



Western Australia

Street Collections (Regulation) Act 1940

Compare between:

[01 May 2005, 01-b0-09] and [24 Oct 2019, 01-c0-00]

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: 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: 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: 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: 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: 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;
 - (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;

s. 8

- (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: 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: No. 50 of 2003 s. 96(2).]

[9. Deleted: No. 59 of 2005 s. 141.]

Notes

¹ This is a compilation of the *Street Collections (Regulation) Act 1940* and includes the amendments made by the other written laws referred to in the following table ^{1a}. 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 <i>Street Collections (Regulation) Act 1940</i> as at 13 Aug 2004 (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
Consumer Protection Legislation Amendment Act 2019 Pt. 11 ³	25 of 2019	24 Oct 2019	To be proclaimed (see s. 2(b))

² Repealed by the *Road Traffic Act 1974*.

³ On the date as at which this compilation was prepared the *Consumer Protection Legislation Amendment Act 2019* Pt. 11 had not come into operation. It reads as follows:

Part 11 — Street Collections (Regulation) Act 1940
amended

89. Act amended

This Part amends the *Street Collections (Regulation) Act 1940*.

90. Section 2 amended

(1) In section 2 delete the definition of *Metropolitan area*.

(2) In section 2 insert in alphabetical order:

metropolitan region has the meaning given by the *Planning and Development Act 2005* section 4(1);

(3) In section 2 in the definition of *Collection* delete “contributions.” and insert:

contributions;

91. Section 3 amended

(1) In section 3(1) delete “area” and insert:

region

(2) At the end of section 3(1) insert:

Penalty for this subsection: a fine of \$5 000.

Note: The heading to amended section 3 is to read:

No collection in metropolitan region except by permission of Minister

92. Section 6 amended

At the end of section 6 insert:

Penalty: a fine of \$5 000.

93. Section 7 amended

In section 7(2) delete “\$40” and insert:

a fine of \$2 000

94. Section 8 deleted

Delete section 8.