



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

(REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER)

No. 70]

PERTH: TUESDAY, 26th JULY

[1966

Crown Law Department,
Perth, 15th July, 1966.

THE undermentioned regulations made under the provisions of the Charitable Collections Act, 1946, and amended from time to time up to and including the 12th May, 1966, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

CHARITABLE COLLECTIONS ACT, 1946.

REGULATIONS

Published in the *Government Gazette* on the 3rd May, 1947, and incorporating the amendments thereto published in the *Government Gazette* on the 2nd October, 1953, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations, and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 14th July, 1966.

CHARITABLE COLLECTIONS ACT, 1946.

Schedule.

Regulations.

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

Interpretation.

2. In these regulations unless the context otherwise requires:—

“The Act” shall mean the Charitable Collections Act, 1946.

“Approved” means approved by the Minister.

“Charitable organisation” means any person, society, body or association, being the holder of a license 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.

“Branch organisation” means any branch of any charitable organisation approved as such by the governing body of that organisation.

“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.

Licenses.

3. Applications for a license under the Act shall be made to the Minister in accordance with Form No. 1 in the Appendix to the regulations.

4. Where a body incorporated in Western Australia makes application for a license, such license, 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 license.

5. A license when granted by the Minister under section 12 of the Act shall be in accordance with Form No. 2 in the Appendix hereto.

Delegation of Authority.

6. (a) The governing body of any charitable organisation or any two executive officers of any branch organisation (hereinafter called the delegator) may, by notice of delegation in writing in accordance with Form No. 3 in the Appendix hereto, delegate to any person (hereinafter called the delegatee) the right of collecting for or in aid of such charitable organisation by means of some specific method or function, to be stated in the prescribed form of delegation.

(b) No delegatee shall in any circumstances whatsoever delegate to any other person the rights and powers conferred on such delegatee by the original notice of delegation.

(c) Every delegatee shall, within seven days from the approved specific collection or function for which a form of delegation was granted, submit to the delegator a return in accordance with Form No. 10 in the Appendix hereto.

(d) Every delegator shall, within seven days from the occasion of the approved specific collection or function for which a form of delegation was granted, obtain from the delegatee a return in accordance with Form No. 10 in the Appendix hereto.

Revocation of License.

7. (a) The Minister may, in respect of any charitable organisation, by notice published in the *Government Gazette*, or by notice in writing to the licensee, at any time withdraw his license or vary or add to the conditions imposed at the time of issue and may in the same manner revoke or vary any such notice.

(b) Where the Minister has revoked the license previously issued by him under the Act, he may give such directions to the license holder and take such other action as appears desirable for the purpose of winding up the affairs of the charitable organisation and for ensuring that any moneys or goods in the charity are disbursed in a proper manner.

(c) The powers granted to the Minister by this regulation are in addition to the powers which may be granted by Proclamation issued under sections 16 and 17 of the Act.

Information to be Disclosed.

8. Any charitable organisation shall, if so required by the Minister, 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.

9. (a) The executive officers of a charitable organisation shall, in respect of the license held by them, prepare a summary of operations of the license for each quarterly period in each and every year, in the Forms Nos. 5 and 6 in the Appendix hereto, and shall furnish the same to the Minister within 30 days of the close of the period to which the summary relates.

(b) A return showing particulars of the function for which a license has been granted pursuant to Regulation 13 shall be submitted by the holder thereof within 14 days from the date of such function in the Form No. 8 in the Appendix hereto.

(c) A return in accordance with Form No. 7 in the Appendix hereto, showing the operations of every branch organisation shall be submitted by the executive officers of every such branch to the controlling body of such charitable organisation within 14 days from the close of each and every month.

(d) The Minister shall be informed by the governing body of a charitable organisation of any change of executive officers of such organisation or of any of its branches.

10. (a) Where any person or any body, combination, or committee of persons—

(1) 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 license under the Act has been made to or granted by the Minister under the provisions of section 12 of the Act and these regulations;

(2) receives or has received or has under or in his or its control, possession, order or disposition, any moneys or articles which has 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 Minister, the Minister 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 Minister for allotment to a charitable purpose.

(b) Any direction issued by the Minister under this regulation shall have the force of law, and payments and transfers shall be made to carry out the directions of the Minister. Penalty, forty dollars.

(c) The provisions of this regulation and any direction given by the Minister hereunder shall not exempt any person from liability for any breach of the Act or regulations.

Bank Account.

11. (a) Any executive officer of any charitable organisation who collects or receives moneys for any charitable purpose shall, within seven days of the receipt thereof, pay the same to the credit of a bank account, to be opened for this purpose.

(b) Every person, other than an executive officer, who collects or receives any money on behalf of, or belonging to, a charitable organisation, shall within fourteen days of the receipt thereof pay the same to the controlling body of the charitable organisation.

(c) Where a charitable organisation is possessed of assets other than cash in hand or at a bank and the existence of such assets is not recorded in the books of account, then in every case a register of assets shall be kept in or to the effect of Form No. 9 in the Appendix hereto.

(d) Every bank account of a charitable organisation shall be operated on only by cheque signed by the Treasurer of such organisation and countersigned by an executive officer.

Appeals for Support of a Charitable Purpose.

12. Any appeal for support of a charitable purpose shall, subject to regulation 13 hereunder, be authorised by the governing body of the charitable organisation or by some officer thereof authorised in that behalf—

- (a) in the case of collectors in any street, road or public place, by the issue to the person making the appeal of a distinctive badge or armlet of an approved type;
- (b) in any other case by the execution and delivery to the person making the appeal of a written authority in or to the effect of Form No. 4 in the Appendix hereto.

13. A license to collect for any charitable organisation may be granted by the Minister to any other person, body or association, who, for the purposes of regulation 12, shall be deemed to be the governing body.

Collections.

Reg. 14
amended by
G.G. 2/10/53.
p. 2025.

14. The conditions under which persons may be permitted to make or cause to be made visits from house to house for the purpose of making appeals for support of any charitable purpose shall be as follows:—

- (a) the collector shall be in possession of a written authority referred to in regulation 12 (b) with any additions as may be necessary to comply with the requirements of this paragraph.

Every such authority shall clearly indicate thereon that the charitable purpose is licensed under the Act and specify the period it shall remain in force. No authority shall have currency for a period in excess of twelve calendar months. The authority shall be presented by the collector when making an appeal.

- (b) Tickets or receipts shall be obtained by the collector from the governing body of the charitable organisation and be issued by the collector to persons giving money to the charity whether by means of contributions or by the sale of articles or otherwise.
- (c) The governing body of the charitable organisation shall take such precautions as may be necessary to ensure that all moneys collected shall be properly and promptly accounted for by the collector.
- (d) No person under the age of 16 years shall act or be permitted to act as a collector.
- (e) No collector shall, in connection with any such appeal, visit any house on a Sunday or a public holiday, or before 9 a.m. or after 6 p.m. on any other day unless authorised by the Minister in writing so to do.

15. The conditions under which persons may be permitted to make or cause to be made in any street, road or public place, collections for any charitable purpose shall be as follows:—

- (a) No person under the age of 16 years shall act or be permitted to act as a collector.
- (b) The collector shall display a distinctive badge or armlet issued to him in accordance with regulation 12 (a). All such badges or armlets shall be consecutively numbered and a record of the persons to whom such badges or armlets are issued shall be kept

by the person, society, body or association to whom or which the license is issued. Any such badge or armlet will be used by the person to whom it is issued and shall not be transferable.

- (c) No collection shall be made in any part of the roadway of any public street, nor be made in any public street, to the obstruction or annoyance of any person in such public street.
- (d) No collector shall use a box or other receptacle at the end of a pole intended to reach upper windows or the roofs of conveyances.
- (e) Every collector shall carry and present to all contributors or purchasers for the reception of money contributions a box or other receptacle of approved type issued by the person to whom the license has been granted, numbered and securely closed and sealed in such a way as to prevent the same being opened or the money extracted without such seal being broken, and into this box or other receptacle all money received shall be immediately placed. All such boxes or receptacles shall be numbered consecutively. Forthwith, after he has ceased collecting, every collector shall deliver his boxes or other receptacles, with the seals unbroken, to the person to whom the license has been granted as being responsible for the proper application of the money received.
- (f) A collector shall not carry any collecting box which does not bear displayed prominently thereon the name of the fund for which the collection is being made, with the date of the collection.

Investments.

16. Except with the approval of the Minister, a charitable organisation shall not invest moneys belonging to any such organisation in any investment other than lodgment on fixed deposit in any company registered to carry on banking in Western Australia.

Penalties.

17. Any person who acts in contravention of any of these regulations shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding forty dollars.

APPENDIX.

Form No. 1.
(Regulation 3.)

CHARITABLE COLLECTIONS ACT, 1946.

Application for a License Under Section 11.

In pursuance of the provisions of the Charitable Collections Act, 1946, we the undersigned, hereby apply for a license made under the said Act to establish and/or continue the charitable purpose herein described:—

Name of Charitable Organisation.....
 Objects of the charitable purpose.....
 Name, Address and Description of principal Executive Officers.....
 President or Chairman.....
 Secretary.....
 Treasurer.....
 Other Administrative Officers.....
 Name of Bank.....
 Names and qualifications of Auditors.....

The following documents are submitted:—

- (a) A certified copy of the constitution or rules governing the affairs of the charitable organisation.
- (b) A certified copy of the last income and expenditure account and balance sheet.

Locality in which the license, if granted, will operate.....
 Signature and Office of person making application.....

Form No. 2.
(Regulation 5.)

CHARITABLE COLLECTIONS ACT, 1946.
(Section 12.)

License No.....

This is to certify that, pursuant to the provisions of the Charitable Collections Act, 1946, a license has been granted to..... Executive Officers of the..... Charitable Organisation, to collect moneys or goods for the..... charitable purpose.

Conditions:

- (a) This license will be operative for the period from.....to.....
- (b) This license does NOT authorise the conducting of lotteries or Sunday entertainments.

Given under my hand at Perth this.....day of..... 19.....

Chief Secretary.

Form No. 3.
(Regulation 6 (a).)

CHARITABLE COLLECTIONS ACT, 1946.

Delegation of Authority.

License No..... Authority No.....

This is to certify that (a).....of (b)..... is given authority to hold the function described hereunder for the purpose of collecting or raising money for the..... Charitable Organisations.

Description of Function.

Nature of function.....
Date and place where function to be held.....
Signed for and on behalf of the }.....
.....Charitable Organisation }Signature of Trustees or Executive Officers.

Conditions.

This authority is granted subject to regulation 6 of the regulations issued under the Charitable Collections Act, 1946, as set out hereunder:—

6. (a) The governing body of any charitable organisation or any two executive officers of any branch organisation (hereinafter called the delegator) may, by notice of delegation in writing in accordance with Form No. 3 in the Appendix hereto, delegate to any person (hereinafter called the delegatee) the right of collecting for or in aid of such charitable organisation by means of some specific method or function, to be stated in the prescribed form of delegation.

(b) No delegatee shall, in any circumstances whatsoever, delegate to any other person the rights and powers conferred on such delegatee by the original notice of delegation.

(c) Every delegatee shall, within seven days from the approved specific collection or function for which a form of delegation was granted, submit to the delegator a return in accordance with Form No. 6 in the Appendix hereto.

(a) Here insert the name of the person to whom the authority is issued as well as the office he holds and the organisation he represents.

(b) Address of person to whom the authority is issued.

Form No. 4.
(Regulation 12 (b).)

CHARITABLE COLLECTIONS ACT, 1946.

Authority to Conduct an Appeal for Support in relation to (a).....
..... (name of charitable organisation).

License No.....

To (b)..... (name of bearer).

You are hereby authorised to conduct an appeal for support of the above-named charitable purpose on the date and in the place stated and in the manner set out hereunder.

(c)..... (insert particulars—time for which operative must be stated).

This authority is granted subject to strict compliance with the provisions of the Charitable Collections Act, 1946, and regulations thereunder.

Signature and designation.....

Form No. 5.
(Regulation 9 (a).)

CHARITABLE COLLECTIONS ACT, 1946.

License No.....

Abstract of Receipts and Payments for period ended.....
and from..... to.....

Receipts	Receipts during Quarter	Total Receipts from 1st	Payments	Payments during Quarter	Total Payments from 1st
To Funds in Hand at			By Administration		
„ Gross Proceeds of			„ Salaries and Wages		
Public Appeals.....			„ Printing, Stationery,		
„ Donations			Postages, Telegrams,		
„ Collections from			and Telephone		
Branches			„ General Expenses		
„ Commonwealth and			Total		
State Grants			„ Expenses connected		
„ Interest Earnings			with Appeals		
„ Sundry Collections			„ Purchases of Com-		
„ Patients' Fees or			forts, Materials, etc.		
Contributions			„ Grants in Relief of		
„ Other Income			Distress, etc.		
„ Municipal Subsidies			„ Cash transferred In-		
			terstate and Overseas		
			„ Exchange on Trans-		
			fers (Interstate and		
			Overseas)		
			„ Donations to Other		
			Bodies		
			„ Sundries		
			„ Balance in Hand		

The approximate value of comforts, materials, etc., on hand at Head Office and Branches at the..... (last day of Quarter) was.....

..... Signature
and
..... Office held

Auditor's Certificate.

Form No. 6.

(Regulation 9 (a).)

CHARITABLE COLLECTIONS ACT, 1946.

Abstract of the Receipts and Payments of the Branches of the.....
Charitable Organisation for the Quarter ended.....and from.....
to.....

License No.....

Receipts	Receipts during Quarter	Total Receipts from	Payments	Payments during Quarter	Total Payments from
To Funds in Hand at			By Organisation and Administration		
„ Subscriptions and Donations			„ Salaries and Wages		
„ Gross Proceeds of Appeals, Entertainments, etc.			„ Expenses of Appeals, Entertainments, etc.		
„ Sundry Collections			„ General Expenses		
			Total		
			„ Cash transferred to Head Office for W.A.		
			„ Donations to Other Bodies		
			„ Purchases of Comforts, Materials, etc.		
			„ Balance in Hand at		

Note.—The head centre for the State will be required to obtain the information from Branch organisations necessary to complete this consolidated Abstract of Receipts and Payments within 30 days after the close of each Quarter.

Quarter dates are 31st March, 30th June, 30th September and 31st December.

..... Signature
and
..... Office held

Form No. 7.
Regulation 9 (c).

CHARITABLE COLLECTIONS ACT, 1946.

Abstract of receipts and payments of the.....
Branch of the.....Charitable Organisation for the
month of.....19.....

Receipts	Payments
To Funds in hand at beginning of month—	By Administration—
At Bank	Salaries and Wages.....
Cash in hand	Advertising
	Printing, Stationery
	Postages
To Collections during the month—	Telegrams and telephones
Membership fees	Sundry expenses
Donations	
Gross proceeds of public appeals	By Expenses of public appeals
Sales of goods, materials, etc. (Gross proceeds)	„ Purchases of comforts, materials, etc.
Net proceeds of functions held under delegated authority (attach particulars)....	„ Charges on comforts, parcels, etc., sent to Head Office
Receipts from Head Office	„ Donations to other bodies
Sundries	„ Sundries
	„ Grants in cash in relief of distress, etc.
	„ Remittances to Head Office
	By Funds in hand at end of month—
	At Bank
	Cash in hand

The approximate value of comforts, materials, etc., on hand at the closing date of this return was \$.....
Signed for and on behalf of the Branch.

.....Signature
and
.....Office held

Notes Regarding Statement.

The following particulars, in support of the information contained in the Abstract of Receipts and Payments, will be required:—

Receipts—

Gross Proceeds of Public Appeals—

Nature of each appeal and references to the public notification of the result.

A statement showing the gross proceeds (under appropriate items) and the expenses of each appeal should be attached.

Net proceeds of functions held under licenses issued under regulation 9 (c) show on a supporting statement—

No. of License issued.....

To whom issued.....

Nature of function.....

Date and place held.....

Gross receipts.....

Expenses.....

Net proceeds.....

Receipts from Head Office—show the date and amount of each receipt.

Payments—

Donations to other bodies—show the date and amount of each donation made.

Remittances to Head Office—show the date and amount of each remittance.

Administration—show the cost of administration separately from the total of other payments, as indicated on the form.

Form No. 8.

Regulation 9 (b).

CHARITABLE COLLECTIONS ACT, 1946.

License No. Appeal.

Abstract of Cash Receipts and Payments.

Receipts	Payments
To Gross Proceeds of Appeal (a)	By Organisation Expenses
	„ Salaries and Wages
	„ Advertising
	„ Printing, Stationery, Post- ages, Telegrams, and Tele- phone
	„ Sundries
	Total
	„ Net Proceeds devoted or remitted to (b).....
	„ Balance in hand (c)

I certify that the above is a true and correct statement of the cash receipts and payments of the appeal conducted under the authority of License number granted under the Charitable Collections Act, 1946.
.....Signature and designation.

Notes:

- (a) If published, reference should be made to the publication containing particulars of collections.
- (b) Full particulars of the manner in which the proceeds have been disposed of are required. The receipt or acknowledgment given by the body or person receiving the amount should be attached to this statement.
- (c) The manner in which it is proposed to dispose of the balance requires to be stated.

This statement must be completed and forwarded to the Under Secretary Chief Secretary's Department, Perth, Western Australia, within 14 days of the date of completion of the appeal for which the License was granted.

Form No. 9.

Regulation 11 (c).

CHARITABLE COLLECTIONS ACT, 1946.

Register of Assets.

Date received or acquired	Description of Article	Cost or valuation	Disposed of—		
			Date	Manner	Consideration received
		\$			\$

Form No. 10.

Regulation 6 (c).

CHARITABLE COLLECTIONS ACT, 1946.

Function Held Under Delegated Authority.

Abstract of the receipts and payments of the (a).....
 (Function) held on..... by (b).....
 under the authority of Permit No..... granted by.....
 Charitable Organisation.

<i>Receipts</i>	\$	<i>Payments</i>	\$
To Gross Proceeds—		By Organisation Expenses—	
„ Entry fees		„ Salaries and Wages	
„ Programmes		„ Advertising	
„ Other sales		„ Printing, stationery, post- ages, telegrams, and tele- phone	
„ Donations		„ Sundries	
„ Other collections (including street collections)			

I certify that the above is a true and correct statement of the cash receipts and payments of the function described above and authorised by Permit No. granted to me by..... Charitable Organisation.

.....Signature.

Note.—This statement must be rendered within seven days from the date of the function or collection, as provided for by subregulation (c) of regulation 6—Penalty \$40.

(a) State here the nature of the function or activity.

(b) State here the name of person to whom permit was issued, as well as the office he holds and the organisation he represents.