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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1938.

A B I L L

To make certain provisions in relation to sales by auction of cattle and of farm produce; to amend the Auctioneers' Licensing Act, 1898-1934, in certain respects; and for purposes connected therewith.

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 the same, as follows :—

1. (1) This Act may be cited as the "Auctioneers' Licensing (Amendment) Act, 1938." Short title
and citation.

(2) The Auctioneers' Licensing Act, 1898-1934, as amended by this Act, may be cited as the Auctioneers' Licensing Act, 1898-1938.

2. The Auctioneers' Licensing Act, 1898-1934, is amended—

(a) by omitting from subsection three of section five the words "out of" and by inserting in lieu thereof the words "in any State of the Commonwealth of Australia other than";

Amendment of Act No. 24, 1898.
(Residents of Canberra.)

Sec. 5 (3).
(Application.)

(b) by inserting after subsection three of the same section the following new subsection:—

New subsec. (3A) of s. 5.

(3A) Where the applicant is resident in the Federal Territory for the Seat of Government then—

(a) if the application is for a general license, the application shall be lodged with the clerk of any court of petty sessions within New South Wales;

(b) if the application is for a district license, the application shall be lodged with the clerk of any court of petty sessions within the police district in respect of which the application is made.

(c) by omitting subsection three of section six;

Sec. 6 (3).
(Repeal.)

(d) by inserting at the commencement of subsection two of section seven the words "Except in pursuance of section 7A of this Act";

Sec. 7 (2).
(District licenses.)

(e) by inserting after section seven the following new section:—

New sec. 7A.

7A. The provisions of this Act shall extend and apply to the granting in New South Wales of general licenses and district licenses to persons resident in the Federal Territory for the Seat of Government:

Powers in relation to residents of Federal Territory for the Seat of Government.

Provided that a general license or a district license shall not be granted to a person resident in the Federal Territory for the Seat of Government, unless—

(a) such person is the holder of an auctioneer's license for the Federal Territory for the Seat of Government granted

granted in accordance with the law for the time being in force in that Territory; and

(b) under the law for the time being in force in that Territory, any resident of New South Wales who is the holder of a general license or of a district license may obtain an auctioneer's license for that Territory.

(f) by omitting from section eight the words "the last two preceding sections" and by inserting in lieu thereof the words "sections six, seven and 7A of this Act."

Sec. 8.
(Applicant to be resident of N.S.W.)

3. The Auctioneers' Licensing Act, 1898-1934, is further amended—

Further amendment of Act No. 24, 1898.

(a) by omitting from subsection one of section eleven the words "for a period not exceeding twelve months";

Sec. 11.
(Written records.)

(b) by inserting next after subsection one of the same section the following new subsection:—

(1A) The written record shall be preserved by the auctioneer for a period of not less than twelve months after the date upon which it was made.

(c) by omitting from subsection two of the same section the word "book" wherever occurring and by inserting in lieu thereof the words "written record".

4. The Auctioneers' Licensing Act, 1898-1934, is further amended by inserting after section twelve the following new sections:—

Further amendment of Act No. 24, 1898.
New secs. 12A, 12B, 12c, and 12D.
Definitions.
cf. Vict. Act No. 4323, 1935, s. 2.

12A. (1) In sections 12B, 12c and 12D of this Act—

"Cattle" means horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, ewes, wethers, rams, lambs and swine.

"Farm produce" means cereals, grain, vegetables, potatoes, onions, other edible roots and tubers, tobacco leaf, fruit, hay, chaff, dairy produce, live or dead poultry, and game, and eggs. (2)

cf. Vict. Act No. 4420, 1936, s. 2.

(2) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, the meaning of the expression "farm produce," as defined in subsection one of this section, shall extend to include wool.

cf. Vict. Act No. 4420, 1936, s. 2.

12B. (1) Any person who induces or attempts to induce any other person to abstain from bidding at a sale by auction of cattle or farm produce either generally or for any particular lot, by means of a promise, express or implied, that he will if he is the successful bidder for the cattle or farm produce—

Splitting of lots purchased at auction.

cf. Vict. Acts Nos. 4323, 1935, s. 3, and 4420, 1936, s. 2.

- (a) give such other person the right to elect to take over as purchaser through the auctioneer all or any of the said cattle or farm produce at the auction price; or
- (b) agree to decide by tossing or the drawing of lots or other method who is to become the owner of all or any of the said cattle or farm produce,

shall be liable for a first offence to a penalty of not more than *ten* pounds and for a second or any subsequent offence to a penalty of not more than *twenty-five* pounds or to imprisonment for a term of not more than *one* month.

(2) Any person who abstains or agrees to abstain from bidding at a sale by auction of cattle or farm produce as the result of a promise, express or implied, given to him—

- (a) that he shall have the right to elect to take over as purchaser through the auctioneer all or any of the said cattle or farm produce at the auction price; or
- (b) that the ownership of all or any of the said cattle or farm produce shall be determined by tossing or the drawing of lots or any other method.

shall be liable for a first offence to a penalty of not more than *ten* pounds and for a second or any subsequent

subsequent offence to a penalty of not more than *twenty-five* pounds or to imprisonment for a term of not more than *one* month.

12c. (1) Any auctioneer or any clerk of an auctioneer who knowingly enters in any record or book kept or required to be kept by such auctioneer as the purchaser of any cattle or farm produce sold by auction any name other than the name of the actual successful bidder for such cattle or farm produce shall be liable for a first offence to a penalty of not more than *ten* pounds and for a second or any subsequent offence to a penalty of not more than *twenty-five* pounds or to imprisonment for a term of not more than *one* month.

Entry by auctioneer or clerk in record or book kept by auctioneer as purchaser of cattle or farm produce sold by auction of any name other than the name of the actual successful bidder.

(2) If the clerk of any auctioneer enters in any registry or book kept or required to be kept by such auctioneer as the purchaser of any cattle or farm produce sold by auction any name other than the name of the actual successful bidder for such cattle or farm produce the auctioneer shall, unless he proves to the satisfaction of the court that he did not know that a name other than the name of the actual successful bidder was entered as aforesaid, be guilty of an offence and shall be liable for a first offence to a penalty of not more than *ten* pounds and for a second or any subsequent offence to a penalty of not more than *twenty-five* pounds or to imprisonment for a term of not more than *one* month.

cf. Vict. Acts Nos. 4323, 1935, s. 4, and 4420, 1936, s. 2.

(3) Notwithstanding anything in subsection one or subsection two of this section, where the actual successful bidder at a sale by auction of any cattle or farm produce immediately after the auctioneer conducting such sale has indicated such actual successful bidder informs such auctioneer—

Provision for entry in registry or book of name other than name of actual successful bidder in certain cases.

(a) that he bid for such cattle or farm produce on behalf of another person; and

(b) of the name of such other person,

the said auctioneer or clerk shall not be guilty of an offence against the provisions of subsection one

or

or subsection two of this section by reason of the fact that he enters in the record or book aforesaid as purchaser of such cattle or farm produce the name of such other person.

12d. (1) Every auctioneer shall before beginning any sale by auction of any cattle or farm produce read or recite aloud a statement of the material parts of sections 12b and 12c of this Act:

Material parts of sections to be read or recited aloud at sales by auction of cattle.

Provided that where on any day successive sales by auction of cattle or farm produce are held at the same selling place and the foregoing provisions of this subsection are complied with by the auctioneer conducting the first of such sales no auctioneer thereafter conducting any of such successive sales shall be required before commencing any of such sales to comply with such provisions.

cf. Vict. Acts Nos. 4323, 1935, s. 5, and 4420, 1936, s. 2.

(2) Any auctioneer who fails to comply with the provisions of subsection one of this section shall be liable to a penalty of not more than *ten* pounds.