

South Australia

Collections for Charitable Purposes Act 1939

An Act to provide for the control of persons soliciting money or property for certain charitable purposes; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Collections for Charitable Purposes Act 1939*.

4—Interpretation

In this Act—

body means a body whether corporate or unincorporate;

charitable purpose means—

- (aa) the provision of, or assistance or support to the provision of, health services (within the meaning of the *Health Care Act 2008*) or research in the field of health or such health services;
- (a) the affording of relief, assistance or support to diseased, disabled, sick, infirm, incurable, poor, destitute, helpless, or unemployed persons, or to the dependents of any such persons;
- (b) the relief of distress occasioned by war, whether occasioned in South Australia or elsewhere;
- (e) the affording of relief, assistance, or support to persons who are or have been members of the armed forces of Australia or to the dependents of any such persons;
- (f) the provision of welfare services for animals;

code of practice means a code of practice issued by the Minister and published in the Gazette for the purpose of regulating licensees and those authorised by licensees under this Act;

collection contract means a contract under which a person agrees to act as a paid collector for a person, society, body or association;

collector—a person acts as a collector if the person (either personally or through the agency of another person)—

- (a) collects, or attempts to collect, money or property wholly or partly for a charitable purpose; or
- (b) charges, or attempts to charge, for admission to an entertainment in relation to which it is held out that the proceeds are to be devoted wholly or partly to a charitable purpose; or
- (c) obtains, or attempts to obtain, money wholly or partly for a charitable purpose by the sale of a disc, badge, token, flower, ribbon or other device; or
- (d) obtains, or attempts to obtain, a bequest, devise or other grant of money or property wholly or partly for a charitable purpose;

Commonwealth Act means the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth;

Commonwealth Commissioner means the Commissioner of the Australian Charities and Not-for-profits Commission established under the Commonwealth Act;

Commonwealth registered entity means an entity registered under the Commonwealth Act;

inspector means a person appointed by the Minister as an inspector under section 15A;

paid collector—a person acts as a paid collector if the person receives valuable consideration to act as a collector;

property includes real and personal property;

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

5—Delegation by Minister

- (1) The Minister may, by notice in the Gazette, delegate any of the Minister's powers or functions under this Act—
 - (a) to a particular person or body; or
 - (b) to the person for the time being occupying a particular position.
- (2) A delegation under this section—
 - (a) may be absolute or conditional; and
 - (b) does not derogate from the power of the Minister to act in any matter; and
 - (c) may be varied or revoked by the Minister by subsequent notice in the Gazette.
- (3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

6—Collectors must be authorised by licence

- (1) Subject to this section, a person must not act as a collector unless the person holds, or is authorised by the holder of, a section 6 licence.
Maximum penalty: \$8 000.
- (2) Subsection (1) does not apply if—
 - (a) the person—
 - (i) only collects or attempts to collect money or property from persons known to the person or with whom the person regularly associates; and
 - (ii) provides all of the money or property so collected to the holder of a section 6 licence; and
 - (iii) is not a paid collector; or
 - (b) the person—
 - (i) only collects or attempts to collect property for the purpose of affording relief to a particular person or to the dependants of a particular person; and
 - (ii) provides all of the property so collected to that person or to those dependants; and
 - (iii) is not a paid collector.
- (3) A Commonwealth registered entity is, on giving written notice to the Minister (in accordance with any requirements of the Minister) of its intention to act as a collector, taken to hold a section 6 licence for the purposes of this Act while the entity remains a Commonwealth registered entity.

- (4) The Minister may keep a list of entities who give notice to the Minister under subsection (3) on a website maintained by the Minister.
- (5) A Commonwealth registered entity's authority to act as a collector under subsection (3) is subject to—
 - (a) the condition that the entity or any other person authorised by the holder of the licence to act as a collector comply with the code of practice (as in force from time to time); and
 - (b) any other condition imposed by the Minister by notice in writing to the entity.
- (6) The Minister may, by notice in writing to the entity, vary or revoke a condition imposed under subsection (5)(b) or add conditions to the entity's authority to act as a collector.
- (7) The Minister may, by notice in writing to the entity, suspend or revoke a Commonwealth registered entity's authority to act as a collector on any of the following grounds:
 - (a) that donations (whether of money or goods) received for charitable purposes by the entity have been mismanaged or misapplied;
 - (b) that excessive commission or remuneration has been, or is to be, paid to any person acting as a collector under the authority of the entity, or acting in connection with an entertainment conducted under the authority of the entity, out of the proceeds of the collection or entertainment (as the case may be), or that the proportion of those proceeds that is, or is to be, applied towards charitable purposes is for any other reason inadequate;
 - (c) the entity's contravention of or failure to comply with a condition of the entity's authority to act as a collector or a requirement under this Act;
 - (d) that any other circumstances exist that justify, in the opinion of the Minister, suspension or revocation of the entity's authority to act as a collector.
- (8) Suspension of a Commonwealth registered entity's authority to act as a collector under this section may be for a specified period or until the fulfilment of stipulated conditions or until further notice by the Minister.
- (9) If the Minister revokes a Commonwealth registered entity's authority to act as a collector under this section, the Minister may prohibit the entity from giving notice under subsection (3) for a specified period or until the fulfilment of stipulated conditions or until further notice by the Minister.
- (10) In addition, the following provisions apply in connection with the operation of subsection (3):
 - (a) the entity will be treated, for the purposes of this Act, as if it had been granted a section 6 licence on the day on which the notice under subsection (3) was given to the Minister (subject to any express provision to the contrary);
 - (b) the entity's authority to act as a collector under subsection (3) continues until—
 - (i) it is suspended or revoked in accordance with subsection (7); or

- (ii) the entity's registration is revoked under the Commonwealth Act (and in such case the entity ceases to be taken to hold a section 6 licence for the purposes of this Act on the day on which the revocation is made);
- (c) any section 6 licence held by the entity (by virtue of the grant of a licence pursuant to an application under section 11) (an *existing licence*) in operation at the time of the giving of notice under subsection (3) is cancelled by force of this section;
- (d) despite paragraph (c), the requirements of section 15 continue to apply in relation to money collected or received under the existing licence during the financial year or statement period (within the meaning of section 15) in which the existing licence is cancelled.

6B—Disclosure requirements for collectors—unattended collection boxes

- (1) A person who acts as a collector by placing an unattended collection box in a public place must ensure that the collection box is marked, in a reasonably prominent position, with the following information:
 - (a) the name of, and contact details for, the holder of the section 6 licence under which the person is authorised to act as a collector and, if the holder of that licence has previously submitted a statement under section 15(2)(b), particulars of the website maintained by the Minister under section 15(6) or any other website at which the last such statement submitted by the holder of that licence can be inspected;
 - (b) any other information prescribed by regulation.
- (2) A paid collector who contravenes or fails to comply with subsection (1) is guilty of an offence.
Maximum penalty: \$4 000.
- (3) The holder of a section 6 licence must take reasonable steps to ensure that each person authorised to act as a collector by the holder of the licence is aware of his or her obligations under this section and is provided with the information referred to in subsection (1).
Maximum penalty: \$8 000.
- (5) For the purposes of this section, a collection box that is not attended by any person who is the holder of a section 6 licence in respect of the collection, or authorised by the holder of such a licence, will be taken to be an unattended collection box.
- (6) In this section—
collection box includes any form of receptacle for the collection of money, whether the money is to be placed in the receptacle as a donation or for the purchase of a disc, badge, token, flower, ribbon or other device.

6C—Disclosure requirements for collectors—other collections

- (1) A person who acts as a collector must tell each person from whom money or property, or a bequest, devise or other grant of money or property, is collected or obtained or attempted to be collected or obtained—
 - (a) his or her name or, if the person is issued with a unique identifier by the holder of the section 6 licence under which the person is authorised to act as a collector, that unique identifier; and
 - (b) whether or not the person is acting as a paid collector.
- (2) However, subsection (1) does not apply to a person acting as a collector if the person—
 - (a) can be seen by the persons from whom money or property, or a bequest, devise or other grant of money or property, is collected or obtained or attempted to be collected or obtained; and
 - (b) is wearing a badge, in a reasonably prominent position, which contains the information specified in subsection (1).
- (3) A paid collector who contravenes or fails to comply with subsection (1) is guilty of an offence.
Maximum penalty: \$4 000.
- (4) A person who acts as a collector must, at the request of a person from whom money or property, or a bequest, devise or other grant of money or property, is collected or obtained or attempted to be collected or obtained, provide the following information to the person:
 - (a) the name of, and contact details for, the holder of the section 6 licence under which the person is authorised to act as a collector;
 - (ab) —
 - (i) in the case of the holder of a section 6 licence that has previously submitted a statement under section 15(2)(b)—particulars of the website maintained by the Minister under section 15(6) or any other website at which the last such statement submitted by the holder of that licence can be inspected; or
 - (ii) in the case of a Commonwealth registered entity taken to hold a section 6 licence for the purposes of this Act that has submitted information under section 15(9)—particulars of the website maintained by the Commonwealth Commissioner under the Commonwealth Act or any other website at which the last such information submitted by the entity can be inspected;
 - (b) any other information prescribed by regulation.
- (5) A paid collector who contravenes or fails to comply with subsection (4) is guilty of an offence.
Maximum penalty: \$4 000.

- (6) The holder of a section 6 licence must take reasonable steps to ensure that each person authorised to act as a collector by the holder of the licence is aware of his or her obligations under this section and is provided with the information referred to in subsection (4).

Maximum penalty: \$8 000.

- (8) This section does not apply to a person who acts as a collector in the manner described in section 6B.

7—Disclosure requirements for collectors—entertainments

- (1) This section applies to an entertainment if—
- (a) a charge is made for admission to the entertainment; and
 - (b) it is held out that the proceeds, or part of the proceeds, of the entertainment are to be devoted to a charitable purpose.
- (3) If any speaker or other performer at an entertainment to which this section applies is to be paid a fee or commission of an amount that exceeds, or is likely to exceed, the prescribed amount, the holder of the section 6 licence under which a person is authorised to conduct the entertainment must, at the request of any person, tell the person the amount, or likely amount, of any such fee or commission.

Maximum penalty: \$8 000.

- (4) For the purposes of subsection (3), the value of any non-monetary consideration to be provided to a person (including the value of any travel or accommodation costs to be paid in respect of the person's attendance at the relevant entertainment) must be taken into account in determining the amount of the fee or commission that is to be paid to the person.
- (5) A person who conducts an entertainment to which this section applies must not cause or permit an advertisement relating to the entertainment to be published by radio, television, newspaper or in any other way or a ticket for admission to the entertainment to be sold unless the advertisement or ticket contains the following information:
- (a) the name of, and contact details for, the holder of the section 6 licence under which the person is authorised to conduct the entertainment;
 - (ab) —
 - (i) in the case of the holder of a section 6 licence that has previously submitted a statement under section 15(2)(b)—particulars of the website maintained by the Minister under section 15(6) or any other website at which the last such statement submitted by the holder of that licence can be inspected; or
 - (ii) in the case of a Commonwealth registered entity taken to hold a section 6 licence for the purposes of this Act that has submitted information under section 15(9)—particulars of the website maintained by the Commonwealth Commissioner under the Commonwealth Act or any other website at which the last such information submitted by the entity can be inspected;
 - (b) if subsection (3) applies—a statement indicating that performers payment details can be obtained from the holder of the section 6 licence;

(c) any other information prescribed by regulation.

Maximum penalty: \$8 000.

(6) In this section—

prescribed amount means—

- (a) if an amount is prescribed by regulation for the purposes of this definition—that amount;
- (b) if no amount is prescribed by regulation for the purposes of this definition—\$5 000.

8—Grant of authority by licensee

- (1) Any person, society, body, or association being the holder of a section 6 licence may give any authority referred to in section 6 by any means approved, from time to time, by the Minister either generally or in a particular case.
- (2) An authority given by the holder of a section 6 licence may be subject to such conditions as the holder of the licence thinks fit.

9—Revocation of authority by society etc

- (1) Any person, society, body, or association being the holder of a licence under this Act who or which gives any authority referred to in section 6 may revoke any such authority, and when any such authority is revoked the person to whom it was given must, if the authority was given in writing, within seven days after notice in writing of the revocation produce and deliver the written authority to such person, society, body or association or to a member of the committee or other governing body of such society, body, or association.
- (2) A person who fails to produce and deliver a written authority as required by subsection (1) is guilty of an offence.
Maximum penalty: \$8 000.

11—Application for licence

- (1) An application for a licence under this Act must be made to the Minister.
- (3) The Minister may, in his or her discretion, grant or refuse a licence to any applicant and will not be liable to any proceedings whatsoever as a consequence of any refusal.

12—Conditions of licence etc

- (1) Subject to this section, a licence granted by the Minister under this Act remains in force for the period or periods specified in the licence.
- (2) A licence may be granted subject to any conditions the Minister thinks fit including (without limitation)—
 - (a) conditions limiting the proportion of the proceeds of collections and entertainments which may be applied as commission or other remuneration to persons acting as collectors under the licence or to other persons concerned in the collections or entertainments to which the licence applies; and

- (b) conditions requiring the holder of the licence or any other person authorised by the holder of the licence, to comply with the provisions of the code of practice (as in force from time to time).
- (3) The Minister may, at any time, by notice in writing to the licensee, vary or revoke the conditions on which a licence was granted under this Act or add conditions to a licence granted under this Act.
- (4) The Minister may, by notice in writing to the licensee, suspend or revoke a licence on any of the following grounds:
 - (a) that donations (whether of money or goods) received for charitable purposes by the licensee have been mismanaged or misapplied; or
 - (b) that excessive commission or remuneration has been, or is to be, paid to any person acting as a collector under the licence, or acting in connection with the conduct of an entertainment to which the licence relates, out of the proceeds of the collection or entertainment (as the case may be), or that the proportion of those proceeds that is, or is to be, applied towards charitable purposes is for any other reason inadequate; or
 - (ba) the licensee's contravention of or failure to comply with a condition of the licence or a requirement under this Act; or
 - (c) that any other circumstances exist that justify, in the opinion of the Minister, suspension or revocation of the licence.
- (5) Suspension of a licence under this section may be for a specified period or until the fulfilment of stipulated conditions or until further notice by the Minister.
- (6) This section does not apply to a licence that is, under section 6(3), taken to be held by a Commonwealth registered entity.

14—Licences to be issued *gratis*

No fee may be charged for any licence under this Act.

14A—Provision of information to Minister by Commissioner of Police

- (1) The Commissioner of Police must, at the Minister's request, make available to the Minister criminal history information of a kind specified by the Minister about an applicant for, or the holder of, a licence under this Act or a member of the committee or other governing body of a society, body or association that is an applicant for, or the holder of, such a licence.
- (2) In this section—

criminal history information about a person means information about criminal convictions and other information to which the Commissioner of Police has access relevant to the character and antecedents of the person.

14B—Minister may require production of documents, records etc

- (1) The Minister may, by written notice, require a person to produce records, documents or other information in the person's possession connected with an activity for which a licence is required under this Act, within a time and in a manner specified in the notice.

- (2) The Minister may retain the records, documents or other information for as long as is reasonably necessary for the purposes of copying or taking extracts from the records, documents or information.
- (3) A person who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a requirement under this section is guilty of an offence.
Maximum penalty: \$8 000.

15—Accounts, statements and audit

- (1) If the holder of a licence under this Act collects or receives money for a charitable purpose during a financial year or other period specified in the licence (the *statement period*), the holder of the licence must—
 - (a) keep proper accounts relating to the money; and
 - (b) after the end of the statement period, have the accounts audited by a person who is authorised to audit the accounts of a prescribed association under Part 4 Division 2 of the *Associations Incorporation Act 1985* or is approved by the Minister for the purposes of this section.
- (2) The holder of a licence under this Act must, at the time or times fixed in the licence, provide to the Minister—
 - (a) a copy of the audited accounts for the last ending statement period; and
 - (b) a statement setting out—
 - (i) the amount of money collected or received by the licensee during the last ending statement period; and
 - (ii) the costs associated with collection or receipt of the money; and
 - (iii) the manner in which the money has been dealt with; and
 - (iv) any other information required by the Minister.
- (3) The Minister may at any time, by notice in writing to the holder of a licence, require the holder of the licence to provide to the Minister, within a specified time, a statement setting out specified information relating to money or property collected or received by the holder of the licence for charitable purposes.
- (5) If the holder of a licence under this Act sells, or otherwise converts into money, any property collected or received by the holder of the licence for a charitable purpose, the money so obtained is, for the purposes of this section, money collected or received by the holder of the licence for a charitable purpose.
- (6) The Minister may publish on a website maintained by the Minister any information provided by the holder of a licence under this section and must publish—
 - (a) the name of, and contact details for, any person who holds a licence under this Act; and
 - (b) the contents of any statement submitted to the Minister under subsection (2)(b) or a summary of, or extract from, any such statement.
- (7) The holder of a licence who contravenes or fails to comply with a provision of this section is guilty of an offence.
Maximum penalty: \$8 000.

- (7a) If a body corporate is guilty of an offence against this section, each member of the governing body of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence if the prosecution proves that—
- (a) the member knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed; and
 - (b) the member was in a position to influence the conduct of the body corporate in relation to the commission of such an offence; and
 - (c) the member failed to exercise due diligence to prevent the commission of the offence.
- (7b) If an unincorporated body is guilty of an offence against this section, each member of the unincorporated body is guilty of an offence and liable to the same penalty as is prescribed for the principal offence if the prosecution proves that—
- (a) the member knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed; and
 - (b) the member was in a position to influence the conduct of the body corporate in relation to the commission of such an offence; and
 - (c) the member failed to exercise due diligence to prevent the commission of the offence.
- (8) It is a defence to a charge of an offence under this section other than an offence against subsection (7a) or (7b) if the defendant proves that the offence occurred without the defendant's knowledge or consent.
- (9) If a Commonwealth registered entity taken to hold a section 6 licence for the purposes of this Act has, in respect of a particular period—
- (a) submitted to the Commonwealth Commissioner an information statement that the entity is required to prepare under the Commonwealth Act and, if relevant, a financial report together with any auditor's report or reviewer's report that the entity is required to obtain under that Act; and
 - (b) submitted to the Minister any other information required by the Minister,
- the entity is exempt from the operation of subsections (1), (2) and (7) in relation to that period.
- (10) A document or information required to be provided to the Minister under this section must be provided in accordance with any requirements specified by the Minister (including requirements as to the form and verification of the document or information, or the time or manner in which it is to be provided).

15A—Appointment of inspectors

- (1) The Minister may appoint inspectors for the purposes of this Act.
- (2) The Minister must provide each inspector with an identity card which the inspector must produce on request.

15B—Powers of inspectors

- (1) For the purposes of ascertaining whether the provisions of this Act are being complied with and subject to this section, an inspector may enter any place in which the inspector suspects, on reasonable grounds, there may be evidence or records connected with an activity for which a licence is required under this Act.
- (2) An inspector must not enter a place used as a residence unless—
 - (a) the occupier consents; or
 - (b) the inspector is authorised by warrant under subsection (3).
- (3) A magistrate may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter a place used as a residence.
- (4) While an inspector is in or on any place under this section, the inspector may do one or more of the following:
 - (a) inspect or search the place or anything in the place;
 - (b) require a person in the place to—
 - (i) produce documents (which may include a written record reproducing in an understandable form information stored by computer, microfilm or other process) that are in the person's custody or control; and
 - (ii) answer any questions put by the inspector;
 - (c) inspect documents produced to the inspector and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from them;
 - (d) take photographs, films, audio, video or other recordings;
 - (e) if the inspector suspects on reasonable grounds that an offence has been committed, seize and retain anything that the inspector believes affords evidence of the offence;
 - (f) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of the inspector's powers under this section.
- (5) A person who—
 - (a) hinders or obstructs an inspector in the exercise of powers under this section; or
 - (b) fails, without reasonable excuse, to comply with a requirement of an inspector under this section; or
 - (c) fails, without reasonable excuse, to answer, to the best of the person's knowledge, information and belief, a question put by an inspector; or
 - (d) falsely represents that he or she is an inspector, is guilty of an offence.
Maximum penalty: \$8 000.
- (6) An inspector may, in exercising powers under this section, be accompanied by such assistants as are reasonably necessary for the purpose.

- (6a) An inspector may require that the answer to a question under this section be verified by statutory declaration or given under oath.
- (7) A person may decline to answer a question put under this section if the answer would tend to incriminate the person of an offence.

15C—False and misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.

Maximum penalty: \$8 000.

15D—Dishonest, deceptive or misleading conduct

A person who, in the conduct of an activity that is or is required to be authorised by a licence under this Act, acts in a dishonest, deceptive or misleading manner is guilty of an offence.

Maximum penalty: \$15 000 or imprisonment for 4 years.

16—Application of money and property for other charitable purposes

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

17—Vesting of funds in Minister

- (1) The Governor may, by proclamation, vest in the Minister the moneys and securities for moneys held for any charitable purpose by or on behalf of any person, society, body, or association to whom or to which a licence is or has been issued under this Act, on being satisfied—
 - (a) that a majority of at least three-fourths in number of the persons who are trustees or who have the control of the moneys or securities for money have consented to the vesting; or
 - (b) there has been maladministration of the moneys or securities.
- (2) Subject to subsection (3), the moneys and securities vested in the Minister by a proclamation under this section will be held on the trusts on which they were held immediately before being vested in the Minister.
- (3) The Governor may, by proclamation, vary the trusts and authorise the Minister to apply the moneys and securities, or any part of the moneys and securities, to charitable purposes specified in the proclamation.

17A—Disclosure of information relating to Commonwealth registered entities

The Minister may enter into an agreement with the Commonwealth Commissioner in relation to—

- (a) the manner in which Commonwealth registered entities may provide information for the purposes of this Act; and
- (b) the provision of information obtained under the Commonwealth Act to the Minister for the purposes of this Act.

17B—Disclosure of information—general

The Minister may disclose information gained in the course of the administration of this Act—

- (a) to authorities responsible for the administration of laws relating to acting as a collector in other States and Territories of the Commonwealth; and
- (b) to any other authorities that may require the information for the purpose of discharging duties of a public nature; and
- (c) to any other person, or in any other way, the Minister considers (in his or her absolute discretion) appropriate in the public interest.

18—Exemptions

- (1) The Minister may, on application by a person, society, body or association exempt the person, society, body or association from compliance with specified provisions of this Act.
- (2) An exemption is subject to the conditions (if any) imposed by the Minister.
- (3) The Minister may, at his or her discretion, vary or revoke an exemption.
- (4) The grant or a variation or revocation of an exemption may be published on a website maintained by the Minister.

18B—Service of notices etc

- (1) Subject to this Act, a notice or document required or authorised by this Act to be given to or served on a person may—
 - (a) be served on the person personally; or
 - (b) be posted in an envelope addressed to the person at the person's last known address; or
 - (c) if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be given to or served on the person in accordance with that Act.
- (2) Without limiting the effect of subsection (1), a notice or document required or authorised by this Act to be given to or served on the holder of a licence under this Act may—
 - (a) be posted in an envelope addressed to the licensee at the licensee's address for service; or
 - (b) be left for the licensee at the licensee's address for service with someone apparently over the age of 16 years; or

- (c) be transmitted by facsimile transmission to a facsimile number provided by the licensee (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (3) The address for service of the holder of a licence under this Act is the address of which the Minister has been last notified in writing by the licensee as the licensee's address for service.

18C—Evidentiary

In proceedings for an offence against this Act, an allegation in the complaint that a specified person or body was or was not—

- (a) at a specified time the holder of a section 6 licence; or
- (b) authorised by the holder of a section 6 licence to carry out specified activities, is, in the absence of proof to the contrary, proof of the matter alleged.

19—Proceedings for offences

- (1) No prosecution for an offence against this Act may be instituted without the approval in writing of the Minister.
- (2) Unless proof to the contrary is given, any document purporting to be signed by the Minister and to be an approval by the Minister under subsection (1) is, without any further proof or proof of the signature of the Minister, sufficient proof before any court of the giving of the approval.

20—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act or are necessary or expedient for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may—
 - (a) require information of a kind prescribed by the regulations to be displayed on receptacles that are left in public places to enable members of the public to make gifts of property for charitable purposes or to dispose of unwanted property;
 - (b) prohibit the display of information of a kind prescribed by the regulations on receptacles referred to in paragraph (a);
 - (c) regulate the form in which information may be displayed on receptacles referred to in paragraph (a);
 - (d) impose a fine (not exceeding \$4 000) for breach of, or non-compliance with, the regulations.

21—Saving provision

The provisions of this Act are in addition to and not in substitution for any other provisions by or under which collections of money are controlled.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Collections for Charitable Purposes Act 1939* repealed the following:

Collections for Unemployment Act 1930

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1939	16	<i>Collections for Charitable Purposes Act 1939</i>	22.11.1939	1.2.1940 (<i>Gazette 23.11.1939 p1379</i>)
1947	18	<i>Collections for Charitable Purposes Act Amendment Act 1947</i>	6.11.1947	6.11.1947
1982	21	<i>Collections for Charitable Purposes Act Amendment Act 1982</i>	18.3.1982	1.4.1982 (<i>Gazette 1.4.1982 p949</i>)
1995	66	<i>Collections for Charitable Purposes (Licensing and Miscellaneous) Amendment Act 1995</i>	17.8.1995	2.11.1995 (<i>Gazette 2.11.1995 p1232</i>)
1999	14	<i>Collections for Charitable Purposes (Definition of Charitable Purpose) Amendment Act 1999</i>	1.4.1999	1.4.1999
2007	41	<i>Collections for Charitable Purposes (Miscellaneous) Amendment Act 2007</i>	25.10.2007	1.9.2008 (<i>Gazette 3.7.2008 p3203</i>)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 34 (s 63)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)
2013	16	<i>Statutes Amendment (Directors' Liability) Act 2013</i>	23.5.2013	Pt 10 (s 14)—17.6.2013 (<i>Gazette 6.6.2013 p2498</i>)
2016	24	<i>Statutes Amendment (Commonwealth Registered Entities) Act 2016</i>	2.6.2016	Pt 3 (ss 7—21), Schs 1 & 2—1.12.2016 (<i>Gazette 27.10.2016 p4237</i>)

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 2 of The Public General Acts of South Australia 1837-1975 at page 202.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
	amended by 41/2007 Sch 1	1.9.2008
<i>ss 2 and 3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 4		
body	inserted by 66/1995 s 3(a)	2.11.1995
charitable purpose	amended by 66/1995 s 3(b), (d)	2.11.1995
	(c) and (d) deleted by 66/1995 s 3(c)	2.11.1995
	amended by 14/1999 s 2	1.4.1999
	amended by 24/2016 s 7(1), (2)	1.12.2016
code of practice	inserted by 24/2016 s 7(3)	1.12.2016
collection contract	inserted by 66/1995 s 3(e)	2.11.1995
	substituted by 41/2007 s 4	1.9.2008
collector	inserted by 41/2007 s 4	1.9.2008
	substituted by 24/2016 s 7(4)	1.12.2016
Commonwealth Act	inserted by 24/2016 s 7(4)	1.12.2016
Commonwealth Commissioner	inserted by 24/2016 s 7(4)	1.12.2016
Commonwealth registered entity	inserted by 24/2016 s 7(4)	1.12.2016
inspector	inserted by 41/2007 s 4	1.9.2008
<i>Minister</i>	<i>deleted by 41/2007 s 4</i>	<i>1.9.2008</i>
paid collector	inserted by 41/2007 s 4	1.9.2008
property	inserted by 41/2007 s 4	1.9.2008
section 6 licence	inserted by 66/1995 s 3(f)	2.11.1995
<i>section 6A licence</i>	<i>inserted by 66/1995 s 3(f)</i>	<i>2.11.1995</i>
	<i>deleted by 24/2016 s 7(5)</i>	<i>1.12.2016</i>
<i>section 7 licence</i>	<i>inserted by 66/1995 s 3(f)</i>	<i>2.11.1995</i>
	<i>deleted by 24/2016 s 7(6)</i>	<i>1.12.2016</i>
s 5	<i>deleted by 66/1995 s 4</i>	<i>2.11.1995</i>
s 5	inserted by 41/2007 s 5	1.9.2008
<i>s 6 before substitution by 41/2007</i>		
<i>s 6(1)</i>	<i>amended by 66/1995 s 5(a)</i>	<i>2.11.1995</i>
<i>s 6(2)</i>	<i>amended by 66/1995 s 5(b)</i>	<i>2.11.1995</i>

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s 6(3)	<i>amended by 66/1995 s 5(c)</i>	2.11.1995
s 6	substituted by 41/2007 s 5	1.9.2008
s 6(1)	amended by 24/2016 s 8(1), Sch 2	1.12.2016
s 6(3)—(10)	inserted by 24/2016 s 8(2)	1.12.2016
s 6A	<i>inserted by 66/1995 s 6</i>	2.11.1995
	<i>substituted by 41/2007 s 5</i>	1.9.2008
	deleted by 24/2016 s 9	1.12.2016
s 6B	inserted by 41/2007 s 5	1.9.2008
s 6B(2) and (3)	amended by 24/2016 Sch 2	1.12.2016
s 6B(4)	deleted by 24/2016 s 10	1.12.2016
s 6C	inserted by 41/2007 s 5	1.9.2008
s 6C(3)	amended by 24/2016 Sch 2	1.12.2016
s 6C(4)	amended by 24/2016 s 11(1)	1.12.2016
s 6C(5) and (6)	amended by 24/2016 Sch 2	1.12.2016
s 6C(7)	deleted by 24/2016 s 11(2)	1.12.2016
<i>s 7 before substitution</i>		
<i>by 41/2007</i>		
s 7(1)	<i>amended by 66/1995 s 7(a)</i>	2.11.1995
s 7(2)	<i>amended by 66/1995 s 7(b)</i>	2.11.1995
s 7(3)	<i>amended by 66/1995 s 7(c)</i>	2.11.1995
s 7(4)	<i>amended by 66/1995 s 7(d)</i>	2.11.1995
s 7	substituted by 41/2007 s 5	1.9.2008
s 7(2)	deleted by 24/2016 s 12(1)	1.12.2016
s 7(3)	amended by 24/2016 s 12(2), Sch 2	1.12.2016
s 7(5)	amended by 24/2016 s 12(3), (4), Sch 2	1.12.2016
s 8		
s 8(1)	amended by 66/1995 s 8	2.11.1995
	amended by 41/2007 Sch 1	1.9.2008
	amended by 24/2016 s 13	1.12.2016
s 8(2)	amended by 66/1995 s 8	2.11.1995
	substituted by 41/2007 Sch 1	1.9.2008
	amended by 24/2016 s 13	1.12.2016
s 9		
s 9(1)	amended by 41/2007 Sch 1	1.9.2008
	amended by 24/2016 s 14	1.12.2016
s 9(2)	amended by 66/1995 s 9	2.11.1995
	substituted by 41/2007 Sch 1	1.9.2008
	amended by 24/2016 Sch 2	1.12.2016
s 10	<i>deleted by 21/1982 s 3</i>	1.4.1982
s 11		
s 11(1)	amended by 21/1982 s 4(a)	1.4.1982
	amended by 41/2007 Sch 1	1.9.2008
s 11(2)	<i>amended by 21/1982 s 4(b)</i>	1.4.1982

	<i>amended by 66/1995 s 10</i>	2.11.1995
	<i>amended by 41/2007 Sch 1</i>	1.9.2008
	deleted by 24/2016 s 15	1.12.2016
s 11(3)	amended by 21/1982 s 4(c)	1.4.1982
	amended by 41/2007 Sch 1	1.9.2008
s 12		
s 12(1)	amended by 66/1995 s 11(a)	2.11.1995
	substituted by 41/2007 s 6(1)	1.9.2008
	substituted by 24/2016 s 16(1)	1.12.2016
s 12(1a)	<i>inserted by 66/1995 s 11(b)</i>	2.11.1995
	<i>deleted by 41/2007 s 6(1)</i>	1.9.2008
s 12(2)	substituted by 41/2007 s 6(1)	1.9.2008
	amended by 24/2016 s 16(2)	1.12.2016
s 12(2a)	<i>inserted by 66/1995 s 11(c)</i>	2.11.1995
	<i>deleted by 41/2007 s 6(1)</i>	1.9.2008
s 12(3)	substituted by 41/2007 s 6(1)	1.9.2008
	amended by 24/2016 s 16(3)	1.12.2016
s 12(4)	inserted by 21/1982 s 5	1.4.1982
	amended by 66/1995 s 11(d)	2.11.1995
	amended by 41/2007 s 6(2)—(4)	1.9.2008
	amended by 24/2016 s 16(4), (5)	1.12.2016
s 12(5) and (6)	inserted by 24/2016 s 16(6)	1.12.2016
s 13	<i>deleted by 21/1982 s 6</i>	1.4.1982
s 14	amended by 41/2007 Sch 1	1.9.2008
ss 14A and 14B	inserted by 24/2016 s 17	1.12.2016
<i>s 15 before substitution by 41/2007</i>		
s 15(1)	<i>inserted by 66/1995 s 12(a)</i>	2.11.1995
s 15(2)	<i>s 15(1) redesignated as s 15(2) by 66/1995 s 12(b)</i>	2.11.1995
	<i>amended by 66/1995 s 12(c), (d)</i>	2.11.1995
s 15(3)	<i>s 15(2) redesignated as s 15(3) by 66/1995 s 12(b)</i>	2.11.1995
	<i>substituted by 66/1995 s 12(e)</i>	2.11.1995
s 15(4)	<i>s 15(3) redesignated as s 15(4) by 66/1995 s 12(b)</i>	2.11.1995
	<i>amended by 66/1995 s 12(f)</i>	2.11.1995
s 15	substituted by 41/2007 s 7	1.9.2008
s 15(3)	substituted by 24/2016 s 18(1)	1.12.2016
s 15(4)	deleted by 24/2016 s 18(1)	1.12.2016
s 15(6)	substituted by 24/2016 s 18(2)	1.12.2016
s 15(7)	substituted by 16/2013 s 14(1)	17.6.2013
	amended by 24/2016 Sch 2	1.12.2016

s 15(7a) and (7b)	inserted by 16/2013 s 14(1)	17.6.2013
s 15(8)	amended by 16/2013 s 14(2)	17.6.2013
s 15(9) and (10)	inserted by 24/2016 s 18(3)	1.12.2016
s 15A	inserted by 41/2007 s 7	1.9.2008
s 15B	inserted by 41/2007 s 7	1.9.2008
s 15B(5)	amended by 24/2016 Sch 2	1.12.2016
s 15B(6a)	inserted by 24/2016 s 19	1.12.2016
s 15C	inserted by 41/2007 s 7	1.9.2008
	amended by 24/2016 Sch 2	1.12.2016
s 15D	inserted by 41/2007 s 7	1.9.2008
	amended by 24/2016 Sch 2	1.12.2016
s 16	substituted by 66/1995 s 13	2.11.1995
s 16(1)	amended by 41/2007 Sch 1	1.9.2008
s 17		
s 17(1)	amended by 41/2007 Sch 1	1.9.2008
s 17(2) and (3)	substituted by 41/2007 Sch 1	1.9.2008
s 17(4)	<i>deleted by 41/2007 Sch 1</i>	<i>1.9.2008</i>
ss 17A and 17B	inserted by 24/2016 s 20	1.12.2016
s 18	substituted by 41/2007 s 8	1.9.2008
s 18A	<i>inserted by 41/2007 s 8</i>	<i>1.9.2008</i>
	<i>deleted by 84/2009 s 63</i>	<i>1.2.2010</i>
s 18B	inserted by 41/2007 s 8	1.9.2008
s 18C	inserted by 41/2007 s 8	1.9.2008
	amended by 24/2016 s 21(1)—(3)	1.12.2016
s 19		
s 19(1) and (2)	amended by 41/2007 Sch 1	1.9.2008
s 20	substituted by 66/1995 s 14	2.11.1995
s 20(2)	amended by 41/2007 Sch 1	1.9.2008
	amended by 24/2016 Sch 2	1.12.2016

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Commonwealth Registered Entities) Act 2016, Sch 1—Transitional provisions

1—Preliminary

In this Schedule—

principal Act means the *Collections for Charitable Purposes Act 1939*.

2—Repeal of section 6A—reporting requirements

- (1) Despite the repeal of section 6A of the principal Act, the requirements of section 15 of the principal Act will continue to apply to the holder of a section 6A licence in relation to money collected or received under the licence during the financial year in which the repeal occurs.

(2) In this clause—

section 6A licence means a section 6A licence under the principal Act as in force immediately before the commencement of this clause.

3—Repeal of section 7—licences to continue as section 6 licences

The holder of a section 7 licence under the principal Act as in force immediately before the commencement of this clause will, after that commencement, be taken to be the holder of a section 6 licence under the principal Act, and such a licence will—

- (a) be held subject to the same conditions as the section 7 licence; and
- (b) remain in force for the period specified in that licence.

Historical versions

Reprint No 1—1.7.1991

Reprint No 2—2.11.1995

Reprint No 3—1.4.1999

1.9.2008

1.2.2010

17.6.2013