

Queensland



HAWKERS ACT 1984

**Reprinted as in force on 27 April 1994
(includes amendments up to Act No. 40 of 1992)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 27 April 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 40 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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HAWKERS ACT 1984

[as amended by all amendments that commenced on or before 27 April 1994²]

An Act to regulate the activities of hawkers and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Hawkers Act 1984*³⁻⁶.

Commencement

2.(1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by proclamation.

Interpretation

6.(1) In this Act—

“**arrest**” means arrest of a person without any warrant other than this Act and the taking of that person to a police establishment, there to be detained (unless released upon recognisance) until the person can be brought before a justice to be dealt with according to law;

“**authorised officer**” means an officer or employee of the department who is an authorised officer;

“**authorised police officer**” means an authorised officer who is a police officer;

“**chief executive**” means the chief executive of the department;

“Commissioner” means the Commissioner of the Police Service.

“goods” does not include—

- (a) newspapers, books, pamphlets, periodicals or other printed publications; or
- (b) fish, flowers, fruit, water, fuel, milk, vegetables or victuals;

“licence” means a licence issued or renewed under this Act and in force in all respects at the material time;

“licensee” means the person in whose name a licence which is in force at the material time has been issued;

“local government area” means the area in which, for the purposes of exercising its powers and authorities and performing its functions and duties a local government has jurisdiction;

“officer in charge of police” includes a police officer of whatever rank or grade who is for the time being in charge of a police establishment;

“police establishment” includes any police station or station within a police district to which police officers are assigned for police purposes, and includes—

- (a) the Traffic Branch, Criminal Investigation Branch, the Water Police Station, Brisbane, and any watch-house;
- (b) any building or yard appropriated to the use of police officers for the time being attached to any police squad, section, unit, division, or bureau;

“vehicle” means a conveyance of any kind, whether or not at the material time it is capable of being operated or moved in any manner, and includes any caravan or trailer.

(2) For the purpose of this Act, a person carries on business as a hawker if, otherwise than in a market or at a fair or in a house or shop occupied by the person, the person sells or holds himself or herself out as being ready to sell goods carried on his or her person, on an animal, in or on a vehicle.

(3) Where an application is made under section 11 or 17 in respect of an area within the meaning of the *Community Services (Aborigines) Act 1984* or the *Community Services (Torres Strait) Act 1984* the certificate required

shall be that of the Aboriginal Council or Island Council that governs that area.

Application of Act

7. Part 2 does not apply to the sale or offering for sale of goods—

- (a) by or on behalf of a charity registered under the *Collections Act 1966*; or
- (b) by the actual maker of the goods or the maker's agents, servants or employees.

Authorised officer

8.(1) Subject to subsection (2), the chief executive may appoint—

- (a) an officer or employee of the department; or
- (b) a police officer;

to be an authorised officer for the purposes of this Act.

(2) Before the chief executive appoints a police officer to be an authorised officer, the chief executive must obtain the consent of the Commissioner.

(3) The Commissioner may consent to an appointment either generally, in relation to a class of police officers or in a particular case.

(4) An appointment made under subsection (1) must be in, or evidenced by, writing.

Identity cards

8A.(1) The chief executive must issue an identity card to each authorised officer (other than a police officer).

(2) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved, in writing, by the chief executive.

(3) A person who ceases to be an authorised officer must, as soon as practicable, return his or her card to the chief executive.

Proof of authority

8B. An authorised officer (other than a police officer) must not exercise any power under this Act in relation to a person unless the authorised officer first produces his or her identity card for inspection by the person.

PART 2—LICENCES**Issue of licences**

9. The chief executive may issue and renew licences under this Act.

Limitation on issue of licence

10. A licence shall not be issued to or in the name of a person who—

- (a) is not a natural person; or
- (b) is under the age of 18 years; or
- (c) is for the time being in a state of mental infirmity or mental disease, whether temporary or otherwise; or
- (d) is not a fit and proper person to hold a licence.

Application for licence

11.(1) An application for a licence must be made to the chief executive in the prescribed form.

(2) An application shall be accompanied by—

- (a) a certificate in or to the effect of the prescribed form of the local government for each local government area in which the applicant proposes to carry on business as a hawker (which local government is hereunto required to supply such a certificate) stating whether or not the local government objects to the applicant so doing in that area; and
- (b) the prescribed fee (if any).

(3) A certificate referred to in subsection (2) may be issued under the seal of the local government or under the hand of an employee of the local government authorised by the local government to issue such a certificate.

Inquiries into application

12. If an application is made for a licence, the chief executive may—

- (a) make or cause to be made any inquiry or investigation in respect of the applicant or the application;
- (b) require, at any time prior to the determination of the application, the furnishing by the applicant of any information, further information, authority, certificate, form, photograph, fingerprint, palm print or footprint;
- (c) furnish any report relevant to such applicant, application or inquiry;
- (d) make such recommendation in relation to the application as the chief executive thinks proper.

(2) For the purposes of subsection (1), the chief executive may obtain—

- (a) a report from the Commissioner in relation to the applicant and, if the applicant is a body corporate, in relation to an executive officer of the body corporate; and
- (b) if an applicant, or an executive officer of the body corporate that is an applicant, holds, or previously held, a licence or certificate of registration (or similar accreditation) in relation to the business of hawker in another State or a Territory—a report from the appropriate licensing authority in the State or Territory.

Application to be determined by chief executive

13.(1) The chief executive may, after considering any information at the chief executive's disposal—

- (a) approve an application for a licence either unconditionally or subject to conditions; or
- (b) reject the application.

(2) If the application is approved, the chief executive must issue a licence in the prescribed form.

Renewal of licences

14.(1) An application to renew a licence must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fee;

not more than 60, and not less than 14, days before the expiry of the licence.

(2) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

(3) If the application is approved, the chief executive must issue a licence in the prescribed form.

(4) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive does not approve or reject the application before the expiry of the licence;

the licence is taken to continue in force until the day the chief executive approves or rejects the application.

Conditions to be endorsed on licence

14A.(1) A licence or a renewed licence that is issued subject to conditions must be endorsed with the conditions.

(2) A condition or other matter may be endorsed on a licence or a renewed licence as a symbol the meaning of which is prescribed by regulation.

Duration of licence

15.(1) Subject to section 21 and this section, a licence shall, unless sooner

surrendered, revoked or cancelled, be in force for a period of 12 months from the date of issue or renewal.

(2) Where the chief executive is of the opinion that a licence should be in force for a lesser period than 12 months, the chief executive may issue or renew a licence for such lesser period as the chief executive thinks fit and endorse this period on the licence.

Restoration of licence

15A.(1) If an application to renew a licence is not made within the time provided under section 14(1), the person who held the licence may, within 3 months after the expiry of the licence (the “**previous licence**”), apply for restoration of the licence.

(2) The application must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fees for restoration and renewal.

(3) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive has not approved or rejected the application;

the previous licence is taken to have continued in force.

(4) If the chief executive approves the application, the renewed licence is taken to have been in force from the expiry of the previous licence.

(5) If the chief executive rejects the application, the previous licence is taken to expire on the day the chief executive rejects the application.

Notice of refusal to issue or renew licence

16. Where an application for or for the renewal of a licence is rejected by the chief executive, the chief executive must issue a notice of rejection in or to the effect of the prescribed form and shall forward the notice to the applicant by certified mail at the applicant’s address as shown in the application.

Licence not transferable

17.(1) A licence cannot be transferred to another person.

(2) An application by a licensee to carry on business as a hawker in an additional local government area must be made to the chief executive in the prescribed form.

(3) An application shall be accompanied by—

- (a) a certificate in or to the effect of the prescribed form of the local government for the local government area in which the licensee proposes to carry on business as a hawker (which local government is hereunto required to supply such a certificate) stating whether or not the local government objects to the licensee so doing in that area; and
- (b) the prescribed fee (if any).

(4) A certificate referred to in subsection (3) may be issued under the seal of the local government or under the hand of an employee of the local government authorised by the local government to issue such a certificate.

(5) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

(6) If the application is approved, details of the approval and any condition imposed must be endorsed on the licence.

Endorsement of licences

18. A person (other than the chief executive) shall not make, alter or erase any endorsement or any part thereof upon or from any licence.

Change of licensee's address

19.(1) If a licensee changes address, the licensee must, not later than 7 days after the change—

- (a) give written notice of the change to the chief executive; and
- (b) produce the licensee's licence to the chief executive for

endorsement of the change.

(2) If the chief executive is satisfied of the correctness of the change of address, the chief executive must endorse the licence accordingly.

Reporting loss, destruction or theft of licence

20. Where a licence is lost, destroyed or stolen the licensee shall forthwith on becoming aware of such loss, destruction or theft report the matter to the chief executive.

Replacement licence

21.(1) If, on application made by a licensee and payment of the prescribed fee, the chief executive is satisfied that the licensee's licence—

- (a) has been lost, destroyed or stolen; or
- (b) cannot easily be read;

the chief executive may issue a replacement licence.

(2) A replacement licence shall be endorsed with any current endorsement on the licence it is replacing.

(3) Subject to this Act a replacement licence shall, initially, remain in force for the unexpired period of the licence which it replaces.

Revocation of licence

22.(1) The chief executive may revoke any licence by serving upon the licensee a notice of revocation in or to the effect of the prescribed form.

(2) A licence shall be revoked on and from the date specified in the notice of revocation being a date not prior to the date of service of the notice.

Effect of certain convictions on licences

23.(1) Where a licensee is convicted of any offence against any Act or law which offence involves the licensee dealing in or selling any goods fraudulently or dishonestly procured by the licensee or with the licensee's knowledge fraudulently or dishonestly procured by another person then, in

addition to any other penalty imposed under any other Act or law, every licence issued to the licensee shall, by virtue of that conviction, be rendered null and void.

(1A) A person who has been convicted of an offence referred to in subsection (1) shall not be entitled to hold a licence for a period of 5 years from the date of that conviction.

(2) Subject to subsections (1) and (1A), where a licensee is convicted of an offence against this Act, the licensee's licence and all licences issued or renewed in the licensee's name within a period of 5 years from the date of the licensee's conviction shall be endorsed with the fact of the licensee's conviction.

(3) For the purpose of making the endorsement referred to in subsection (2), the chief executive may by notice in or to the effect of the prescribed form require a licensee to produce and deliver the licensee's licence and the licensee shall produce that licence at the place therein specified on or before the time and date therein specified.

Surrender notice

24.(1) If, at any time during the currency of a licence it is revoked or deemed by this Act to be void or surrendered, the chief executive shall cause a surrender notice in or to the effect of the prescribed form to be served on the licensee.

(2) The surrender notice must state the day, time and place at which, and the authorised officer to whom, the licence must be surrendered.

(3) When a surrender notice is to have effect forthwith, service shall be effected personally.

(4) Subject to subsections (5) and (6), a licensee who has been served with a surrender notice must surrender the licensee's licence in accordance with the notice.

(5) If the time in which the surrender notice is to take effect is other than forthwith, the person to whom it is directed may apply to the chief executive for an extension of the time in which the notice is to take effect.

(6) The chief executive may by written notice, extend the date of effect of such notice, in which case the provisions of this section shall apply as if

such extended date were the date specified in the notice.

Appeals

25.(1) Subject to this section, any person who feels aggrieved by—

- (a) the refusal of the person's application for a licence or for the renewal of a licence or for the right to carry on business in an additional local government area; or
- (b) the imposition or variation at any time of any terms or conditions imposed upon a licence issued to the person; or
- (c) the revocation of a licence issued to the person;

may, within 28 days after the date of service of the notice of refusal, imposition, variation or revocation, appeal to the Magistrates Court exercising jurisdiction at or nearest the place where the applicant carries or, as the case may be, proposes to carry on business as a hawker.

(1A) An appeal shall be instituted by—

- (a) lodging with the clerk of the court having jurisdiction written notice of appeal; and
- (b) serving a copy of that notice on the authorised officer.

(1B) A notice of appeal—

- (a) shall specify fully the grounds of appeal and the facts upon which the appellant relies; and
- (b) if a form is prescribed, shall be in or to the effect of that form.

(1C) Before the appeal is determined the appellant is entitled to be informed of the grounds upon which the application has been refused, the appellant's licence has been revoked or conditions imposed or varied in respect of the appellant's licence.

(1D) An appeal shall be by way of re-hearing.

(2) Jurisdiction is hereby conferred on Magistrates Courts to hear and determine appeals instituted in accordance with subsections (1) to (1D).

(3) Rules of court may be made, under the *Magistrates Courts Act 1921* with respect to the institution, conduct and disposal of appeals to the Magistrates Court pursuant to the provisions of this section.

(4) Until those rules are made or in so far as those rules do not extend—

- (a) the procedure for obtaining subpoenas to witnesses requiring them to attend on such an appeal shall, subject however to all such modifications and adaptations thereof as are necessary to give operation and effect to this section, be that provided by the rules of court made under the *Magistrates Courts Act 1921*, as if that appeal were a proceeding under those last mentioned rules of court;
- (b) a Stipendiary Magistrate may, in any particular case, give such directions as the Magistrate thinks fit, including directions in relation to obtaining subpoenas where the procedure under paragraph (a) does not extend or is inappropriate, and such directions shall, according to their tenor, have the force and effect of rules of court made for the purposes of the appeal.

(5) Notwithstanding that an appeal has been lodged, any refusal, imposition, variation or revocation under this Act shall be effective as such until the Magistrates Court makes its determination upon the appeal.

(6) A person who has duly appealed against—

- (a) the refusal to renew the person's licence; or
- (b) the revocation of the person's licence;

shall be entitled to carry on business in all respects as if the licence had been renewed or had not been revoked pending the determination of the appeal.

PART 3—CONDUCT OF BUSINESS OF HAWKER

Hawker to be licensed

26. Subject to this Act, a person shall not carry on business as a hawker—

- (a) unless the person holds a licence;
- (b) otherwise than in accordance with the terms and conditions of a licence granted to the person.

Possession of licence

27. A licensee, whilst actually carrying on business as a hawker, shall carry a licence issued to the licensee.

Hours of business

28. A person shall not carry on business as a hawker between the hours of 6 p.m. on any day and 7 a.m. on the next following day.

Hawker to display name, occupation and licence number

29. A licensee shall not fail to display and keep displayed the licensee's name, the words 'licensed hawker' and the number of the licence issued to the licensee in letters of the prescribed size and style on a conspicuous part of every vehicle whilst it is being used by the licensee in connection with the licensee's business as a hawker.

Hawker to leave premises etc., when directed

30. A person who in the course of carrying on business as a hawker is in or on any premises or property of another shall, at the request or direction of the owner or occupier thereof or agent or servant of the owner or occupier, forthwith leave those premises, or, as the case may be, that property.

Hawker not to use offensive language or behaviour

31. A person in the course of carrying on business as a hawker shall not—

- (a) use language that is insulting or offensive to any person;
- (b) behave in an insulting or offensive manner.

PART 4—OFFENCES

Offences generally

32. A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and if a specific penalty is not otherwise provided is liable—

- (a) for a first offence—to a penalty not exceeding 8 penalty units or to imprisonment for a term not exceeding 2 months; or
- (b) for a second or subsequent offence—to a penalty not exceeding 16 penalty units or to imprisonment for a term not exceeding 6 months.

Fraud and unlawful possession of licence etc.

33.(1) A person shall not—

- (a) in any written application, notice or other document made or given to the chief executive or to an authorised officer make a statement that to the person's knowledge is false; or
- (b) by a false statement or misrepresentation obtain or attempt to obtain a licence; or
- (c) furnish any information that to the person's knowledge is false or misleading with respect to particulars required to be furnished in connection with an application for any licence; or
- (d) forge (within the meaning of the Criminal Code) any licence.

(2) Unless the person has reasonable cause for so doing, a person shall not have in the person's possession—

- (a) any licence; or
- (b) any article resembling a licence and calculated to deceive; or
- (c) any document that was formerly a licence but that is void, cancelled, surrendered or expired.

(3) A person shall not—

- (a) use a licence unless it is a licence duly issued to the person; or
- (b) lend a licence duly issued to the person to another person for use by that other person; or

- (c) permit or suffer to be used by another person a licence duly issued to the person.

(4) Unless authorised by or under this Act, a person shall not make or cause, permit or allow to be made any endorsement (other than the person's signature) or any addition or alteration or erasure whatsoever on or from any licence.

(5) A licence in respect to which any act or attempted act referred to in this section has been done shall be null and void.

Use of vehicle by unlicensed hawker

34. A person who is not the holder of a licence shall not, in connection with the selling or offering for sale by the person of goods, use any vessel or vehicle on which are displayed the words 'licensed hawker' or any similar words.

Attempts to commit offences

35. A person who attempts to contravene any provision of this Act commits an offence against this Act.

PART 5—POWERS OF AUTHORISED OFFICERS

Name and address

36.(1) Any authorised police officer who—

- (a) finds any person committing or reasonably suspects any person of having committed or being about to commit any offence against this Act; or
- (b) is making investigations with a view to establishing whether or not an offence against this Act has been or is about to be committed by any person and believes on reasonable grounds, that such information will assist in the conduct of the investigations;

may demand from that person the person's name and address or the person's name or address and if the officer has reasonable ground to suspect that the name or address given is false may require evidence of the correctness thereof.

(1A) If that person fails upon demand to give the name, address or such evidence as is demanded, the authorised police officer shall caution the person, and, if the person still persists in such failure, or gives a name or address which in the opinion of the authorised police officer is false, may arrest the person without warrant, and take the person as soon as practicable before a justice to be dealt with according to law.

(2) A person who, when required under this section fails to give the person's name and address or the person's name or address, or gives a false name or address or gives false evidence with respect thereto, commits an offence against this Act.

Power to demand production of licence

37.(1) Where, under this Act, a person is required to be the holder of a licence, any authorised officer may at any time require that person to forthwith produce and deliver to that authorised officer the licence for inspection.

(2) A person who, when required under this section fails to produce and deliver a licence commits an offence against this Act.

Seizure and detention of suspected goods

38. An authorised police officer may at any time seize and detain any article in the possession of a person who carries on business as a hawker which article the officer suspects on reasonable grounds to have been stolen or otherwise unlawfully obtained and for those purposes may stop, detain and search—

- (a) any vehicle in the possession of a hawker;
- (b) the person of the hawker.

Power of arrest

39. An authorised police officer may, without any warrant other than this Act, arrest any person—

- (a) who in the officer's opinion has committed or has attempted to commit an offence against any provision of section 26, 33 or 34; and
- (b) if that officer has reasonable grounds to believe that proceedings by way of complaint and summons against that person would be ineffective.

Fingerprints etc.

40.(1) Where a person has been arrested for an offence against this Act, the officer in charge of police at the police establishment to which the person is taken after arrest or where the person is in custody may take or cause to be taken all such particulars as the officer may consider necessary for the identification of such person including the person's voice print, photograph, fingerprints, palm prints, footprints, toe prints and handwriting.

(1A) Except in the case of voice prints or handwriting, such force as is necessary may be used in the taking of those particulars.

(2) A court which convicts a person, who appears personally before it, of an offence against this Act may in its discretion order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsections (1) and (1A) and that police officer and any police officer acting in aid of that officer shall take (using such force as is necessary for that purpose) that person to a place where those particulars can adequately be taken and take those particulars.

(2A) However, whether or not those particulars are obtained, that custody shall cease at the expiration of 1 hour after the court makes its order.

(3) Where a person arrested upon a charge of an offence against this Act is not proceeded against or is found not guilty of that offence any voice print, photograph, fingerprints, palm prints, footprints, toe prints or specimens of handwriting taken from the person pursuant to this section consequent upon the person's arrest shall at the person's request be destroyed in the person's presence.

Authorised officer may prosecute

41. In any proceedings under this Act, an authorised officer (whether or not the complainant) may appear and act in court on behalf of the prosecution.

PART 6—MISCELLANEOUS PROVISIONS**Proceedings for offences**

42.(1) An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886*.

(2) A prosecution for any offence against this Act must be commenced within 1 year from the time when the matter of complaint arose.

Fees and penalties

43. All fees paid and all penalties recovered and cost incurred in relation to proceedings under this Act shall be payable to the Consolidated Fund.

Service of notice, orders etc.

44.(1) Any notice, order or other document issued pursuant to this Act shall be properly served upon the person to whom it is directed if it is served in accordance with this section, that is to say—

- (a) by delivering a copy thereof to the person personally; or
- (b) if the person cannot reasonably be found—by leaving a copy thereof with some person for the person at the person's usual place of business or residence or at the place of business or residence last known to the person who serves the order, notice or document; or
- (c) by posting by means of registered post a copy thereof addressed to the person at the person's place of business or residence last known to the person who issued the notice, order or other document at least 14 days before the date on which the order,

notice or document is to take effect.

(2) When an order, notice or document is served, the person who serves same may attend before a justice and depose on oath and in writing endorse on a copy of the order, notice or document to the manner of service thereof showing therein the date of personal delivery, leaving or posting as the case may be of such order, notice or document.

(3) Every such deposition shall upon production in any court be evidence of the matters contained therein and shall be sufficient proof of the service of such order, notice or document on the person to whom it was directed.

Protection

45.(1) The chief executive or an authorised officer incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

(2) A liability that would, apart from this section, attach to the chief executive or an authorised officer attaches instead to the State.

Evidentiary provisions

46. In a proceeding for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the chief executive, the Commissioner or an authorised officer to do any act or take any proceeding;
- (b) a signature purporting to be that of the Minister, the chief executive, the Commissioner or an authorised officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be certified by an authorised officer and purporting to be a copy of a licence, order or other authority under this Act shall, upon its production in that proceeding, be evidence of that licence, order or other authority and of any terms, conditions or other matters endorsed thereon;
- (d) a document purporting to be signed by an authorised officer stating that at a specified time or during a specified period there was or was not in force a licence, exemption, order or other

authority under this Act as described in the document issued to a specified person and that such licence, exemption, order or other authority was or was not subject to the terms, conditions or restrictions set out in the document shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the document;

- (e) proof of any exemption from any provision of this Act shall be upon the person who relies thereon;
- (f) where the age of any person is material, the court may decide, upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age, but nothing herein shall be construed to prevent the age of that person being proved.

Delegations

47. The chief executive may delegate the chief executive's powers under this Act to—

- (a) an authorised officer; or
- (b) another officer or employee of the department.

Regulations

48.(1) The Governor in Council may make regulations for the purposes of this Act.

- (2)** A regulation may make provision with respect to—
 - (a) the keeping of records; and
 - (b) imposing additional duties on hawkers; and
 - (c) the prescribing of fees and charges; and
 - (d) the conditions to which a licence may be subject; and
 - (e) the time within which something must be done.
- (3)** A regulation may prescribe offences for contravention of a regulation,

and fix a maximum penalty of a fine of not more than 8 penalty units for such a contravention.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992 section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 April 1994. Future amendments of the Hawkets Act 1984 may be made in accordance with this reprint under the Reprints Act 1992 section 49.

3 List of legislation**Hawkets Act 1984 No. 46**

date of assent 10 May 1984

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1984 (proc pubd Gaz 28 July 1984 p 1869)

as amended by—

Hawkets Act Amendment Act 1985 No. 60

date of assent

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1985 (proc pubd Gaz 28 September 1985 p 390)

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 ss 2(1)(d), 163 Sch 1

date of assent 14 August 1992

s 2(1)(d) commenced on date of assent

remaining provisions commenced 28 February 1994 (1994 SL No. 33)

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement of Act

s 3 om 1992 No. 40 s 163 Sch 1

Acts terminated or repealed

s 4 om 1992 No. 40 s 163 Sch 1

Savings and transitional

s 5 om 1992 No. 40 s 163 Sch 1

Interpretation

s 6 def “**authorised officer**” ins 1992 No. 40 s 163 Sch 1
 def “**authorised police officer**” ins 1992 No. 40 s 163 Sch 1
 def “**authorized officer**” om 1992 No. 40 s 163 Sch 1
 def “**chief executive**” ins 1992 No. 40 s 163 Sch 1
 def “**Commissioner**” sub 1992 No. 40 s 163 Sch 1
 def “**Local Authority**” sub 1985 No. 60 s 3
 om 1992 No. 40 s 163 Sch 1
 def “**Minister**” om 1992 No. 40 s 163 Sch 1
 def “**police officer**” om 1992 No. 40 s 163 Sch 1

Authorised officer

s 8 sub 1992 No. 40 s 163 Sch 1

Identity cards

s 8A ins 1992 No. 40 s 163 Sch 1

Proof of authority

s 8B ins 1992 No. 40 s 163 Sch 1

Issue of licences

s 9 amd 1985 No. 60 s 4

sub 1992 No. 40 s 163 Sch 1

Limitation on issue of licence

s 10 amd 1992 No. 40 s 163 Sch 1

Application for licence

s 11 amd 1985 No. 60 s 5; 1992 No. 40 s 163 Sch 1

Inquiries into application

s 12 amd 1992 No. 40 s 163 Sch 1

Application to be determined by chief executive

s 13 amd 1985 No. 60 s 6
sub 1992 No. 40 s 163 Sch 1

Renewal of licences

s 14 sub 1985 No. 60 s 7; 1992 No. 40 s 163 Sch 1

Conditions to be endorsed on licence

s 14A ins 1992 No. 40 s 163 Sch 1

Duration of licence

s 15 sub 1985 No. 60 s 8
amd 1992 No. 40 s 163 Sch 1

Restoration of licence

s 15A ins 1992 No. 40 s 163 Sch 1

Notice of refusal to issue or renew licence

s 16 amd 1992 No. 40 s 163 Sch 1

Licence not transferable

s 17 sub 1985 No. 60 s 9
amd 1992 No. 40 s 163 Sch 1

Endorsement of licences

s 18 amd 1992 No. 40 s 163 Sch 1

Change of licensee's address

s 19 sub 1992 No. 40 s 163 Sch 1

Reporting loss, destruction or theft of licence

s 20 amd 1992 No. 40 s 163 Sch 1

Replacement licence

s 21 amd 1985 No. 60 s 10; 1992 No. 40 s 163 Sch 1

Revocation of licence

s 22 amd 1992 No. 40 s 163 Sch 1

Effect of certain convictions on licences

s 23 amd 1992 No. 40 s 163 Sch 1

Surrender notice

s 24 amd 1992 No. 40 s 163 Sch 1

Appeals

s 25 amd 1985 No. 60 s 11; 1992 No. 40 s 163 Sch 1

Offences generally

s 32 amd 1992 No. 40 s 163 Sch 1

Fraud and unlawful possession of licence etc.

s 33 amd 1992 No. 40 s 163 Sch 1

PART 5—POWERS OF AUTHORISED OFFICERS**Pt hdg** sub 1992 No. 40 s 163 Sch 1**Name and address**

s 36 amd 1992 No. 40 s 163 Sch 1

Power to demand production of licence

s 37 amd 1992 No. 40 s 163 Sch 1

Seizure and detention of suspected goods

s 38 amd 1992 No. 40 s 163 Sch 1

Power of arrest

s 39 amd 1992 No. 40 s 163 Sch 1

Authorised officer may prosecute

s 41 sub 1992 No. 40 s 163 Sch 1

Proceedings for offences

s 42 amd 1992 No. 40 s 163 Sch 1

Protection

s 45 sub 1992 No. 40 s 163 Sch 1

Evidentiary provisions

s 46 amd 1992 No. 40 s 163 Sch 1

Delegations

s 47 sub 1992 No. 40 s 163 Sch 1

Regulations

s 48 ins 1992 No. 40 s 163 Sch 1

SCHEDULE

om (see RA s 40)

5 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES**
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Consolidated (Revenue Fund) (local) authority	Consolidated Fund local government	s 112 Financial Administration and Audit Act 1977 s 755(1)(a) Local Government Act 1993

6 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
23(1)(a)	23(1)
23(1)(b)	23(1A)
25(1) (2nd sentence)	25(1A)
25(1) (3rd sentence)	25(1B)
25(1) (4th sentence)	25(1C)
25(1) (5th sentence)	25(1D)
25(3)(a)	25(3)
25(3)(b)	25(4)
25(3)(b)(i)	25(4)(a)
25(3)(b)(ii)	25(4)(b)
25(5) (2nd sentence)	25(6)
40(1) (2nd sentence)	40(1A)
40(2) (proviso)	40(2A)