

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1914.

A BILL

To provide for the regulating and licensing of fruit and vegetable commission agents; and for purposes consequent thereon or incidental thereto.

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. This Act may be cited as the "Fruit and Vegetable Commission Agents Act, 1914." Short title.

312

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

Definition.

“ Court ” means any stipendiary or police magistrate, or any two justices of the peace, sitting in petty sessions.

“ Fruit and vegetable commission agent ” means any person, other than a licensed auctioneer, who carries on the business of a fruit and vegetable commission agent, whether such person carries on any other business or not.

3. Any person, other than a person holding a license under the Auctioneers Licensing Act, 1898, or this Act, who carries on the business of a fruit and vegetable commission agent shall be guilty of an offence under this Act.

Commission agents must be licensed.

4. A license to carry on business as a fruit and vegetable commission agent (hereinafter called a “ Fruit and Vegetable Commission Agent’s license ”) may be granted, issued, and renewed—

License, how obtained.

(a) in cases where the applicant usually resides or carries on his business in the city of Sydney by any court ;

(b) in cases where the applicant usually resides or carries on his business outside the city of Sydney, by the court nearest to the applicant’s usual residence or place of business.

A license so issued shall, unless sooner cancelled, remain in force for one year from the date on which it was issued, but may, on application to a court in the prescribed manner, be renewed from year to year as the court thinks fit. The sum of one pound shall be paid for every such license, and for every renewal thereof.

5. No fruit and vegetable commission agent’s license shall be granted or issued unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the senior officer of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended

Notice of application for license or transfer thereof.

intended to be carried on. Such officer or any person authorised by him may show cause against the granting of any such application. Police may show cause.

6. Every application for a fruit and vegetable commission agent's license shall be made by the applicant in person. Applications to be made in person.

Before any such license is granted the applicant shall satisfy the court that he is a person of good character, and a fit and proper person to hold such a license.

7. Every fruit and vegetable commission agent shall, in the prescribed form and within the prescribed time, render to the consignor account sales which shall set out the names and addresses of the persons to whom the consignors's produce has been sold, and such other particulars as may be prescribed. Account sales.

Miscellaneous.

8. All proceedings against any person accused of an offence against this Act, or of contravening the provisions of any regulation hereunder, may be heard and determined in a summary manner by the court before which he is brought, and any person convicted of such an offence or contravention shall be liable to have his license cancelled or suspended for such time as the court thinks fit, and in addition to a penalty not exceeding *twenty* pounds. Proceedings.

9. The clerk of any court at which any license is granted or cancelled shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed. Register to be kept.

10. In any prosecution under this Act, where in the information it is alleged that any person is unlicensed, such person shall be deemed to be unlicensed until the contrary be proved by the production of a license or otherwise. Presumption that persons unlicensed.

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11. (1) The Governor may make regulations pre-Regulations:
scribing the forms necessary under this Act, the pro-
cedure in application for renewal of licenses, and
generally for carrying out the provisions of this Act.

(2) Such regulations shall—

- (i) be published in the Gazette ;
 - (ii) take effect from the date of publication,
or from a later date to be specified in
such regulations ; and
 - (iii) be laid before both houses of Parliament
within fourteen days after publication
if Parliament is in session, and, if not,
then within fourteen days after the com-
mencement of the next session. If either
House of Parliament passes a resolution at
any time within fifteen sitting days after
such regulations have been laid before
such House disallowing any regulation,
such regulation shall therefrom cease to
have effect.
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