



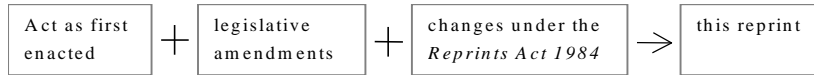
Western Australia

Street Collections (Regulation) Act 1940

Reprint 1: The Act as at 13 August 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Street Collections (Regulation) Act 1940

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 13 August 2004

Street Collections (Regulation) Act 1940

An Act to regulate street collections.

1. Short title

This Act may be cited as the *Street Collections (Regulation) Act 1940*¹.

2. Interpretation

In this Act, unless inconsistent with the context or subject matter —

“**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.

“**Metropolitan area**” means the area within the boundaries defined in the First Schedule to the regulations made under the *Traffic Act 1919*².

“**Person**” includes association, society, or committee and any combination thereof.

[Section 2 amended by No. 74 of 2003 s. 113(2).]

3. No collection in metropolitan area except by permission of Minister

- (1) It shall not be lawful for any person to make a collection in any public street within the metropolitan area unless authorised by permit in writing from the Minister and unless the conditions (if any) attached by the Minister to such permit and the provisions of the regulations made in that behalf are complied with.
- (2) For the purposes of this section the words “**public street**” in addition to the ordinary meaning assigned to them include any doorway opening lane or space adjoining or adjacent to any street or road, and also land (whether public or private) used or capable of use by the public for pedestrian traffic.

[Section 3 amended by No. 74 of 2003 s. 113(3).]

4. Permit as prescribed may be granted

- (1) The Minister may grant a permit in the form prescribed to any person to make a collection for the object or purpose, on the day, between the hours, and within the area specified respectively in such permit: Provided that the aggregate number of days in respect of which such permits may be granted shall not exceed 50 in any one year.
- (2) No collection shall be made except upon the day, between the hours, and within the area specified in the permit.

[Section 4 amended by No. 74 of 2003 s. 113(4).]

5. Applications for permits to be made in the prescribed manner

Applications for permits shall be made to the Minister in the prescribed manner, specifying the purpose of the collection, and the locality within which, the collection is to be made. Applicants shall furnish any additional information which the Minister may require or which may be prescribed.

[Section 5 amended by No. 74 of 2003 s. 113(5).]

6. Unauthorised use of badges, etc.

If any person in connection with any collection displays or uses —

- (a) a prescribed badge or prescribed certificate of authority not being a badge or certificate for the time being held by him for the purposes of the collection pursuant to regulations made under this Act; or
- (b) any badge or device or any certificate or other document so nearly resembling a prescribed badge or, as the case may be, a prescribed certificate of authority as to be calculated to deceive,

he shall be guilty of an offence.

6A. Delegation

- (1) The Minister may, either generally or as provided by the instrument of delegation, delegate to any person any of the Minister's functions under this Act except this power of delegation.
- (2) Performance of a function by a delegate is to be treated as performance by the Minister.
- (3) A person purporting to act under this section as a delegate is taken to have acted in accordance with the terms of the delegation unless the contrary is shown.

[Section 6A inserted by No. 74 of 2003 s. 113(6).]

7. Governor may make regulations

- (1) The Governor may make any regulations not inconsistent with this Act which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and for regulating the manner in which collections may be made and the conduct of persons in relation to such collections, and in particular —
 - (a) for requiring and regulating the use by collectors of prescribed badges and certificates of authority, and the issue, custody, production and return thereof;

s. 8

- (b) for prohibiting persons below a prescribed age from acting and others from causing them to act as collectors;
 - (c) for preventing annoyance, nuisance, and obstruction to members of the public using public streets or places;
 - (d) for requiring and regulating the use by collectors of prescribed collection boxes and receptacles;
 - (e) for prohibiting payment or reward to any collector.
- (2) Any regulation may impose a penalty not exceeding \$40 for any breach of such regulation.

[Section 7 amended by No. 113 of 1965 s. 8(1).]

8. Penalty for breach of this Act

If any person contravenes any of the provisions of this Act he shall be guilty of an offence.

Penalty: On summary conviction, \$2 000.

[Section 8 amended by No. 50 of 2003 s. 96(2).]

9. Offences may be dealt with summarily

All proceedings in respect of offences against this Act shall be taken and disposed of summarily under the provisions of the *Justices Act 1902*.



Notes

- ¹ This reprint is a compilation as at 13 August 2004 of the *Street Collections (Regulation) Act 1940* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Street Collections (Regulation) Act 1940</i>	55 of 1940	20 Dec 1940	20 Dec 1940
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 96	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 113	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

Reprint 1: The *Street Collections (Regulation) Act 1940* as at 13 Aug 2004 (includes amendments listed above)

- ² Repealed by the *Road Traffic Act 1974*.