



Western Australia

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Street Collections Regulations 1999

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Defined terms

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.

r. 12

- (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

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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)

--

between

--

 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.]

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

<i>Street Collections (Regulation) Act 1940</i>		Infringement notice no.
Infringement notices		
Alleged offender	Name: Family name	
	Given names	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
Alleged offence	Description of offence _____	
	<i>Street Collections (Regulation) Act 1940 s.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice / /20	
Notice to alleged offender	<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>How to pay</p> <p>By post: 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 Mines, Industry Regulation and Safety Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Pay the cashier at:</p> <p>Department of Mines, Industry Regulation and Safety [street address to be inserted]</p>	

	<p>If you do not pay 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>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.</p> <p>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.</p>
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[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

<i>Street Collections (Regulation) Act 1940</i>		Withdrawal no.
Withdrawal of infringement notice		
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 _____	
	<i>Street Collections (Regulation) Act 1940 s.</i>	
	Date / /20	Time a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal / /20	
Withdrawal of infringement notice	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 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.]

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
<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
Reprint 1: The <i>Street Collections Regulations 1999</i> as at 2 Feb 2007 (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)
<i>Commerce and Industrial Relations Regulations Amendment (Administration) Regulations 2018</i> 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).

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
authorise.....	2
Commissioner	2
permit.....	2
permit holder.....	2
pay	11(2)