

Queensland



# **HAWKERS ACT 1984**

**Reprinted as in force on 11 February 1998  
(includes amendments up to Act No. 56 of 1996)**

**Reprint No. 3**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 11 February 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to correct spelling and use different spelling consistent with current drafting practice (s 26(1)).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**HAWKERS ACT 1984**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	5
6	Definitions .....	5
7	Application of Act .....	6
8	Authorised officer .....	6
8A	Identity cards .....	7
8B	Proof of authority .....	7
<b>PART 2—LICENCES</b>		
9	Issue of licences .....	7
10	Limitation on issue of licence .....	7
11	Application for licence .....	8
12	Inquiries into application .....	8
13	Application to be determined by chief executive .....	8
14	Renewal of licences .....	9
14AA	Licensee to comply with local laws .....	9
14A	Conditions to be endorsed on licence .....	9
15	Duration of licence .....	10
15A	Restoration of licence .....	10
16	Notice of refusal to issue or renew licence .....	11
17	Licence not transferable .....	11
18	Endorsement of licences .....	11
19	Change of licensee's address .....	11
20	Reporting loss, destruction or theft of licence .....	12
21	Replacement licence .....	12

---

22	Revocation of licence . . . . .	12
23	Effect of certain convictions on licences . . . . .	12
24	Surrender notice . . . . .	13
25	Appeals . . . . .	14
<b>PART 3—CONDUCT OF BUSINESS OF HAWKER</b>		
26	Hawker to be licensed . . . . .	15
27	Possession of licence . . . . .	15
28	Hours of business . . . . .	15
29	Hawker to display name, occupation and licence number . . . . .	15
30	Hawker to leave premises etc., when directed . . . . .	15
31	Hawker not to use offensive language or behaviour . . . . .	16
<b>PART 4—OFFENCES</b>		
32	Offences generally . . . . .	16
33	Fraud and unlawful possession of licence etc. . . . .	16
34	Use of vehicle by unlicensed hawker . . . . .	17
35	Attempts to commit offences . . . . .	17
<b>PART 5—POWERS OF AUTHORISED OFFICERS</b>		
36	Name and address . . . . .	18
37	Power to demand production of licence . . . . .	18
38	Seizure and detention of suspected goods . . . . .	19
39	Power of arrest . . . . .	19
40	Fingerprints etc. . . . .	19
41	Authorised officer may prosecute . . . . .	20
<b>PART 6—MISCELLANEOUS PROVISIONS</b>		
42	Proceedings for offences . . . . .	20
43	Fees and penalties . . . . .	20
44	Service of notice, orders etc. . . . .	21
45	Protection . . . . .	21
46	Evidentiary provisions . . . . .	21
47	Delegations . . . . .	22
48	Approval of forms . . . . .	23
49	Regulation-making power . . . . .	23

**ENDNOTES**

1	Index to endnotes .....	24
2	Date to which amendments incorporated .....	24
3	Key .....	24
4	Table of earlier reprints .....	25
5	Tables in earlier reprints .....	25
6	List of legislation .....	25
7	List of annotations .....	26



# HAWKERS ACT 1984

[as amended by all amendments that commenced on or before 11 February 1998]

## 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*.

#### Definitions

6.(1) In this Act—

“**approved form**” see section 48.<sup>1</sup>

“**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.

“**commissioner**” means the commissioner of the police service.

“**goods**” does not include—

- (a) newspapers, books, pamphlets, periodicals or other printed publications; or

---

<sup>1</sup> Section 48 (Approval of forms)

(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.

“**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**” has the same meaning as in the *Police Service Administration Act 1990*, section 10.10 (Police establishments).

“**State**” includes a Territory.

“**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.

### **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 approved form.

**(2)** The application must be accompanied by the fee (if any) prescribed under a regulation.

### **Inquiries into application**

**12.(1)** If an application is made for a licence, the chief executive may do 1 or both of the following—

- (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.

**(2)** For subsection (1), the chief executive may get—

- (a) a report from the commissioner about the applicant; and
- (b) if the applicant holds, or has held, a licence or certificate of registration (or similar accreditation) for the business of hawker in another State—a report from the appropriate licensing authority of the other State.

### **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 approved form.

### **Renewal of licences**

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

- (a) be made to the chief executive in the approved 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 approved 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.

### **Licensee to comply with local laws**

**14AA.** It is a condition of a licence that the licensee comply with relevant local laws.

### **Conditions to be endorsed on licence**

**14A.(1)** A licence must be endorsed with the conditions (other than the condition mentioned in section 14AA) to which it is subject.

(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 approved 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 the approved 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 can not 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 approved form.

**(3)** The application must be accompanied by the fee (if any) prescribed under a regulation.

**(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) can not 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 the approved 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.

(2) 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.

(3) Subject to subsections (1) and (2), 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.

(4) For the purpose of making the endorsement referred to in subsection (3), the chief executive may by notice in the approved 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 the approved 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.

**(2)** 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 chief executive.

**(3)** A notice of appeal must state fully the grounds of appeal and the facts on which the appellant relies.

**(4)** 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.

**(5)** An appeal shall be by way of rehearing.

**(6)** 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.

**(7)** 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; and
- (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; or
- (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 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.

(2) 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.

(3) 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; and
- (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 section 26, 33 or 34;<sup>2</sup> 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.

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

**(3)** 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

---

<sup>2</sup> Section 26 (Hawker to be licensed), 33 (Fraud and unlawful possession of licence etc.) or 34 (Use of vehicle by unlicensed hawker)

referred to in subsections (1) and (2) 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.

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

(5) 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 can not 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—

*Hawkers Act 1984*

---

- (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; or
- (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; or
- (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; or
- (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; or
- (e) proof of any exemption from any provision of this Act shall be upon the person who relies thereon; or
- (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.

**Approval of forms**

**48.** The chief executive may approve forms for use under this Act.

**Regulation-making power**

**49.(1)** The Governor in Council may make regulations under this Act.

**(2)** A regulation may be made about the following—

- (a) keeping records;
- (b) additional duties of hawkers;
- (c) conditions of licences;
- (d) fees payable under this Act;
- (e) penalties of not more than 8 penalty units for offences against a regulation.

## ENDNOTES

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	24
3 Key . . . . .	24
4 Table of earlier reprints . . . . .	25
5 Tables in earlier reprints . . . . .	25
6 List of legislation . . . . .	25
7 List of annotations . . . . .	26

### 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 11 February 1998. Future amendments of the Hawkets Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 40 of 1992	27 April 1994
2	to Act No. 58 of 1995	7 June 1996
2A	to Act No. 56 of 1996	8 January 1997

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Renumbered provisions	1

## 6 List of legislation

### **Hawkers 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—

### **Hawkers Act Amendment Act 1985 No. 60**

date of assent 20 September 1985

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 pt 1, s 163 sch 1**

date of assent 14 August 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 28 February 1994 (see s 2(1)(d) and 1994 SL No. 33)

### **Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2**

date of assent 1 December 1994

commenced on date of assent

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (as amd 1995 No. 58 ss 1–2, 4 sch 1 as from 28 November 1995 (see s 2(1) sch 1))**

date of assent 28 November 1995

commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 2**

date of assent 28 November 1995

commenced on date of assent

**Consumer Law and Other Justice Legislation (Miscellaneous Provisions) 1996 No. 56 pts 1, 10**

date of assent 20 November 1996

commenced on date of assent

## 7 List of annotations

**Commencement**

s 2 om R2 (see RA s 37)

**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

**Definitions**

prov hdg sub 1995 No. 58 s 4 sch 2

s 6 amd 1995 No. 57 s 4 sch 1

def “**approved form**” ins 1995 No. 57 s 4 sch 1def “**authorised officer**” ins 1992 No. 40 s 163 sch 1def “**authorised police officer**” ins 1992 No. 40 s 163 sch 1def “**authorized officer**” om 1992 No. 40 s 163 sch 1def “**chief executive**” ins 1992 No. 40 s 163 sch 1

om 1995 No. 57 s 4 sch 1

def “**commissioner**” sub 1992 No. 40 s 163 sch 1def “**Local Authority**” sub 1985 No. 60 s 3

om 1992 No. 40 s 163 sch 1

def “**local government area**” om 1995 No. 57 s 4 sch 1def “**Minister**” om 1992 No. 40 s 163 sch 1def “**police establishment**” sub 1994 No. 87 s 3 sch 2def “**police officer**” om 1992 No. 40 s 163 sch 1def “**State**” ins 1995 No. 57 s 4 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; 1995 No. 57 s 4 sch 1;  
1996 No. 56 s 114

**Inquiries into application**

**s 12** amd 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4  
sch 2

**Application to be determined by chief executive**

**s 13** amd 1985 No. 60 s 6  
sub 1992 No. 40 s 163 sch 1  
amd 1995 No. 57 s 4 sch 1

**Renewal of licences**

**s 14** sub 1985 No. 60 s 7; 1992 No. 40 s 163 sch 1  
amd 1995 No. 57 s 4 sch 1

**Licensee to comply with local laws**

**s 14AA** ins 1996 No. 56 s 115

**Conditions to be endorsed on licence**

**s 14A** ins 1992 No. 40 s 163 sch 1  
amd 1996 No. 56 s 116

**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  
amd 1995 No. 57 s 4 sch 1

**Notice of refusal to issue or renew licence**

**s 16** amd 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1

**Licence not transferable**

**s 17** sub 1985 No. 60 s 9  
amd 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1; 1996 No. 56 s 117

**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; 1995 No. 57 s 4 sch 1

**Effect of certain convictions on licences**

s 23            amd 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1

**Surrender notice**

s 24            amd 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1

**Appeals**

s 25            amd 1985 No. 60 s 11; 1992 No. 40 s 163 sch 1; 1995 No. 57 s 4 sch 1

**Hawker to be licensed**

s 26            amd 1995 No. 58 s 4 sch 2

**Hawker not to use offensive language or behaviour**

s 31            amd 1995 No. 58 s 4 sch 2

**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

**Attempts to commit offences**

s 35            amd 1995 No. 58 s 4 sch 2

**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; 1995 No. 57 s 4 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; 1995 No. 58 s 4 sch 2

**Power of arrest**

s 39            amd 1992 No. 40 s 163 sch 1; 1995 No. 58 s 4 sch 2

**Fingerprints etc.**

s 40            amd 1995 No. 57 s 4 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; 1995 No. 58 s 4 sch 2

**Delegations**

**s 47** sub 1992 No. 40 s 163 sch 1

**Approval of forms**

**s 48** ins 1992 No. 40 s 163 sch 1  
sub 1995 No. 57 s 4 sch 1

**Regulation-making power**

**s 49** ins 1995 No. 57 s 4 sch 1

**Approved forms**

**s 50** ins 1995 No. 57 s 4 sch 1  
exp 28 February 1996 (see s 50(3))

**SCHEDULE**

om R1 (see RA s 40)