

STREET PHOTOGRAPHERS.

11° and 12° GEO. VI., No. XLVI.

 No. 46 of 1947.
AN ACT to provide for the licensing of Street Photographers.

[Assented to 17th December, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the *Street Photographers Act, 1947*, and shall come into operation on the first day of January, one thousand nine hundred and forty-eight. Short title and commencement.

2. In and for the purposes of this Act— Definitions.
 - “district” means a municipal district or a road district;
 - “local authority” means a municipality and the council thereof or a road board;
 - “public thoroughfare” means and includes any highway, street, road, lane, arcade, thoroughfare, footpath, or place open to or used by the public, but shall not, for the purposes of this Act, include any street in the City of Perth which is restricted to one-way vehicular traffic;

“street photographer” means a person, firm or corporation who either on his own account photographs or attempts to photograph, or employs any person to photograph or attempt to photograph in a public thoroughfare any person or thing, and who in connection with or incidental to such photography tenders, issues or distributes, or causes so to be any card, ticket or other printed or written matter whatsoever identifying the photograph or the photographer or the employer or containing any information as to the place where the result of such photography may be seen or inspected.

Street
photographers
to be
licensed.

3. (1) On and after the coming into operation of this Act, it shall be unlawful for any street photographer to operate as or carry on the business of such in any place whatsoever within the State of Western Australia without having previously obtained a license as hereinafter mentioned.

Penalty.

(2) If any street photographer shall without having first obtained such license as aforesaid operate as or carry on the business of a street photographer within any part of the said State he shall be guilty of an offence under this Act and be liable on conviction to a penalty not exceeding twenty pounds.

(3) Every street photographer operating as or carrying on the business of such shall be deemed and taken to be unlicensed unless he shall prove to the contrary by the production of his license or otherwise.

(4) Every person while actually engaged in photographing or attempting to photograph as a street photographer shall have in his actual possession and if required produce on demand the license issued by the local authority under this Act.

Method of
obtaining a
license and
effect thereof

4. (1) An application for a license under the provisions of this Act shall be made in writing in the prescribed form to the local authority and such local authority shall, subject to section six of this Act, grant such license for and in respect of its district. Provided that not more than one license shall be granted to any street photographer, but if such street photographer be a person, firm or corporation employing any person to

carry out the actual photographing, then such license may be used by such employee for the purpose of compliance with subsection four of section three of this Act.

Provided that every applicant for a license under the provisions of this Act shall, with his application, deliver to the local authority two testimonials in writing as to his character, suitability and fitness to have such license granted to him, and the local authority may refuse such application if, in its opinion, such testimonials do not show that such applicant is a fit and proper person for such license.

(2) On the granting of such license the licensee shall thereupon pay to such local authority a fee of one pound and no such license shall be of any force or effect whatsoever until such fee has been duly paid to the local authority.

5. Every license granted under the provisions of this Act shall remain in force until the thirty-first day of December next following the granting thereof and no longer and shall not be transferable.

Duration of
license.

6. The number of licenses issued by any local authority within its district under the provisions of this Act shall not exceed one license for every 10,000 of the population of such district as estimated in the last previous available issue of the Pocket Year Book of Western Australia, provided that if the population for such district is estimated as aforesaid at less than 10,000, then one license only shall be issued for such district.

Number of
licenses to be
limited.

7. In granting any license the local authority shall give preference to any applicant for such license who is a discharged member of the Forces as defined in section four of the Re-establishment and Employment Act, 1945 (No. 11 of 1945, Commonwealth), or of the 1914-1918 war, and who shall satisfy such local authority that prior to the first day of April, one thousand nine hundred and forty-seven he had been *bona fide* operating as or carrying on the business of a street photographer.

Preference to
established
street
photo-
graphers.

License to have effect only in district for which granted.

8. No license granted under the provisions of this Act shall have any force or effect whatsoever in any part of the said State other than the district for and in respect of which the same shall have been granted.

Issue of cards, etc.

9. (1) No card, ticket or other printed or written matter whatsoever tendered, issued or distributed or caused so to be by any street photographer shall have printed or written thereon any information or particulars other than the following:—

- (a) Numbers or letters for the purpose of identifying a particular photograph or of distinguishing a particular photograph from other photographs.
- (b) The full name and address of such street photographer.
- (c) The number of the license granted to such street photographer and the name of the local authority granting the same.
- (d) Short particulars as to the place where and time when photographs may be seen or inspected.

(2) Notwithstanding the provisions of subsection one of this section, no such card, ticket or other printed or written matter shall be tendered, issued or distributed as aforesaid unless the same shall be in a form first approved by the local authority.

By-laws.

10. A local authority may, with the approval of the Governor, make by-laws not inconsistent with this Act for prescribing all matters and things which by this Act are contemplated, required or permitted to be prescribed.

General penalties.

11. Every person committing any act hereinbefore declared to be an offence under this Act or committing a breach of this Act or any by-law, whether by wilful act or by refusal or neglect to act or otherwise, shall, when no specific penalty is provided for such offence or breach, be liable to a penalty not exceeding twenty pounds.

Recovery of penalties.

12. All penalties imposed or incurred by or under this Act or by or under any by-law, may be recovered and enforced summarily before any two justices of the peace in petty sessions.