



Western Australia

## **Charitable Collections Regulations 1947**

Compare between:

[22 Jul 2020, 03-e0-00] and [29 Sep 2020, 03-f0-01]



## Charitable Collections Regulations 1947

### 1. Citation

These regulations may be cited as the *Charitable Collections Regulations 1947*.

### 2. Terms used

In these regulations unless the context otherwise requires —  
*Act* shall mean the *Charitable Collections Act 1946*;

*approved* means approved by the Commissioner;

*branch organisation* means any branch of any charitable organisation approved as such by the governing body of that organisation;

*charitable organisation* means any person, society, body or association, being the holder of a licence under the Act;

*collection* includes the soliciting of funds or contributions and the selling or offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions;

*collector* means any person assisting or taking part in any collection;

*Commissioner* has the same meaning as it has in the *Fair Trading Act 2010*;

*executive officers* when used in reference to any charitable organisation, or to any branch organisation, shall include the Trustees, Chairman, President, Committee Member, Secretary or Treasurer or any other person holding any executive position by whatsoever name that position is given.

*[Regulation 2 amended: Gazette 22 Sep 2006 p. 4079;  
30 Jun 2011 p. 2647; 24 Dec 2019 p. 4417.]*

**3. Form of application for licence**

(1) In this regulation —

**ABN** means Australian Business Number as defined in the *A New Tax System (Australian Business Number) Act 1999* (Commonwealth) section 41;

**registered charity** means an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth).

(2) An application for a licence under section 11 of the Act must include —

- (a) the name and contact details of the applicant; and
- (b) whether the applicant is a registered charity and, if so, the applicant's ABN; and
- (c) the name, address and role of the person making the application on behalf of the applicant; and
- (d) any of the following that the Commissioner requires —
  - (i) details of the charitable purpose for which the licence is sought;
  - (ii) details of the collection activities the applicant plans to undertake;
  - (iii) the name, address and role of each of the principal executive officers of the applicant;
  - (iv) the name of the bank at which the applicant holds the account required to be opened under regulation 11(1);
  - (v) the name, address and qualifications of the auditor of the applicant's accounts;
  - (vi) a copy of the constitution or rules governing the applicant;

- (vii) a copy of the applicant's last income and expenditure account and balance sheet;
  - and
  - (e) any other information that the Commissioner requires that is relevant to deciding whether to grant or refuse the licence.
- (3) The application must be signed by the person making the application on behalf of the applicant.

*[Regulation 3 inserted: SL 2020/120 r. 4.]*

#### **4. Scope of licence**

Where a body incorporated in Western Australia makes application for a licence, such licence, when granted, shall be deemed to apply to and include all branches in Western Australia of such incorporated body, unless the contrary is expressed in such licence.

*[5-7. Deleted: Gazette 22 Aug 2000 p. 4847.]*

#### **8. Information to be disclosed**

- (1) Any charitable organisation shall, if so required by the Commissioner, provide all requisite information with respect to such organisation or to any branch organisation thereof, including the names and addresses of the executive officers and the date of creation of such charitable and branch organisations.  
Penalty for this subregulation: a fine of \$1 000.
- (2) If there is a change of a licensee's executive officers, the licensee must give the Commissioner written notice of the change in accordance with subregulation (3) within one month after the change.  
Penalty for this subregulation: a fine of \$1 000.

- (3) The notice must state —
- (a) the name, address and designation of each new executive officer of the organisation; and
  - (b) the name of each person who has stopped being an executive officer of the organisation.

*[Regulation 8 amended: Gazette 22 Aug 2000 p. 4847; 24 Dec 2019 p. 4417; SL 2020/120 r. 5.]*

*[9. Deleted: Gazette 22 Aug 2000 p. 4847.]*

**10. Unlicensed charitable collections**

- (1) Where any person or any body, combination, or committee of persons —
- (a) collects or has collected any moneys or articles for or in aid of any charitable purpose but with respect to which no application for a licence under the Act has been made to or granted by the Commissioner under the provisions of section 12 of the Act and these regulations;
  - (b) receives or has received or has under or in his or its control, possession, order or disposition, any moneys or articles which have been collected for or in aid of any charitable purpose referred to in the preceding paragraph,

and such person or any such body, combination or committee of persons neglects or refuses to make application for authority under the provisions of section 11 of the Act and these regulations, or to obey any lawful order or direction of the Commissioner, the Commissioner may, on the advice of the advisory committee, direct that any moneys or securities for moneys or any articles collected as aforesaid or a sum equivalent to the amount of moneys originally collected shall be —

- (i) applied to purposes connected with the charitable purpose as if such moneys or articles had been collected by a charitable organisation;

- (ii) vested in and transferred to a charitable organisation;
  - (iii) vested in and transferred to the Commissioner for allotment to a charitable purpose.
- (2) A person given a direction under subregulation (1) must comply with the direction.
- Penalty for this subregulation: a fine of \$1 000.
- (3) The provisions of this regulation and any direction given by the Commissioner hereunder shall not exempt any person from liability for any breach of the Act or regulations.

*[Regulation 10 amended: Act No. 113 of 1965 s. 8; Gazette 24 Dec 2019 p. 4417; SL 2020/120 r. 6.]*

## **11. Bank account**

- (1) Any executive officer of any charitable organisation who collects or receives moneys for any charitable purpose shall, within 7 days of the receipt thereof, pay the same to the credit of a bank account, to be opened for this purpose.
- Penalty for this subregulation: a fine of \$1 000.
- (2) Every person, other than an executive officer, who collects or receives any money on behalf of, or belonging to, a charitable organisation, shall within 14 days of the receipt thereof pay the same to the controlling body of the charitable organisation.
- Penalty for this subregulation: a fine of \$1 000.
- (3) A charitable organisation must keep a register of assets if the organisation —
- (a) has assets other than cash on hand or at bank; and
  - (b) has not recorded the assets in books of account.
- Penalty for this subregulation: a fine of \$1 000.

- (4) Every bank account of a charitable organisation is to be operated by authority signed by 2 officers of the organisation appointed in writing for the purpose by the governing body of the organisation.

*[Regulation 11 amended: Gazette 22 Oct 1970 p. 3235; 8 Sep 1972 p. 3506; 22 Aug 2000 p. 4847; SL 2020/120 r. 7.]*

*[12, 13. Deleted: Gazette 22 Aug 2000 p. 4847.]*

**14. Permitted collection times**

- (1) A collector must not visit a house for the purpose of making an appeal or of selling goods for support of the charitable purpose —

- (a) on a Sunday or public holiday; or
- (b) on any other day before 9 a.m. or after 6 p.m.,

unless authorised by the Commissioner in writing to do so.

Penalty for this subregulation: a fine of \$1 000.

- (2) A collector must not telephone another person for the purpose of making an appeal or of selling goods for support of the charitable purpose —

- (a) on a Sunday or public holiday; or
- (b) on any other day before 9 a.m. or after 8 p.m.,

unless authorised by the Commissioner in writing to do so.

Penalty for this subregulation: a fine of \$1 000.

*[Regulation 14 inserted: Gazette 22 Aug 2000 p. 4848; amended: Gazette 24 Dec 2019 p. 4417; SL 2020/120 r. 8.]*

*[15. Deleted: Gazette 22 Aug 2000 p. 4848.]*



**16. Investments**

A charitable organisation must not invest monies belonging to the organisation unless —

- (a) the monies are deposited in any company registered to carry on the business of banking in Western Australia; or
- (b) the organisation, in making the investment, exercises the care, diligence and skill that a prudent person would exercise in managing the financial affairs of other persons.

Penalty: a fine of \$1 000.

[Regulation 16 inserted: SL 2020/120 r. 9.]

[17. Deleted: SL 2020/120 r. 10.]

**18. Infringement notices**

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

[Regulation 18 inserted: Gazette 22 Sep 2006 p. 4079; amended: Gazette 12 Jun 2009 p. 2107.]

**19. Forms**

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

*[Regulation 19 inserted: Gazette 22 Sep 2006 p. 4079.]*

**20. Transitional provision for *Consumer Protection Regulations Amendment Regulations 2019***

(1) In this section —

***commencement day*** means the day on which this regulation comes into operation.

(2) If an act, matter or thing done or omitted to be done by the Minister under or for the purposes of these regulations before commencement day has effect on or after commencement day, the act, matter or thing is taken to have been done or omitted to be done by the Commissioner.

*[Regulation 20 inserted: Gazette 24 Dec 2019 p. 4416-17.]*

*[Appendix deleted: Gazette 22 Aug 2000 p. 4848.]*

**Schedule 1 — Prescribed offences and modified penalties**

[r. 18]

*[Heading inserted: SL 2020/120 r. 11.]*

<b>Offences under Charitable Collections Act 1946</b>		<b>Modified penalty</b>
s. 6(1)	Unlicensed person collecting for charity.....	\$1 000
s. 9(2)	Failing to deliver moneys, books etc. when authority revoked.....	\$1 000
s. 15(2)	Failing to keep and retain collection records.....	\$1 000
s. 15(3A)	Failing to provide Commissioner or auditor with access to collection records.....	\$1 000

  

<b>Offences under Charitable Collections Regulations 1947</b>		<b>Modified penalty</b>
r. 8(1)	Failing to provide information required by Commissioner.....	\$200
r. 8(2)	Failing to notify change of executive officers.....	\$200
r. 10(2)	Failing to comply with direction from Commissioner....	\$200
r. 11(1)	Failing to bank charitable money.....	\$200
r. 11(2)	Failing to deposit charitable money with organisation...	\$200
r. 11(3)	Failing to keep register of assets.....	\$200
r. 14(1)	Visiting a house for purposes of collecting outside permitted hours.....	\$200
r. 14(2)	Making telephone call for purposes of collecting outside permitted hours.....	\$200
r. 16	Failing to invest monies in a bank or with care, diligence and skill.....	\$200

*[Schedule 1 inserted: SL 2020/120 r. 11.]*

**Schedule 2 — Forms**

[r. 19]

[Heading inserted: Gazette 22 Sep 2006 p. 4080.]

**Form 1 — Infringement notice**

<i>Charitable Collections Act 1946</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Alleged offence</b>	Description of offence _____	
	<i>Charitable Collections Act 1946 s.</i>	
	<i>Charitable Collections Regulations 1947 r.</i>	
	Date            /            20	Time                    a.m./p.m.
Modified penalty \$ _____		
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice            /            /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence.          If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Charitable Collections Act 1946</i>’) to:          Approved Officer — <i>Charitable Collections Act 1946</i>          Department of Mines, Industry Regulation and Safety          Locked Bag 100          East Perth WA 6892</p> <p><b>In person:</b> Pay the cashier at:          Department of Mines, Industry Regulation and Safety          _____</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be</p>	

suspended or cancelled; ~~your details may be published on a website;~~ you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed; your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

**If you need more time** to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.

**If you want this matter to be dealt with by prosecution in court,** sign here \_\_\_\_\_

and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.

*[Form 1 inserted: Gazette 22 Sep 2006 p. 4080; amended: Gazette 20 Aug 2013 p. 3824; SL 2020/120 r. ~~12~~12; SL 2020/163 r. 14.]*

**Form 2**

**Form 2 — Withdrawal of infringement notice**

<i>Charitable Collections Act 1946</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue / /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Charitable Collections Act 1946 s.</i> <i>Charitable Collections Regulations 1947 r.</i>	
	Date / /20	Time a.m./p.m.
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal / /20	
<b>Withdrawal of infringement notice</b>	The above infringement notice issued against you has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed.	
<i>[*delete whichever is not applicable]</i>	<i>or</i> * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Approved Officer — <i>Charitable Collections Act 1946</i> Department of Mines, Industry Regulation and Safety Locked Bag 100 East Perth WA 6892	
	Signature _____	/ /20

*[Form 2 inserted: Gazette 22 Sep 2006 p. 4081; amended: SL 2020/120 r. 12.]*



## Notes

This is a compilation of the *Charitable Collections Regulations 1947* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Citation	Published	Commencement
<i>Charitable Collections Regulations 1947</i>	3 Apr 1947 p. 566-73	3 Apr 1947
Untitled regulations	2 Oct 1953 p. 2025	2 Oct 1953
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<b>Reprint of the <i>Charitable Collections Regulations 1947</i> in <i>Gazette</i> 26 Jul 1966 p. 2067-77</b> (includes amendments listed above)		
Untitled regulations	22 Oct 1970 p. 3235	22 Oct 1970
Untitled regulations	8 Sep 1972 p. 3506	8 Sep 1972
Untitled regulations	21 Jan 1977 p. 132	21 Jan 1977
<i>Charitable Collections Amendment Regulations 1994</i>	6 May 1994 p. 1874-5	6 May 1994
<i>Charitable Collections Amendment Regulations 1998</i>	18 Aug 1998 p. 4451	18 Aug 1998
<i>Charitable Collections Amendment Regulations (No. 2) 1998</i>	27 Nov 1998 p. 6341	27 Nov 1998
<i>Charitable Collections Amendment Regulations 2000</i> <sup>1</sup>	22 Aug 2000 p. 4845-8	22 Aug 2000
<b>Reprint of the <i>Charitable Collections Regulations 1947</i> as at 3 Oct 2000</b> (includes amendments listed above)		
<i>Charitable Collections Amendment Regulations 2006</i>	22 Sep 2006 p. 4078-81	22 Sep 2006 (see r. 2(a))
<i>Charitable Collections Amendment Regulations 2009</i>	12 Jun 2009 p. 2106-7	r. 1 and 2: 12 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jun 2009 (see r. 2(b))

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Notes Other notes

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Citation	Published	Commencement
<i>Charitable Collections Amendment Regulations 2011</i>	30 Jun 2011 p. 2647	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<b>Reprint 3: The Charitable Collections Regulations 1947 as at 26 Apr 2013</b> (includes amendments listed above)		
<i>Charitable Collections Amendment Regulations 2013</i>	20 Aug 2013 p. 3824	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Charitable Collections Amendment Regulations 2017</i>	10 Mar 2017 p. 1567	r. 1 and 2: 10 Mar 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Mar 2017 (see r. 2(b))
<i>Consumer Protection Regulations Amendment Regulations 2019 Pt. 2</i>	24 Dec 2019 p. 4416-20	1 Jan 2020 (see r. 2(b) and <i>Gazette</i> 24 Dec 2019 p. 4415)
<i>Charitable Collections Amendment Regulations 2020</i>	SL 2020/120 21 Jul 2020	r. 1 and 2: 21 Jul 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Jul 2020 (see r. 2(b))
<a href="#">Commerce Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 7</a>	<a href="#">SL 2020/163</a> <a href="#">25 Sep 2020</a>	<a href="#">29 Sep 2020 (see r. 2(b) and</a> <a href="#">SL 2020/159 cl. 2(a))</a>

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### Other notes

<sup>1</sup> The *Charitable Collections Amendment Regulations 2000* r. 12 reads as follows:

#### 12. Savings and transition

- (1) A licence that was in force immediately before the commencement of these regulations, and any terms or conditions to which the licence was subject immediately before that commencement, are not taken to be affected by the amendments that are effected by these regulations.
- (2) However, on and after the commencement of these regulations, the *Charitable Collections Regulations 1947*, as amended by these regulations, apply to a licence that was in force immediately before that commencement, and to the licensee, as if the licence had been issued after the commencement of these regulations.



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