

## Collecting for charities in Tasmania

### *Collections for Charities Act 2001*

### Introductory information for charities, marketing organisations and individuals collecting in Tasmania

#### Introduction

The following information is a guide to the *Collections for Charities Act 2001*. This guide details the requirements and responsibilities if you are asking for donations from the public in Tasmania.

Organisations based outside of Tasmania must not collect public donations unless they have received approval from the Commissioner for Corporate Affairs.

#### **It is an offence to collect without proper approval**

If you have any doubt, read this Information Guide, visit [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au) or ring Consumer, Building and Occupational Services (CBOS) on **1300 65 44 99**.

#### What the rules say

The rules for collecting for charities in Tasmania apply to any person who asks a member of the public to give money for a charitable purpose. The law applies to:

- individuals
- incorporated bodies
- non-incorporated bodies
- religious organisations.

The Act contains both rules for the conduct of charities and for the use of the money raised.

The Act refers to 'soliciting for charitable purposes'. This means any request for a donation:

- made in a public place such as a street corner or hotel
- door-to-door
- by newspaper advertisement, telephone, post, email, internet, radio or television.

A charitable purpose includes any benevolent, philanthropic or patriotic purpose, and any purpose for the protection of the environment or the welfare of animals. For example, a charitable purpose might include general causes such as protecting the environment, or a very specific cause such as a local disaster (fire, flood, or drought).

If an organisation engages in misleading or deceptive activity CBOS can ask a court to stop the organisation from making further collections.

## Exclusions from the Act

The Act does not apply to the following:

- the sale of goods or services such as a chocolate fundraiser
- a request for renewal of membership of an organisation
- an appeal by an organisation to its membership such as a cricket club or hobby group
- an appeal within premises used by a club or religious organisation such as a collection plate
- an appeal to a Commonwealth, State or Local authority
- raffle tickets.

## What about raffles?

The *Collections for Charities Act 2001* does not apply to raffles. Many raffles are administered by:

Tasmanian Gaming Commission  
GPO Box 1374  
HOBART TAS 7001

Telephone: (03) 6166 4040

Website: [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)

## Do I need to apply for approval?

### Tasmanian-based charities

Organisations such as companies or incorporated associations registered in Tasmania do not need special permission to collect for charitable purposes.

If your organisation does not qualify but still wishes to collect, you may be able to apply for a Non-incorporated Associations Form 2 approval.

### Non-Tasmanian based charities (Form 1 approval)

Organisations incorporated outside Tasmania, or corporations whose principal office is located in another State or Territory, **must** apply to the Commissioner for Corporate Affairs for approval to collect charitable donations in Tasmania. The Commissioner may impose conditions.

### Non-incorporated associations (Form 2 approval)

Organisations which are not incorporated associations or corporations are generally banned from collecting donations from the public. However a community group may wish to collect for a charity for a limited period or for a specific purpose. In these circumstances, you **must** apply for approval from the Commissioner for Corporate Affairs.

### Individuals (Form 3 approval)

Individuals generally collect for charity on behalf of an organisation and not in their own right. The Act does allow individuals to collect in their own right in special circumstances. An example is a local event in the community, such as a disaster or family tragedy where a person feels a need to help. You **must** first apply for approval from the Commissioner for Corporate Affairs.

Forms are available at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au) or from CBOS by ringing 1300 65 44 99.

## How to collect

When collecting from the public you **must** wear identification. You are required to provide other information which varies depending on the collection method.

### Collecting donations by telephone

You **must** state:

- your name
- the name of the organisation you represent, and
- the State or Territory where the organisation's principal office is located.

### Hours for telephone soliciting

In Tasmania you can **only** collect donations for charities by telephone between **9am and 8pm on any day**.

These rules apply to volunteers, employees of a charity and anyone employed by a marketing business.

### Going door to door

Door knocking for donations requires you to **wear an identity card** showing:

- your name
- the name of the organisation you represent, and
- the State or Territory where the organisation's principal office is located.

**Plus** you must state the name of the organisation you represent, and the purpose of the donation.

### Hours for soliciting door to door

In Tasmania, you may only door knock for charitable purposes between certain times.

You **must not** begin collecting **before 9 am on any day** or continue collecting after:

- 8pm between 1 November and 31 January
- 7pm between 1 February and 30 April
- 5pm between 1 May and 31 August
- 7pm between 1 September and 31 October

### Soliciting in a public place

If you are collecting donations in public places **you must**:

- wear an identity card showing your name
- the name of the organisation you represent
- the State or Territory where the organisation's principal office is located.

### Tasmania Police

**You must** seek permission from Tasmania Police to collect for donations on a public street. Tasmania Police regulates this type of collecting and allocates fundraising days and areas one year in advance. This is to avoid overlap between fundraising events. Applications lodged less than 12 months before the preferred date may be considered by Tasmania Police however may be unsuccessful.

Make applications to:

Tasmania Police  
State Community Policing Services  
GPO Box 308  
HOBART TAS 7001  
Telephone: 131 444      Website: [www.police.tas.gov.au](http://www.police.tas.gov.au)

### Soliciting through writing, electronic media or advertisement

Organisations often make written requests for donations. These may be addressed to the recipient or come in the form of a general request or public advertisement. Any written request, however communicated, **must** include:

- a statement specifying the purpose for collecting donations
- the name of the organisation
- the address of the principal office of the organisation
- a contact telephone number for the organisation.

## Children and young collectors

- Children **under the age of 12 years** can only collect donations if they are under the immediate control of an adult person
- Young people **aged between 12 and 15 years** can only collect donations if they are under the supervision of an adult
- Persons **16 years of age or over** can collect donations without supervision.

## Prohibited Behaviour

### Misleading conduct

The *Collections for Charities Act 2001* prohibits deceptive or misleading statements relating to donations, including false claims of sponsorship or affiliation.

### Excessive benefit

The law allows a magistrate to intervene when a person involved in collecting donations receives a manifestly excessive benefit. A magistrate may also intervene when donations are used for another purpose unrelated to the original reason for the donations.

### Inappropriate use of funds

Magistrates have various powers to place restrictions on activities of an organisation and to appoint an administrator to manage some or all of the affairs of the organisation when funds have been inappropriately used.

## Enquiries

### Forms

Application forms are available from [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au) or by ringing 1300 65 44 99.

### Complaints

Any complaints about a person or organisation soliciting charitable donations should be directed to Consumer, Building and Occupational Services at [www.cbos.tas.gov.au/contact-us](http://www.cbos.tas.gov.au/contact-us)

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