



Australian Capital Territory

Hawkers Act 1936 No 43

Republication No 3

Republication date: 16 May 2002

Last amendment made by 2001 No 66

Amendments incorporated to 10 March 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Hawkers Act 1936* as in force on 16 May 2002. It includes any amendment, repeal or expiry affecting the republished law to 10 March 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
10 March 2002



Australian Capital Territory

Hawkers Act 1936

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Amendments incorporated to
10 March 2002



Australian Capital Territory

Hawkers Act 1936

An Act relating to the licensing of hawkers

1 Name of Act

This Act is the *Hawkers Act 1936*.

4 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

authorised officer means an officer appointed by the Minister as an authorised officer for this Act.

chief health officer means the chief health officer under the *Public Health Act 1997*.

constable means a police officer.

food means food within the meaning of the *Food Act 2001*, section 8 (Meaning of ***food***), other than 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.

pack includes bag, box, trunk or case.

permit means a permit under section 6B (2).

registrar means the Registrar of Hawkers' Licences under section 7.

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

5 Meaning of carrying on business of hawker

- (1) Any person who carries any goods on his or her 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 or her person or on any animal or in or on any vehicle, shall, unless the person 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 the *Children and Young People Act 1999*, chapter 10 (Employment of children and young people).

6 Business of hawker not to be carried on without licence

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

Maximum penalty: 10 penalty units.

- (2) A licensed hawker shall not, in the carrying on of the business of a hawker—
- (a) use (either by himself, herself or by an assistant hawker) more than 1 vehicle at any one time;
 - (b) if the licence does not authorise him or her to sell food or food and other goods—use a vehicle that is not included in the class of vehicles specified in the licence; or
 - (c) if the licence authorises him or her to sell food or food and other goods—use a vehicle other than the vehicle specified in the licence.

Maximum penalty: 10 penalty units.

- (3) In any prosecution under this section the burden of proving that he or she is the holder of a licence shall be on the person accused.
- (4) 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 ACT, or in any shop occupied by the person so selling or carrying or offering for sale or in any premises approved by the Minister.

6A Hawkers not to carry on business within certain areas

- (1) A person shall not, without written consent of the Minister or a person authorised in writing by the Minister to give consents for this subsection, carry on the business of a hawker within a distance of 180m of a shop.

Maximum penalty: 10 penalty units.

- (2) The provisions of subsection (1) do not apply if 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, if a vehicle on which goods are being carried in the course of the carrying on by a licensed hawker of his or her business of a hawker has been standing at a particular place (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 end of a continuous period of half an hour after the vehicle began 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 180m 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.

Maximum penalty: 10 penalty units.

- (4) If, 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 when 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, because of a mechanical defect in the vehicle or because of other facts beyond the control of that person.

6B Hawkers may sell goods at authorised places

- (1) The Minister may, in writing, declare a place where 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 the period specified in the permit, not longer than 6 months, authorising 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) If a vehicle that is being used by a licensed hawker in the course of the carrying on by the hawker of the business of a hawker stands—
 - (a) at a place specified in a declaration in force under subsection (1); or
 - (b) at a place as authorised by a permit, being a permit that is in force, granted to the hawker under subsection (2);

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

- (4) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

7 Registrar

- (1) There shall be a Registrar of Hawkers' Licences.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include exercising the functions of the registrar.
- (3) The registrar shall be the public servant for the time being exercising the duties of the public service office referred to in subsection (2).

7A Deputy registrars

- (1) There may be 1 or more Deputy Registrars of Hawkers' Licences.
- (2) A deputy registrar may exercise any function of the registrar, subject to any direction of the registrar.
- (3) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of a deputy registrar.
- (4) A deputy registrar shall be any public servant for the time being exercising the duties of a public service office referred to in subsection (3).

8 Applications for hawkers' licences

- (1) An application for a hawker's licence shall be made to the registrar who may grant or reject the application as the registrar considers appropriate.
- (2) An application for a hawker's licence shall state—
- (a) whether the applicant wishes the issue of a licence authorising the applicant to sell food, goods other than food or food and other goods; and

- (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) if the application is for a licence authorising 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 schedule 2, part 2) in which the vehicle is included.
- (3) If the registrar grants an application for a hawker's licence, the registrar shall specify in the licence—
- (a) whether the licence authorises 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 authorised to carry on the business of a hawker.
- (4) An application for a hawker's licence shall include the information the registrar requires.
- (5) 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 police officer authorised in writing by the commissioner of police that the applicant—
- (a) is over 18 years old; and
 - (b) is a person of good character; and
 - (c) is a fit and proper person to be licensed to trade as a hawker.

8A Additional requirements for applications for sale of food from vehicles

- (1) This section applies to an application for a hawker's licence to use a vehicle for the sale of food or food and other goods.

(2) The application must be accompanied by a copy of a food business registration certificate for the vehicle or evidence, satisfactory to the registrar, that the vehicle is exempt from registration under the *Food Act 2001*, section 89 (Food businesses exempt from registration).

(3) In this section:

food business registration certificate means a certificate of registration under the *Food Act 2001* or a law of another jurisdiction that corresponds to that Act.

9 Application for assistant hawker's licence

(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 the registrar considers appropriate.

(2) An application for an assistant hawker's licence shall include the information 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 police officer authorised in writing by the commissioner of police, that the applicant—

(a) if a child of a licensed hawker—is over 16 years old; or

(b) if an employee of a licensed hawker, other than a child of the hawker—is over 18 years old; and

(c) is a person of good character; and

(d) is a fit and proper person to be licensed as an assistant hawker.

(4) An assistant hawker's licence shall authorise 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 relation to the business of a hawker whose licence relates to the carriage of goods in or on a vehicle.

9A Limitation on number of assistant hawkers

The registrar shall not grant more than 2 assistant hawker's licences to be in force at any one time in relation to the business of any licensed hawker.

10 Security to be given

- (1) A licence shall not be issued to any applicant until the applicant has entered into a security, with 2 sureties approved by the registrar, each in the sum of \$40.

Note If a form is approved under s 29 (Approved forms) for a security, the form must be used.

- (2) A security 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 of it without further proof shall entitle the registrar 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 noncompliance 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 because of the registrar having failed to bring suit against the subscribers on the occurrence of any previous noncompliance.

11 Duration of licence

The registrar may grant a hawker's licence for 12 months or a shorter period.

12A Registrar may vary licences

- (1) The registrar may, on the application of a licensed hawker, vary the licence in relation to—

- (a) the vehicle or the class of vehicles specified in the licence; and
 - (b) the goods that the licensed hawker is authorised to sell.
- (2) If the application relates to the use of a vehicle for the sale of food or food and other goods, the applicant must give the registrar a copy of a food business registration certificate for the vehicle or evidence, satisfactory to the registrar, that the vehicle is exempt from registration under the *Food Act 2001*, section 89 (Food businesses exempt from registration).
- (3) In this section:

food business registration certificate means a certificate of registration under the *Food Act 2001* or a law of another jurisdiction that corresponds to that Act.

15 Hawker's vehicle to bear name etc

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

Maximum penalty: 2 penalty units.

16 Holding out to be licensed hawker

Every person who is not the holder of a licence who has on any vehicle in, on or with which the person conveys any goods the words 'Licensed Hawker', or any other words to that effect, commits an offence.

Maximum penalty: 10 penalty units.

17 Refusal to produce licence in certain cases

Any holder of a licence who at any time on demand by any constable or authorised officer, or by any person to whom he or she has within the last 24 hours sold or offered to sell any goods,

neglects or refuses to produce and show his or her licence to the constable, authorised officer or person, commits an offence.

Maximum penalty: 2 penalty units.

18 Carrying spirituous liquors

Any holder of a licence who carries or has in, on or with his or her vehicle any fermented or spirituous liquors commits an offence.

Maximum penalty: 50 penalty units.

19 Seizure of liquors

Any person authorised by warrant under this Act to examine and search the person pack or vehicle of the holder of the licence, and any constable or authorised 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 considers appropriate.

20 Seizure of liquors being hawked

- (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 considers appropriate.
- (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 on the person charged.

21 Dealing in smuggled or contraband goods

- (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, commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year 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.

22 Licence not to be let out or lent

The holder of a licence who lets out or lends his or her 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 or her own real name is not inserted as the name of the person to whom the licence is granted, commits an offence.

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

23 Forfeiture of licences

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

24 Power to search pack or vehicle of licensed hawker

- (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 named or described in the warrant, which warrant shall remain in force until the time mentioned in it.

- (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.

25 Cancellation or suspension of licences

- (1) The registrar may, subject to the directions of the Minister, cancel, or suspend for the period the registrar considers appropriate, the licence of any person convicted of any offence against this Act, or of any offence punishable by imprisonment.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) The holder of a licence shall within 7 days after the expiry of his or her licence or after the date of the forfeiture, cancellation or suspension of his or her licence, deliver the licence to the registrar.

Maximum penalty: 1 penalty unit.

25A Revocation of permit

The registrar may revoke a permit if—

- (a) the place specified in the permit as the place where 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 that Act, section 4, 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 that Act, section 9 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; or

- (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.

25B Partial refund of fee on revocation of permit

- (1) If the registrar revokes a permit under section 25A, the Territory shall repay to the person who held the permit the amount of the fee paid for the grant of the permit that 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 beginning at the end of the day the permit was revoked and ending at the end of the last day when the permit would, apart from its revocation, have been in force.

26 Saving of liability under other laws

The punishment of any person under this Act shall not affect the person's liability to punishment under any other law in force in the ACT in relation to the same matter.

27 Appeal against decision of registrar

- (1) An applicant for, or the holder or former holder of, a licence) may appeal to the Minister against a decision of the registrar—
 - (a) under section 8 (1) to reject an application for a licence; or
 - (b) under section 12A (1) to refuse to vary a licence; or

- (c) under section 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 section 6B (2) to refuse to grant a permit; or
 - (b) under section 6B (2) to grant to the licensed hawker a permit in relation to 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.
- (4) If—
 - (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 Minister shall give notice of the decision to a person whose interests are affected by the decision.
- (5) A notice under subsection (4) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (6) If the Minister sets aside a decision of the registrar to refuse to grant a permit under section 6B (2), the Minister shall direct the registrar to grant to the appellant a permit for the period, place, hours and day specified by the Minister and the registrar shall comply with the direction.

27A Review of decisions of Minister

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.

28 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

29 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The form in schedule 1 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

30 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Hawkers Ordinance 1936* No 43 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Hawkers Act 1936 No 43

notified 15 October 1936

commenced 15 October 1936

as amended by

Hawkers Ordinance 1941 No 1

notified 30 January 1941

commenced 30 January 1941

Hawkers Ordinance 1948 No 8

notified 23 December 1948

commenced 23 December 1948

Ordinances Revision Ordinance 1959 No 21 sch 1

notified 23 December 1959

commenced 31 December 1959 (s 2)

Hawkers Ordinance 1962 No 15

notified 26 November 1962

commenced 26 November 1962

Endnotes

3 Legislation history

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 sch 1

notified 23 December 1966
commenced 23 December 1966

Hawkers Ordinance 1968 No 29

notified 19 December 1968
commenced 1 May 1969 (s 2 and Cwlth Gaz 1969 p 2544)

Ordinances Revision (Age of Majority) Ordinance 1974 No 47 sch 1

notified 24 October 1974
commenced 1 November 1974 (s 2)

Ordinances Revision (Health Commission) Ordinance 1975 No 17 s 7 and sch 1

notified 1 July 1975
commenced 1 July 1975

Ordinances Revision (Metric Conversion) Ordinance 1977 No 64 sch

notified 22 December 1977
commenced 22 December 1977

Hawkers (Amendment) Ordinance 1978 No 5

notified 2 February 1978
commenced 2 February 1978

Hawkers (Amendment) Ordinance 1981 No 41

notified 2 November 1981
commenced 2 November 1981

Hawkers (Amendment) Ordinance 1983 No 22

notified 24 August 1983
commenced 24 August 1983

Magistrates Court Ordinance 1985 No 67 sch

notified 19 December 1985
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Children's Services (Miscellaneous Amendments) Ordinance 1986 No 14 s 5

notified 4 June 1986
commenced 26 April 1988 (s 2 and Cwlth Gaz 1988 No S116)

**Sex Discrimination (Miscellaneous Amendments) Ordinance 1986
No 31 s 29**

notified 31 July 1986
commenced 1 August 1986 (s 2)

**Community and Health Service (Consequential Provisions)
Ordinance 1988 No 29 sch**

notified 30 June 1988
commenced 2 July 1988 (s 2)

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989
No S164)

Legislation after becoming Territory enactment**Acts Revision (Arrest Without Warrant) Act 1989 No 23 s 8**

notified 1 December 1989 (Gaz 1989 No S38)
commenced 1 December 1989

Health Services (Consequential Provisions) Act 1990 No 63 sch 1

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 1 January 1991 (s 2 (2) and see Gaz 1991 No S4)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60
sch 1**

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994
No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Endnotes

4 Amendment history

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Public Health (Miscellaneous Provisions) Act 1997 No 70 sch 1

notified 9 October 1997 (Gaz 1997 No S300)
ss 1-3 commenced 9 October 1997 (s 2 (1))
sch 1 commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S185)

Children and Young People (Consequential Amendments) Act 1999 No 64 sch 2

notified 10 November 1999 (Gaz 1999 No 45)
s 1, s 2 commenced 10 November 1999 (IA s 10B)
sch 2 commenced 10 May 2000 (IA s 10E)

Legislation (Consequential Amendments) Act 2001 No 44 pt 174

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 174 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Food Act 2001 No 66 sch 2

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
sch 2 commenced 10 March 2002 (s 2 and LA s 79)

4 Amendment history

Repeal

s 2 om 2001 No 44 amdt 1.2004

Licences issued under repealed ordinances to continue in force

s 3 om 1959 No 21 sch 1

Definitions for Act

s 4 1983 No 22 s 3; 2001 No 44 amdt 1.2005, amdt 1.2006
def **chief health officer** ins 1997 No 70 sch 1
def **city area** om 1978 No 5 s 3
def **commissioner** ins 1975 No 17 s 7
om 1988 No 29 sch
def **food** ins 1968 No 29 s 3
sub 2001 No 66 amdt 2.2
def **licence** sub 1941 No 1 s 2
am R3 LA

def **medical officer of health** ins 1990 No 63 sch 1
 om 1997 No 70 sch 1
 ins 1990 No 63 sch 1
 def **permit** ins 1978 No 5 s 3
 def **registrar** sub 1941 No 1 s 2; 1994 No 97 sch pt 1
 def **service** ins 1988 No 29 sch
 om 1990 No 63 sch 1
 def **the director of health** ins 1968 No 29 s 3
 om 1975 No 17 s 7
 def **vehicle** sub 1941 No 1 s 2

Meaning of carrying on business of hawker

s 5 am 1941 No 1 s 3; 1962 No 15 s 2; 1986 No 14 s 5; 1999 No 64 sch 2

Business of hawker not to be carried on without licence

s 6 am 1941 No 1 s 4; 1966 No 19 sch 1; 1968 No 29 s 4; 1994 No 81 sch; ss renum R3 LA

Hawkers not to carry on business within certain areas

s 6A ins 1948 No 8 s 2
 am 1966 No 19 sch 1
 sub 1968 No 29 s 5
 am 1977 No 64 sch; 1978 No 5 s 11; 1994 No 81 sch

Hawkers may sell goods at authorised places

s 6B ins 1968 No 29 s 6
 am 1978 No 5 s 4, s 11; 2001 No 44 amdts 1.2007-1.2009

Registrar

s 7 am 1941 No 1 s 5
 sub 1994 No 97 sch pt 1

Deputy registrars

s 7A ins 1994 No 97 sch pt 1

Applications for hawkers' licences

s 8 am 1941 No 1 s 6; 1959 No 21 sch 1; 1968 No 29 s 7; 1974 No 47 sch 1; 1978 No 5 s 11; ss renum R3 LA

Additional requirements for applications for sale of food from vehicles

s 8A ins 1968 No 29 s 8
 am 1975 No 17 sch 1; 1988 No 29 sch; 1990 No 63 sch 1; 1997 No 70 sch 1
 sub 2001 No 66 amdt 2.3

Application for assistant hawker's licence

s 9 sub 1941 No 1 s 7
 am 1959 No 21 sch 1; 1986 No 31 s 29; 1974 No 47 sch 1; ss renum R3 LA

Limitation on number of assistant hawkers

s 9A ins 1941 No 1 s 7

Endnotes

4 Amendment history

Security to be given

s 10 sub 1941 No 1 s 8
am 1966 No 19 sch 1; 1978 No 5 s 11; 2001 No 44
amdts1.2010-1.2012

Fees for permit

s 10A ins 1978 No 5 s 5
am 1983 No 22 s 4
om 2001 No 44 amdt 1.2013

Duration of licence

s 11 am 1941 No 1 s 9; 1978 No 5 s 11; 1983 No 23 s 5
sub 2001 No 44 amdt 1.2014

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

s 12 am 1941 No 1 s 10; 1966 No 19 sch 1; 1968 No 29 s 9; 1978
No 5 s 6; 1983 No 22 s 6
om 2001 No 44 amdt 1.2015

Registrar may vary licences

s 12A ins 1968 No 29 s 10
am 1975 No 17 sch 1; 1988 No 29 sch; 1990 No 63 sch 1; 1997
No 70 sch 1; 2001 No 44 amdt 1.2016; 2001 No 66 amdt 2.4;
ss renum R3 LA

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

s 13 am 1941 No 1 s 11; 1978 No 5 s 7; 1983 No 22 s 7
om 2001 No 44 amdt 1.2017

Power to seize persons hawking without licence

s 14 om 1989 No 23 s 8

Hawker's vehicle to bear name etc

s 15 am 1941 No 1 s 12; 1966 No 19 sch 1; 1994 No 81 sch

Holding out to be licensed hawker

s 16 am 1966 No 19 sch 1; 1994 No 81 sch

Refusal to produce licence in certain cases

s 17 am 1966 No 19 sch 1; 1994 No 81 sch

Carrying spirituous liquors

s 18 am 1966 No 19 sch 1; 1994 No 81 sch

Dealing in smuggled or contraband goods

s 21 am 1966 No 19 sch 1; 1994 No 81 sch

Licence not to be let out or lent

s 22 am 1966 No 19 sch 1; 1994 No 81 sch

Forfeiture of licences

s 23 am 1978 No 5 s 11

Power to search pack or vehicle of licensed hawk

s 24 am 1985 No 67 sch

Cancellation or suspension of licencess 25 am 1966 No 19 sch 1; 1994 No 81 sch; 2001 No 44 amdt
1.2018, amdt 1.2019**Revocation of permit**

s 25A ins 1978 No 5 s 8

Partial refund of fee on revocation of permits 25B ins 1978 No 5 s 8
am 1989 No 38 sch 1**Appeal against decision of registrar**s 27 om 1959 No 21 sch 1
ins 1978 No 5 s 9
am 1994 No 60 sch 1; ss renum R3 LA**Review of decisions of Minister**s 27A ins 1978 No 5 s 9
am 1989 No 38 sch 1; 1994 No 60 sch 1**Power of Minister to determine fees**s 27B ins 1983 No 22 s 8
om 2001 No 44 amdt 1.2020**Determination of fees**s 28 am 1966 No 19 sch 1; 1989 No 38 sch 1; 1994 No 81 sch
sub 2001 No 44 amdt 1.2020**Approved forms**s 29 ins 2001 No 44 amdt 1.2020
(4)-(7) exp 12 September 2002 (s 29 (7))**Regulation-making power**

s 30 ins 2001 No 44 amdt 1.2020

sch 1 am 1941 No 1 s 13; 1959 No 21 sch 1; 1966 No 19 sch 1; 1978
No 5 s 11
om 2001 No 44 amdt 1.2021sch 2 am 1966 No 19 sch 1
sub 1968 No 29 s 11; 1978 No 5 s 10; 1981 No 41 s 2
om 1983 No 22 s 9

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	31 July 1991
2	Act 1994 No 97	28 February 1995

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