

Our Ref: C/10374

13 July 2016

Andrew Edwards
National State Emergency Service Volunteers Association Limited
Unit 1
2-6 Lindsay Street
ROCKDALE NSW 2216

APPROVAL TO SOLICIT FOR CHARITABLE PURPOSES

I have considered your application to solicit for charitable purposes.

In accordance with section 6 of the *Collections for Charities Act 2001* (the Act) I hereby approve your organisation to collect donations for the charitable purposes outlined in your application.

This approval operates for a period of 3 years and will expire on 12 July 2019 unless otherwise revoked by the Commissioner in accordance with section 6(4) of the Act.

Conditions of Approval

Your approval to solicit for charitable purposes is subject to the following conditions: -

- 1) the information provided in your application is true and correct; and
- 2) you notify us in writing of changes to the organisation or public officer details; and
- 3) all solicitations undertaken by your organisation will be for a charitable purpose; and
- 4) full details of all donations received will be provided to us when asked to do so; and
- 5) all collection tins will display the name, address and phone number of the charitable organisation and the person authorised to collect donations on their behalf.

Powers of Revocation

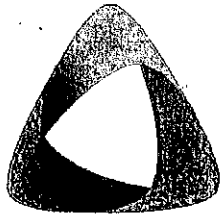
This approval may be revoked at any time if the Commissioner is satisfied that: -

- a) an offence has, or may have, been committed or is likely to be committed; or
- b) an investigation is being, or is to be, conducted into your organisation; or
- c) failure to comply with the conditions as outlined above; or
- d) the period or event for which the approval was granted has passed.

Enclosed for your information is a copy of the "Charitable Collections Information Guide" which outlines your statutory obligations and responsibilities under the Act. Further information on charitable collections is available from www.consumer.tas.gov.au.



Assistant Commissioner for Corporate Affairs



Consumer Affairs and Fair Trading Information Guide

June 2015

Version: 2.b

A GUIDE TO THE 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 seeking donations from the public in Tasmania.

Organisations based outside of Tasmania must not solicit for public donations unless they have obtained approval from the **Commissioner for Corporate Affairs**. It is an offence to collect without the proper approval, so if you have any doubt, read this Information Guide, visit www.consumer.tas.gov.au or ring Consumer Affairs and Fair Trading 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 including requests made in a public place such as a street corner or hotel, requests door-to-door or 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 fundraising to help people to cope with a local disaster such as fire, flood, or drought.

If an organisation engages in activity, which is misleading or deceptive, Consumer Affairs and Fair Trading 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 that are 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 the

Tasmanian Gaming Commission
GPO Box 1374
HOBART TAS 7001

Telephone: (03) 6166 4040
Website: 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 solicit 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, which are incorporated in a jurisdiction other than Tasmania, or corporations whose principal office is located in another State or Territory, must apply to the Commissioner for Corporate Affairs for approval to solicit for charitable donations in Tasmania. The Commissioner may impose conditions on a grant of approval.

Non-incorporated associations (Form 2 approval)

Organisations which are not incorporated associations or corporations are generally prohibited from soliciting for donations from the public. However a community group may wish to collect for 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. However the Act does make provision for 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. An individual must first apply for approval from the Commissioner for Corporate Affairs.

Forms are available at www.consumer.tas.gov.au/forms_and_fees or from the Office of Consumer Affairs and Fair Trading by ringing 1300 65 44 99.

HOW TO COLLECT

Identification and providing information

The Act requires collectors to wear identification and to provide certain information when collecting from the public. The Act details information which must be provided when door knocking or telephoning. Certain information must also be provided when advertising by newspaper, magazine, radio, email, internet or by television.

Children and young collectors

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

Soliciting by telephone

If a person solicits for a charitable purpose by telephone, the caller must state their name, the name of the organisation they represent, and the State or Territory in which the principal office of that organisation is located.

Hours for telephone soliciting

Fundraisers who telephone residential numbers seeking donations may only do so between 9 a.m. and 8 p.m. on any day.

These rules apply to any person soliciting for a charity by telephone and include volunteers, employees of a charity and persons employed by a marketing business.

Going door to door

Any person door knocking for donations is required to wear an identity card showing their name, the name of the organisation they represent, and the State or Territory in which the principal office of that organisation is located.

In addition any person door knocking for donations must state the name of the organisation they represent, and the purpose of the donation.

Hours for soliciting door to door

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

A person must not begin collections before 9 am on any day or continue collections 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

A person who solicits for donations in public places is required to wear an identity card showing their name, the name of the organisation they represent, and the State or Territory in which the principal office of that organisation is located.

In addition to the requirements of the *Collections for Charities Act 2001*, you must seek permission from Tasmania Police to collect for donations on a public street. Tasmania Police allocate fundraising days and areas one year in advance. This type of collecting is regulated to avoid overlap between fundraising events. Applications lodged less than 12 months prior to the preferred date may be considered by Tasmania Police however such applications may be unsuccessful.

Applications should be made to:

Tasmania Police
State Community Policing Services
GPO Box 308
HOBART TAS 7001
Telephone: 131 444 Website: 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 the following:

- a statement of the purpose for which the donation is sought
- the name of the organisation
- the address of the principal office of the organisation
- a contact telephone number for the organisation.

PROHIBITED BEHAVIOUR

Misleading conduct

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

Excessive benefit

The law allows a magistrate to intervene where a person involved in collecting donations receives a manifestly excessive benefit. A magistrate may also intervene where donations are used for a purpose, which is unrelated to the charitable purpose for which they were given.

Inappropriate use of funds

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

ENQUIRIES

Forms

Application forms are available from http://www.consumer.tas.gov.au/forms_and_fees or by ringing 1300 65 44 99.

Complaints

Any complaints about a person or organisation soliciting charitable donations should be directed to Consumer Affairs and Fair Trading

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