Clothing Bins and Bags

Charity clothing bins fall within the definition of a fundraising appeal yet, with the exception of NSW, there is little or no specific regulation or control of clothing bins across the various Australian jurisdictions.

In New South Wales there are quite detailed requirements regulating the conduct of appeals by the use of clothing bins or bags. Requirements include clear labelling as to whether the bin or bag is commercially operated or charity operated, and a written agreement governing the return to the authorised fundraiser if the appeal is conducted by a commercial trader. The requirements are outlined below.

Victoria and the ACT also stipulate labelling requirements for collection bins. Victoria also requires the bin to be securely constructed, properly sealed and consecutively numbered.

Up until 2006 South Australia specifically regulated commercial clothing bins. This regulation was made in 1995 but it expired in 2006 and has not been replaced.

It is noted however that local councils have an interest in the operation of clothing bins on public lands and would exercise their power to control the operation of the bins especially in respect of the dumping of unwanted goods and rubbish around the bins.

**Regulation of charity clothing bins in New South Wales**

If operated jointly with a trader, clothing bins must comply with the following:

- Each bin must be consecutively numbered and the number displayed in a prominent manner on the bin;
- If more than one bin is used in connection with the appeal there must be a reference on the bin to the total number of bins used in connection with the appeal. The total number is to be reviewed and updated when there is a significant change in number of bins or at least every 12 months;
- If conducted jointly with a trader, the trader must maintain a record of bins including date, number and location of each bin;
- At least once a month during the appeal, the trader must provide to the authorised fundraiser a report that includes the date, number and location of each bin;
- If an appeal is for collection of clothing then:
  - A chute notice bearing the words ‘COMMERCIALY OPERATED’ must be placed on the bin (the notice is obtained from the Department of Arts, Sport and Recreation); and
  - The trader must maintain a record that relates to the appeal only, including the date and aggregate gross weight of unsorted clothing obtained from the appeal; and at least once a month the trader is to provide to the authorised fundraiser a report that includes the date and the aggregate gross weight of unsorted clothing collected.
- If conducted by the fundraiser alone, the notice must bear the words ‘CHARITY OPERATED’

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1. Charitable Fundraising Regulation 2008 (NSW) Sch 1, ss 16–18
2. Fundraising Act 1998 (Vic) s10; Charitable Collections Regulation 2003 (ACT) reg 9(5)
3. Fundraising Act 1998 (Vic) s10
Regulation of clothing bags in New South Wales

If conducted jointly with a trader collecting clothing the requirements are as follows:

- The bag must be labelled ‘COMMERCIALLY OPERATED’
- The trader must maintain a record of the appeal, that relates to the appeal only, and includes the date and the aggregate gross weight of unsorted clothing obtained from the appeal;
- At least once a month, the trader must provide to the authorised fundraiser a report that includes the date and the aggregate gross weight of unsorted clothing collected

If conducted by the fundraiser alone:
- The bag must be labelled ‘CHARITY OPERATED’

The words ‘CHARITY OPERATED’ or ‘COMMERCIALLY OPERATED’ must be in capital letters in Helvetica or Arial font and not less than 5 mm in height; and appear in black and white in the format prescribed by the regulations:

![COMMERCIALY OPERATED](image1)
![CHARITY OPERATED](image2)

Commercial collection bins

One of the following statements must be displayed on the upper half of all commercial collection bins:

- COMMERCIAL COLLECTION BIN; or
- COMMERCIAL RECYCLE CLOTHING BIN.

The statement must be displayed on as many parts of the bin as is necessary to enable a person approaching the bin at ground level from any direction to read the statement.

No other information may be displayed on the upper half of a commercial collection bin whether by words, pictures, symbols or any other means except with the approval of the Minister.