Western Australia

Street Collections Regulations 1999

Compare between:

[21 Aug 2013, 01-b0-03] and [03 Oct 2018, 01-c0-01]

Western Australia

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 has the meaning given in the *Fair Trading Act 2010*;

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: Gazette 22 Sep 2006 p. 4134; 2 Oct 2018 p. 3796.]

##### 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.

(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 *Fair Trading Act 2010* 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: Gazette 12 Jan 2007 p. 49; 2 Oct 2018 p. 3796.]

##### 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**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| (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 | | | | |
|  | | | | |
|  |  | | Date |  |

Schedule 2 — Prescribed offences and modified penalties

[r. 14]

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

| **Offences under *Street Collections (Regulation) Act 1940*** | | **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

|  |  |  |
| --- | --- | --- |
| *Street Collections (Regulation) Act 1940*  **Infringement notices** | | Infringement  notice no. |
| **Alleged offender** | Name: Family name | |
| Given names | |
| or Company name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ACN | |
| Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postcode | |
| **Alleged offence** | Description of offence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| *Street Collections (Regulation) Act 1940* s. | |
| Date / /20 Time a.m./p.m. | |
| Modified penalty $ | |
| **Officer issuing notice** | Name | |
| Signature | |
| Office | |
| **Date** | Date of notice / /20 | |
| **Notice to alleged offender** | 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.  **How to pay**  **By post:** Send a cheque or money order (payable to ‘Approved Officer — *Street Collections (Regulation) Act 1940*’) to:  Approved Officer — *Street Collections (Regulation) Act 1940*  Department of Mines, Industry Regulation and Safety  Locked Bag 14 Cloisters Square  Perth WA 6850  **In person:** Pay the cashier at:  Department of Mines, Industry Regulation and Safety  *[street address to be inserted]* | |
|  | **If you do not pay** the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. 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 suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; 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. 4135; amended: Gazette 20 Aug 2013 p. 3842; 2 Oct 2018 p  3796.]

Form 2 — Withdrawal of infringement notice

|  |  |  |
| --- | --- | --- |
| *Street Collections (Regulation) Act 1940*  **Withdrawal of infringement notice** | | Withdrawal no. |
| **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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| *Street Collections (Regulation) Act 1940* s. | |
| Date / /20 Time a.m./p.m. | |
| **Officer withdrawing notice** | Name | |
| Signature | |
| Office | |
| **Date** | Date of withdrawal / /20 | |
| **Withdrawal of infringement notice**  *[\*delete  whichever is not applicable]* | 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.  *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 — *Street Collections (Regulation) Act 1940*  Department of Mines, Industry Regulation and Safety  Locked Bag 14 Cloisters Square  Perth WA 6850  Signature / /20 | |

[Form 2 inserted: Gazette 22 Sep 2006 p. 4135‑6; amended: Gazette 2 Oct 2018 p. 3796.]

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Notes

1 This is a compilation 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** |
| --- | --- | --- |
| *Street Collections Regulations 1999* | 7 Dec 1999 p. 5991‑4 | 7 Dec 1999 |
| *Street Collections Amendment Regulations 2006* | 22 Sep 2006 p. 4133‑6 | 22 Sep 2006 (see r. 2(a)) |
| *Street Collections Amendment Regulations (No. 2) 2006* | 12 Jan 2007 p. 49 | 12 Jan 2007 |
| **Reprint 1: The *Street Collections Regulations 1999* as at 2 Feb 2007** (includes amendments listed above) | | |
| *Street Collections Amendment Regulations 2013* | 20 Aug 2013 p. 3842 | 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 *Gazette* 20 Aug 2013 p. 3815) |
| *Commerce and Industrial Relations Regulations Amendment (Administration) Regulations 2018* Pt. 4 | 2 Oct 2018 p. 3794‑6 | 3 Oct 2018 (see r. 2(b)) |

2 As at the time of this compilation 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).