



Australian Capital Territory

# **Hawkers Act 1936**

**A1936-43**

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Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Hawkers Act 1936* effective 29 November 1994 to 14 December 1994.

### **Kinds of republications**

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Australian Capital Territory

## **HAWKERS ACT 1936**

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Australian Capital Territory

## **HAWKERS ACT 1936**

An Act relating to the Licensing of Hawkers

### **Short title**

1. This Act may be cited as the *Hawkers Act 1936*.<sup>1</sup>

### **Repeal**

2. The *Hawkers Ordinance 1926*, the *Hawkers Ordinance 1934* and the *Hawkers Ordinance 1935* are repealed.

### **Interpretation**

4. (1) In this Act, unless the contrary intention appears—
  - “authorized officer” means an officer appointed by the Minister as an authorized officer for the purposes of this Act;
  - “constable” means a member of the Police Force of the Territory;
  - “food” includes every article which is used for food or drink by man or which enters into or is used in the composition or preparation of any such article and includes infant foods, flavouring matters, essences, condiments, spices, and confectionery, but does not include fresh fruit or fresh vegetables;
  - “goods” means movable property;
  - “licence” means a hawker’s licence or an assistant hawker’s licence under this Act and in force for the time being; and “licensed” has a corresponding meaning;

“Medical Officer of Health” has the same meaning as in the *Public Health Act 1928*;

“pack” includes bag, box, trunk or case;

“permit” means a permit under subsection 6B (2);

“Registrar” means the Registrar of Hawkers’ Licences appointed in pursuance of this Act, and includes a Deputy Registrar;

“vehicle” means a vehicle used for carrying goods for the purposes of sale, and includes a boat or vessel.

(2) A reference in a provision of this Act to a determined fee shall be read as a reference to the fee determined under section 27B for the purposes of that provision.

### **Meaning of carrying on business of hawker**

5. (1) Any person who carries any goods on his person or on any animal or in or on any vehicle for the purpose of selling or offering for sale those goods, or who sells or offers for sale any goods carried on his person or on any animal or in or on any vehicle, shall, unless he is the holder of an assistant hawker’s licence, be deemed to be carrying on the business of a hawker within the meaning of this Act.

(2) Nothing in this Act applies to, or shall be deemed to affect in any way, the sale, delivery or distribution of newspapers by a child in accordance with Part VIII of the *Children’s Services Act 1986*.

### **Business of hawker not to be carried on without licence**

6. (1) A person shall not carry on the business of a hawker unless he is the holder of a licence so to do.

Penalty: 10 penalty units.

(1A) A licensed hawker shall not, in the carrying on of the business of a hawker—

- (a) use (either by himself or by an assistant hawker) more than one vehicle at any one time;
- (b) if his licence does not authorize him to sell food or food and other goods—use a vehicle that is not included in the class of vehicles specified in his licence; or

- (c) if his licence authorizes him to sell food or food and other goods—use a vehicle other than the vehicle specified in his licence.

Penalty: 10 penalty units.

(2) In any prosecution under this section the burden of proving that he is the holder of a licence shall be on the person accused.

(3) This section shall not apply to the sale or carrying or offering for sale of any goods in any market or fair established in the Territory, or in any shop occupied by the person so selling or carrying or offering for sale or in any premises approved by the Minister.

#### **Hawkers not to carry on business within certain areas**

**6A. (1)** A person shall not, without the consent in writing of the Minister or a person authorized in writing by the Minister to give consents for the purposes of this subsection, carry on the business of a hawker within a distance of 180 metres of a shop.

Penalty: 10 penalty units.

(2) The provisions of subsection (1) do not apply where the business of hawker is carried on with a *bona fide* resident or occupier of any premises at those premises.

(3) Subject to section 6B, where a vehicle on which goods are being carried in the course of the carrying on by a licensed hawker of his business of a hawker has been standing at a particular place (hereinafter referred to as “the specified place”) for the purpose of permitting the sale of those goods or the exposing of those goods for sale and—

- (a) the vehicle remains standing at the specified place for a continuous period in excess of half an hour; or
- (b) at, or at any time on the same day after, the expiration of a continuous period of half an hour after the vehicle commenced so to stand at the specified place—
  - (i) the vehicle is, after having moved from the specified place, again standing at the specified place for such a purpose; or
  - (ii) the vehicle is standing, for such a purpose, at another place less than 180 metres distant from the specified place,

the holder of a licence who is in actual charge of the vehicle commits an offence, and, if that holder is not the licensed hawker who is using the vehicle

in the carrying on of a business of a hawker, that licensed hawker shall also be deemed to have committed an offence, punishable, upon conviction, by a fine not exceeding 10 penalty units.

(4) Where, in proceedings for an offence against subsection (3), a person gives evidence that goods that were being carried on the vehicle to which the proceedings relate were sold to a person while the vehicle was standing at a place, the vehicle shall, in the absence of proof to the contrary, be deemed to have been standing at that particular place for the purpose of permitting the sale of goods that were being carried on it during the whole of the period during which the vehicle was, on that occasion, standing at that particular place.

(5) In proceedings for an offence against subsection (3), it is a defence if the accused proves that the person in actual charge of the vehicle during the period or at the time when it was standing at a particular place in contravention of that subsection was prevented from moving the vehicle from that place at any time during that period or at that time, as the case may be, by reason of a mechanical defect in the vehicle or by reason of other facts beyond the control of that person.

### **Hawkers may sell goods at authorised places**

**6B.** (1) The Minister may, by notice published in the *Gazette*, specify a place at which licensed hawkers may permit the vehicles on which they are carrying on the business of a hawker to stand, without limit as to time, for the purpose of carrying on their businesses.

(2) The Registrar may grant to a licensed hawker a permit for such period as is specified in the permit, being a period not exceeding 6 months, authorizing the hawker to carry on the business of a hawker at a place specified in the permit during the hours and on a day specified in the permit.

(3) Where a vehicle that is being used by a licensed hawker in the course of the carrying on by him of his business of a hawker stands—

- (a) at a place specified in a notice, being a notice that has not been revoked, under subsection (1); or
- (b) at a place as authorized by a permit, being a permit that is in force, granted to the hawker under subsection (2),

subsection (3) of section 6A does not apply to or in relation to the standing of the vehicle at that place.



### **Appointment of Registrar of Hawkers' Licences**

**7. (1)** There shall be a Registrar of Hawkers' Licences who shall be appointed by the Minister.

**(2)** The Minister may appoint such Deputy Registrars as he considers necessary for the purposes of this Act.

### **Applications for hawkers' licences**

**8. (1)** An application for a hawker's licence shall be made to the Registrar who may grant or reject the application as he thinks fit.

**(1A)** An application for a hawker's licence shall state—

- (a) whether the applicant desires the issue of a licence authorizing him to sell food, goods other than food or food and other goods;
- (b) whether the applicant intends to use a vehicle in carrying on the business of a hawker; and
- (c) if the applicant does intend so to use a vehicle—
  - (i) in a case where the application is for a licence authorizing the applicant to sell food or food and other goods—particulars of the vehicle; or
  - (ii) in any other case—particulars of the class of vehicles (being a class of vehicles specified in Part II of Schedule 2) in which the vehicle is included.

**(1B)** Where the Registrar grants an application for a hawker's licence, he shall specify in the licence—

- (a) whether the licence authorizes the licensed hawker to sell food, goods other than food or food and other goods; and
- (b) the vehicle, or the class of vehicles in which is included a vehicle, in which the licensed hawker is authorized to carry on the business of a hawker.

**(2)** An application for a hawker's licence shall include such information as the Registrar requires.

**(3)** An applicant for a hawker's licence shall be required to produce to the Registrar a certificate signed by the Commissioner of Police or a member of the Police Force of the Territory thereto authorized in writing by the Commissioner of Police that the applicant—

- (a) is above the age of eighteen years;
- (b) is a person of good character; and
- (c) is a fit and proper person to be licensed to trade as a hawker.

### **Applications for hawkers' licences to sell food or food and other goods**

**8A.** An application for a hawker's licence authorizing the use of a vehicle for the sale of food or food and other goods shall be deemed not to have been duly made unless it is accompanied by a certificate issued by the Medical Officer of Health, or a person authorised in writing by the Medical Officer of Health to issue certificates for the purposes of this section, certifying that the vehicle has been inspected and that the Medical Officer of Health is satisfied that the vehicle is suitable for the carriage of food.

### **Application for assistant hawker's licence**

**9. (1)** A child or an employee of a licensed hawker may apply to the Registrar for an assistant hawker's licence and the Registrar may grant or refuse the application as he thinks fit.

**(2)** An application for an assistant hawker's licence shall include such information as the Registrar requires.

**(3)** An applicant for an assistant hawker's licence shall be required to produce to the Registrar a certificate, signed by the Commissioner of Police or a member of the Police Force of the Territory thereto authorized in writing by the Commissioner of Police, that the applicant—

- (a) if a child of a licensed hawker—is above the age of sixteen years; or
- (b) if an employee of a licensed hawker, not being a child of the hawker—is above the age of eighteen years; and
- (c) is a person of good character; and
- (d) is a fit and proper person to be licensed as an assistant hawker.

**(5)** An assistant hawker's licence shall authorize the person to whom it is granted to assist in carrying on the business of the hawker named in the licence and shall be granted only in respect of the business of a hawker whose licence relates to the carriage of goods in or on a vehicle.

### **Limitation on number of assistant hawkers**

**9A.** The Registrar shall not grant more than two assistant hawker's licences to be in force at any one time in respect of the business of any licensed hawker.

**Security to be given**

**10. (1)** A licence shall not be issued to any applicant until he has entered into a security in accordance with Form E, in Schedule 1, with two sureties approved by the Registrar, each in the sum of Forty dollars.

**(2)** A security in accordance with Form E shall, without sealing, bind its subscribers as if sealed, and jointly and severally, and for the full amount.

**(3)** Whenever a security is put in suit by the Registrar the production thereof without further proof shall entitle him to judgment for their stated liability against the persons appearing to have executed the security unless the defendants prove compliance with the condition of the security or that the security was not executed by them or release or satisfaction.

**(4)** If it appears to the Court that a non-compliance with the condition of a security has occurred, the security shall not be deemed to have been invalidated or discharged and the subscribers shall not be deemed to have been released or discharged from liability by reason of the Registrar having failed to bring suit against the subscribers upon the occurrence of any previous non-compliance.

**Fees for permit**

**10A. (1)** A person to whom a permit is granted for a period of 6 months shall pay to the Registrar a fee according to the scale of fees determined under section 27B for the purposes of this subsection.

**(2)** A person to whom a permit is granted for a period of less than 6 months shall pay to the Registrar a fee that, subject to subsection (3), bears the same proportion to the fee payable under subsection (1) as the period for which the permit is granted bears to the period of 6 months.

**(3)** Where a permit is granted for a period of less than 6 months, the fee payable shall not be less than the amount of the fee determined under section 27B for the purposes of this subsection.

**Fees and term of licence**

**11.** Every person to whom a licence under this Act other than an assistant hawker's licence is granted shall pay to the Registrar a fee according to the scale of determined fees, and the licence, unless sooner suspended, cancelled or forfeited, shall remain in force for the full period of twelve months from and including the date of issue.

**Power to grant hawkers' licences for period of less than 12 months**

**12.** Notwithstanding anything contained in this Act, but without prejudice to any other powers conferred on him by this Act, the Registrar may grant a hawker's licence for any period less than twelve months, but not less than one month, and, where the Registrar does so, the fee payable in respect of the grant of the licence shall bear the same proportion to the fee payable in respect of the grant of a hawker's licence for a period of twelve months, as the period for which the licence is granted bears to the period of twelve months:

Provided that where a licence is granted under this section the fee payable shall not be less than the amount of the determined fee.

**Registrar may vary licences**

**12A. (1)** The Registrar may, upon the application of a licensed hawker, vary the licence in respect of—

- (a) the vehicle or the class of vehicles specified in the licence; and
- (b) the goods which the licensed hawker is authorized to sell.

**(2)** Where a licensed hawker who is authorized to sell goods other than food desires to sell food or food and other goods or where a licensed hawker desires to use a vehicle in carrying on the business of a hawker other than the vehicle specified in his licence, the Registrar shall not vary the licence unless the application is accompanied by a certificate issued by the Medical Officer of Health, or a person authorised in writing by the Medical Officer of Health to issue certificates for the purposes of this subsection, certifying that the vehicle to which the application relates has been inspected and that the Medical Officer of Health is satisfied that the vehicle is suitable for the carriage of food.

**(3)** Where the Registrar varies a licence and the fee that would be payable in respect of the grant of the licence as varied exceeds the fee paid in respect of the grant of the licence, the licensee is liable to pay to the Registrar, in respect of the variation, a fee that bears to an amount equal to the amount of that excess the same proportion as the number of months (treating a part of a month as a month) in the unexpired period of the licence bears to the number of months in the period for which a licence was granted.

**Hawker's licence or permit of no effect until fee paid**

**13.** A hawker's licence or permit shall not be of any effect until the fee payable for the grant of the licence or permit has been paid to the Registrar.

**Hawker's vehicle to bear name etc.**

**15.** Every holder of a hawker's licence shall have in large legible Roman letters upon some conspicuous part of the vehicle in or with which he so carries on his business the words "Licensed Hawker" together with his name at full length and the number of his licence.

Penalty: 2 penalty units.

**Holding out to be licensed hawker**

**16.** Every person not being the holder of a licence who has upon any vehicle in, on or with which he conveys any goods the words "Licensed Hawker" or any other words to that effect, shall be guilty of an offence.

Penalty: 10 penalty units.

**Refusal to produce licence in certain cases**

**17.** Any holder of a licence who at any time upon demand by any constable or authorized officer, or by any person to whom he has within the last preceding twenty-four hours sold or offered to sell any goods, neglects or refuses to produce and show his licence to the constable, authorized officer or person, shall be guilty of an offence.

Penalty: 2 penalty units.

**Carrying spirituous liquors**

**18.** Any holder of a licence who carries or has in, on or with his vehicle any fermented or spirituous liquors shall be guilty of an offence.

Penalty: 50 penalty units.

**Seizure of liquors**

**19.** Any person authorized by warrant in pursuance of this Act to examine and search the person pack or vehicle of the holder of the licence, and any constable or authorized officer finding any such liquors carried by any holder of a licence or in, on or with any vehicle of a hawker, may seize them, and the liquors shall be disposed of as the Minister thinks fit.

**Seizure of liquors being hawked**

**20. (1)** Any constable may, without a warrant, seize all such fermented or spirituous liquors as are conveyed about or hawked or displayed for sale in any street, road, footpath, or in any booth, tent, stall, shed or in any vehicle or in any place whatsoever by any person not licensed according to law to sell them in that place, and the vessels containing them and all the vessels and utensils

used for drinking or measuring them, and the liquors and the vessels and utensils shall be disposed of as the Minister thinks fit.

(2) In any prosecution under this section, the burden of proving that the liquors were not conveyed about and hawked and displayed for sale shall be upon the person charged.

### **Dealing in smuggled or contraband goods**

21. (1) Any holder of a licence who knowingly deals in any kind of smuggled or contraband goods, or in any goods fraudulently or dishonestly procured, shall be guilty of an offence.

Penalty: 100 penalty units or imprisonment for 12 months, or both.

(2) In any prosecution under this section the averment of the prosecutor contained in the information shall be *prima facie* evidence of the matter averred.

### **Licence not to be let out or lent**

22. The holder of a licence who lets out or lends his licence, and any person who carries on the business of a hawker under any licence granted to any other person, or under any licence in which his own real name is not inserted as the name of the person to whom the licence is granted, shall be guilty of an offence.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

### **Forfeiture of licences**

23. The licence of any person convicted under section 21 or 22 shall be forfeited and he shall not at any time be capable of holding or trading under a new licence.

### **Power to search pack or vehicle of licensed hawker**

24. (1) If any person has reasonable ground for suspecting that any holder of a licence is offending against the provisions of this Act, the Magistrates Court may, after evidence on oath, grant a warrant to any person to examine and search the person, pack or vehicle of the holder therein named or described, which warrant shall remain in force until such time as is therein mentioned.

(2) Any constable having any such reasonable ground of suspicion may, without a warrant, examine and search the person, pack or vehicle of the holder of the licence.

**Cancellation or suspension of licences**

**25. (1)** The Registrar may, subject to the directions of the Minister, cancel, or suspend for such period as he thinks fit, the licence of any person convicted of any offence against this Act or the Regulations, or of any offence punishable by imprisonment.

**(2)** The holder of a licence shall within seven days after the expiry of his licence or after the date of the forfeiture, cancellation or suspension of his licence, deliver the licence to the Registrar.

Penalty: 1 penalty unit.

**Revocation of permit**

**25A.** The Registrar may revoke a permit if—

- (a) the place specified in the permit as the place at which the holder of the permit may carry on the business of a hawker—
  - (i) is, or forms part of, a public road within the meaning of the *Roads and Public Places Act 1937* and the road has, under section 4 of that Act, been temporarily closed against vehicular or other traffic; or
  - (ii) is, or forms part of, a public place within the meaning of the *Roads and Public Places Act 1937* and a person has been granted permission under section 9 of that Act to make or place a culvert, bridge, crossing or drain across a watertable, watercourse or footpath in, or to open up or break the surface of, that place;
- (b) the carrying on of the business of a hawker at the place specified in the permit is likely to adversely affect the carrying out of road works or the supply, installation, maintenance or repair of electrical equipment; or
- (c) the Registrar has reasonable grounds for believing that it is contrary to the public interest for the holder of the permit to carry on the business of a hawker at the place, during the hours or on the day specified in the permit.

**Partial refund of fee on revocation of permit**

**25B. (1)** Where the Registrar revokes a permit under section 25A, the Territory shall repay to the person who held the permit such amount of the fee

paid for the grant of the permit as bears the same proportion to the fee so paid as the relevant period bears to the period for which the permit was granted.

(2) In this section, “relevant period”, in relation to a permit that has been revoked, means the period consisting of the number of complete weeks in the period commencing on the expiration of the day on which the permit was revoked and ending on the expiration of the last day on which the permit would, but for its revocation, have been in force.

### **Saving of liability under other laws**

26. The punishment of any person under this Act shall not affect his liability to punishment under any other law in force in the Territory in respect of the same matter.

### **Appeal against decision of Registrar**

27. (1) An applicant for, or the holder or former holder of, a licence (as the case may be) may appeal to the Minister against a decision of the Registrar—

- (a) under subsection 8 (1) to reject an application for a licence;
- (b) under subsection 12A (1) to refuse to vary a licence; or
- (c) under subsection 25 (1) to cancel or suspend a licence.

(2) A licensed hawker may appeal to the Minister against a decision of the Registrar—

- (a) under subsection 6B (2) to refuse to grant a permit;
- (b) under subsection 6B (2) to grant to the licensed hawker a permit in respect of the place, hours and day specified in the permit; or
- (c) under section 25A to revoke a permit.

(3) The Minister shall hear and determine an appeal under this section and may affirm, vary or set aside the Registrar’s decision.

(3A) Where—

- (a) the Registrar makes a decision of the kind referred to in subsection (1); or
- (b) the Minister makes a determination under subsection (3);

the Registrar or the Minister, as the case may be, shall cause notice of the decision to be given to a person whose interests are affected by the decision.



**(3B)** A notice under subsection (3A) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

**(4)** Where the Minister sets aside a decision of the Registrar to refuse to grant a permit under subsection 6B (2), the Minister shall direct the Registrar to grant to the appellant a permit for such period, place, hours and day as is specified by the Minister and the Registrar shall comply with such a direction.

### **Review of decisions of Minister**

**27A.** Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Minister affirming or varying, under section 27, a decision of the Registrar.

### **Power of Minister to determine fees**

**27B.** The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

### **Regulations**

**28.** The Executive may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to the imposition of penalties not exceeding 10 penalty units in respect of breaches of the regulations.

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SCHEDULE 1

FORM E

Section 10

AUSTRALIAN CAPITAL TERRITORY

The Hawkerc Act 1936-1941

FORM OF SECURITY

By this security the subscribers are, pursuant to the *Hawkerc Act 1936-1941*, bound to the Registrar of Hawkerc Licences, Australian Capital Territory, in the sum of Forty dollars subject only to the condition that, if (a) \_\_\_\_\_ who is to be licensed under the said Act to (b) \_\_\_\_\_ on the business of a hawker in the Australian Capital Territory for a period which will expire on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, shall not be convicted during that period of any offence against the said Act, then this security shall be thereby discharged.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Names and descriptions of subscribers	Signatures of subscribers	Signatures of witnesses
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- (a) Here insert name of hawker or assistant hawker  
(b) Here insert “carry” or “assist in carrying”, as the case requires

**NOTE**

1. The *Hawkers Act 1936* (a) as shown in this reprint comprises Act No. 43, 1936 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Hawkers Ordinance 1936</i>	43, 1936	15 Oct 1936	15 Oct 1936	
<i>Hawkers Ordinance 1941</i>	1, 1941	30 Jan 1941	30 Jan 1941	—
<i>Hawkers Ordinance 1948</i>	8, 1948	23 Dec 1948	23 Dec 1948	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Hawkers Ordinance 1962</i>	15, 1962	26 Nov 1962	26 Nov 1962	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Hawkers Ordinance 1968</i>	29, 1968	19 Dec 1968	1 May 1969 (see <i>Gazette</i> 1969, p. 2544)	—
<i>Ordinances Revision (Age of Majority) Ordinance 1974</i>	47, 1974	24 Oct 1974	1 Nov 1974	—
<i>Ordinances Revision (Health Commission) Ordinance 1975</i>	17, 1975	1 July 1975	1 July 1975	—
<i>Ordinances Revision (Metric Conversion) Ordinance 1977</i>	64, 1977	22 Dec 1977	22 Dec 1977	—
<i>Hawkers (Amendment) Ordinance 1978</i>	5, 1978	2 Feb 1978	2 Feb 1978	—
<i>Hawkers (Amendment) Ordinance 1981</i>	41, 1981	2 Nov 1981	2 Nov 1981	—
<i>Hawkers (Amendment) Ordinance 1983</i>	22, 1983	24 Aug 1983	24 Aug 1983	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Children's Services (Miscellaneous Amendments) Ordinance 1986</i>	14, 1986	4 June 1986	26 Apr 1988 (see <i>Gazette</i> 1988, No. S116)	—
<i>Sex Discrimination (Miscellaneous Amendments) Ordinance 1986</i>	31, 1986	31 July 1986	1 Aug 1986	—
<i>Community and Health Service (Consequential Provisions) Ordinance 1988</i>	29, 1988	30 June 1988	2 July 1988	S. 4

**NOTE**—continued**Table of Ordinances**—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**

## NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Acts Revision (Arrest Without Warrant) Act 1989</i>	23, 1989	1 Dec 1989	1 Dec 1989	—
<i>Health Services (Consequential Provisions) Act 1990</i>	63, 1990	28 Dec 1990	Ss. 1 and 2: 28 Dec 1990 Remainder: 31 Jan 1991 (see s. 2 (2) and <i>Gazette</i> 1991, No. S4)	Ss. 6-17
<i>Administrative Appeals (Consequential Amendments) Act 1994</i>	60, 1994	11 Oct 1994	Ss. 1 and 2: 11 Oct 1994 Remainder: 14 Nov 1994 (see s. 2 (2) and <i>Gazette</i> 1994, No. S250)	—
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—

- (a) The *Hawkers Act 1936* was also amended by the *Seat of Government (Designation) Ordinance 1938* (No. 25, 1938) as amended by the *Ordinances Revision Ordinances 1938 and 1959* (No. 35, 1938 and No. 21, 1959).

Section 2 of the *Seat of Government (Designation) Ordinance 1938*, as amended, provides as follows:

“2. Where, in any Ordinance, not being an Ordinance specified in the Schedule to this Ordinance, or in any regulation or rule made under an Ordinance, the words ‘Territory for the Seat of Government’ or ‘Territory for the Seat of Government of the Commonwealth’ or ‘Territory for the Seat of Government of the Commonwealth of Australia’ or ‘Federal Capital Territory’ appear, the Ordinance, regulation or rule (as the case may be) is amended by omitting those words and inserting in their stead the words ‘Australian Capital Territory’.”

The amendments have been incorporated in this reprint but do not appear in the Table of Amendments.

**NOTE—continued****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 3 .....	rep. No. 21, 1959
S. 4 .....	am. No. 1, 1941; No. 29, 1968; No. 17, 1975; No. 5, 1978; No. 22, 1983; No. 29, 1988; Act No. 63, 1990
S. 5 .....	am. No. 1, 1941; No. 15, 1962; No. 14, 1986
S. 6 .....	am. No. 1, 1941; No. 19, 1966; No. 29, 1968; Act No. 81, 1994
S. 6A .....	ad. No. 8, 1948
	am. No. 19, 1966
	rs. No. 29, 1968
	am. No. 64, 1977; No. 5, 1978; Act No. 81, 1994
S. 6B .....	ad. No. 29, 1968
	am. No. 5, 1978
S. 7 .....	am. No. 1, 1941
S. 8 .....	am. No. 1, 1941; No. 21, 1959; No. 29, 1968; No. 47, 1974; No. 5, 1978
S. 8A .....	ad. No. 29, 1968
	am. No. 17, 1975; No. 29, 1988; Act No. 63, 1990
S. 9 .....	rs. No. 1, 1941
	am. No. 21, 1959; No. 47, 1974; No. 31, 1986
S. 9A .....	ad. No. 1, 1941
S. 10 .....	rs. No. 1, 1941
	am. No. 19, 1966; No. 5, 1978
S. 10A .....	ad. No. 5, 1978
	am. No. 22, 1983
S. 11 .....	am. No. 1, 1941; No. 5, 1978; No. 23, 1983
S. 12 .....	am. No. 1, 1941; No. 19, 1966; No. 29, 1968; No. 5, 1978; No. 22, 1983
S. 12A .....	ad. No. 29, 1968
	am. No. 17, 1975; No. 29, 1988; Act No. 63, 1990
S. 13 .....	am. No. 1, 1941; No. 5, 1978; No. 22, 1983
S. 14 .....	rep. Act No. 23, 1989
S. 15 .....	am. No. 1, 1941; No. 19, 1966; Act No. 81, 1994
Ss. 16-18 .....	am. No. 19, 1966; Act No. 81, 1994
Ss. 21, 22 .....	am. No. 19, 1966; Act No. 81, 1994
S. 23 .....	am. No. 5, 1978
S. 24 .....	am. No. 67, 1985
S. 25 .....	am. No. 19, 1966; Act No. 81, 1994
S. 25A .....	ad. No. 5, 1978
S. 25B .....	ad. No. 5, 1978
	am. No. 38, 1989
S. 27 .....	rep. No. 21, 1959
	ad. No. 5, 1978
	am. Act No. 60, 1994
S. 27A .....	ad. No. 5, 1978
	am. No. 38, 1989; Act No. 60, 1994
S. 27B .....	ad. No. 22, 1983
S. 28 .....	am. No. 19, 1966; No. 38, 1989; Act No. 81, 1994

**NOTE**—continued

**Table of Amendments**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
Heading to The First Schedule	rep. No. 5, 1978
Heading to Schedule 1 .....	ad. No. 5, 1978
The First Schedule.....	am. No. 1, 1941; No. 21, 1959; No. 19, 1966
The Second Schedule .....	am. No. 19, 1966
	rs. No. 29, 1968; No. 5, 1978; No. 41, 1981
	rep. No. 22, 1983

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