

Western Australia

## **Street Collections Regulations 1999**

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## Street Collections Regulations 1999

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## 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.
- (2) On receipt of a request the Commissioner is to —

**r. 13**

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- (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. 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 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) 

--

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.
<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>	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. <b>How to pay</b>	

	<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 style="padding-left: 40px;">Approved Officer — <i>Street Collections (Regulation) Act 1940</i>          Department of Consumer and Employment Protection          Locked Bag 14 Cloisters Square          Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:          Department of Consumer and Employment Protection          219 St George's Terrace, Perth WA</p> <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 your driver's licence and/or vehicle licence may be suspended.</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>
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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>		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</i> s. _____	
	Date ____ / ____ /20 ____	Time ____ a.m./p.m.
<b>Officer withdrawing</b>	Name _____	
	Signature _____	

**Street Collections Regulations 1999****Schedule 3      Forms**

<b>notice</b>	Office
<b>Date</b>	Date of withdrawal      /      /20
<b>Withdrawal of infringement notice</b>  <i>[*delete whichever is not applicable]</i>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p style="text-align: center;">Approved Officer — <i>Street Collections (Regulation) Act 1940</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>Signature _____ /      /20</p>

*[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.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<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))