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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1912.

# A BILL

To amend the Hawkers and Pedlers Act, 1901, and the Local Government Act, 1906 ; and for other purposes.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**1.** This Act may be cited as the "Hawkers and Pedlers Short title. (Amendment) Act, 1912."

This Act shall commence and take effect on and after the first day of January, one thousand nine hundred and thirteen.

**2.** Paragraph four of section seventy-four, paragraph four of Repeal. section one hundred and seven, and paragraph eight of section one hundred and eighty-seven of the Local Government Act, 1906, are repealed.

Section eleven of the Hawkers and Pedlers Act, 1901, and the Sixth Schedule thereto, are repealed.

**3.** Section four of the Hawkers and Pedlers Act, 1901, is Amendment of s. 4. amended by inserting the following after the definition of "cart":—

"District" means district constituted under this Act.

**4.** The following section is inserted next after section five of New section 5A. the said Act:—

**5A.** The Governor shall constitute districts for the purposes of this Act, and may alter the boundaries of any district. The above powers may be exercised at any time after the passing of the Hawkers and Pedlers (Amendment) Act, 1912.

Within the eastern or central division, one local government area or a number of such areas shall form a district.

**5.** (1) The words "except in pursuance of a license and within Amendment of s. 6. a district to which the license applies" are substituted for "without having a license" where first occurring in subsection one, and "without having first obtained a license" in subsection two of section six of the said Act.

(2) Subsection one aforesaid is further amended by inserting the following new paragraph next after paragraph (a):—

(a) Nothing in this section shall prohibit any person from selling or offering for sale without a license under this Act, any goods, where such sale or offering for sale is authorised by a license duly issued by the council of a municipality or shire.

**6.** Section eight of the same Act is amended as follows:— Amendment of s. 8.

(a) In subsection one, omit "the first ordinary sitting day of any month," insert the words "any day to be fixed by the clerk of petty sessions"; omit "police"; at end of subsection insert the words "or desires to carry on business."

(b) In subsection three, omit "three weeks from the first ordinary sitting day aforesaid," insert the words "six weeks from the making of the application."

**7.** In subsection one of section nine of the said Act omit Amendment of s. 9. "three weeks" and insert "one week"; omit first ordinary sitting day of such justices" and insert "day fixed"; omit "of the police district within which such person usually or principally resides", and insert "aforesaid."

**8.** Section ten of the same Act is amended as follows:— Amendment of s. 10.

(a) Omit "in the form contained in the Second Schedule hereto."

(b) Omit the word "police."

(c) After "district" insert the words "in which he usually or principally resides, or"

(d) Add the following at the end of the section:—"Such justices may, in their descretion, refuse to grant the license if it appears to them that the applicant is of bad or doubtful character, or if it is proved that the applicant has, while holding a license, behaved in an offensive, threatening, or insulting manner, or used any threatening, abusive, or insulting words to persons to whom he has endeavoured to sell goods."

**9.**

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**9.** The Fifth Schedule to the same Act is amended by Amendment of Fifth Schedule. omitting the last paragraph and inserting:—

“We, the undersigned, hereby certify that the above-named applicant is a fit and proper person to obtain a hawker’s and pedler’s license.”

(Signed) { J.K., of (*Residence*).  
                  { L.M., of (*Residence*).

**10.** The following section is inserted next after section eleven New section 11A. of the said Act:—

11A. A license shall apply only in respect of the districts therein specified; but, on application to the justices who would be authorised to grant a license to the applicant, and on any of the days fixed for granting licenses, any license may on payment of the prescribed fee, be extended to apply to other districts by indorsement on the license in the form of the Sixth Schedule.

Where a person desires to carry on the business of a hawker or pedler on a boat on any part of a river or stream on the boundary between two districts, he must obtain a license applicable to both such districts.

**11.** (1) Subsection one of section twelve of the said Act is Amendment of s. 12. amended as follows:—

- (a) Omit “police district in which the same is granted,” insert the words “court granting the license.”
- (b) Insert after “twenty shillings” the words “in respect of the first or only district and an additional ten shillings in respect of each district after the first to which the license is to apply.”
- (c) Insert after “force” the words “In computing such time a portion of a month shall be counted a whole month.”

(2) Subsection two of the same section is amended by inserting after “two pounds” the words “in respect of the first or only district, and an additional pound in respect of each district after the first to which the license is to apply,” and by inserting after “force” the words “In computing such time a portion of a month shall be counted a whole month.”

(3) The following subsection is inserted next after subsection two of the same section:—

(2A) Provided that the justices granting a license may, where the applicant is blind, or is any way incapacitated from laborious work, reduce the amount payable for the license to any amount not being less than one-quarter of any sum above-prescribed.

**12.** In section thirteen of the said Act omit “throughout New Amendment of s. 13. South Wales from the first day of the month next ensuing,” insert “from.”

**13.**

