

# **Public Collections and Solicitations (Disclosure of Payment) Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

This Bill seeks to bring transparency to public collectors, who are paid to solicit donations or signatures, to ensure that the public is fully informed as to all the relevant information when signing, paying, or donating to any cause. Under the Bill, collectors who fail to make adequate disclosures, as prescribed, commit an offence.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill comes into force 3 months after the date on which it receives Royal assent.

*Clause 3* provides that the purpose of the Bill requires any person collecting or soliciting donations, subscriptions, or support for an organisation to disclose any payment or remuneration for performing that collection.

*Clause 4* sets out what type of collectors or solicitors are required to make a disclosure under this Bill—any person who solicits a payment or signature or similar in a public place who receives payment or remuneration and who is not collecting or soliciting for a registered charity.

*Clause 5* provides that a disclosure under the Bill must be made orally or in writing, must be made before the collection takes place, and must reveal who is making the payment.

*Clause 6* makes it an offence for any person who is required to make a disclosure to fail to make that disclosure.

*Clause 7* provides that a constable may issue an infringement notice not exceeding \$1,000 if he or she suspects or has reasonable cause to suspect that an offence under

this Bill has been committed and sets out how that infringement notice can be served and what information that infringement notice must contain.

*Matt Doocey*

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Public Collections and Solicitations (Disclosure of Payment) Act **2015**.

#### **2 Commencement**

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This Act comes into force on the day after the date on which it receives the Royal assent.

#### **3 Purpose**

The purpose of this Act is to require that any person collecting or soliciting donations, subscriptions, signatures or other support for an organisation or cause in a public street or place must disclose the existence of any payment or remuneration for performing that collection or solicitation in order to ensure

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members of the public are informed whether a public collector or solicitor is being paid to solicit or collect donations, signatures, or other support.

#### 4 Type of person required to make disclosure

- (1) Any person—
- (a) who is collecting or soliciting donations, subscriptions, signatures, or other support for an organisation or cause in any public street or place; and 5
  - (b) who is receiving payment or any other remuneration for engaging in such activity—
- must disclose the existence of this payment or remuneration to relevant members of the public. 10
- (2) Despite **subsection (1)**, where the organisation or cause is a registered charity, no disclosure is required to be made.

#### 5 Form of disclosure

All disclosures made pursuant to **section 4** may be made orally or in writing, and must— 15

- (a) be made to each member of the public who is solicited or from whom a collection is taken; and
- (b) be made before any solicitation or collection occurs; and
- (c) include a statement that the person soliciting or collecting support is receiving payment or other remuneration from whichever person or organisation is providing the payment or remuneration. 20

#### 6 Offence of failing to disclose

Every person required to make a disclosure under **section 4** who fails to do so commits an infringement offence under this Act and is liable to a fine not exceeding \$1,000. 25

#### 7 Infringement notice

- (1) Where a constable observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has just been committed by that person, an infringement notice in respect of that offence may be issued to that person by that constable. 30
- (2) An infringement notice may be served—
- (a) by delivering it personally to the person who appears to have committed the infringement offence; or
  - (b) by sending it by post addressed to him or her at his or her last known place of residence or business. 35

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- (3) For the purposes of the Summary Proceedings Act 1957, an infringement notice sent to a person by post pursuant to **subsection (2)(b)** shall be deemed to have been served on the person when it would have been delivered in the ordinary course of post.
- (4) Every infringement notice shall be in such form as the Governor-General may from time to time by Order in Council prescribe, and shall contain the following particulars: 5
- (a) such details of the alleged infringement offence as are sufficient to inform fairly a person of the time, place, and nature of the alleged offence; and 10
  - (b) the amount of the infringement fee for the offence; and
  - (c) the address at which the infringement fee may be paid; and
  - (d) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (e) a statement of the right of the person served with the notice to request a hearing; and 15
  - (f) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and
  - (g) such other particulars as are prescribed. 20