



2003

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

*Hawkers Circumstances for
Exemption 2003*

EXPLANATORY STATEMENT

**Circulated by the authority of
Bill Wood MLA
Minister for Urban Services**

AUSTRALIAN CAPITAL TERRITORY

HAWKERS ACT 2003

HAWKERS CIRCUMSTANCES FOR EXEMPTION 2003

Section 27 – Circumstances for exemption from section 14 (1)

DISALLOWABLE INSTRUMENT DI 2003- 272

EXPLANATORY STATEMENT

The *Hawkers Act 2003* provides that hawkers do not have a significant adverse effect on public safety, the free movement of people and vehicles, the accessibility of premises or the accessibility of public amenities, in a public place; ensure that hawkers in public places do not have a significant adverse effect on the appearance or amenity of the public place; and ensure that adequate and appropriate public amenities are available at or near where hawkers operate.

The person may be exempt: if they are selling products or services that are not sold by surrounding commercial premises; or if they are selling products at times when surrounding commercial premises are closed; or if proprietors of surrounding commercial premises, after consultation, have no objection.

The person must not be exempt if they have a significant adverse effect on: public safety; the free movement of people and vehicles; the accessibility of premises, including commercial premises; the accessibility of public amenities; and the appearance of amenity of the public place. The person must not be exempt if there are not adequate and appropriate public amenities (for example, rubbish bins and toilets) available near the location where the person intends to sell the products or services.

The instrument commences on 27 September 2003, the date the *Hawkers Act 2003* commences.