

*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. R. McCOURT,  
Clerk of the Legislative Assembly.  
Legislative Assembly Chamber,  
Sydney, 11 December, 1934.

## New South Wales.



ANNO VICESIMO QUINTO

# GEORGII V REGIS.

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Act No. , 1934.

An Act to enable persons resident in the Federal Territory for the Seat of Government to obtain general auctioneers' licenses in New South Wales; to provide for the issue of primary products auctioneers' licenses within the Metropolitan Police District; for these and certain other purposes to amend the Auctioneers' Licensing Act, 1898, and certain other Acts; and for purposes connected therewith.

**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 the same, as follows:—

5 **1.** (1) This Act may be cited as the "Auctioneers' Short title. Licensing (Amendment) Act, 1934," and shall be read

*Auctioneers' Licensing (Amendment).*

and construed with the Auctioneers' Licensing Act, 1898, as amended by subsequent Acts.

(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, 1898-1934.

(4) This Act shall commence on the first day of January, one thousand nine hundred and thirty-five.

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

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

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

New subsection.

For the purpose of giving effect to this provision the expression "State of the Commonwealth of Australia (other than New South Wales)" in 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 of auctioneers shall be deemed to be an Act in force in the said Territory.

3. The Principal Act is further amended by omitting section eighteen and by inserting in lieu thereof the following section:—

Further amendment of Act No. 24, 1898.

18. No auctioneer shall attempt to sell, offer for sale or sell by way of public auction any land, goods or effects except wool not being on the skin, after sunset or before sunrise of any day throughout the year and every such auctioneer who offends against this section shall for every such offence forfeit and pay a penalty of not less than two pounds nor more than fifty pounds.

No auction sales after sunset (sales of wool excepted).

Auctioneers' Licensing (Amendment).

## 4. The Principal Act is further amended—

Further amend-  
ment of Act  
No. 24, 1898.

- (a) by inserting at the end of subsection one of section four the following word and new paragraph:—

Sec. 4.  
(Auc-  
tioneer's  
license.)

“ or

- (c) a primary products license which shall be in force only at the market within the metropolitan police district which is specified in the license”;

- 10 (b) by inserting at the end of subsection two of the same section the words “or unless he has taken out a primary products license and acts as an auctioneer only for the sale of firewood, coal, coke, fish or any products within the meaning of the Marketing of Primary Products Act, 1927-
- 15 1931, as amended by subsequent Acts, at the market specified in his license;

- (c) by inserting at the end of subsection three of the same section the words “and, in the case of a primary products license, the market at which the license is in force”;
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- (d) by inserting at the end of subsection five of the same section the words “and an annual fee of two pounds shall be paid for each primary products license.”
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## 5. The Principal Act is further amended—

Further amend-  
ment of  
Act No. 24,  
1898, s. 5.  
(Issue of  
licenses.)

- (a) by inserting at the end of subsection four of section five the words “ If the officer objects to the grant of the application, he shall include in his report a statement setting out the nature of the objection proposed to be made ”;
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- (b) by omitting subsections five, six, seven, eight, nine and ten of the same section, and by inserting in lieu thereof the following subsections:—

- 35 (5) Where such officer does not object to the grant of the application, the clerk with whom the application was lodged shall, on payment to him of the annual fee, issue the license.

(6)

*Auctioneers' Licensing (Amendment).*

(6) Where such officer objects to the grant of the application—

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(a) the clerk of the court shall notify the applicant that the grant of his application will be objected to, and shall set out shortly in the notice the nature of the objection proposed to be made;

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(b) the application shall be heard and determined by the court, which for that purpose shall be constituted by a stipendiary or police magistrate or two or more justices;

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(c) such hearing shall not take place until after the expiration of seven days after the lodging of the application;

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(d) the hearing of the application shall be in open court and the consideration of the application shall be deemed to be a judicial proceeding;

(e) 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.

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(7) A license or renewal of a license shall not be granted to an applicant who—

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

(b) is of bad or doubtful character.

30 **6.** The Principal Act is further amended by omitting section two, and by inserting in lieu thereof the following sections:—

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

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“ Auction sale,” “ sale by auction,” “ sell by way of auction,” and expressions of a similar character mean the selling of any estate, goods,

or

Further amendment of Act No. 24, 1898.

Secs. 2, 2A.

Definition.

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

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

Auctioneers' Licensing (Amendment).

5 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  
 10 highest, the lowest, or any bidder is the pur-  
 chaser; or whereby the first person who claims  
 the property submitted for sale at a certain  
 price named by the person acting as auctioneer  
 is the purchaser; or whereby there is a com-  
 15 petition 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 men-  
 20 tioned 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.

20 "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.

25 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. Act not to  
 apply to sale  
 at bazaar.

30 7. The Principal Act is further amended—

(a) by omitting section three and by inserting in  
 lieu thereof the following new section:—

3. No person shall act as an auctioneer unless  
 he is the holder of an auctioneer's license.

35 (b) by inserting in section ten before the word  
 "composition" the word "value";

(c) by inserting in section twelve before the words  
 "to employ" the words "for the seller or  
 the auctioneer";

Further amend-  
 ment of Act  
 No. 24, 1898,  
 Sec. 3.

Auctioneers  
 to be  
 licensed.

Sec. 10.  
 (Misrepresent-  
 ation.)

Sec. 12.  
 (Bidding by  
 seller.)

(d)

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*Auctioneers' Licensing (Amendment).*

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(d) by omitting from section nineteen the words "sells or offers to sell by way of auction as aforesaid" and by inserting in lieu thereof the words "acts as an auctioneer."

Sec. 19.  
(Penalty for  
selling without  
license.)

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Sydney: Alfred James Kent, I.S.O., Government Printer—1934.

[72.]

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(d) by continuing from section number the words  
of office to all by way of mention of  
that said, and by inserting in the space the  
words, "and by the name of"

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*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. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 13 December, 1934.*

## New South Wales.



ANNO VICESIMO QUINTO

# GEORGII V REGIS.

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## Act No. 44, 1934.

An Act to enable persons resident in the Federal Territory for the Seat of Government to obtain general auctioneers' licenses in New South Wales; to provide for the issue of primary products auctioneers' licenses within the Metropolitan Police District; for these and certain other purposes to amend the Auctioneers' Licensing Act, 1898, and certain other Acts; and for purposes connected therewith. [Assented to, 18th December, 1934.]

**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 the same, as follows:—

1. (1) This Act may be cited as the "Auctioneers' Licensing (Amendment) Act, 1934," and shall be read Short title.  
and

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

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*

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*Auctioneers' Licensing (Amendment).*

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and construed with the Auctioneers' Licensing Act, 1898, as amended by subsequent Acts.

(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, 1898-1934.

(4) This Act shall commence on the first day of January, one thousand nine hundred and thirty-five.

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

Amendment of  
Act No. 24,  
1898, s. 6.  
(Persons resi-  
dent in Federal  
Territory.)

New sub-  
section.

(3) The power to grant licenses to persons resident in a reciprocating State shall also extend 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 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 of auctioneers shall be deemed to be an Act in force in the said Territory.

**3.** The Principal Act is further amended by omitting section eighteen and by inserting in lieu thereof the following section:—

Further  
amendment of  
Act No. 24,  
1898.

No auction  
sales after  
sunset (sales  
of wool  
excepted).

18. No auctioneer shall attempt to sell, offer for sale or sell by way of public auction any land, goods or effects except wool not being on the skin, after sunset or before sunrise of any day throughout the year and every such auctioneer who offends against this section shall for every such offence forfeit and pay a penalty of not less than two pounds nor more than fifty pounds.

**4.**

*Auctioneers' Licensing (Amendment).***4. The Principal Act is further amended—**Further amend-  
ment of Act  
No. 24, 1898.

- (a) by inserting at the end of subsection one of section four the following word and new paragraph:—

Sec. 4.  
(Auc-  
tioneer's  
license.)

“ or

- (c) a primary products license which shall be in force only at the market within the metropolitan police district which is specified in the license”;
- (b) by inserting at the end of subsection two of the same section the words “or unless he has taken out a primary products license and acts as an auctioneer only for the sale of firewood, coal, coke, fish or any products within the meaning of the Marketing of Primary Products Act, 1927-1931, as amended by subsequent Acts, at the market specified in his license;
- (c) by inserting at the end of subsection three of the same section the words “and, in the case of a primary products license, the market at which the license is in force”;
- (d) by inserting at the end of subsection five of the same section the words “and an annual fee of two pounds shall be paid for each primary products license.”

**5. The Principal Act is further amended—**Further amend-  
ment of  
Act No. 24,  
1898, s. 5.  
(Issue of  
licenses.)

- (a) by inserting at the end of subsection four of section five the words “ If the officer objects to the grant of the application, he shall include in his report a statement setting out the nature of the objection proposed to be made ”;
- (b) by omitting subsections five, six, seven, eight, nine and ten of the same section, and by inserting in lieu thereof the following subsections:—

(5) Where such officer does not object to the grant of the application, the clerk with whom the application was lodged shall, on payment to him of the annual fee, issue the license.

(6)

(Auctioneers Licensing (Amendment)).

(6) Where such officer objects to the grant of the application—

- (a) the clerk of the court shall notify the applicant that the grant of his application will be objected to, and shall set out shortly in the notice the nature of the objection proposed to be made;
- (b) the application shall be heard and determined by the court, which for that purpose shall be constituted by a stipendiary or police magistrate or two or more justices;
- (c) such hearing shall not take place until after the expiration of seven days after the lodging of the application;
- (d) the hearing of the application shall be in open court and the consideration of the application shall be deemed to be a judicial proceeding;
- (e) 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.

(7) A license or renewal of a license shall not be granted to an applicant who—

- (a) is the holder of a license under the Pawnbrokers Act, 1902; or
- (b) is of bad or doubtful character.

Further amendment of Act No. 24, 1933, s. 2A. Definition of N.Z. Act 1908, No. 10, s. 2. Vict. Act No. 2615, 1915, s. 3.

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

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

“ Auction sale,” “ sale by auction,” “ sell by way of auction,” and expressions of a similar character mean the selling of any estate, goods, or

(The Auctioneers' Licensing (Amendment)).

to the effect of 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 purchaser; or whereby the first person who claims 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.

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.

Act not to apply to sale at bazaar.

7. The Principal Act is further amended—

Further amendment of Act No. 24, 1898,

(a) by omitting section three and by inserting in lieu thereof the following new section:—

Sec. 3.

3. No person shall act as an auctioneer unless he is the holder of an auctioneer's license.

Auctioneers to be licensed.

(b) by inserting in section ten before the word “ composition ” the word “ value ”;

Sec. 10.

(Misrepresentation.)

(c) by inserting in section twelve before the words “ to employ ” the words “ for the seller or the auctioneer ”;

Sec. 12.

(Bidding by seller.)

(d)

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*Auctioneers' Licensing (Amendment).*

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Sec. 19.  
(Penalty for  
selling without  
license.)

- (d) by omitting from section nineteen the words "sells or offers to sell by way of auction as aforesaid" and by inserting in lieu thereof the words "acts as an auctioneer."

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

PHILIP GAME,  
*Governor.*

*Government House,  
Sydney, 18th December, 1934.*

Section 100 (Amendment)

(b) by adding to the definition of the word "employee" the words "and any person who is engaged in the same business as the employer" and by inserting the word "and" after the word "and" in the first sentence.

Sec. 100  
Added  
to the  
Code  
of  
Alabama

Act No. 100  
of 1901

Section 100

I certify that this Public Bill, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE ASSEMBLY and the LEGISLATIVE ASSEMBLY of New South Wales.

W. R. MCCOY,  
Clerk of the Legislative Assembly

Legislative Assembly Chamber,  
Sydney, 18 December, 1934

### New South Wales



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

W. W. HEDDER,  
Chairman of Committees of the Legislative Assembly

I. (1) This Act may be cited as the "Auctioneers' (Amendment) Act, 1934," and shall be read and shall be read the same as follows:—

Wales in Parliament assembled, and by the authority of the Legislative Assembly of New South Wales, do hereby enact, that the Auctioneers' (Amendment) Act, 1934, shall be read and shall be read the same as follows:—

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

W. W. HEDDER,  
Chairman of Committees of the Legislative Assembly