

## Stock and Station Agents Bill.

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### EXPLANATORY MEMORANDUM.

THIS Bill provides for the registration of stock and station agents, and prohibits any person carrying on business as a stock and station agent unless he is registered.

Stock and station agents are required to pay all moneys received by them in such capacity into a trust account, and provision is made for the inspection of their books of account, &c.

Clause 2 defines the meaning of the term "stock and station agent."

Clause 3 provides for the appointment of necessary officers.

Clause 4 prohibits persons carrying on business as stock and station agents unless licensed.

Clause 6 provides for the issue of licenses and the giving of security.

Clause 7 prescribes the qualifications of a licensee.

Clause 8 provides for the regulation of firms and corporations containing disqualified partners and shareholders.

Clause 9 provides for the cancellation of licenses.

Clause 10 gives a right of appeal against refusal or cancellation of a license.

Clause 12 provides for the inspection of stock and station agents' books.

Clause 14 requires all money received by stock and station agents to be paid into a trust account.

Clause 15 protects the trust account against other creditors.

Clause 23 gives clients of a stock and station agent the right to sue on the bond provided as security.







No. , 1926.

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## A BILL

To provide for the registration and regulation of stock and station agents; to prohibit certain practices and to regulate in certain respects the sale and letting of certain land and live stock; to amend the Companies Act, 1899, and certain other Acts; and for purposes connected therewith.

[CAPTAIN DUNN;—13 *October*, 1926.]

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**B**E 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 "Stock and Station Agents Act, 1926."

Short title  
and com-  
mencemen



(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Interpre-  
tation

**2.** In this Act, unless the context otherwise indicates or requires,—

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“License” means a license issued under the provisions of this Act.

“Live stock” means horses, cattle, asses, mules, sheep, swine, camels, or goats.

“Prescribed” means prescribed by this Act or the 10 regulations made thereunder.

“Stock and station agent” means any person (whether or not such person carries on any other business) who for reward carries on business as an agent for—

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(i) the sale, purchase, exchange, letting, or taking on lease of agricultural or pastoral land of any tenure; or

(ii) the purchase, sale, or exchange of live stock, or any interest therein.

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Registrar and  
officers.

**3.** (1) The Governor may, in accordance with the Public Service Act, 1902, or any Act amending the same, appoint a registrar and such other officers as are necessary for carrying out the provisions of this Act.

(2) The Minister may appoint a deputy to act for 25 the registrar at any time when he is prevented by illness or absence from acting in his office.

(3) Such deputy, while acting under such appointment, shall have the powers and perform the duties of the registrar.

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Carrying on  
business  
without a  
license.

**4.** (1) Any person who exercises or carries on or advertises or notifies or states that he exercises or carries on, or that he is willing to exercise or carry on the business of a stock and station agent, shall, unless he is the holder of a license, be guilty of an offence against 35 this Act.

Register of  
stock and station  
agents.

**5.** The registrar shall in the prescribed manner keep a register of stock and station agents.

**6.**



**6.** (1) Any person desirous of obtaining a license Licences. shall make application in the prescribed manner to the registrar.

5 (2) If an applicant for a license is not disqualified as hereinafter provided, the registrar shall enter such applicant in the register of stock and station agents and shall issue a license to him.

(3) No applicant shall be registered nor shall any license be issued to any person or renewed until he has  
10 furnished to the registrar—

- (a) a bond in the prescribed form for seven hundred and fifty pounds from some insurance company; or
- 15 (b) where he has previously furnished such a bond, a receipt for the renewal premium thereon or a certificate by the company of the renewal thereof; or
- 20 (c) security in some such other form as may be prescribed to be available in such circumstances and to such persons as may be prescribed.

(4) A license shall take effect from the date thereof and shall, unless revoked as hereinafter provided, remain in force until the thirtieth day of June next  
25 following such date.

(5) There shall be payable in respect of every license and of every renewal thereof the prescribed fee.

**7.** No person shall be qualified to hold a license Qualifica-  
tions. if he—

- 30 (a) is under the age of twenty-one years; or
- (b) has in or beyond the Commonwealth of Australia been convicted during the immediately preceding period of five years of any felony or offence punishable by imprisonment  
35 for a term exceeding three months; or
- (c) has within the like period been declared by any court of competent jurisdiction in or beyond the Commonwealth of Australia to have committed any fraud; or

(d)



- (d) has in or beyond the Commonwealth of Australia been adjudged bankrupt or insolvent, and has not obtained his certificate of discharge; or
- (e) has in or beyond the Commonwealth of Australia during the immediately preceding period of five years either individually or as a partner made any assignment for the benefit of creditors, or made any arrangement for the payment of a composition to creditors, and in any such case has not paid his unsecured creditors at least ten shillings in the pound; or
- (f) has committed any offence under this Act for which his license has been cancelled within the immediately preceding period of five years.

Corporation,

**8.** (1) The registrar may by notice in or to the effect of the prescribed form require any corporation which is the holder of a license to have the name of any person who is disqualified from holding a license on any of the grounds set out in paragraphs (b), (c), (e), or (f) of section seven removed from the share register of the corporation within a time, not less than three months, specified in the notice.

In default of compliance by the corporation with the notice within the time specified or within such further time as may be allowed by the registrar, the license of the corporation may be cancelled by the registrar.

When a license is so cancelled the corporation shall be disqualified from holding a license until the name of the disqualified person is removed from its share register.

(2) Any corporation however constituted may, notwithstanding the provisions of its articles of association, deed of settlement, or of any Act, require any holder of its shares in respect of whom a notice has been received from the registrar under subsection one of this section to dispose of and entirely divest himself of any interest, legal or equitable, in the shares whereof he is registered in the share register of the corporation, either as sole or joint owner, within a time, not less than two months, specified in a notice in that behalf given to the shareholder.

If



If a transfer of the shares to a purchaser is not presented to the corporation for registration within the time specified or within such further time as the registrar may allow, the shareholder shall be guilty of an offence against this Act, and in addition, the corporation may itself make sale and dispose of the shares and make all such cancellations and entries in its share register as are necessary to comply with the notice of the registrar.

- 10 Any moneys received by the corporation shall, after payment of the expenses of sale, be paid or credited to the person whose shares were sold.

- (3) The registrar may give notice to a holder of a Firm.  
license who is a member of a firm the members of which  
15 are carrying on business as stock and station agents, that any other partner thereof is a person who is disqualified to hold a license on any of the grounds set out in paragraphs (b), (c), (d), (e), or (f) of section seven, and that steps to dissolve the partnership should  
20 be taken within a time specified in the notice or such further time as the registrar may allow.

The fact that a partner is disqualified to hold a license shall be a sufficient ground upon which to dissolve a partnership carrying on business as stock and  
25 station agents.

9. (1) The license of any stock and station agent Cancellation.  
may be cancelled by the registrar if—

- (a) such license has been issued erroneously or in consequence of any false or fraudulent document, statement, or representation; or  
30 (b) the holder of such license was at the date of issue thereof or thereafter became disqualified to hold a license; or  
(c) the holder thereof commits any offence against  
35 this Act; or  
(d) being a corporation the holder fails to comply with a notice given by the registrar under section eight of this Act; or

(e)



- (e) being a member of a firm of which any other member is disqualified to hold a license, the holder fails to comply with a notice given by the registrar under section eight of this Act; or
- (f) the holder employs in the control or management of his business as a stock and station agent any person who is disqualified to hold a license on any ground specified in paragraphs (b), (c), (d), (e), or (f) of section seven of this Act after notice has been given to him by the registrar that such person is so disqualified.

(2) Before cancelling the license the registrar shall give the stock and station agent the prescribed notice, and shall hear and consider any representations made to him.

**Appeal**

**10.** (1) When the registrar refuses to license any applicant or cancels any license, he shall forthwith give notice of such refusal or cancellation to the applicant or stock and station agent as the case may be.

(2) Such applicant or stock and station agent may, within one month after the date of such notice, in manner prescribed by rules of court appeal to a judge of the district court.

(3) Such appeal shall be in the nature of a rehearing, and the decision of the judge shall be final and effect shall be given thereto by the registrar.

**Offences.**

**11.** Any person (not being the holder of a license) who—

- (a) acts as or carries on or advertises or notifies that he acts as or carries on business as a stock and station agent; or
- (b) has any words painted or written or allows to remain unobliterated any words that have been painted or written over or about his house, window, or premises that lead to the belief or supposition that he is a stock and station agent; or

(c)



(c) places or causes to be placed any placard, board, writing, or thing in the public view to the intent that it may be believed or supposed that he is a stock and station agent, shall be liable to a penalty not exceeding *one hundred pounds*.

**12.** (1) The registrar or any person authorised by him may at any time inspect any books, accounts, registers, documents, or writings in the custody or control of any stock and station agent relating to his business as such stock and station agent, and may take notes, copies, or extracts thereof or therefrom. Inspection of books, &c.

(2) Any person who obstructs the registrar or any person so authorised, and any stock and station agent or servant of a stock and station agent who refuses to produce such books, accounts, registers, documents, or writings, or to answer any question relating to such books or accounts, or who wilfully gives any untruthful answer to any such question, shall be guilty of an offence.

(3) The registrar may communicate to any client of the stock and station agent a report of the result of such inspection so far as it directly concerns such client.

**13.** Every stock and station agent within seven days after any sale, purchase, lease, or other transaction carried out by him as stock and station agent, shall render to the person on whose behalf such transaction was carried out an account in writing of such sale or disposal. Advice of sales.

**14.** (1) All moneys received by a stock and station agent in respect of any transaction carried out by him as stock and station agent, over and above such sum as he has paid or advanced to the person for whom such transaction was carried out, shall forthwith upon the receipt thereof by him be paid by him into a bank to a trust account, and therein retained until disbursed as hereinafter mentioned.

(2)



(2) Such stock and station agent shall be entitled to draw against such trust account in payment of—

- (a) the expenses, commission, and other charges of or incidental to such transaction; and 5
- (b) any moneys owing to the stock and station agent by the person on whose behalf the transaction was carried out.

(3) Every stock and station agent shall, within five days after same shall become payable, pay to the 10 person entitled thereto or as such person may direct the amount received by the stock and station agent and due to such person in respect of the transaction.

(4) Every stock and station agent shall, within fourteen days after a trust account is opened by him in 15 accordance with this section, notify the registrar in writing of the name of the trust account and the name and situation of the bank.

Within fourteen days after any change of the name of such account in such bank, or of the bank in which any 20 such trust account is kept to another bank, a like notice shall be sent to the registrar by the stock and station agent.

(5) A stock and station agent shall, if required by the registrar, produce the bank pass-book relating to 25 the trust account showing the state of the trust account at the date when such production is required.

Protection  
of trust  
account.

**15.** Moneys paid into such trust account shall not be available for payment of the debt of any other creditor of the stock and station agent, or be liable to be 30 attached or taken in execution under the order or process of any court at the instance of any such creditor.

Fraudulent  
accounts.

**16.** A stock and station agent who fraudulently renders an account of any transaction or of any moneys received by him in connection therewith, or of the 35 application of such moneys, knowing the same to be false in any material particular, shall be liable upon conviction upon indictment to imprisonment with hard labour for a period not exceeding *three* years.

**17.**



**17.** (1) Any stock and station agent who—

Offences.

- (a) directly or indirectly by himself or by any sub-agent or other person buys from any principal any live stock without having previously obtained the consent in writing of the principal to the purchase ; or
- (b) indirectly or by any sub-agent acquires any interest in any agricultural or pastoral land with the sale or letting of which the stock and station agent has been entrusted without having previously obtained the consent in writing of his principal to such acquisition ; or
- (c) charges commission in connection with any such transaction,

shall be guilty of an offence against this Act.

(2) Any employee of a stock and station agent who buys from, sells to, exchanges with, leases to or takes on lease from his employer any pastoral or agricultural land or any part thereof, or any estate or interest therein, or any live stock in connection with which his employer is acting as stock and station agent on behalf of any principal shall, unless he shall have previously obtained the consent in writing of such principal, be guilty of an offence against this Act.

(3) A stock and station agent who commits any offence mentioned in this section, and any partner or other person knowingly concerned in such offence, shall be liable to a penalty not exceeding *fifty* pounds, and in addition, the stock and station agent shall be ordered by the court adjudicating on the complaint to account for and pay over to his principal the profits resulting from the acquisition.

(4) No contravention of the provisions of this section shall invalidate any instrument intended to affect or evidence the title to any land.

**18.** A stock and station agent shall not be entitled to sue for or recover any fees, charges, commission, reward, or other remuneration for or in respect of any transaction carried out by him as stock and station agent unless—

- (a) he is the holder of a license ; and

(b)



(b) such remuneration is not in excess of such fees and charges as may from time to time be prescribed.

Registered  
office.

**19.** The place of business mentioned in the application for a license, or such other place of business as the stock and station agent from time to time by notice in writing to the registrar appoints, shall be the registered office of the stock and station agent. **5**

There shall be painted up or affixed and kept painted up or affixed at such place of business a sign in easily legible characters bearing the name of the stock and station agent and the words "stock and station agent." **10**

All written notices or other documents required to be served or given to the stock and station agent shall be deemed to be duly served or given if left at his registered office. **15**

Entries in  
agent's book  
deemed made  
by him.

**20.** Every entry in any book kept or belonging to any stock and station agent, or found on his premises and relating to his business as a stock and station agent, shall be deemed, unless the contrary is shown, to have been made by or with the authority of such stock and station agent. **20**

Civil  
remedies.

**21.** Nothing in this Act shall affect any civil remedy that any person may have against a stock and station agent in respect to any matter. **25**

Offence by  
corporation.

**22.** Where any offence against any of the provisions of this Act is committed by a corporation, the chairman of directors and every managing director, and every officer concerned in the management of the corporation shall be liable to the punishment provided by this Act for such offence unless the person charged proves that the offence charged was committed without his knowledge or connivance and without any negligence on his part. **30**

Right to  
inspect and  
sue on bond.

**23.** (1) Any person for whom a stock and station agent is acting or has acted may, on payment of the prescribed fee, inspect the bond lodged by such stock and station agent, and may take a copy thereof. **35**

(2) Any such person, with the written consent of the registrar, may sue upon any such bond for indemnity in respect of any loss covered by the bond. **40**

(3)



(3) A bond may be sued upon or assigned by the registrar for the time being.

**24.** In any proceedings against any person for having acted or carried on business or for having advertised or notified that he acts or carries on business as a stock and station agent without a license, a certificate in the prescribed form under the hand of the registrar of whose signature judicial notice shall be taken may be received in evidence to prove the fact that the person charged did not on the date mentioned in the certificate hold a license. Evidence.

**25.** (1) Any person contravening any of the provisions of this Act shall, when no other penalty is expressly provided, be liable on conviction to a penalty not exceeding *fifty* pounds. Penalties.

(2) Penalties imposed by this Act or by any regulation made thereunder may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in a court of petty sessions.

**26.** (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; and in particular and without limiting the generality of the foregoing power, the Governor may prescribe— Regulations.

- (a) the manner in which the register of stock and station agents shall be kept;
- (b) the manner of application for and of issue of licenses;
- (c) the forms of licenses and of notices under this Act and the regulations;
- (d) the form of bond to be given by an applicant for a license;
- (e) the books to be kept by agents and the manner of keeping the same, and the form and manner of issue of receipts for money received by stock and station agents on account of any other person;
- (f) the maximum fees, charges, and other remuneration which stock and station agents may charge for their services;

(g)



- (g) the fees which may be charged under this Act ;
- (h) the form and particulars of account sales to be rendered by stock and station agents to their principals.

(2) Such regulations may prescribe a penalty 5  
not exceeding *twenty* pounds for any breach thereof.

(3) Such regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication, or from a later date to be specified in such regu- 10  
lations ; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the com- 15  
mencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regu- 20  
lation or part shall thereupon cease to have effect.