

PROOF.

No. , 1933.

A BILL

To enable persons resident in the Federal Territory for the Seat of Government to obtain general auctioneers' licenses in New South Wales; to enable auctioneers to sell by auction thoroughbred horses after sunset in the Metropolitan Police District in yards or places illuminated by electric light; for these and certain other purposes to amend the Auctioneers' Licensing Act, 1898, and certain other Acts; and for purposes connected therewith.

[MR. L. O. MARTIN ;— *October, 1933.*]

BE 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
5 the same, as follows :—

1. (1) This Act may be cited as the "Auctioneers Short title. Licensing (Amendment) Act, 1933," and shall be read with the Auctioneers' Licensing Act, 1898, as amended by subsequent Acts.

Auctioneers Licensing (Amendment).

(2) The Auctioneers' Licensing Act, 1898, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Auctioneers' Licensing Act, 1898- 5
1933.

Amendment of Act No. 24, 1898, s. 6. (Persons resident in Federal Territory.) New subsection.

2. The Principal Act is amended by inserting at the end of section six the following new subsection:—

(3) The power to grant licenses to persons resident in a reciprocating State shall also extend **10** to the granting of licenses to persons resident in the Federal Territory for the seat of Government.

For the purpose of giving effect to this provision the expression "State of the Commonwealth of Australia (other than New South Wales)" in **15** subsection one of this section and the expression "State of the Commonwealth of Australia" in section seven shall be deemed to include the said Territory, and any ordinance for the time being in force in the said Territory relating to the licensing **20** of auctioneers shall be deemed to be an Act in force in the said Territory.

Further amendment of Act No. 24, 1898. Sec. 18. (Sale of thoroughbreds after sunset.)

3. The Principal Act is further amended—

(a) by omitting from the proviso to section eighteen the words "an auctioneer's" and by inserting **25** in lieu thereof the words "a general."

(b) by omitting from the same proviso the words "in the area of the municipality of Albury" and by inserting in lieu thereof the letters and words—

"(a) in the Metropolitan Police District in any **30** yard or place specified in the permit which in the opinion of the court is sufficiently illuminated by electric light, thoroughbred horses; or

(b) in the area of either the Municipality of **35** Newcastle or the Municipality of Albury."

(c)

5 (c) by omitting from the same proviso the words
 "in the said area" and by inserting in lieu
 thereof the words "in the yard or place
 specified therein or in the area mentioned in
 the permit as the case may be.

10 For the purposes of this section "thorough-
 bred horses" means blood stock bred for
 racing purposes or used for the purpose of
 breeding racehorses, such stock being eligible
 at birth for entry in the Australian Stud Book.

15 A certificate under the hand of the person for
 the time being keeping the Australian Stud Book
 as to whether or not a particular horse is so
 eligible shall be conclusive in that regard.

20 No prosecution shall be brought except by the
 Attorney-General in respect of a selling of a
 horse alleged not to be thoroughbred at any
 auction after sunset by an auctioneer holding a
 permit therefor, and at the hearing of such a
 prosecution, upon proof that the auctioneer at
 the time of such sale held such a permit, it shall
 be incumbent on the prosecution to prove that
 the horse in respect of which the charge is made
 is not a thoroughbred horse.

25 The fee to be paid for a permit issued under
 this section shall be five pounds."

4. (1) The Principal Act is further amended by
 omitting section two, and by inserting in lieu thereof the
 following sections:—

Further
 amendment of
 Act No. 24,
 1898.
 Secs. 2, 2A.

30 2. In this Act, unless the context or subject-matter
 otherwise indicates or requires:—

Definition.
 cf. N.Z. Act
 1908, No. 10,
 s. 2.

35 "Auction sale," "sale by auction," "sell by way
 of auction," and expressions of a similar
 character mean the selling of any estate, goods,
 or effects whatsoever by outcry, by what is
 known as Dutch auction, by knocking-down of
 hammer, candle, lot, parcel, instrument,
 machine, or by any other mode whereby the
 highest, the lowest, or any bidder is the pur-
 40 chaser; or whereby the first person who claims
 the

Vict. Act
 No. 2615,
 1915, s. 3.

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the property submitted for sale at a certain price named by the person acting as auctioneer is the purchaser; or whereby there is a competition for the purchase of any estate, goods, or effects whatsoever in any way commonly known and understood to be by way of auction, and shall be deemed to include the selling by outcry or in any other manner before mentioned in any public place or in any room, or mart, or place to which the public are admitted or have access, whether or not the sale has been advertised to take place.

“ Auctioneer ” means any person who exercises the trade or business of an auctioneer or seller by commission at any auction sale or who sells or attempts to sell or offer for sale or resale any estate, goods or effects by way of auction.

Act not to apply to sale at bazaar.

2A. This Act shall not apply to a sale by auction of any goods, wares, or merchandise at a bazaar or fancy fair held for raising funds in aid of any eleemosynary or charitable institution where the gross proceeds of the sale are to be devoted to such funds.

(2) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.
