



Western Australia

Local Government Model By-laws (Control of Hawkers) No. 6

Compare between:

[21 Jun 1974, 00-b0-02] and [17 Oct 2005, 00-c0-05]

Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960

**Local Government Model By-laws (Control of
Hawkers) No. 6**

Local Government Department,
Perth, 9th July 1962.

L.G. 927/61.

HIS Excellency the Lieutenant-Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to make the draft model by-laws set out in the schedule hereto.

Councils proposing to adopt the draft model by-laws are required, in addition to conforming with the provisions of section 258 (4) of the Act, to frame the adopting resolution so as to complete by-laws 2, 9 and 11 and the Second Schedule in such manner as they may determine.

A. E. WHITE,
Secretary for Local Government.

1. Citation

These by-laws may be cited as the *Local Government Model By-laws (Control of Hawkers) No. 6*.

2. Interpretation

In these by-laws —

“**Council**” means the Council of the
..... of.....;

bl. 3

“district” means the municipal district of
the.....of

.....;

“hawker” means a person as defined in section 217 of the
Local Government Act 1960 (as amended);

“licensee” means a person to whom a license is granted under
these by-laws;

“license” means a hawker’s license issued pursuant to these by
and

“Clerk” means theClerk or the
person acting for the time being in that capacity.

3. Hawking prohibited without licence

A person shall not hawk any goods, wares or merchandise
within the district, unless he holds a current license under these
by-laws.

4. Council may issue licences

Subject to these by-laws, the Council may issue licenses, and
may, at its discretion, issue a license for a period less than one
year, but for not less than one month.

5. Licences

- (1) A license shall be in the form set out in the First Schedule to
these by-laws; and the license fees shall be the fees set out in the
Second Schedule to these by-laws and those fees shall be paid
by the licensee to the Council, forthwith upon the issue to him
of the license.
- (2) A license is not transferable.
- (3) A license is valid for the hawking of the goods, wares or
merchandise therein described, only; and, in the case of a
license limited to a part of the district is valid for that part of the
district only.

6. Application for licence

- (1) Every person wishing to obtain a license shall make application therefor to the Council.
- (2) An application for a license shall be made in writing and shall specify —
 - (a) the kind of goods, wares or merchandise which the applicant requires to hawk;
 - (b) the type of vehicle, conveyance or means of carriage to be employed in hawking;
 - (c) the period for which the license is required; and
 - (d) where the license is required to be limited to a part of a district, the part of the district to which it is so to be limited.

7. Limitations on issuing licences

- (1) The Council shall not issue a license, if the aggregate number of licenses authorised by these by-laws has already been issued; and shall not issue a license for the hawking of any class of goods if the aggregate number of licenses authorised by these by-laws for that class of goods has already been issued.
- (2) The Council shall not issue a license (other than a renewal of a license) to an applicant, unless he produces to the Council a certificate signed by two Justices of the Peace certifying that he is of good character and reputation and is a fit person to exercise the trade of a hawker.
- (3) The Council may refuse to issue a license or may cancel a license in the event that the applicant or licensee (as the case may be) —
 - (a) is an undischarged bankrupt or becomes bankrupt;
 - (b) has been convicted or is convicted of an indictable offence;

bl. 8

- (c) has been twice convicted during the preceding five years or is twice convicted in the space of five years of an offence against the by-laws of any local authority relating to hawkers;
 - (d) does not conform with the requirements of the *Health Act 1911*, or the Model By-laws made under that Act.
- (4) Upon the cancellation of a license the holder thereof shall forthwith return the license to the Clerk and shall forfeit all fees paid in respect of the license.

8. Identification badge

- (1) The Council shall issue to every licensee a badge in the form set out in the Third Schedule to these by-laws and the licensee shall pay for such badge a fee of five shillings.
- (2) A licensee shall display his badge while hawking.
- (3) A person shall not display a hawker's badge unless he is the holder of a current license.
- (4) Upon cancellation of a license the holder shall forthwith return his badge to the Clerk and shall forfeit the fee paid in respect thereof.

9. Maximum number of hawkers

- (1) The Council shall not in any financial year concurrently issue more than licenses and shall not concurrently issue licenses for hawking special classes of goods in excess of the following: —

| In Townsites | No. of Licenses |
|---|-----------------|
| (a) Clothing, clothing materials and manchester goods | |
| (b) Electrical goods | |
| (c) Other merchandise | |
| Outside Townsites | No. of Licenses |
| (a) Clothing, clothing materials and manchester goods | |

- (b) Electrical goods
 - (c) Other merchandise
- (2) The Council shall issue licenses in the order of priority of application and, in case of apparent equality of priority of any applications, shall determine which application shall have greater priority.

10. Production of licence; signs; scales

A hawker while hawking shall —

- (a) carry with him his license and shall produce the same to any officer of the Council or to a police officer on demand;
- (b) have his name and the words “licensed hawker” legibly and conspicuously displayed on his vehicle, barrow, bag or tray; and
- (c) when selling goods, wares or merchandise by weight, carry and use for that purpose, scales, tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.

11. Hawking on Sundays; loitering; nuisance

A hawker shall not —

- (a) hawk in the following streets, roads or areas, that is to say —
- (b) hawk between the hours of sunset and the next sunrise, or on any Sunday, or on Christmas Day or Good Friday, without the consent of the Council;
- (c) loiter within a distance of two hundred yards of any shop or permanent place of business that has for sale any goods, wares or merchandise of the kind being hawked by the hawker;
- (d) call his wares or make or cause to be made any outcry, noise or disturbance likely to be a nuisance or annoyance to any person in that vicinity; or

bl. 12

- (e) remain stationary in any street or public place for any period longer than shall be necessary for the purpose of serving or treating with any customer or intending customer then offering to buy or to treat.

12. Penalty for breach of by-laws

Any person committing a breach of these by-laws is liable to a penalty not exceeding fifty pounds.

First Schedule

.....of.....

HAWKER'S LICENSE

No.

.....of.....

is hereby licensed to hawk.....by
the means described in his application dated the.....

within the district of the.....of.....

or the following portion of the district, namely.....,

during the month of.....19.....

the year ending on the.....day of.....,

subject to the by-laws relating to hawkers from time to time in force in the said
district.

.....

Clerk.

Second Schedule
FEEs FOR HAWKERS' LICENSES

| Class of License | Annually In Townsites £ | Annually Outside Townsites £ |
|--|-------------------------------|---------------------------------------|
| (a).....Clothing, clothing material and manchester..... | | |
| (b).....Electrical goods..... | | |
| (c).....Ice cream, ice blocks, ices..... | | |
| (d).....Other (specify) | | |

Third Schedule
FORM OF BADGE

.....of.....
(Name of Municipality).
No. Year of Issue.....
Issued to.....

Notes

- ^{1.} This is a compilation of the *Local Government Model By-laws (Control of Hawkers) No. 6* and includes the amendments referred to in the following Table.

Compilation table

| Citation | Gazettal | Commencement |
|--|--------------------------|---------------------|
| <i>Local Government Model By-laws (Control of Hawkers) No. 6</i> | 23 Jul 1962 p. 1847-9 | 23 Jul 1962 |
| | 21 Jun 1974 p. 2092 | 21 Jun 1974 |

[Superseded by Local Laws made under the *Local Government Act 1995*](#)