

1 June 2016

Ms Linda Woo  
Executive Director Policy and Projects, Office of Regulatory Policy  
Department of Justice & Attorney-General  
Locked Bag 180  
City East QLD 4002

By post and by email: [REDACTED]

Dear Ms Woo

### **Registration as a charity under the Collections Act**

I write to raise for your consideration the possibility of the alignment of the approach taken by the Queensland Office of Fair Trading (OFT) as to the eligibility of certain organisations to be registered as a charity under the Collections Act 1966 (Qld) with that taken by the Australian Charities Not- for- profit Commission under the *Charities Act 2012* (Commonwealth).

Under the *Charities Act 2012* (Cth) and at common law, an organisation which has the purpose of advancing the natural environment is charitable. Similarly, an organisation which has cultural purposes is charitable.

Recent experience of our members is that 'due to long standing practice of the Office' neither of these organisations will be registered as charities under the Collections Act but rather as community service organisations. This has been despite submissions to the Office to reconsider what appears to be a policy decision rather than a decision based on the law.

The practical effect of this approach is that organisations which are registered as charities with the Australian Charities and Not-for-profits Commission are not registered as a charity by the OFT. This causes unnecessary confusion for the sector and we respectfully suggest that consideration be given to this being addressed in the practice of the OFT.

We would be pleased to liaise with you. Please contact Julia Connelly, coordinating Policy Solicitor, Advocacy & Governance, at [REDACTED]

Yours faithfully

[REDACTED]  
Bill Potts  
**President**