



Western Australia

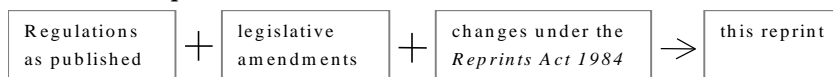
Street Collections (Regulation) Act 1940

Street Collections Regulations 1999

Reprint 1: The regulations as at 1 February 2007

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 regulations 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. 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 regulations 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 regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations 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 - removed (because it was repealed or deleted from the law); or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 regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. 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 regulations are 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 Regulations 1999

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Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 1 February 2007

Street Collections (Regulation) Act 1940

Street Collections Regulations 1999

1. Citation

These regulations may be cited as the *Street Collections Regulations 1999*¹.

2. Terms used in these regulations

In these regulations —

“**authorise**” means authorise in writing;

“**Commissioner**²” has the same meaning as it has in the
Consumer Affairs Act 1971;

“**permit**” means a permit under section 4 of the Act;

“**permit holder**” means a person to whom a permit has been
granted.

[Regulation 2 amended in Gazette 22 Sep 2006 p. 4134.]

3. Application for permit

An application for a permit is to be in a form approved by the
Minister.

4. Form of permit

A permit is to be in the form set out in Schedule 1.

5. Identification badges

- (1) A collector must wear an identification badge bearing the name of the permit holder in a conspicuous place at all times while taking part in a collection.
- (2) A collector must allow a person authorised by the Minister to inspect the collector's identification badge on request.

6. Minimum age for collectors

A permit holder must not allow a person who is under 16 to be a collector unless authorised by the Minister to do so.

7. Collection boxes

- (1) A permit holder must provide one or more collection boxes to each collector.
- (2) A collection box —
 - (a) may be a box, tin, or other receptacle capable of securely holding money;
 - (b) must not be fixed to a pole or otherwise designed to be held beyond the reach of the collector;
 - (c) must be securely closed and sealed so that it cannot be opened or money removed from it without the seal being broken; and
 - (d) must have prominently displayed on it —
 - (i) the name of the person or persons for whom the collection is being made; and
 - (ii) the date of the collection.
- (3) A permit holder must consecutively number all of the permit holder's collection boxes and keep a record of which boxes are issued to each collector.

8. Making a collection

- (1) If a person wishes to contribute to a collection a collector must offer a collection box to the person so the person can put the contribution into the box.
- (2) If a person gives a contribution to the collector the collector must immediately put it into a collection box.
- (3) A collector must not open or break the seal on a collection box.
- (4) A collector who has finished collecting is to give all the collector's collection boxes to the permit holder or a person authorised by the permit holder to receive collection boxes.

9. Obstruction

While taking part in a collection a collector must not obstruct a public street (as defined in section 3 of the Act) or annoy any person using a public street.

10. Collection returns

Within 30 days after the date of a collection a permit holder must give to the Minister a written statement, signed by the permit holder, setting out —

- (a) the amount collected;
- (b) the expenses incurred in carrying out the collection; and
- (c) the amount that has been, or is to be, distributed to each of the persons for whom the collection was made.

11. Collectors, promoters etc. not to be paid

- (1) A person must not pay —
 - (a) a person for being a collector; or
 - (b) any other person for promoting or otherwise assisting with a collection,

unless the permit authorises that payment.

r. 12

- (2) In subregulation (1) —
“**pay**” includes give, whether directly or indirectly, any benefit or reward.

12. Investigation by Commissioner²

- (1) The Minister may request the Commissioner² under the *Consumer Affairs Act 1971* to investigate a collection.
- (2) On receipt of a request the Commissioner² is to —
- (a) make all investigations the Commissioner² considers appropriate; and
 - (b) report the result of the investigations to the Minister.
- (3) For the purpose of subregulation (2) the Commissioner² may direct a person to produce any documents specified in the direction and the person must comply with that direction.

[Regulation 12 amended in Gazette 12 Jan 2007 p. 49.]

13. Offence

A person who fails to comply with these regulations commits an offence.

Penalty: \$40.

14. Infringement notices

- (1) The offences specified in Schedule 2 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 2 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner² 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 Commissioner² 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 14 inserted in Gazette 22 Sep 2006 p. 4134.]

15. Forms

The forms set out in Schedule 3 are prescribed in relation to the matters specified in those forms.

[Regulation 15 inserted in Gazette 22 Sep 2006 p. 4134.]

Schedule 1 — Form of permit

[r. 4]

Street Collections (Regulation) Act 1940

Permit to conduct a Street Collection

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(Name)

has permission under the *Street Collections (Regulation) Act 1940* to conduct a street collection in the Perth metropolitan area.

The street collection may be carried out —

on (date)

between

 a.m. /p.m. and

 a.m. /p.m.

Signature of Minister

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Date

Schedule 2 — Prescribed offences and modified penalties

[r. 14]

[Heading inserted in Gazette 22 Sep 2006 p. 4134.]

Offences under <i>Street Collections (Regulation) Act 1940</i>	Modified penalty
s. 3(1), 8 Unauthorised person making collection in public street	\$400
s. 4(2), 8 Making collection in public street outside permitted times or permitted area	\$400

[Schedule 2 inserted in Gazette 22 Sep 2006 p. 4134.]

Schedule 3 — Forms

[r. 15]

[Heading inserted in Gazette 22 Sep 2006 p. 4135.]

Form 1 — Infringement notice

<i>Street Collections (Regulation) Act 1940</i>		Infringement notice no.
Infringement notices		
Alleged offender	Name: Family name	
	Given names	
	or Company name _____	
	ACN	
Address _____		Postcode
Alleged offence	Description of offence _____	
	<i>Street Collections (Regulation) Act 1940 s.</i>	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$	
Officer issuing notice	Name	
	Signature	
	Office	
Date	Date of notice _____ / _____ /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>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>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Street Collections (Regulation) Act 1940</i>’) to:</p> <p style="padding-left: 40px;">Approved Officer — <i>Street Collections (Regulation) Act 1940</i></p> <p style="padding-left: 40px;">Department of Consumer and Employment Protection</p> <p style="padding-left: 40px;">Locked Bag 14 Cloisters Square</p> <p style="padding-left: 40px;">Perth WA 6850</p> <p>In person: Pay the cashier at:</p> <p style="padding-left: 40px;">Department of Consumer and Employment Protection</p> <p style="padding-left: 40px;">219 St George’s Terrace, Perth WA</p>	

	<p>If you do not pay 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 your driver's licence and/or vehicle licence may be suspended.</p> <p>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.</p> <p>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.</p>
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[Form 1 inserted in Gazette 22 Sep 2006 p. 4135.]

Form 2 — Withdrawal of infringement notice

<i>Street Collections (Regulation) Act 1940</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Infringement notice	Infringement notice no. _____	
	Date of issue / /20	
Alleged offence	Description of offence _____	
	<i>Street Collections (Regulation) Act 1940 s.</i>	
	Date / /20	Time a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal / /20	
Withdrawal of infringement notice	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.	
[*delete whichever is not applicable]	* Your refund is enclosed.	
	or	
	* 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>Street Collections (Regulation) Act 1940</i>	
	Department of Consumer and Employment Protection	
	Locked Bag 14 Cloisters Square	
	Perth WA 6850	
	Signature _____	/ /20

[Form 2 inserted in Gazette 22 Sep 2006 p. 4135-6.]

Notes

- ¹ This reprint is a compilation as at 2 February 2007 of the *Street Collections Regulations 1999* 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

Citation	Gazettal	Commencement
<i>Street Collections Regulations 1999</i>	7 Dec 1999 p. 5991-4	7 Dec 1999
<i>Street Collections Amendment Regulations 2006</i>	22 Sep 2006 p. 4133-6	22 Sep 2006 (see r. 2(a))
<i>Street Collections Amendment Regulations (No. 2) 2006</i>	12 Jan 2007 p. 49	12 Jan 2007
Reprint 1: The <i>Street Collections Regulations 1999</i> as at 2 Feb 2007 (includes amendments listed above)		

- ² As at the time of this reprint the person designated as the Commissioner for the purposes of the Act is known as the Commissioner for Consumer Protection (see *Gazette* 18 August 2006 p. 3372).

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
authorise	2
Commissioner	2
pay.....	11(2)
permit	2
permit holder.....	2