

AUSTRALIAN CAPITAL TERRITORY.

No. 17 of 1959.

AN ORDINANCE

To provide for the regulation of Street Collections.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this twentieth day of November, 1959.

W. J. SLIM

Governor-General.

By His Excellency's Command,

GORDON FREETH

Minister of State for the Interior.

STREET COLLECTIONS ORDINANCE 1959.

1. This Ordinance may be cited as the *Street Collections Ordinance 1959*.^{*} Short title.

2. A person shall not, in a public street, road or thoroughfare— Restriction on certain collections.

(a) collect from members of the public any money or goods by way of gifts or contributions; or

(b) collect money from members of the public by the sale of discs, badges, tokens, flowers or other devices,

unless he is the holder of a licence issued to him under this Ordinance or the holder of an authority duly issued to him by the holder of a licence under this Ordinance, and the collection is made in accordance with the licence, or the licence and authority.

Penalty: One hundred pounds.

3.—(1.) An application for a licence shall—

(a) be made in writing to the Minister and signed by or on behalf of the applicant; Application for licence.

^{*} Notified in the *Commonwealth Gazette* on 17th December, 1959.

- (b) specify the purposes to which the moneys or goods that are to be collected will be devoted, the day, part of a day or other period or periods for which, and the places in relation to which, the licence is required; and
- (c) contain particulars of the expenses proposed to be incurred in connexion with the collection or collections.

(2.) The Minister may require an applicant for a licence to furnish such further information in relation to the application as the Minister requires, and in the event of non-compliance with such a requirement the Minister may refuse to consider the application.

(3.) Where the applicant is a society, association or body, the application shall be signed on its behalf by its chairman, secretary or treasurer, or by a person authorized for that purpose by the society, association or body.

Licences.

4.—(1.) The Minister may issue to a person, society, association or body a licence authorizing the holder to conduct a street collection or street collections during the day, part of a day or other period or periods specified in the licence.

(2.) A licence may be issued subject to such conditions as the Minister determines.

(3.) The Minister may at any time cancel a licence issued under this section.

(4.) For the purposes of this Ordinance (other than section two) the person, society, association or body to whom or to which a licence has been issued shall be deemed to be the holder of the licence notwithstanding that the period to which the licence relates has expired.

**Refusal to
issue a licence.**

5. The Minister may refuse to issue a licence under the last preceding section if he is of opinion—

- (a) that the purposes to which the moneys or goods that are to be collected will be devoted are not such that it is in the public interest that the licence should be issued;
- (b) that the expenses incurred in connexion with the collection or collections are likely to be unreasonably high in relation to the amount of the moneys, or the value of the goods, that will be collected;
- (c) that excessive remuneration is likely to be retained or paid out of the proceeds of the collection or collections;

- (d) where the applicant does not propose to apply the whole or substantially the whole of the money or goods collected for the benefit of residents of the Territory, that there is in the Territory a society, association or body which applies the whole or the greater part of its resources for the benefit of residents of the Territory for purposes that include purposes similar to those for which the moneys or goods are proposed to be collected;
- (e) that the applicant is not a fit and proper person to hold a licence; or
- (f) that, for any other reason, it would be contrary to the public interest to issue the licence.

6.—(1.) The holder of a licence shall not contravene or fail to comply with a condition specified in the licence.

Duties of the holder of a licence.

(2.) The holder of the licence shall issue to each person authorized by the holder to collect goods or money for the purposes of the collection to which the licence relates a written authority signed by or on behalf of the holder indicating—

- (a) that the person is authorized to collect goods or money for the purposes of that collection; and
- (b) where the licence is issued subject to conditions to be complied with by a person so authorized, the conditions to be complied with by that person.

(3.) The holder of a licence shall, in addition to the authority in writing referred to in the last preceding sub-section, issue to each person authorized to collect otherwise than by way of the sale of discs, badges, tokens, flowers or other devices—

- (a) official forms of receipt or tickets to be surrendered to the donors by the person authorized to collect in exchange for the goods or money collected by him; or
- (b) a collecting box, numbered and sealed by the holder of the licence.

(4.) The holder of a licence may at any time revoke an authority issued in accordance with sub-section (2.) of this section by notice in writing to the holder of the authority, and the person who held the authority shall thereupon forthwith deliver up the authority to the holder of the licence.

(5.) The holder of a licence shall not issue an authority under sub-section (2.) of this section to a person under the age of seventeen years.

(6.) The holder of a licence shall take reasonable measures—

- (a) to ensure that persons authorized to collect are fit and proper persons;
- (b) to prevent armlets or badges used in connexion with a collection, or forms of authority to collect, being obtained by unauthorized persons; and
- (c) to ensure that the money or goods collected by authorized persons are properly and promptly accounted for.

Penalty: Twenty pounds.

Collectors.

7.—(1.) A person authorized to collect shall not contravene or fail to comply with a condition specified in his authority as a condition to be complied with by that person.

(2.) Where required to do so by a person approached by him for the purposes of the collection or by a member of the Police Force of the Territory, a person authorized to collect shall produce his authority and give his name and address to that person or member.

(3.) A person authorized to collect in accordance with sub-section (2.) of the last preceding section otherwise than by way of the sale of discs, badges, tokens, flowers or other devices shall—

- (a) give a written receipt or ticket on an official form issued to him by the holder of the licence in respect of all money or goods collected; or
- (b) in the case where money is collected, place the money collected in a numbered collecting box sealed by the holder of the licence.

(4.) A person authorized to collect shall not importune any person to the annoyance of that person.

Penalty: Twenty pounds.

**Statements to
be furnished.**

8.—(1.) The holder of a licence shall, within thirty days after the day or other period to which the licence relates or within such other time or times as are specified in the licence, unless exempted by the Minister from so doing, submit to the Minister a statement in writing, verified in accordance with the next succeeding sub-section, setting out the money or goods collected, details of the expenses incurred and the manner in which the net proceeds have been dealt with.

(2.) The statement shall be verified by statutory declaration made by the person who is the holder of the licence, or, where the licence is held by a society, association or body, then by the secretary or treasurer of that society, association or body.

(3.) The Minister may, by notice in writing, require the holder of a licence to produce, at a time and place and to a person specified in the notice, any books, documents or vouchers in connexion with the collection.

(4.) A holder of a licence to whom a notice is given under the last preceding sub-section shall comply with the requirements contained in the notice.

Penalty: One hundred pounds.

9. Where the holder of a licence being a society, association or body contravenes or fails to comply with a provision of this Ordinance in relation to which a penalty is provided, every member of the committee or governing body of that society, body or association is guilty of an offence against that provision and is liable to a penalty not exceeding the penalty so provided, unless he proves that the contravention or failure was committed without his knowledge or without his consent.

Liability for penalties.

10. A person shall not make a false statement in an application or other document under this Ordinance or the regulations.

Untrue statements.

Penalty: One hundred pounds.

11. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing penalties not exceeding a fine of Twenty pounds for offences against the regulations.

Regulations.