

AUSTRALIAN CAPITAL TERRITORY.

No. 1 of 1941.

AN ORDINANCE

To amend the Hawkers Ordinance 1936-1938.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1.—(1.) This Ordinance may be cited as the *Hawkers Ordinance 1941*.^{* Short title and citation.}

(2.) The *Hawkers Ordinance 1936-1938* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Hawkers Ordinance 1936-1941*.

2. Section four of the Principal Ordinance is amended—^{Definitions.}

(a) by omitting the definition of “licence” and inserting in its stead the following definition:—

“‘licence’ means a hawker’s licence or an assistant hawker’s licence under this Ordinance and in force for the time being; and ‘licensed’ has a corresponding meaning;”;

(b) by omitting the definition of “Registrar” and inserting in its stead the following definition:—

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

(c) by omitting the definition of “vehicle” and inserting in its stead the following definition:—

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

3. Section five of the Principal Ordinance is amended by inserting, after the word “shall”, the words “, unless he is the holder of an assistant hawker’s licence,”.^{Meaning of carrying on business of hawker.}

^{*} Notified in the *Commonwealth Gazette* on 30th January, 1941.
6015.—PRICE 5D.—C

Business of
hawker not to
be carried on
without licence.

4. Section six of the Principal Ordinance is amended by inserting in sub-section (1.), after the word "do" the words "and shall not, at any one time, use more than one vehicle (either by himself or by an assistant hawker) in the carrying on of that business".

Appointment
of Registrar
of hawkers'
licences.

5. Section seven of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

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

Application for
hawker's
licence.

6. Section eight of the Principal Ordinance is amended—

(a) by omitting the word "licence" (wherever occurring) and inserting in its stead the words "hawker's licence"; and

(b) by adding at the end thereof the following sub-section:—

"(4.) A hawker's licence shall be in accordance with Form B in the First Schedule to this Ordinance or to the like effect."

7. Section nine of the Principal Ordinance is repealed and the following sections inserted in its stead:—

Application
for assistant
hawker's
licence.

"9.—(1.) The son 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 be in accordance with Form C in the First Schedule to this Ordinance.

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

(a) if a son of a licensed hawker—is above the age of sixteen years; or

(b) if an employee of a licensed hawker, other than his son—is above the age of twenty-one years; 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 be in accordance with Form D in the First Schedule to this Ordinance or to the like effect.

(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.

"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."

Limitation on number of assistant hawkers.

8. Section ten of the Principal Ordinance is repealed and the following section inserted in its stead:—

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

Security to be given.

(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."

9. Section eleven of the Principal Ordinance is amended by inserting, after the word "Ordinance" (first occurring), the words "other than an assistant hawker's licence".

Fees and term of licence.

10. Section twelve of the Principal Ordinance is amended by omitting the word "licence" (first and third occurring) and inserting in its stead the words "hawker's licence".

Power to grant hawker's licences for period of less than twelve months.

11. Section thirteen of the Principal Ordinance is amended by omitting the word "licence" and inserting in its stead the words "hawker's licence".

Hawker's licence of no effect until fee paid.

12. Section fifteen of the Principal Ordinance is amended by omitting the word "licence" (first occurring) and inserting in its stead the words "hawker's licence".

Hawker's vehicle to bear name, &c.

Amendment of
the First
Schedule.

13. The First Schedule to the Principal Ordinance is amended—

- (a) by inserting in Form A, after the word "Registrar", the words "of Hawkers' Licences";
- (b) by inserting in Form B, after the word "Registrar" (third occurring), the words "of Hawkers' Licences"; and
- (c) by omitting Form C and inserting in its stead the following Forms:—

"Section 9.

FORM C.

AUSTRALIAN CAPITAL TERRITORY.

The *Hawkers Ordinance* 1936-1941.

APPLICATION FOR ASSISTANT HAWKER'S LICENCE.

The Registrar of Hawkers' Licences,
Canberra.

* Here insert
name of
principal.

† Here set out
the nature of
the goods.

I hereby apply for an Assistant Hawker's Licence authorizing me to assist in the carrying on of the business of * , the holder of a Hawker's Licence in respect of † for the purpose of sale within the Australian Capital Territory in accordance with the *Hawkers Ordinance* 1936-1941.

Name in full

Address

Date

CERTIFICATE BY POLICE.

I hereby certify that the above applicant—

‡ Strike out
the words
inapplicable.

- (1) ‡ is a son of the abovementioned licensed hawkler and is above the age of sixteen years;

‡ is an employee of the abovementioned licensed hawkler and is above the age of twenty-one years;

- (2) is a person of good character; and
- (3) is a fit and proper person to be licensed as an assistant hawkler.

Police Officer

Stationed at

Date

"Section 9.

FORM D.

AUSTRALIAN CAPITAL TERRITORY.

The *Hawkers Ordinance* 1936-1941.

ASSISTANT HAWKER'S LICENCE.

* Here insert
name of
principal.

† Here set out
the nature of
goods.

Whereas of has applied to the Registrar for an Assistant Hawker's Licence authorizing him to assist in the carrying on of the business of * the holder of a Hawker's Licence, in respect of †

Now I, the Registrar, being satisfied that the said is a fit person to have an Assistant Hawker's Licence granted to him, hereby authorize and empower him to assist in the carrying on of the business of * within the Australian Capital Territory and this Licence shall be and continue in force until the day of , 19 , and no longer, unless sooner suspended, cancelled or forfeited.

Dated this

day of

, 19 .

Registrar of Hawkers' Licences.

"Section 10.

FORM E.

AUSTRALIAN CAPITAL TERRITORY.
The *Hawkers Ordinance* 1936-1941.

FORM OF SECURITY.

By this security the subscribers are, pursuant to the *Hawkers Ordinance* 1936-1941, bound to the Registrar of Hawkers' Licences, Australian Capital Territory, in the sum of Twenty pounds subject only to the condition that, if (a), who is to be licensed under the said Ordinance as a hawkker, to (b) on the business of a hawkker 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 Ordinance, then this security shall be thereby discharged.

(a) Here insert name of hawkker or assistant hawkker.
(b) Here insert "carry" or "assist in carrying", as the case requires.

Dated the day of , 19 .

Names and descriptions of subscribers.	Signatures of subscribers.	Signatures of witnesses.

Dated this twenty-ninth day of January, 1941.

GOWRIE

Governor-General.

By His Excellency's Command,

H. S. FOLL

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.
6015.-2.-C.