Australian Capital Territory

Charitable Collections Act 2003

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About this republication

The republished law

This is a republication of the *Charitable Collections Act 2003* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 6 December 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 6 December 2025.

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

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
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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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Charitable Collections Act 2003

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Australian Capital Territory

Charitable Collections Act 2003

An Act to regulate collections for charities, and for other purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Charitable Collections Act 2003*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (***signpost definitions***) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '***collection***—see section 7.' means that the expression 'collection' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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Part 2 Objects and key concepts

6 Objects of Act

The objects of this Act are—

(a) to promote proper management and administration of collections; and

(b) to ensure proper record-keeping and auditing of accounts for collections; and

(c) to ensure that the public has access to information about collections.

7 What is a *collection*

(1) For this Act, a ***collection*** is the soliciting or receiving by a person of money or a benefit if, before or during the soliciting or receiving, the person represents that the purpose of the soliciting or receiving, or that the purpose of an activity or enterprise of which the soliciting or receiving is part, is or includes a charitable purpose.

(2) For subsection (1), it is immaterial whether the money or benefit is solicited or received—

(a) in person; or

(b) by post, telephone, email, fax or other means; or

(c) as a donation or otherwise.

Examples for par (c)

1 by participation in a lottery, art union or competition

2 by placing clothing in a clothing bin operated by a charity

3 by giving goods to an op-shop

4 by sponsorship for a walkathon, telethon or similar event

5 in relation to the supply of food, entertainment or other goods or services

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(3) A ***collection*** does not include the following:

(a) soliciting or receiving money or a benefit from the carrying out of an approved lottery or exempt lottery, other than an exempt lottery for a charitable purpose;

(b) soliciting or receiving a bequest under a will;

(c) soliciting a person to become a member of an entity or to pay the joining or membership fee of an entity;

Note ***Entity*** includes an individual, corporation and unincorporated body, see Legislation Act, dict, pt 1, defs ***entity*** and ***person***.

(d) soliciting or receiving money or a benefit by, or on behalf of, an entity on premises owned or leased by the entity from members and guests solely or mainly for the entity's purposes;

(e) soliciting or receiving money or a benefit solely or mainly from people sharing a common employer, principal or workplace by one of those people for a purpose connected directly with another of those people or with a relative or domestic partner of another of those people;

Note ***Domestic partner*** is defined in the Legislation Act, s 169.

(f) soliciting or receiving money or a benefit from an Australian government (including a local government) or a public entity created by, or that represents in any capacity, an Australian government (including a local government);

(g) receiving money or a benefit by an entity that—

(i) is not solicited by the entity; or

(ii) is not received by the entity because of a collection conducted by the entity;

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(h) anything else declared under the regulations not to be a collection.

Example for par (d)

a collection taken up during a church service

(4) In this section:

approved lottery means an approved lottery under the *Lotteries Act 1964* or a lottery, scheme or competition approved under a corresponding State law.

exempt lottery means—

(a) an exempt lottery under the *Lotteries Act 1964*; or

(b) a lottery, scheme or competition that is exempt under a corresponding State law.

8 Who *conducts* a collection

(1) For this Act, a person ***conducts*** a collection if the person organises or manages, or assists in organising or managing, the collection in any capacity other than as an employee or agent.

Note A person acting in the capacity of an employee or agent ***takes part*** in a collection, see s 9 (1) (b).

(2) For subsection (1), it is immaterial whether the person—

(a) is a volunteer or is being paid; or

(b) is the only person taking part in the collection; or

(c) acts in person or by an employee or agent; or

(d) is acting on the person's own behalf or as an executive officer of an entity.

Note ***Entity*** includes an individual, corporation and unincorporated body, see Legislation Act, dict, pt 1, defs ***entity*** and ***person***.

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(3) Despite subsection (1), if a commercial fundraiser conducts all or part of a collection for someone else (the ***principal***) who is conducting the collection, a reference in this Act to a person who ***conducts*** the collection includes a reference to the commercial fundraiser in relation to any aspect of the collection conducted by the commercial fundraiser.

(4) To remove any doubt, subsection (3) does not prevent the application of this Act to the principal in relation to any aspect of the collection (including any aspect conducted by the commercial fundraiser), and, in particular, does not relieve the principal of the principal's obligation to ensure that this Act is fully complied with in relation to the collection.

9 Who *takes part* in a collection

(1) For this Act, a person ***takes part*** in a collection if—

(a) the person solicits or receives money or a benefit for the purposes of the collection; or

(b) the person organises or manages, or assists in organising or managing, the collection as an employee or agent.

(2) To remove any doubt, a person who conducts a collection also ***takes part*** in the collection if the person solicits or receives money or a benefit for the purposes of the collection.

10 Meaning of *proceeds* of a collection

For this Act, the ***proceeds*** of a collection means—

(a) money or benefits received for the purposes of the collection; and

(b) money or benefits obtained, directly or indirectly, because of the carrying out of the collection; and

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(c) money or benefits derived, whether completely or partly or directly or indirectly, from money or benefits mentioned in paragraph (a) or (b).

11 Meaning of *benefit*

For this Act, ***benefit*** includes—

(a) property (other than money); and

(b) any gain or reward.

Note ***Property*** is defined in the Legislation Act, dict, pt 1.

12 Meaning of *commercial fundraiser*

For this Act, a ***commercial fundraiser***, for a collection, is a person who is engaged on a commercial basis by a person conducting the collection to conduct all or part of the collection for the other person.

12A Meaning of *licence*

(1) For this Act, ***licence***—

(a) means a licence authorising an entity to conduct a collection or collections for the purpose or purposes stated in the licence; and

(b) includes a deemed licence.

(2) Subsection (1) (b) does not apply in relation to—

(a) part 4 (other than sections 34 to 38); and

(b) part 5.

Note Pt 4 (other than ss 34 to 38) and pt 5 do not apply in relation to a deemed licence held by an ACNC registered entity (see s 42B).

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13 Meaning of *licensee*

For this Act, a ***licensee*** is—

(a) for a licence (other than a deemed licence) held by an unincorporated body—

(i) the nominated person for the body; or

(ii) if there is not a nominated person for the body—any executive officer of the body; and

(b) for a deemed licence held by an unincorporated body—any nominated person for the unincorporated body; and

(c) in any other case—the holder of a licence.

Note 1 Div 4.2 provides for the licensee for a licence (other than a deemed licence) issued to an unincorporated body.

Note 2 Section 42D provides for a licensee for a deemed licence held by an unincorporated body.

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Part 3 Collections—offences

14 Unlawfully conducting collections

(1) A person commits an offence if—

(a) the person conducts a collection; and

(b) the person is not authorised by a licence to conduct the collection.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(2) This section does not apply if the person is authorised to conduct the collection by the licensee for the licence authorising the conduct of the collection.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

(3) An offence against this section is a strict liability offence.

15 Unlawfully taking part in collections

(1) A person commits an offence if the person—

(a) takes part in a collection; and

(b) is not authorised to take part in the collection by the relevant licensee; and

(c) either—

(i) knows that they are not authorised to take part in the collection; or

(ii) is reckless about whether they are authorised to take part in the collection.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

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(2) This section does not apply to the licensee for the licence authorising the conduct of the collection.

(3) In this section:

relevant licensee, for a person taking part in a collection, means the licensee for the licence authorising the conduct of the collection.

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Part 4 Licences to conduct collections

Division 4.1 Issue and surrender of licences

21 Application for licence

(1) An entity may apply in writing to the director-general for a licence authorising the entity to conduct a collection.

Note ***Entity*** includes an individual, corporation and unincorporated body, see Legislation Act, dict, pt 1, defs ***entity*** and ***person***.

(2) If the entity is an unincorporated body, the application must—

(a) be made by an executive officer of the body on behalf of the body; and

(b) include the full name, address and contact telephone number of an individual who is to be the nominated person for the body in relation to the licence; and

(c) include, or be accompanied by, the written consent of the individual to be the nominated person for the body in relation to the licence.

Note ***Nominated person*** is defined in s 30.

(3) An application may relate to a particular collection or collections, particular kinds of collections, or collections generally.

(4) A single application may be made by 2 or more entities for licences authorising each of them to conduct a collection or collections if each entity is identified in the application.

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22 Further information etc

(1) The director-general may, by written notice given to an applicant, require the applicant to give the director-general further stated information or a stated document that the director-general reasonably needs to decide the application.

Note For how documents may be given, see Legislation Act, pt 19.5.

(2) If the applicant fails to comply with a requirement under subsection (1), the director-general may refuse to consider the application further.

23 Decision on application for licence

(1) On application for a licence, the director-general must issue, or refuse to issue, the licence.

(2) The director-general must refuse to issue a licence—

(a) if satisfied that the purposes of the proposed collection to which the application relates are not for, or do not include, a charitable purpose; or

(b) for an application in relation to an entity that is not the applicant—unless satisfied the entity has agreed to the application.

Example for par (b)

A fast food company applies for a licence to conduct a sales promotion that includes a payment to a charity for each sale of a particular kind made by the company. The director-general can issue the licence only if satisfied that the charity has agreed to the application.

Note ***Entity*** includes an individual, corporation and unincorporated body, see Legislation Act, dict, pt 1, defs ***entity*** and ***person***.

(3) The director-general may refuse to issue a licence if satisfied that the proposed collection to which the application relates will not be conducted or carried out in a proper way (including in relation to the supervision of people taking part in the collection).

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(4) The director-general may also refuse to issue a licence if satisfied that—

(a) for an application by an individual—

(i) the person, or an associate of the person, has committed a disqualifying act; or

(ii) the person is bankrupt or personally insolvent; or

(iii) any part of the person's income is assigned for the benefit of the person's creditors; or

(b) for an application by a body—

(i) an executive officer, or an associate of an executive officer, of the body has committed a disqualifying act; or

(ii) the body is a Chapter 5 body corporate; or

(iii) if the body is an unincorporated body—a nominated person for the body has committed a disqualifying act.

(5) This section does not limit the matters to which the director-general may have regard in making a decision on an application for a licence.

(6) In this section:

associate—a person is an ***associate*** of someone else in relation to an application for a licence if the person can, or will be able to, have a significant influence over, or in relation to, the carrying out of a collection to which the application relates.

Chapter 5 body corporate—see the Corporations Act, section 9.

commit a disqualifying act includes engaging in a disqualifying act.

disqualifying act means—

(a) a contravention of this Act or a corresponding State law, whether or not the contravention is an offence; or

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(b) an offence involving fraud or dishonesty of which the person has been convicted or found guilty; or

(c) a contravention of a condition of a licence.

Note 1 For the meaning of ***found guilty***, see Legislation Act, dict, pt 1.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

24 Conditions of licence

A licence is subject to—

(a) the condition that the licensee must comply with the fundraising principles; and

(b) any other condition stated in the licence or another document that forms part of the licence.

25 Term of licence

A licence is issued for the period (not longer than 5 years) stated in the licence.

26 Licence not transferable

A licence is not transferable.

27 Form of licence

(1) A licence must include the following information:

(a) the licensee's full name, address and contact telephone number;

(b) if the licensee is a nominated person for an unincorporated body—the name of the body;

(c) the collection or collections the licensee is authorised to conduct under the licence;

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(d) the purposes of the collection or collections authorised by the licence;

(e) the date (or dates) when, or the period (or periods) over which, the collection or collections are to be carried out;

(f) the form the collection or collections are to take;

(g) the period for which the licence is issued;

(h) any other information prescribed under the regulations.

Examples for par (f)

1 door-to-door
2 public place
3 clothing bin
4 telephone
5 letter

(2) A licence may also include any other information the director-general considers appropriate.

(3) To remove any doubt, a licence may authorise a particular collection or collections, particular kinds of collections, or collections generally.

28 Replacement of licence

(1) The director-general may issue a replacement licence to a licensee if satisfied that the licence has been lost, stolen or destroyed.

(2) Before acting under subsection (1), the director-general may require the licensee to give the director-general a statement verifying that the licence has been lost, stolen or destroyed.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

Note 2 For how documents may be given, see Legislation Act, pt 19.5.

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29 Surrender of licence

(1) A licensee may apply in writing to the director-general to surrender the licence.

(2) The application must be accompanied by the licence.

(3) However, if the licence has been lost, stolen or destroyed, the licensee must give the director-general a statement verifying that the licence has been lost, stolen or destroyed.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

Note 2 For how documents may be given, see Legislation Act, pt 19.5.

(4) On receiving the application, the director-general may—

(a) accept the surrender of the licence; or

(b) refuse to accept the surrender of the licence if—

(i) action is being taken under division 4.3 (Amendment, suspension and cancellation of licences) to suspend or cancel a licence; or

(ii) the licensee has failed to comply with part 5 (Application of proceeds of collections).

(5) If the director-general accepts the surrender of the licence, the licence is taken to have ended.

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Division 4.2 Unincorporated bodies

30 Who is the *nominated person*?

For this Act, the ***nominated person*** for an unincorporated body in relation to a licence, or an application for a licence, is—

(a) the individual named in the application for the licence as the individual who is to be the nominated person for the body in relation to the licence; or

(b) if under section 33 (Change of nominated person) another individual is the nominated person for the body in relation to the licence—that individual.

31 Unincorporated bodies—nominated person is licensee

(1) If a licence is issued to an unincorporated body, the nominated person for the body in relation to the licence is taken to be the licensee.

Examples

1 If a notice or other document is required (or permitted) to be given under this Act to the licensee of a licence issued to an unincorporated body, the notice or other document must (or may) be given to the nominated person for the body in relation to the licence to which the notice or document relates.

2 If, under this Act, something must be done by the licensee of a licence issued to an unincorporated body, the nominated person for the body in relation to the licence to which the thing relates is required to do the thing. If failure to do the thing is an offence, the nominated person commits the offence.

(2) However, if at any time there is not a nominated person for the unincorporated body in relation to the licence, the executive officers of the body are jointly and severally taken to be the licensee.

Examples

1 The notice or other document mentioned in s (1), example 1 must (or may) be given to any executive officer of the body.

2 For a thing to which s (1), example 2 applies, each executive officer of the body is required to do the thing (or ensure that it is done). If failure to do the thing is an offence, each executive officer commits the offence.

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32 Resignation of nominated person

(1) This section applies to an individual who is the nominated person for an unincorporated body in relation to a licence.

(2) The individual may resign as nominated person by written notice given to—

(a) the director-general; and

(b) an executive officer of the body.

Note For how documents may be given, see Legislation Act, pt 19.5.

(3) The executive officer who is given a notice under subsection (2) must give written notice of the resignation to each other executive officer of the unincorporated body as soon as practicable (but within 7 days) after the day the officer receives the notice of resignation.

Maximum penalty: 5 penalty units.

(4) An offence against this section is a strict liability offence.

33 Change of nominated person

(1) An unincorporated body may, by written notice given to the director-general, nominate an individual (the ***relevant person***) to be the nominated person for the body in relation to a licence issued to the body.

Note For how documents may be given, see Legislation Act, pt 19.5.

(2) The notice must—

(a) be given by an executive officer of the body on behalf of the body; and

(b) include the relevant person's full name, address and contact telephone number; and

(c) include, or be accompanied by, the written consent of the relevant person to be the nominated person for the body in relation to the licence.

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(3) On receipt of the notice by the director-general, the relevant person becomes the nominated person for the body in relation to the licence, and anyone who was the nominated person for the body in relation to the licence immediately before receipt of the notice ceases to be the nominated person.

Division 4.3 Amendment, suspension and cancellation of licences

34 Amendment of licence—application by licensee

(1) A licensee may apply in writing to the director-general for the amendment of the licence.

(2) The director-general may, by written notice given to the applicant, require the applicant to give the director-general further stated information or a stated document that the director-general reasonably needs to decide the application.

(3) If the applicant fails to comply with a requirement under subsection (2), the director-general may refuse to consider the application further.

(4) The director-general must amend the licence or refuse to amend the licence.

(5) In deciding whether to amend the licence, the director-general must have regard to the matters mentioned in section 23 (2), (3) and (4) (Decision on application for licence) as if the application to amend the licence were an application for the issue of a licence.

(6) This section does not limit the matters to which the director-general may have regard in deciding whether to amend the licence.

(7) If the director-general amends a licence under this section, the director-general must give the licensee an amended licence for the remainder of the term of the licence amended.

Note A licensee must return the licence for amendment if required, see s 39.

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(8) An amendment has effect only if the amendment is included in the licence to which the amendment relates.

(9) To remove any doubt, the amendment of a licence under this section may include the imposition of a condition on the licence and the amendment of a condition to which the licence is subject.

35 Amendment, suspension or cancellation of licence—other grounds

(1) The director-general may amend, suspend or cancel a licence if satisfied on reasonable grounds that—

(a) a circumstance mentioned in section 23 (2), (3) or (4) (Decision on application for licence) that would allow the director-general to refuse to issue a licence applies in relation to the licence; or

(b) the licensee has contravened a condition of the licence.

Examples for par (a)

1 a collection authorised to be conducted under the licence is not, or is no longer, for a charitable purpose

2 the licensee has committed an offence against this Act

Note 1 ***Licence*** includes a deemed licence (see s 12A).

Note 2 For the power to require information or documents, see s 53.

(2) If the director-general proposes to amend, suspend or cancel a licence (the ***proposed action***), the director-general must give the licensee a written notice that—

(a) states the proposed action, including any proposed amendment of the licence or suspension period; and

(b) states the grounds for the proposed action; and

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(c) tells the licensee that the licensee may, within 14 days beginning the day after the day the licensee receives the notice, give a written response to the director-general about the matters in the notice.

Note For how documents may be given, see Legislation Act, pt 19.5.

(3) If the licensee is a nominated person for an unincorporated body, the director-general must also give a copy of the notice to an executive officer of the body.

(4) In deciding whether to amend, suspend or cancel the licence, the director-general must consider any response given to the director-general in accordance with subsection (2) (c).

(5) If the director-general is satisfied that grounds for taking the proposed action have been established, the director-general may—

(a) if the proposed action is to cancel the licence—cancel the licence, suspend the licence for a period of not longer than 1 year or amend the licence; or

(b) if the proposed action includes suspending the licence for a stated period—suspend the licence for a period of not longer than that period or amend the licence; or

(c) if the proposed action includes amending the licence—amend the licence in a way that is no more onerous than the proposed amendment.

(6) To remove any doubt, the amendment of a licence under this section may include the imposition of a condition on the licence and the amendment of a condition to which the licence is subject.

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36 Notice and operation of decision to amend etc licence

(1) If the director-general suspends or cancels a licence under section 35 (5), the reviewable decision notice given to the licensee must include a statement about the effect of section 38 (Action to be taken by former licensee when licence suspended or cancelled).

Note The decision to suspend or cancel a licence is a reviewable decision (see s 57), and the director-general must give a reviewable decision notice to the licensee (see s 58).

(2) The amendment, suspension or cancellation of a licence takes effect on—

(a) the 14th day after the day the reviewable decision notice about the amendment, suspension or cancellation is given to the licensee; or

(b) if the notice states a later date of effect—the stated date.

(3) If the director-general amends a licence under section 35, the director-general must give the licensee an amended licence for the remainder of the term of the licence amended.

Note A licensee must return the licence for amendment if required, see s 39.

37 Directions to licensee given notice of proposed suspension or cancellation

(1) This section applies to a licensee if—

(a) the licensee is given a notice under section 35 (2) (Amendment, suspension or cancellation of licence—other grounds); and

(b) the notice states that the director-general proposes to suspend or cancel the licensee's licence.

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(2) The director-general may, in the notice or by later written notice, give the licensee written directions in relation to any of the following:

(a) the carrying out of any collection that the licensee has begun to carry out, including, for example, stopping the carrying out of the collection;

(b) the carrying out of any other collection, including, for example, not beginning to carry out a new collection;

(c) the paying out or otherwise distributing or dealing with any proceeds of a collection.

Note For how documents may be given, see Legislation Act, pt 19.5.

(3) A person commits an offence if the person contravenes a direction given to the person under subsection (2).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(4) To remove any doubt, a direction given under subsection (2) to a person while the person is a licensee continues to apply to the person even if the person ceases to be a licensee.

(5) This section is in addition to, and not limited by, section 38 and section 51 (Director-general may order distribution of proceeds).

(6) An offence against this section is a strict liability offence.

38 Action to be taken by former licensee when licence suspended or cancelled

(1) If the director-general suspends or cancels a licence under section 35 (Amendment, suspension or cancellation of licence—other grounds), the person who is or was the licensee (the ***former licensee***)—

(a) must stop carrying out any collection that the former licensee was carrying out under the licence immediately before the suspension or cancellation took effect; and

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(b) if the licence is suspended—must not resume carrying out any collection authorised by the licence that the former licensee had stopped carrying out, or begin to carry out any new collection under the licence, until the suspension ends; and

(c) if the licence is cancelled—must not resume carrying out any collection authorised by the licence that the former licensee had stopped carrying out, or begin to carry out any new collection under the licence; and

(d) must, within 3 days after the day the suspension or cancellation takes effect, give the director-general a statement of the proceeds of each collection carried out by the former licensee under the licence, whether or not the proceeds are still held by, or under the control of, the former licensee; and

(e) must not pay out or otherwise distribute or deal with any proceeds held by, or under the control of, the former licensee of a collection carried out by the former licensee under the licence except with the director-general's written agreement and in accordance with any written directions of the director-general; and

(f) must pay out or otherwise distribute or deal with any proceeds held by, or under the control of, the former licensee of a collection carried out by the former licensee under the licence in accordance with any written directions of the director-general.

(2) The former licensee commits an offence if the former licensee contravenes subsection (1).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) An offence against this section is a strict liability offence.

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39 Failing to return amended, suspended or cancelled licence

(1) A licensee commits an offence if—

(a) the licence is amended, suspended or cancelled; and

(b) the director-general gives the licensee a written notice requiring the licensee to return the licence to the director-general within a stated reasonable time; and

(c) the person does not comply with the requirement.

Maximum penalty: 5 penalty units.

Note For how documents may be given, see Legislation Act, pt 19.5.

(2) An offence against this section is a strict liability offence.

Division 4.4 Register of licences

40 Register of licences

(1) The director-general must keep a register of licences.

(2) For each licence, the director-general must enter in the register the information mentioned in section 27 (1) (Form of licence).

(3) The register may also include any other information the director-general considers appropriate.

(4) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the director-general considers appropriate.

(5) The director-general may correct any mistake, error or omission in the register, subject to the requirements (if any) of the regulations.

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41 Public access to register

(1) Anyone may, without charge, inspect the register during ordinary office hours.

(2) A person may obtain a copy of all or part of the register on payment of reasonable copying costs.

42 Licensee to notify change of name and address

(1) A licensee commits an offence if—

(a) the licensee's name, address or contact telephone number shown on the licence changes; and

(b) the licensee does not, as soon as practicable (but within 7 days) after the change happens—

(i) tell the director-general, in writing, of the change; and

(ii) return the licence to the director-general for amendment.

Maximum penalty: 5 penalty units.

(2) The director-general must give the licensee an amended licence for the remainder of the period of the licence amended.

(3) An offence against this section is a strict liability offence.

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Part 4A ACNC registered entities

42A ACNC registered entities authorised by deemed licence

(1) An ACNC registered entity is taken to be authorised by a licence (a ***deemed licence***) to conduct collections generally.

(2) A deemed licence remains in force until the day—

(a) the entity stops being an ACNC registered entity; or

(b) a suspension or cancellation of the licence takes effect under section 36.

(3) Subsection (1) does not apply to an ACNC registered entity whose deemed licence ends because of subsection (2) (b).

(4) A regulation may prescribe an ACNC registered entity or a class of ACNC registered entities to whom subsection (3) does not apply.

42B ACNC registered entities—certain provisions not to apply to deemed licence

The following provisions do not apply in relation to a deemed licence:

(a) part 4 (other than sections 34 to 38);

(b) part 5.

42C ACNC registered entities—conditions of deemed licence

A deemed licence is subject to—

(a) the condition that the licensee must comply with the fundraising principles; and

(b) any other condition imposed on the licence under section 35.

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42D ACNC registered entities—nominated person for unincorporated body

(1) This section applies in relation to an unincorporated body that—

(a) is an ACNC registered entity; and

(b) holds a deemed licence.

(2) For this Act, a ***nominated person*** for the unincorporated body, in relation to the deemed licence, is each person who is a responsible entity of the ACNC registered entity.

(3) A nominated person for the unincorporated body is taken to be a licensee for the deemed licence.

(4) If this Act authorises or requires the licensee of a deemed licence to do or not do something, all nominated people for the unincorporated body are jointly and severally authorised or required to do or not do the thing.

(5) In this section:

responsible entity, of an ACNC registered entity—see the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth), section 205-30.

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Part 5 Application of proceeds of collections

43 Definitions for pt 5

In this part:

ends, for a licence, includes the ending of the licence by cancellation or surrender of the licence.

licensee includes a person who has ceased to be a licensee.

44 Proceeds of collections

(1) A licensee commits an offence if the licensee fails to ensure that the proceeds of a collection conducted by the licensee are applied only for the purposes of the collection.

Maximum penalty: 50 penalty units.

Note An offence against this subsection is a strict liability offence, see s (8).

(2) A licensee commits an offence if—

(a) a person (including the licensee) receives proceeds of a collection conducted by the licensee; and

(b) the proceeds are applied other than for the purposes of the collection; and

(c) the licensee knows that, or is reckless about the fact that, the proceeds are so applied.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(3) This section does not apply to the deduction of lawful and proper expenses in accordance with the conditions (if any) of the licensee's licence or the regulations.

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(4) The regulations may make provision in relation to the expenses that are, or are not, lawful and proper expenses for collections.

(5) This section is subject to any other Territory law (including the doctrine of cy pres) about the application of trust property (including money).

Note If a donor's charitable intention is impossible or impracticable to give effect to, under the cy pres doctrine the courts will allow the intention to be given effect to as nearly as possible.

(6) Any other Territory law about trust property (including the doctrine of cy pres) applies to any proceeds mentioned in subsection (1) that is not trust property as if the proceeds were trust property.

(7) The proceeds of a collection may be applied outside the ACT, except to the extent that to apply the proceeds in that way would contravene—

(a) a Territory law (including this section); or

(b) a condition of the licence authorising the conduct of the collection.

(8) An offence against subsection (1) is a strict liability offence.

45 Payment into bank account

(1) A licensee commits an offence if—

(a) the licensee receives money (including any proceeds of a benefit) for the purposes of a collection conducted by the licensee; and

(b) the licensee fails to pay the money, in full and without any deductions for expenses, into an account in accordance with this section.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

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(2) The licensee must pay the money into a bank account that is used exclusively for money received for the purposes of the collection or of collections that include the collection.

(3) The money must be paid into the account as soon as practicable (but within 5 banking days) after the day the licensee receives it.

(4) However, if the money is paid by direct deposit or electronic transfer into another account kept by the licensee, the licensee must pay the money into an account mentioned in subsection (2) on the next banking day after the day the licensee becomes aware of the payment.

(5) An offence against this section is a strict liability offence.

(6) In this section:

bank account means an account that—

(a) is kept with an authorised deposit-taking institution; and

(b) has a name that indicates it contains the proceeds of a collection; and

(c) can only be operated with the signature of at least 2 people.

banking day, for an account that is kept at a branch of an authorised deposit-taking institution, means a day (other than a Saturday or Sunday) when the branch is open for business.

Note For the meaning of ***authorised deposit-taking institution***, see Legislation Act, dict, pt 1.

46 Investment of collection money

Money (including any proceeds of a benefit) received by a licensee for the purposes of a collection that is not immediately required to be applied for those purposes is held by the licensee as trustee and may be invested only in a way authorised by law for the investment of trust funds.

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47 Finalised accounts

(1) A licensee commits an offence if—

(a) the licensee conducts a collection; and

(b) the collection is carried out over a period of 1 year or less; and

(c) the licensee fails to ensure that the required accounts are finalised within 90 days after the earlier of the following events:

(i) the day the collection ends;

(ii) the day the licence ends.

Maximum penalty: 50 penalty units.

(2) A licensee commits an offence if—

(a) the licensee conducts a collection; and

(b) the collection is carried out over a period of longer than 1 year; and

(c) the licensee fails to ensure that the required accounts are finalised within 90 days after the end of each 12-month period for which the collection is carried out.

Maximum penalty: 50 penalty units.

(3) A licensee commits an offence if—

(a) the licensee conducts a collection; and

(b) the collection is carried out over a period of longer than 1 year; and

(c) the licensee fails to ensure that the required accounts are finalised within 90 days after the earlier of the following events:

(i) the day the collection ends;

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(ii) the day the licence ends.

Maximum penalty: 50 penalty units.

Examples

1 Charity Inc is issued with a licence for 1 year. The licence authorises 2 collections: a doorknock appeal to be carried out over a weekend shortly after the licence is issued and an ongoing collection to be carried out over the period of the licence by donation tins placed on selected shop counters.

Under section 47, the required accounts for the doorknock must be finalised within 90 days after the day the doorknock appeal ends and the required accounts for the donation tins must be finalised within 90 days after the day the licence ends.

Under section 48, a report about both collections must be given to the director-general within 120 days after the day the licence ends.

2 Charity Corp is issued with a licence for a period of 18 months to conduct a collection over that period. However, the collection is actually carried out only over the first 16 months of the period of the licence.

Under section 47, the required accounts for the first 12-month period the collection is carried out must be finalised within 90 days after the end of the 12-month period. The required accounts for the remaining period for which the collection is carried out must be finalised within 90 days after the day the collection ends (rather than within 90 days after the day the licence ends because the ending of the collection is the earlier of the 2 events mentioned in section 47 (3) (c)).

Under section 48, a report about the collection must be given to the director-general within 120 days after the end of the first 12-month period the collection is carried out. A report about the collection for the remaining period of the collection must be given to the director-general within 120 days after the licence ends.

3 If Charity Corp's 18 month licence is surrendered 3 months after it is issued, the required accounts under section 47 must be finalised within 90 days after the day the licence ends and the report under section 48 must be given to the director-general within 120 days after the day the licence ends.

(4) To remove any doubt, the accounts required by subsection (2) are annual accounts.

(5) An offence against this section is a strict liability offence.

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(6) In this section:

required accounts, for a collection, means—

(a) any accounts required by the conditions of the licence authorising the conduct of the collection; and

(b) any accounts required under the regulations.

48 Reports by licensee to director-general

(1) A licensee must, in accordance with this section, give the director-general a report about all the collections conducted under the licence.

Maximum penalty: 50 penalty units.

(2) The report must include the required information for each collection to which the licence relates.

(3) The report must be given to the director-general—

(a) if the licensee is an association incorporated under the *Associations Incorporation Act 1991*—within 6 months after the end of the association's financial year; and

(b) in any other case—

(i) for a licence issued for a period of 1 year or less—within 120 days after the day the licence ends; and

(ii) for a licence issued for a period of longer than 1 year—

(A) within 120 days after the end of each 12-month period for which the licence is in force; and

(B) within 120 days after the day the licence ends.

Examples

See section 47 (3), examples.

Note For how documents may be given, see Legislation Act, pt 19.5.

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(4) An offence against this section is a strict liability offence.

(5) In this section:

required information includes any information required under the regulations.

49 Audit reports

(1) The director-general may, by written notice given to a licensee, direct the licensee to give the director-general, within a stated reasonable time, an auditor's report complying with this section about the accounts and records kept in relation to a collection conducted by the licensee.

Note For how documents may be given, see Legislation Act, pt 19.5.

(2) The licensee commits an offence if—

(a) the licensee is given a notice under subsection (1); and

(b) the licensee intentionally fails to comply with the notice.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(3) The licensee commits an offence if—

(a) the licensee is given a notice under subsection (1); and

(b) the licensee fails to comply with the notice.

Maximum penalty: 50 penalty units.

Note An offence against this subsection is a strict liability offence, see s (7).

(4) The report must be prepared by—

(a) a registered company auditor under the Corporations Act; or

(b) an auditor approved in writing by the director-general for this section.

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(5) The auditor's report must contain the auditor's opinion about—

(a) whether money (including any proceeds of a benefit) received during, or for the purposes of, the collection has been properly accounted for and applied in accordance with this Act; and

(b) whether the accounts and records for the collection have been properly kept; and

(c) whether the accounts show a true and fair view of income and expenditure in relation to the collection.

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, s 104).

(6) To remove any doubt—

(a) a single auditor's report under this section may be required for 2 or more collections; and

(b) an auditor's report under this section may be required for part of the period for which a collection is carried out.

(7) An offence against subsection (3) is a strict liability offence.

50 Keeping of records

(1) A licensee commits an offence if—

(a) the licensee carries out (or begins to carry out) a collection; and

(b) the licensee fails to keep, in accordance with this section, records for the collection.

Maximum penalty: 50 penalty units.

(2) The records must—

(a) allow a true and fair view of income and expenditure for the collection to be worked out at any given time; and

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(b) be kept in a way that allows them to be conveniently and properly audited; and

(c) without limiting paragraph (a), include the details prescribed under the regulations; and

(d) be kept by the licensee for 7 years (or, if the director-general, in writing, allows a shorter period, that period) after receipt of the income or the incurring of the expenditure to which they relate.

(3) If the collection is, or was, carried out as part of a collection that is carried out inside and outside the ACT, it is not necessary for the records to be kept in a way that allows information to be identified only in relation to the ACT.

(4) An offence against this section is a strict liability offence.

51 Director-general may order distribution of proceeds

(1) This section applies if—

(a) a licence ends while a collection is being carried out under the licence; or

(b) the collection ends before the licence authorising the conduct of the collection ends, but the proceeds of the collection are not distributed for the purposes of the collection within 90 days after the earlier of the following events:

(i) the day the collection ends;

(ii) the day the licence ends.

(2) The director-general may order the licensee to distribute all or any part of the proceeds of the collection for the purposes of the collection.

(3) The order must—

(a) be in writing; and

(b) be given to the licensee; and

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(c) state a reasonable time within which the distribution is to be made; and

(d) contain a statement about the effect of this section.

Note For how documents may be given, see Legislation Act, pt 19.5.

(4) A licensee commits an offence if the licensee—

(a) is given an order under this section; and

(b) intentionally contravenes the order.

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

52 Director-general may appoint administrator

(1) This section applies if, in relation to a collection, a licensee contravenes—

(a) a direction under section 37 (2) (Directions to licensee given notice of proposed suspension or cancellation); or

(b) section 38 (1) (Action to be taken by former licensee when licence suspended or cancelled); or

(c) an order under section 51 (2) (Director-general may order distribution of proceeds).

(2) The director-general may, in writing, appoint a person as an administrator for the collection.

(3) The administrator may—

(a) take possession of all of the proceeds of the collection; or

(b) prepare any accounts required under this Act in relation to the collection; or

(c) apply the proceeds mentioned in paragraph (a) for the purposes of the collection; or

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(d) do anything else necessary to finalise the collection in accordance with—

(i) any conditions of the licence authorising the conduct of the collection; or

(ii) any requirements prescribed under the regulations.

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, s 104).

(4) The administrator's costs under this section are to be paid out of the proceeds of the collection.

(5) To remove any doubt, an administrator may be appointed under this section for 2 or more collections.

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Part 6 Administration

53 Director-general may require information or documents about collections

(1) The director-general may, by written notice given to a person, require the person to give the director-general, within a reasonable time stated in the notice, stated information or documents that the director-general considers necessary to decide whether the person has complied with this Act.

Note 1 For how documents may be given, see Legislation Act, pt 19.5.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

(2) The notice may state in what form the information is to be given to the director-general.

Example

The notice may require that the information be verified by a statement.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(3) The notice must—

(a) state that the requirement is made under this section; and

(b) contain a statement about the effect of this section.

Note The Legislation Act, s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

(4) A person commits an offence if the person contravenes a notice given to the person under this section.

Maximum penalty: 50 penalty units.

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(5) The director-general may take copies of any document provided under this section.

(6) An offence against this section is a strict liability offence.

54 Authorised people

(1) Each of the following is an ***authorised person*** for this Act:

(a) a police officer;

(b) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

(c) a public servant appointed under subsection (2).

(2) The director-general may appoint a public servant as an authorised person for this Act.

Note 1 For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

55 Identity cards

(1) This section applies only to an authorised person appointed under section 54 (2).

(2) The director-general must give each authorised person an identity card that states the person's name and appointment as an authorised person, and shows—

(a) a recent photograph of the person; and

(b) the date of issue of the card; and

(c) the date of expiry of the card; and

(d) anything else prescribed under the regulations.

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(3) A person commits an offence if—

(a) the person ceases to be an authorised person; and

(b) the person does not return the person's identity card to the director-general as soon as practicable (but within 7 days) after the day the person ceases to be an authorised person.

Maximum penalty: 1 penalty unit.

(4) An offence against this section is a strict liability offence.

56 Authorised person's power to require name and address

(1) An authorised person may require a person to state the person's name and address if the authorised person—

(a) finds the person committing an offence against this Act; or

(b) has reasonable grounds for believing that the person has just committed an offence against this Act.

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, s 104).

(2) If an authorised person makes a requirement of a person under subsection (1), the authorised person must—

(a) tell the person the reasons for the requirement; and

(b) as soon as practicable, record those reasons.

(3) A person commits an offence if the person—

(a) contravenes a requirement under subsection (1); or

(b) states a false name or address in purported compliance with a requirement under that subsection.

Maximum penalty: 5 penalty units.

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(4) However, a person is not required to comply with a requirement under subsection (1) if, when asked by the person, the authorised person does not produce the authorised person's identity card for inspection by the person.

(5) Subsection (4) does not apply in relation to an authorised person who is a police officer in uniform.

(6) An offence against this section is a strict liability offence.

(7) In this section:

identity card means—

(a) for an authorised person mentioned in section 54 (1) (b)—an identity card issued under the *Fair Trading (Australian Consumer Law) Act 1992*, section 37; or

(b) for an authorised person appointed under section 54 (2)—a card issued under section 55.

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Part 7 Notification and review of decisions

57 Meaning of *reviewable decision*—pt 7

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

58 Reviewable decision notices

If the director-general makes a reviewable decision, the director-general must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note The director-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

59 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

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Part 8 Miscellaneous

62 Public statements and warnings

(1) The Minister may make a public statement or issue a public warning about any of the matters mentioned in subsection (2) if satisfied that it is in the public interest to do so.

(2) For subsection (1), the matters are as follows:

(a) collection practices or activities generally or the collection practices or activities of an entity (including commercial fundraisers);

(b) income and expenditure details of a particular collection;

(c) the percentage of the proceeds raised in a particular collection that have been distributed for the purposes of the collection;

(d) any other issue in relation to collections that, in the Minister's opinion, adversely affects, or is likely to adversely affect, the interests of the public.

Note ***Entity*** includes an individual, corporation and unincorporated body, see Legislation Act, dict, pt 1, defs ***entity*** and ***person***.

(3) The statement or warning may identify a particular entity.

(4) A civil proceeding does not lie against the Territory in relation to loss, damage or injury of any kind to anyone because of the honest making of a statement or warning under this section.

Note The *Civil Law (Wrongs) Act 2002*, s 59 provides a defence of truth and public benefit to civil defamation actions.

62A Minister may determine fundraising principles

(1) The Minister may determine principles in relation to conducting, or taking part in, a collection (the ***fundraising principles***).

(2) A determination is a disallowable instrument.

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63 Determination of fees

(1) The Minister may determine fees for this Act.

(2) A determination is a disallowable instrument.

64 Approved forms

(1) The Minister may approve forms for this Act.

(2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

65 Regulation-making power

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

(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.

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Schedule 1 Reviewable decisions

(see pt 7)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	23 (1)	refuse to issue licence	applicant for licence
2	23 (1) and 24	issue licence subject to condition	applicant for licence
3	23 (1) and 25	issue licence for less than period applied for	applicant for licence
4	23 (1) and 27 (1)	issue licence for collections other than collections applied for	applicant for licence
5	34 (4)	refuse to amend licence in way applied for	licensee
6	35 (5)	amend, suspend or cancel licence	• person whose licence amended, suspended or cancelled • if person whose licence amended, suspended or cancelled is nominated person for unincorporated body—body's executive officer

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column 1 item	column 2 section	column 3 decision	column 4 entity
7	37 (2)	give direction	licensee or, if person ceases to hold licence, the person
8	49 (4) (b)	refuse to approve auditor	applicant for approval

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Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- bankrupt or personally insolvent
- body
- contravene
- Corporations Act
- director-general (see s 163)
- entity
- individual
- law
- person (see s 160)
- reviewable decision notice
- State.

ACNC registered entity means a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth).

authorised person—see section 54.

benefit—see section 11.

charitable purpose includes any benevolent, philanthropic or patriotic purpose.

collection—see section 7.

commercial fundraiser—see section 12.

conducts a collection—see section 8.

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deemed licence, in relation to an ACNC registered entity—see section 42A (1).

ends, for a licence, for part 5 (Application of proceeds of collections)—see section 43.

executive officer means—

(a) for a corporation—a person (however described and whether or not the person is a director of the corporation) who is concerned with, or takes part in, the corporation's management; and

(b) for an unincorporated body—a person (however described and whether or not the person is a member of the governing body (if any) of the unincorporated body) who is concerned with, or takes part in, the unincorporated body's management.

fundraising principles—see section 62A (1).

licence—see section 12A.

licensee—

(a) see section 13; and

(b) for part 5 (Application of proceeds of collections)—see section 43.

nominated person, for an unincorporated body—

(a) in relation to a licence other than a deemed licence—see section 30; and

(b) in relation to a deemed licence—see section 42D (2).

proceeds, of a collection—see section 10.

reviewable decision, for part 7 (Review of decisions)—see section 57.

takes part in a collection—see section 9.

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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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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3 Legislation history

Charitable Collections Act 2003 A2003-17
notified LR 9 April 2003
s 1, s 2 commenced 9 April 2003 (LA s 75 (1))
remainder commenced 9 October 2003 (s 2 and LA s 79)

as amended by

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.4
notified LR 5 December 2003
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))
sch 3 pt 3.4 commenced 19 December 2003 (s 2)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.15
notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.15 commenced 9 April 2004 (s 2 (1))

Charitable Collections Amendment Act 2004 A2004-45
notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
remainder commenced 12 August 2004 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.18
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.18 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 3
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
pt 3 commenced 29 September 2009 (s 2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.7
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.7 commenced 17 December 2009 (s 2)

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Justice and Community Safety Legislation Amendment Act 2011 A2011-16 sch 1 pt 1.3

notified LR 17 May 2011
s 1, s 2 commenced 17 May 2011 (LA s 75 (a))
sch 1 pt 1.3 commenced 17 November 2011 (s 2 and LA s 79)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.23

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.23 commenced 1 July 2011 (s 2 (1))

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.10, sch 4 pt 4.3

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 3 pt 3.10, sch 4 pt 4.3 commenced 27 April 2016 (s 2)

Red Tape Reduction Legislation Amendment Act 2017 A2017-17 pt 4

notified LR 14 June 2017
s 1, s 2 commenced 14 June 2017 (LA s 75 (1))
pt 4 commenced 1 July 2017 (s 2 (1))

Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.5

notified LR 8 November 2018
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))
sch 3 pt 3.5 commenced 22 November 2018 (s 2 (1))

Housing and Consumer Affairs Legislation Amendment Act 2024 A2024-29 pt 3, sch 1 pt 1.2

notified LR 9 July 2024
s 1, s 2 taken to have commenced 1 July 2024 (LA s 75 (2))
pt 3, sch 1 pt 1.2 commenced 16 July 2024 (s 2 (1))

Statute Law Amendment Act 2025 A2025-29 sch 4 pt 4.25

notified LR 6 November 2025
s 1, s 2 commenced 6 November 2025 (LA s 75 (1))
sch 4 pt 4.25 commenced 6 December 2025 (s 2 (5))

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4 Amendment history

Commencement
s 2 om LA s 89 (4)

What is a *collection*
s 7 am A2009-19 s 6; pars renum R7 LA

Meaning of *licence*
s 12A ins A2024-29 s 16

Meaning of *licensee*
s 13 sub A2024-29 s 17

Unlawfully conducting collections
s 14 am A2017-17 s 18; A2024-29 s 18

Unlawfully taking part in collections
s 15 am A2017-17 s 19; A2024-29 s 19

Identifying tags to be displayed when collecting personally
s 16 om A2024-29 s 20

Required information to be given for collections
s 17 om A2024-29 s 20

False or misleading information about collections etc
s 18 am A2004-15 amdts 2.36-2.38
om A2024-29 s 20

False or misleading documents about collections etc
s 19 am A2004-15 amdts 2.38-2.40
om A2024-29 s 20

Alternative verdicts for offences against s 18 and s 19
s 20 am A2003-56 amdt 3.18
om A2024-29 s 20

Application for licence
s 21 am A2011-22 amdt 1.78; A2025-29 amdt 4.25

Further information etc
s 22 am A2011-22 amdt 1.78

Decision on application for licence
s 23 am A2009-49 amdt 3.15; A2011-22 amdt 1.78; A2018-42 amdts 3.22-3.24; A2024-29 s 21

Conditions of licence
s 24 sub A2024-29 s 22

Form of licence
s 27 am A2011-22 amdt 1.78

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Replacement of licence
s 28 am A2011-22 amdt 1.78; A2016-18 amdt 3.36, amdt 3.37; A2025-29 amdt 4.25

Surrender of licence
s 29 am A2011-22 amdt 1.78; A2016-18 amdt 3.38, amdt 3.39

Resignation of nominated person
s 32 am A2011-22 amdt 1.78

Change of nominated person
s 33 am A2011-22 amdt 1.78

Amendment of licence—application by licensee
s 34 am A2011-22 amdt 1.78; A2025-29 amdt 4.25

Amendment, suspension or cancellation of licence—other grounds
s 35 am A2011-22 amdt 1.78; A2024-29 s 23, s 24

Notice and operation of decision to amend etc licence
s 36 am A2008-37 amdt 1.65; A2011-22 amdt 1.78

Directions to licensee given notice of proposed suspension or cancellation
s 37 am A2011-22 amdt 1.78

Action to be taken by former licensee when licence suspended or cancelled
s 38 am A2011-22 amdt 1.76, amdt 1.78; A2025-29 amdt 4.25

Failing to return amended, suspended or cancelled licence
s 39 am A2011-22 amdt 1.78

Register of licences
s 40 am A2011-22 amdt 1.78

Licensee to notify change of name and address
s 42 am A2011-22 amdt 1.78

ACNC registered entities
pt 4A hdg ins A2024-29 s 25

ACNC registered entities authorised by deemed licence
s 42A ins A2024-29 s 25

ACNC registered entities—certain provisions not to apply to deemed licence
s 42B ins A2024-29 s 25

ACNC registered entities—conditions of deemed licence
s 42C ins A2024-29 s 25

ACNC registered entities—nominated person for unincorporated body
s 42D ins A2024-29 s 25

Payment into bank account
s 45 hdg sub A2004-45 s 4
s 45 am A2004-45 ss 5–7

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Finalised accounts
s 47 am A2011-22 amdt 1.78

Reports by licensee to director-general
s 48 hdg am A2011-22 amdt 1.78
s 48 am A2011-22 amdt 1.78; A2016-18 amdt 4.4; A2025-29 amdt 4.25

Audit reports
s 49 am A2011-22 amdt 1.78

Keeping of records
s 50 am A2011-22 amdt 1.78

Director-general may order distribution of proceeds
s 51 hdg am A2011-22 amdt 1.78
s 51 am A2011-22 amdt 1.78

Director-general may appoint administrator
s 52 hdg am A2011-22 amdt 1.78
s 52 am A2011-22 amdt 1.78

Director-general may require information or documents about collections
s 53 hdg am A2011-22 amdt 1.78
s 53 am A2011-22 amdt 1.78; A2016-18 amdt 3.40, amdt 3.41

Authorised people
s 54 am A2011-22 amdt 1.78; A2011-16 amdt 1.3; pars renum R10 LA

Identity cards
s 55 am A2011-22 amdt 1.78

Authorised person's power to require name and address
s 56 am A2011-16 amdt 1.4; A2024-29 amdt 1.4

Notification and review of decisions
pt 7 hdg sub A2008-37 amdt 1.66

Meaning of *reviewable decision*—pt 7
s 57 sub A2008-37 amdt 1.66

Reviewable decision notices
s 58 sub A2008-37 amdt 1.66
am A2011-22 amdt 1.78; A2025-29 amdt 4.25

Applications for review
s 59 sub A2008-37 amdt 1.66
am A2025-29 amdt 4.25

False or misleading statements in applications, returns etc to chief executive
s 60 om A2004-15 amdt 2.41

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Alternative verdict for offence against s 60
s 61 om A2004-15 amdt 2.41

Minister may determine fundraising principles
s 62A ins A2024-29 s 26

Determination of fees
s 63 am A2018-42 amdt 3.25; A2025-29 amdt 4.25

Approved forms
s 64 am A2018-42 amdt 3.25; A2025-29 amdt 4.25

Regulation-making power
s 65 am A2025-29 amdt 4.25

Transitional and other provisions
pt 9 hdg exp 9 October 2004 (s 69)

Repeal of Collections Act 1959
s 66 om LA s 89 (3)

Existing licences
s 67 exp 9 October 2004 (s 69)

Regulations modifying pt 9
s 68 exp 9 October 2004 (s 69)

Expiry of pt 9
s 69 exp 9 October 2004 (s 69)

Hawkers Act 2003, section 4 (f)
s 70 om LA s 89 (3)

Reviewable decisions
sch 1 sub A2008-37 amdt 1.67

Dictionary
dict am A2008-37 amdt 1.68; A2009-49 amdt 3.16; A2011-22 amdt 1.77
def ***ACNC registered entity*** ins A2017-17 s 20
def ***deemed licence*** ins A2024-29 s 27
def ***fundraising principles*** ins A2024-29 s 27
def ***licence*** sub A2024-29 s 28
def ***nominated person*** sub A2024-29 s 28

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5 Earlier republications

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

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

Republication No and date	Effective	Last amendment made by	Republication for
R1 9 Oct 2003	9 Oct 2003– 18 Dec 2003	not amended	new Act
R2 19 Dec 2003	19 Dec 2003– 8 Apr 2004	A2003-56	amendments by A2003-56
R3 9 Apr 2004	9 Apr 2004– 11 Aug 2004	A2004-15	amendments by A2004-15
R4 12 Aug 2004	12 Aug 2004– 9 Oct 2004	A2004-45	amendments by A2004-45
R5 10 Oct 2004	10 Oct 2004– 1 Feb 2009	A2004-45	commenced expiry
R6 2 Feb 2009	2 Feb 2009– 28 Sept 2009	A2008-37	amendments by A2008-37
R7 29 Sept 2009	29 Sept 2009– 16 Dec 2009	A2009-19	amendments by A2009-19
R8 17 Dec 2009	17 Dec 2009– 30 June 2011	A2009-49	amendments by A2009-49
R9 1 July 2011	1 July 2011– 16 Nov 2011	A2011-22	amendments by A2011-22
R10 17 Nov 2011	17 Nov 2011– 26 Apr 2016	A2011-22	amendments by A2011-16
R11 27 Apr 2016	27 Apr 2016– 30 June 2017	A2016-18	amendments by A2016-18
R12 1 July 2017	1 July 2017– 21 Nov 2018	A2017-17	amendments by A2017-17

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Republication No and date	Effective	Last amendment made by	Republication for
R13 22 Nov 2018	22 Nov 2018– 15 July 2024	A2018-42	amendments by A2018-42
R14 16 July 2024	16 July 2024– 5 Dec 2025	A2024-29	amendments by A2024-29

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