

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 November, 1924.*

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 28, 1924.

An Act to make certain alterations in the law relating to auctioneers; to authorise the issue of auctioneers' licenses for New South Wales to auctioneers resident in other States of the Commonwealth of Australia; to amend the Auctioneers Licensing Act, 1898, and the Sydney Corporation Act, 1902; and for purposes connected therewith. [Assented to, 18th November, 1924.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Auctioneers Licensing (Amendment).

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:—

Short title.

1. (1) This Act may be cited as the "Auctioneers Licensing (Amendment) Act, 1924," and shall be read with the Auctioneers Licensing Act, 1898, as amended by subsequent Acts,

(2) The Auctioneers Licensing Act, 1898, as so amended, is hereinafter referred to as the Principal Act.

Amendment of Act 24, 1898, ss. 4-17.

2. The Principal Act is amended—

(a) by omitting sections four to seventeen, both inclusive, and by inserting the following sections in lieu thereof:—

Auctioneer's license.

4. (1) An auctioneer's license shall be either—

(a) a general license which shall be in force for all parts of New South Wales; or

(b) a district license which shall be in force for the police district only for which the same is taken out.

(2) No person shall act as an auctioneer in the metropolitan police district unless he has taken out a general license.

(3) A license shall be in the form prescribed, and shall set forth the name and place of abode of the person taking out the same.

(4) A license, unless sooner cancelled, shall be in force for twelve months from the date of its issue.

A license may be renewed, and on each renewal shall take effect for a further period of twelve months.

(5) An annual fee of fifteen pounds shall be paid for a general license, and an annual fee of two pounds shall be paid for each district license.

Procedure.

5. (1) An application for an auctioneer's license or for the renewal thereof shall be made in the form prescribed.

(2)

Auctioneers Licensing (Amendment).

(2) Where the applicant resides in New South Wales the application shall be lodged with the clerk of the court of the petty sessions district within which the applicant resides, or if there is more than one such court then with the clerk of the court within such district nearest to the place where the applicant resides.

(3) Where the applicant resides out of New South Wales, the application shall be lodged with the clerk of any court of petty sessions.

(4) Upon the receipt of an application for the grant or the renewal of a license the clerk shall forthwith notify the officer in charge of police at the nearest police station, who shall inquire into and report upon the character of the applicant.

(5) Upon the hearing of an application for a new license the applicant shall attend in person; upon the hearing of an application for the renewal of a license, the applicant shall not be so required to attend unless notified by the clerk of the court that the grant of his application will be objected to. The notice shall set out shortly the nature of the objection proposed to be made.

(6) No application shall be heard until after the expiration of seven days after the lodging of the application.

(7) No application shall be heard except by a stipendiary or police magistrate or two or more justices.

(8) Every application shall be heard in open court, and the consideration of the application shall be deemed to be a judicial proceeding.

(9) It shall be the duty of the court to refuse the grant or the renewal of a license to
any

Auctioneers Licensing (Amendment).

any applicant who is the holder of a license under the Pawnbrokers Act, 1902, or who is of bad or doubtful character.

(10) Where the court grants an application for a license or renewal of a license the clerk of the court shall, on payment to him of the annual fee, issue the license.

Licenses to persons resident in other States.

Power to grant licenses to persons resident in reciprocating States.

cf. Vict. Act, 1919, No. 3,003, s. 3.

6. (1) When the Governor is satisfied that in any State of the Commonwealth of Australia (other than New South Wales) an Act is in force under which any person resident in New South Wales and holding an auctioneer's license under this Act, may obtain a license to follow the occupation of an auctioneer in all parts of such other State, the Governor may by notification published in the Gazette declare that on and after a date to be specified in the notification, and while the notification remains in force, this Act shall extend and apply to the granting in New South Wales of general licenses to residents in such other State.

(2) The Governor may, if he thinks fit, revoke any such notification.

Grant of licenses to persons resident in other States.

cf. *Ibid.* s. 4.

7. (1) An auctioneer's license shall, in the case of a resident in any State of the Commonwealth of Australia with respect to which a notification as aforesaid is in force, be granted only to such resident if he holds a license to follow the occupation of an auctioneer in all parts of that State.

(2) A district license shall not in any case be granted to any person resident out of New South Wales.

Applicant for license to be resident in N.S.W. or reciprocating State.

cf. *Ibid.* s. 6.

8. Save as provided in the last two preceding sections, a person who is not a resident of New South Wales shall not be entitled to obtain an auctioneer's license or a renewal thereof under this Act.

Cancellation

Auctioneers Licensing (Amendment).

Cancellation of licenses.

9. (1) If upon the hearing of a summons to show cause it is made to appear to a stipendiary or police magistrate or any two justices that any person to whom an auctioneer's license has been granted—

Cancellation of license.

(a) is the holder of a license under the Pawnbrokers Act, 1902; or

(b) has been convicted of an offence against section ten, section eleven, or section twelve of this Act; or

(c) is a person of bad or doubtful character; the magistrate or justices, as the case may be, may order that the license of any such person be cancelled, and such person shall thereafter be deemed and taken to be unlicensed accordingly.

(2) The procedure on such summons shall be as prescribed.

10. Any auctioneer who knowingly misrepresents, or causes or permits to be misrepresented, the composition, structure, character or quality, or the origin of manufacture of any goods or chattels put up for sale at an auction sale conducted by him, shall be liable to a penalty of not less than two pounds and not exceeding fifty pounds.

Misrepresentation as to quality, &c., of goods and chattels.

11. Every auctioneer shall keep in a legible manner in a written record full particulars of all goods and chattels sold at any auction sale conducted by him for a period not exceeding twelve months.

Record to be kept.

(2) The book shall be open to inspection at all reasonable times by an officer of the police force of or above the rank of sergeant, and every auctioneer upon being required so to do shall produce the book kept by him for inspection by such officer.

(3)

Auctioneers Licensing (Amendment).

(3) Any person who contravenes any of the provisions of this section shall be liable to a penalty of not less than two pounds and not exceeding fifty pounds.

Bidding by seller.
cf. Conveyancing Act, 1919, No. 6, s. 65; Sale of Goods Act, 1923, No. 1, s. 60 (3).

12. (1) Where a sale by auction is not notified in the conditions of sale to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at the sale, or for the auctioneer knowingly to take any bid from the seller or any such person.

(2) Whosoever contravenes the provisions of this section shall be liable to a penalty of not less than two pounds and not exceeding fifty pounds;

(b) by omitting section twenty and by inserting the following section in lieu thereof :—

Recovery of penalties, &c

20. All fines, penalties, and forfeitures imposed by this Act or the regulations made thereunder may be recovered in a summary manner before a stipendiary or police magistrate or two or more justices;

(c) by adding the following new section next after section twenty :—

Regulations.

21. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) These regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days of the making thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

Auctioneers Licensing (Amendment).

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect;

(d) by omitting the Second, Third, Fourth, and Fifth Schedules.

3. The Sydney Corporation Act, 1902, is amended Amendment of Act No. 35 of 1902, s. 190. by omitting subsection two of section one hundred and ninety.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 18th November, 1924.*

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1924.

Legislative Council.

Auctioneers Licensing (Amendment) Bill, 1924.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) To simplify the procedure in regard to the issue of licenses to auctioneers ;
 - (2) To provide for the issue of licenses to residents of other States ;
 - (3) To make provision for safeguarding the interests of the public by prohibiting misrepresentation and bidding by or on behalf of a seller, and by requiring the keeping of certain records ;
 - (4) To provide a summary method for cancellation of licenses ; and
 - (5) To repeal Section 190 (2) of the Sydney Corporation Act, 1902, which provides that the Treasurer must pay to the City Council the fees received by him for auctioneers' licenses issued at Courts within the city.
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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 November, 1924.*

New South Wales.



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(a) by omitting sections four to seventeen, both inclusive, and by inserting the following sections in lieu thereof:— Amendment of Act 24, 1898, ss. 4-17.

15 **4.** (1) An auctioneer's license shall be either— Auctioneer's license.

(a) a general license which shall be in force for all parts of New South Wales; or

20 (b) a district license which shall be in force for the police district only for which the same is taken out.

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25 (3) A license shall be in the form prescribed, and shall set forth the name and place of abode of the person taking out the same.

30 (4) A license, unless sooner cancelled, shall be in force for twelve months from the date of its issue.

A license may be renewed, and on each renewal shall take effect for a further period of twelve months.

35 (5) An annual fee of fifteen pounds shall be paid for a general license, and an annual fee of two pounds shall be paid for each district license.

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15 (4) Upon the receipt of an application for the grant or the renewal of a license the clerk shall forthwith notify the officer in charge of police at the nearest police station, who shall inquire into and report upon the character of the applicant.

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cf. *Ibid.* s. 4.

30 (2) A district license shall not in any case be granted to any person resident out of New South Wales.

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Applicant for license to be resident in N.S.W. or reciprocating State.
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10 (b) has been convicted of an offence against section ten, section eleven, or section twelve of this Act; or

15 (c) is a person of bad or doubtful character; the magistrate or justices, as the case may be, may order that the license of any such person be cancelled, and such person shall thereafter be deemed and taken to be unlicensed accordingly.

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Bidding by seller.
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Regulations.

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(c) be laid before both Houses of Parliament within fourteen sitting days of the making thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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[7d.]

