

Charitable Collections Amendment Regulations 2020

SL 2020/120

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Charitable Collections Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Charitable Collections Regulations 1947*.

4. Regulation 3 replaced

Delete regulation 3 and insert:

3. Form of application for licence

- (1) In this regulation —

ABN means Australian Business Number as defined in the *A New Tax System (Australian Business Number) Act 1999* (Commonwealth) section 41;

registered charity means an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth).

- (2) An application for a licence under section 11 of the Act must include —

- (a) the name and contact details of the applicant;
and
- (b) whether the applicant is a registered charity
and, if so, the applicant's ABN; and

- (c) the name, address and role of the person making the application on behalf of the applicant; and
 - (d) any of the following that the Commissioner requires —
 - (i) details of the charitable purpose for which the licence is sought;
 - (ii) details of the collection activities the applicant plans to undertake;
 - (iii) the name, address and role of each of the principal executive officers of the applicant;
 - (iv) the name of the bank at which the applicant holds the account required to be opened under regulation 11(1);
 - (v) the name, address and qualifications of the auditor of the applicant's accounts;
 - (vi) a copy of the constitution or rules governing the applicant;
 - (vii) a copy of the applicant's last income and expenditure account and balance sheet;and
 - (e) any other information that the Commissioner requires that is relevant to deciding whether to grant or refuse the licence.
- (3) The application must be signed by the person making the application on behalf of the applicant.

5. Regulation 8 amended

- (1) At the end of regulation 8(1) insert:

Penalty for this subregulation: a fine of \$1 000.

- (2) In regulation 8(2):

- (a) delete “Without limiting the generality of subregulation (1), if” and insert:

If

- (b) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$1 000.

6. Regulation 10 amended

Delete regulation 10(2) and insert:

- (2) A person given a direction under subregulation (1) must comply with the direction.

Penalty for this subregulation: a fine of \$1 000.

7. Regulation 11 amended

- (1) At the end of regulation 11(1) insert:

Penalty for this subregulation: a fine of \$1 000.

- (2) At the end of regulation 11(2) insert:

Penalty for this subregulation: a fine of \$1 000.

- (3) Delete regulation 11(3) and insert:

- (3) A charitable organisation must keep a register of assets if the organisation —

(a) has assets other than cash on hand or at bank;
and

(b) has not recorded the assets in books of account.

Penalty for this subregulation: a fine of \$1 000.

8. Regulation 14 amended

- (1) At the end of regulation 14(1) insert:

Penalty for this subregulation: a fine of \$1 000.

- (2) At the end of regulation 14(2) insert:

Penalty for this subregulation: a fine of \$1 000.

9. Regulation 16 replaced

Delete regulation 16 and insert:

16. Investments

A charitable organisation must not invest monies belonging to the organisation unless —

- (a) the monies are deposited in any company registered to carry on the business of banking in Western Australia; or

- (b) the organisation, in making the investment, exercises the care, diligence and skill that a prudent person would exercise in managing the financial affairs of other persons.

Penalty: a fine of \$1 000.

10. Regulation 17 deleted

Delete regulation 17.

11. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Prescribed offences and modified penalties

[r. 18]

Offences under <i>Charitable Collections Act 1946</i>		Modified penalty
s. 6(1)	Unlicensed person collecting for charity.....	\$1 000
s. 9(2)	Failing to deliver moneys, books etc. when authority revoked.....	\$1 000
s. 15(2)	Failing to keep and retain collection records.....	\$1 000
s. 15(3A)	Failing to provide Commissioner or auditor with access to collection records.....	\$1 000
Offences under <i>Charitable Collections Regulations 1947</i>		Modified penalty
r. 8(1)	Failing to provide information required by Commissioner.....	\$200
r. 8(2)	Failing to notify change of executive officers.....	\$200
r. 10(2)	Failing to comply with direction from Commissioner....	\$200
r. 11(1)	Failing to bank charitable money.....	\$200
r. 11(2)	Failing to deposit charitable money with organisation...	\$200
r. 11(3)	Failing to keep register of assets.....	\$200
r. 14(1)	Visiting a house for purposes of collecting outside permitted hours.....	\$200
r. 14(2)	Making telephone call for purposes of collecting outside permitted hours.....	\$200
r. 16	Failing to invest monies in a bank or with care, diligence and skill.....	\$200

12. Schedule 2 amended

(1) In Schedule 2 Form 1:

(a) delete:

Department of Consumer and Employment Protection
Locked Bag 14 Cloisters Square
Perth WA 6850

and insert:

Department of Mines, Industry Regulation and Safety
Locked Bag 100
East Perth WA 6892

(b) delete:

Department of Consumer and Employment Protection
219 St George's Terrace, Perth WA

and insert:

Department of Mines, Industry Regulation and Safety

(2) In Schedule 2 Form 2 delete:

Department of Consumer and Employment Protection
Locked Bag 14 Cloisters Square
Perth WA 6850

and insert:

Department of Mines, Industry Regulation and Safety
Locked Bag 100
East Perth WA 6892

R. NEILSON, Clerk of the Executive Council.
