

CASH ORDERS.

11 GEO. VI. No. 16.

AN ACT to provide for the registration of Cash Order Traders and to regulate the issue of Cash Orders. [22 April, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Cash Orders Act 1947*. Short title.

2 In this Act, unless the contrary intention appears— Interpretation.

“cash order” includes any document which is issued for the purpose of enabling a person to receive goods, services or other valuable consideration in exchange therefor and in consideration of an agreement by that person to pay to the person issuing the order the amount thereof at a fixed or determinable future time, or by instalments, but does not include a bill of exchange;

“cash order trader” means a person who carries on the business of issuing cash orders, whether alone or in conjunction with any other business;

“Commissioner” means the Commissioner of Police.

3—(1) Every cash order trader shall be registered in accordance with this Act under his own or usual trade name (if any) and in no other name, and with the address or all the addresses (if more than one) at which he carries on his business as a cash order trader. Registration of cash order traders.

(2) Every cash order trader shall be registered by the Commissioner within one month after the commencement of this Act, in the case of a cash order trader carrying on business before the commencement of this Act, and in any other case a cash order trader shall be registered before commencing business as a cash order trader.

(3) Applications for registration as a cash order trader shall be in accordance with form I. in the schedule and shall be accompanied by a fee of ten shillings.

(4) Upon registration, the Commissioner shall issue to the cash order trader a certificate of registration in accordance with form II. in the schedule.

(5) Notification of the registration of a cash order trader shall be published in the *Gazette*.

(6) A cash order trader shall notify the Commissioner, in writing, of any change of address within three days after the date of such change of address.

(7) A cash order trader who has ceased to carry on the business of a cash order trader shall notify the Commissioner thereof within seven days after the date on which he ceases to carry on business, and shall return to the Commissioner his certificate of registration.

Period of registration.

4 The registration of a cash order trader, unless sooner cancelled, shall be in force until the thirty-first day of December then next following, and may be renewed upon application as provided by section eight.

Register of cash order traders.

5—(1) The Commissioner shall keep an alphabetical register of all registrations of cash order traders and all cancellations thereof.

(2) Where a cash order trader carries on business under a trade name, the name of the cash order trader shall be shown in the register in addition to such trade name.

(3) The register of cash order traders shall be open to inspection by any person without payment of any fee.

Power of Commissioner to refuse registration.

6 The Commissioner shall refuse to register a cash order trader, or cancel the registration of a cash order trader, as the case may be, on any of the following grounds:—

- (a) that satisfactory evidence has not been produced of the good character of the applicant for registration, or, in the case of an application on behalf of a corporation, of the persons responsible for the management thereof;
- (b) that the applicant for registration, or any person responsible, or proposed to be responsible, for the management or conduct of the cash order business is not a fit and proper person to manage or conduct such a business;
- (c) that the applicant for registration, or any person responsible, or proposed to be responsible, for the management or conduct of the cash order business, has contravened the provisions of this Act.

Cancellation of registration.

7—(1) Cancellation of the registration of a cash order trader shall be by notice under the hand of the Commissioner, addressed to the cash order trader, and specifying the reason for the cancellation.

(2) Notification of the cancellation of the registration of a cash order trader shall be published in the *Gazette*.

(3) Cancellation of registration shall take effect from the date of the notice of cancellation.

8 An application for renewal of registration shall be made in the same manner as an application for registration, and the provisions of this Act (including the provision as to fees) relating to registration shall apply to the renewal of registration. Renewal of registration.

9—(1) In any case where the registration of a cash order trader is refused or cancelled, the cash order trader may appeal to a police magistrate against such refusal or cancellation. Appeal.

(2) An appeal shall be brought within fourteen days after the refusal or cancellation of registration, and shall be by way of notice of appeal addressed to a police magistrate for the magisterial division in which the cash order trader resides or carries on business, setting forth the grounds of the appeal.

(3) The police magistrate to whom the appeal is brought shall give written notice thereof to the Commissioner, and shall inform him of the grounds of appeal and shall also fix a time and place for the hearing of the appeal, and notify the cash order trader and the Commissioner thereof.

(4) The police magistrate, upon the hearing of the appeal, may confirm the refusal or cancellation of registration, or may direct that the registration be granted or cancellation be revoked by the Commissioner, as the case may be.

(5) The Commissioner shall give effect to the decision of the police magistrate, and, in the case of a revocation of cancellation, shall cause a notification thereof to be published in the *Gazette*.

(6) The decision of the police magistrate upon the hearing of the appeal shall be final and conclusive.

10—(1) Subject to subsection (2) no cash order trader shall issue a cash order at any place other than an address specified in his certificate of registration and unless the applicant for the cash order received it in person at such place. Cash orders to be issued only at licensed offices and to be received in person.

(2) Nothing in subsection (1) shall prevent a cash order trader from issuing a cash order otherwise than in person to the applicant therefor if an application in writing for the issue of the cash order has been received otherwise than through an employee or agent of the cash order trader.

(3) An employee or agent of a cash order trader shall not—

- (a) prepare or complete an application for issue of a cash order; or
- (b) accept or receive an application for the issue of a cash order for transmission through the post or otherwise to a cash order trader.

11—(1) No cash order trader shall employ or engage any agent or canvasser for the purpose of inviting or inducing any person to obtain the issue of a cash order. Canvassing for cash orders prohibited.

(2) No cash order trader shall send or deliver, or cause to be sent or delivered, to any person, except in response to the written request of that person, any circular or other document, or issue or publish, or cause to be issued or published, any advertisement containing an invitation, inducement or suggestion to obtain the issue of a cash order, or to apply to any person or at any place for information or advice as to the issue of a cash order.

(3) Nothing in this section shall prohibit the publication of any advertisement which does not set forth anything except the name, address, and telephone number of a cash order trader, together with a statement of the nature of the business of that cash order trader.

Maximum
int rest
chargeable
on cash
orders.

12 No cash order trader shall, without the consent in writing of the Commissioner, make any agreement or arrangement for the charging or receiving of any sum greater than the amount of the cash order and an amount calculated at the rate of ninepence for each one pound of the amount of the cash order.

Husbands
not liable
to repay
cash orders
in certain
cases.

13 The husband of a woman to whom a cash order is issued after the commencement of this Act, shall not be liable to repay the whole or any part of the amount thereof unless his consent in writing to the issue of the cash order was obtained before the issue thereof.

Cash orders
in excess of
£10 not to
be issued.

14—(1) No cash order trader shall issue to any person a cash order for an amount exceeding ten pounds.

(2) No cash order trader shall issue a cash order to any person unless that person certifies in writing to the cash order trader that the amount unpaid under all cash orders previously issued to him or her, together with the amount (if any) unpaid under any cash orders previously issued to his wife or to her husband, as the case may be, together with the amount of the cash order then issued, does not exceed ten pounds.

Cash orders to
be repayable
within 20
weeks.

15 No cash order trader shall issue a cash order unless it is repayable in full within not more than twenty weeks after the date of issue.

Presentation
of cash
orders for
redemption.

16 A person who accepts a cash order in exchange for any goods, services or other valuable consideration shall present it for redemption within one month after he so accepts it but failure to comply with the provisions of this section shall not invalidate any cash order or affect the rights or obligations of any person arising under, or in connection with, any cash order.

Discount or
redemption
of cash
order.

17 A person who redeems a cash order shall pay to the person who presents the cash order for redemption the full amount thereof less an amount not exceeding ten per centum of that amount.

18 Where portion of the amount of a cash order is not expended, the cash order trader shall, on demand by the person to whom the cash order was issued, credit him (as against any amount then owing by him to the cash order trader) with the amount so unexpended or, if no credit is made, repay to him the amount so unexpended to the extent to which it has not been credited to him.

Amounts not expended to be credited or paid.

19—(1) Every cash order trader shall keep proper records setting out particulars of each cash order issued by him and of the amounts charged or received in respect of each cash order.

Records to be kept of cash order business.

(2) Every person who redeems any cash orders shall keep proper records setting out—

- (a) particulars of each cash order presented to him for redemption including the date on which it is presented;
- (b) the date on which payment is made in respect of each cash order; and
- (c) the amount paid in respect of each cash order.

(3) A person required to keep records in accordance with the provisions of this section shall preserve all records kept, together with all certificates given to him in accordance with the provisions of subsection (2) of section thirteen for a period of at least two years after the completion of the transaction to which the records or certificates relate.

20 Any person who contravenes or fails to comply with any of the provisions of this Act shall be liable to a penalty of fifty pounds.

Penalty.

THE SCHEDULE.

FORM I.
Cash Orders Act 1947.

APPLICATION FOR REGISTRATION OF CASH ORDER TRADER.
To the Commissioner of Police:

Application is hereby made for registration as a cash order trader, under the provisions of the *Cash Orders Act 1947*, in accordance with the particulars set out below—

- (1) Full trade name.....
- (2) Full trade address.....
- (3) Other trade addresses (if any).....
- (4) Full names of proprietor or proprietors, and (in the case of a company) person responsible for management.....

Date

.....
Signature of applicant.

