------------|-------------------|
| 1               | Ord 1989 No 38 | 31 May 1991       |
| 2               | Act 1994 No 81 | 31 January 1995   |
| 3               | A2001-44       | 10 January 2002   |

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