

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 15 of 1934.

AN ORDINANCE

To amend the Hawkers Ordinance 1926.

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* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Hawkers Ordinance 1934*. Short title and citation.

(2.) The *Hawkers Ordinance 1926* 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 1926-1934*.

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

(a) by omitting from the definition of “authorized officer” the words “Federal Capital Commission” and inserting in their stead the word “Minister”;

(b) by omitting from the definition of “constable” the words “Commonwealth or a State” and inserting in their stead the word “Territory”; and

(c) by inserting after the definition of “pack” the following definition:—

“‘Registrar’ means the Registrar of Hawkers Licences appointed in pursuance of this Ordinance;”.

3. Section six of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.) after the word “licence” the words “so to do”; and Business of hawker not to be carried on without licence.

(b) by omitting paragraphs (a) and (b) of sub-section (3.).

4. After section six of the Principal Ordinance the following section is inserted:—

“6A. There shall be a Registrar of Hawkers’ Licences who shall be appointed by the Minister.” Appointment of Registrar of Hawkers’ Licences.

192.—PRICE 5D.

Applications for
licences.

5. Section seven of the Principal Ordinance is amended—
(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) An application for a licence shall be made to the Registrar who may grant or reject the application as he thinks fit.”;

(b) by inserting in sub-section (2.) before the word “Schedule” the word “First”; and

(c) by omitting from sub-section (3.) the words “Federal Capital Commission a certificate signed by the senior member stationed in the Territory of the Police Force performing police duties in the Territory or a member of that Force thereto authorized in writing by the senior member” and inserting in their stead the words “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”.

Form of
licence.

6. Section eight of the Principal Ordinance is amended by inserting before the word “Schedule” the word “First”.

Recognizance.

7. Section nine of the Principal Ordinance is amended—

(a) by inserting before the word “Schedule” the word “First”; and

(b) by omitting the words “Federal Capital Commission” and inserting in their stead the word “Registrar”.

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

Fees.

“10. Every person to whom a licence under this Ordinance is granted shall pay to the Registrar a fee according to the scale set out in the Second Schedule to this Ordinance, 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
licences for
period of less
than twelve
months.

“10A. Notwithstanding anything contained in this Ordinance but without prejudice to any other powers conferred on him by this Ordinance, the Registrar may grant a 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 prescribed under this Ordinance to be payable in respect of the grant of a licence for a period of twelve months, as the period for which the licence is granted bears to the period of twelve months, and the Registrar may for the purposes of this section use the forms in the First Schedule to this Ordinance with such variations as are necessary in any particular case:

Provided that where a licence is granted under this section the fee payable shall not be less than two shillings and sixpence.

"10B. A licence shall not be of any effect until the prescribed fee has been paid to the Registrar." Licence of no effect until fee paid.

9. Section sixteen of the Principal Ordinance is amended— Seizure of liquors.

(a) by inserting after the word "Ordinance" the words "to examine and search the person pack or vehicle of the holder of the licence"; and

(b) by omitting the words "Federal Capital Commission" and inserting in their stead the word "Minister".

10. Section seventeen of the Principal Ordinance is amended by omitting the words "Federal Capital Commission" and inserting in their stead the word "Minister". Seizure of liquors being hawked.

11. Section twenty-one of the Principal Ordinance is amended by omitting from sub-section (1.) the words "a warrant may be granted, after evidence on oath, authorizing a constable or an authorized officer" and inserting in their stead the words "the Court of Petty Sessions may, after evidence on oath, grant a warrant to any person". Power to search pack or vehicle of licensed hawker.

12. Section twenty-two of the Principal Ordinance is amended— Cancellation or suspension of licences.

(a) by omitting from sub-section (1.) the words "The Federal Capital Commission may cancel, or suspend for such period as it thinks fit" and inserting in their stead the words "The Registrar may, subject to the directions of the Minister, cancel, or suspend for such period as he thinks fit"; and

(b) by omitting from sub-section (2.) the words "Federal Capital Commission" and inserting in their stead the word "Registrar".

13. Section twenty-four of the Principal Ordinance is amended— Delegation by Minister.

(a) by omitting from sub-section (1.) the words "The Federal Capital Commission may, by writing under its seal, delegate any of its" and inserting in their stead the words "The Minister may, by writing under his hand, delegate any of his"; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) Every delegation by the Minister shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Minister."

14. Section twenty-five of the Principal Ordinance is amended by omitting the word "Commission" and inserting in its stead the word "Minister". Regulations.

15. The Schedule to the Principal Ordinance is repealed and the following schedules inserted in its stead:—

Form A.

First Schedule.
Section 7.

" THE FIRST SCHEDULE.

The Territory for the Seat of Government.

The Hawkers Ordinance 1926-1934.

APPLICATION FOR HAWKER'S LICENCE.

The Registrar,
Canberra.

* Here set out the nature of the goods for which the licence is to be granted and method of conveyance.

I hereby apply for a Hawker's Licence authorizing me to carry* for the purpose of sale within the Territory for the Seat of Government, in accordance with the *Hawkers Ordinance 1926-1934*, and I forward herewith (postal note, money order or cheque, *as the case may be*) for the sum of _____ pounds _____ shillings and _____ pence, being the prescribed fee.
Name in full
Address
Date

CERTIFICATE BY POLICE.

I hereby certify—

- (1) that the applicant is above the age of 21 years;
- (2) that he is a person of good character; and
- (3) that he is a fit and proper person to be licensed to trade as a hawker.

Police Officer
Stationed at
Date

Remittances may be made by crossed cheque, postal note, or money order, made payable to the Receiver of Public Moneys, Department of the Interior. Stamps will not be accepted in payment. BOTH COPIES should be filled in and forwarded.

Section 8.

Form B.

The Territory for the Seat of Government.

The Hawkers Ordinance 1926-1934.

HAWKER'S LICENCE.

* Here set out the nature of the goods for which the licence is granted.

† Here set out method of conveyance.

Whereas _____ of _____ has applied to the Registrar for a Hawker's Licence, authorizing him to carry* _____, for the purpose of sale† _____ Now I, the Registrar, being satisfied that the said _____ is a fit person to have such a Licence granted to him, hereby authorize and empower him to trade as such Hawker as aforesaid within the Territory for the Seat of Government, 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.

Section 9.

Form C.

The Territory for the Seat of Government.

The Hawkers Ordinance 1926-1934.

FORM OF RECOGNIZANCE.

Be it remembered that on the _____ day of _____ 19____ of _____ of _____ and _____ of _____ came personally before us _____ Esquires, Justices of the Peace, acting in and for the Territory for the Seat of Government and acknowledged themselves to owe to

our Sovereign Lord the King, to wit the said the sum of Twenty pounds the said the sum of Twenty pounds and the said the sum of Twenty pounds of lawful money of Great Britain to be respectively levied on their several goods and chattels, lands and tenements, to the use of our said Lord the King, His Heirs and Successors in case default shall be made in the performance of the conditions hereunder written.

The conditions of this recognizance are such that whereas is to be licensed pursuant to the *Hawkers Ordinance 1926-1934* to carry* for sale† within the Territory for the Seat of Government, for a period which will expire on the One thousand nine hundred and the said unless the licence to be granted to if the said is sooner suspended, cancelled or forfeited; shall conform in all respects to the provisions of the said Ordinance during the said period then the said recognizance shall be void, but if the said shall be lawfully convicted of any offence during the said period against the provisions of the said Ordinance, or against the provisions of any other Ordinance or law in force for the time being relating to Hawkery, then this recognizance shall remain in full force and effect.

Taken and acknowledged the day and year above written.

Before us—

“THE SECOND SCHEDULE.

SCALE OF FEES CHARGEABLE FOR HAWKERS' LICENCES.

Second
Schedule.
Sections 10, 10A.

	Fee per annum.		
	£	s.	d.
1. Where the licensee is the actual maker of the goods in respect of which the licence is granted	0	2	6
2. Where the licensee is the apprentice, agent or servant of the person who actually makes the goods in respect of which the licence is granted and resides with that person	0	2	6
3. Where the licence is granted in respect of goods, other than newspapers, fish, fruit, fuel, milk, vegetables or victuals of any description, or any agricultural produce, and not being goods in respect of which a licence may be granted in pursuance of item 1 or 2 of this Schedule—			
In respect of goods carried for sale on the person	2	0	0
In respect of goods carried for sale in or on a vehicle	4	0	0
4. Where the licence is granted in respect of fish, fruit, fuel, milk, vegetables or victuals of any description, or agricultural produce—			
In respect of goods carried for sale in the City area—			
on the person	0	10	0
in or on a vehicle	1	0	0
In respect of goods carried for sale outside the City area	0	2	6
5. Where the licence is granted in respect of newspapers, books, pamphlets, periodicals or other printed publications, works of art or photographs, and not being goods in respect of which a licence may be granted in pursuance of item 1 or 2 of this Schedule	0	5	0”.

Dated this sixteenth day of May, 1934.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. A. PERKINS

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.