



Western Australia

## **Street Collections Regulations 1999**

Compare between:

[07 Dec 1999, 00-a0-04] and [22 Sep 2006, 00-b0-03]



## Street Collections Regulations 1999

### 1. Citation

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

### 2. Definitions

In these regulations —

“**authorize**” means authorize in writing;

“**Commissioner**” 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 authorized 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 authorized 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 authorized 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 authorizes that payment.
- (2) In subregulation (1) —
 

“pay” includes give, whether directly or indirectly, any benefit or reward.

**12. Investigation by Commissioner**

- (1) The Minister may request the Commissioner for Fair Trading under the *Consumer Affairs Act 1971* to investigate a collection.

r. 13

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- (2) On receipt of a request the Commissioner is to —
  - (a) make all investigations the Commissioner considers appropriate; and
  - (b) report the result of the investigations to the Minister.
- (3) For the purpose of subregulation (2) the Commissioner may direct a person to produce any documents specified in the direction and the person must comply with that direction.

**13. Offence**

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

Penalty: \$40.

**14. ~~Repeal~~ Infringement notices**

~~The *Street Collections Regulations 1941* are repealed.~~

- (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 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 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 Collection (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 

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 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.]*

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

*[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>		<u>Infringement notice no.</u>
<b><u>Infringement notices</u></b>		
<b><u>Alleged offender</u></b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
	Address _____	
	Postcode _____	
<b><u>Alleged offence</u></b>	Description of offence _____	
	_____	
	<i>Street Collections (Regulation) Act 1940 s.</i> _____	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
<b><u>Officer issuing notice</u></b>	Name _____	
	Signature _____	
	Office _____	
<b><u>Date</u></b>	Date of notice _____ / _____ /20	

<u>Notice to alleged offender</u>	<p><u>It is alleged that you have committed the above offence.</u></p> <p><u>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.</u></p> <p><b><u>How to pay</u></b></p> <p><b><u>By post:</u></b> Send a cheque or money order (payable to 'Approved Officer — <i>Street Collections (Regulation) Act 1940</i>') to:</p> <p style="padding-left: 40px;"> <u>Approved Officer — <i>Street Collections (Regulation) Act 1940</i></u>  <u>Department of Consumer and Employment Protection</u>  <u>Locked Bag 14 Cloisters Square</u>  <u>Perth WA 6850</u> </p> <p><b><u>In person:</u></b> Pay the cashier at:</p> <p style="padding-left: 40px;"> <u>Department of Consumer and Employment Protection</u>  <u>219 St George's Terrace, Perth WA</u> </p> <p><b><u>If you do not pay</u></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 your driver's licence and/or vehicle licence may be suspended.</p> <p><b><u>If you need more time</u></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><u>If you want this matter to be dealt with by prosecution in court</u></b>, sign here</p> <p>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>		<u>Withdrawal no.</u>
<b><u>Withdrawal of infringement notice</u></b>		
<u><b>Alleged offender</b></u>	<u>Name: Family name</u>	
	<u>Given names</u>	
	<u>or Company name</u>	
	<u>ACN</u>	
	<u>Address</u>	
	<u>Postcode</u>	
<u><b>Infringement notice</b></u>	<u>Infringement notice no.</u>	
	<u>Date of issue</u> /      /20	

<u><b>Alleged offence</b></u>	Description of offence _____
	<u>Street Collections (Regulation) Act 1940 s.</u>
	Date            /            /20            Time            a.m./p.m.
<u><b>Officer withdrawing notice</b></u>	Name _____
	Signature _____
	Office _____
<u><b>Date</b></u>	Date of withdrawal            /            /20
<u><b>Withdrawal of infringement notice</b></u>	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.
	<u>or</u>
	* 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 — <u>Street Collections (Regulation) Act 1940</u>
	<u>Department of Consumer and Employment Protection</u>
	<u>Locked Bag 14 Cloisters Square</u>
	<u>Perth WA 6850</u>
<i>[*delete whichever is not applicable]</i>	Signature _____ /            /20

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

### Notes

- <sup>1</sup> 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~~[table](#).

### Compilation table

Citation	Gazettal	Commencement
<i>Street Collections Regulations 1999</i>	7 Dec 1999 p. 5991-4	7 Dec 1999
<a href="#">Street Collections Amendment Regulations 2006</a>	<a href="#">22 Sep 2006</a> <a href="#">p. 4133-6</a>	<a href="#">22 Sep 2006 (see r. 2(a))</a>