



Western Australia

## **Street Collections Regulations 1999**

Compare between:

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



## Street Collections Regulations 1999

### 1. Citation

These regulations may be cited as the *Street Collections Regulations 1999*<sup>1</sup>.

### 2. Terms used in these regulations

In these regulations —

**authorise** means authorise in writing;

**Commissioner**<sup>2</sup> has the ~~same~~ meaning ~~as it has~~ given in the ~~Consumer Affairs~~ Fair Trading Act ~~1971~~ 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 ~~in~~ in 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.

r. 12

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

**12. Investigation by Commissioner<sup>2</sup>**

- (1) The Minister may request the Commissioner<sup>2</sup> under the ~~Consumer Affairs~~ *Fair Trading Act 1971* 2010 to investigate a collection.
- (2) On receipt of a request the Commissioner<sup>2</sup> is to —
- (a) make all investigations the Commissioner<sup>2</sup> considers appropriate; and
  - (b) report the result of the investigations to the Minister.
- (3) For the purpose of subregulation (2) the Commissioner<sup>2</sup> 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;  
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 Commissioner<sup>2</sup> 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<sup>2</sup> 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)

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between

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a.m. /p.m.

and

--

a.m. /p.m.

Signature of Minister

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Date

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## **Schedule 2 — Prescribed offences and modified penalties**

[r. 14]

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

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<b>Offences under <i>Street Collections (Regulation) Act 1940</i></b>		<b>Modified penalty</b>
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

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*[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.
<b>Infringement notices</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	Description of offence _____	
	<i>Street Collections (Regulation) Act 1940 s.</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.</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><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to 'Approved Officer — <i>Street Collections (Regulation) Act 1940</i>') to:</p> <p>Approved Officer — <i>Street Collections (Regulation) Act 1940</i></p> <p>_____ Department of <del>Consumer</del> <a href="#">Mines, Industry Regulation and Employment Protection Safety</a></p> <p>_____ Locked Bag 14 -Cloisters Square</p> <p>_____ Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:</p> <p>_____ Department of <del>Consumer</del> <a href="#">Mines, Industry Regulation and Employment Protection</a></p> <p><del>219 St George's Terrace, Perth WA</del> <a href="#">Safety</a></p>	

	<u>[street address to be inserted]</u>
	<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 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.</p> <p><b>If you need more time</b> 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><b>If you want this matter to be dealt with by prosecution in court</b>, 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>

[Form 1 inserted ~~in~~ Gazette 22 Sep 2006 p. 4135; amended ~~in~~ Gazette 20 Aug 2013 p. 3842; 2 Oct 2018 p. 3796.]

**Form 2 — Withdrawal of infringement notice**

<i>Street Collections (Regulation) Act 1940</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>Street Collections (Regulation) Act 1940 s.</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.	
[*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 <del>Consumer</del> Mines, Industry Regulation and <del>Employment Protection</del> Safety	
	Locked Bag 14 Cloisters Square	
	Perth WA 6850	
	Signature _____	/      /20

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

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## Notes

- <sup>1</sup> 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
<b>Reprint 1: The <i>Street Collections Regulations 1999</i> as at 2 Feb 2007</b> (includes amendments listed above)		
<i>Street Collections Amendment Regulations 2013</i>	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 <i>Gazette</i> 20 Aug 2013 p. 3815)
<a href="#"><i>Commerce and Industrial Relations Regulations Amendment (Administration) Regulations 2018</i></a> <a href="#">Pt. 4</a>	<a href="#">2 Oct 2018</a> <a href="#">p. 3794-6</a>	<a href="#">3 Oct 2018 (see r. 2(b))</a>

- <sup>2</sup> As at the time of this ~~reprint~~[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).