

8 GEO. V. No. 17, 1917. *Farm Produce Agents Act.*

5. All expenditure incurred by the Minister in connection with the State Produce Agency and in the administration of this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose. Expenditure.

6. None of the provisions of this Act, nor any regulations, provisions, or Orders in Council issued in pursuance of this Act, shall be construed or deemed to confer on the State Produce Agency or the Minister carrying on such business any monopoly whatsoever with regard to any produce, or be construed or deemed to confer greater rights or privileges on such Agency or Minister for the purpose of carrying on any business under this Act than are conferred upon any other agent selling farm produce. This Act confers no monopoly.

An Act to Provide for the Licensing of Farm Produce Agents, and for purposes incidental thereto.

8 Geo. V.
No. 17.
THE FARM
PRODUCE
AGENTS ACT
OF 1917.

[ASSENTED TO 14TH DECEMBER, 1917.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Farm Produce Agents Act of 1917.*" Short title.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpretation.

"Farm Produce Agent"—Any person who, as an agent for others, whether on commission or for or in expectation of any fee, gain, or reward, whether alone or in connection with any other business, exercises or carries on the business or advertises or notifies that he exercises or carries on the business of selling farm produce or of a broker or factor of farm produce: Farm produce agent.

The term does not include a person employed merely as a clerk or servant, or any banking company;

Farm produce.	“Farm Produce”—Cereals, grain, vegetables, potatoes and other edible roots and tubers, fruit, hay, and chaff, and all dairy produce: the term includes live or dead poultry and game, and eggs, and no other article or class of articles; but the Governor in Council, by Order in Council, may from time to time, upon the passing of a resolution by both Houses of Parliament approving of the inclusion of any other article or class of articles within the term “produce” as defined by this Act, declare such other article or class of articles to be farm produce for the purposes of this Act;
Minister.	“Minister”—The Secretary for Agriculture and Stock or other Minister of the Crown charged for the time being with the administration of this Act;
Person.	“Person” includes a corporation or joint stock company;
Court.	“Court”—A court of petty sessions;
Licensed.	“Licensed”—Licensed under this Act;
Prescribed.	“Prescribed”—Prescribed by regulations under this Act;
The department.	“The Department”—The State Department in which this Act is for the time being administered;
This Act.	“This Act”—This Act and any regulations made thereunder.

Farm produce agents not to carry on unless licensed.

3. (1.) After the thirty-first day of March, one thousand nine hundred and eighteen, no person shall exercise or carry on or advertise or notify that he exercises or carries on the business of a farm produce agent unless he is licensed.

(2.) Where a firm exercises or carries on the business of a farm produce agent, it shall be sufficient if one member of the firm is licensed on behalf of the firm.

Carrying on business without license.

(3.) From and after the date aforesaid, any person (not being licensed) who exercises or carries on business as a farm produce agent, or advertises or notifies that he carries on such business, or who has any words painted or written, or allows to remain unobliterated any words that have been painted or written, over or about or near his house, window, or premises that lead to the belief or

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supposition that he is a farm produce agent, or who 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 farm produce agent, shall be liable to a penalty not exceeding twenty-five pounds.

(4.) In any proceedings against any person for any breach of subsection three hereof, such person shall, unless he produces his license or brings other satisfactory proof of his having been licensed at the time when the offence was alleged to have been committed, be deemed to have been unlicensed. Onus of proof that person is licensed.

4. (1.) Any person desirous of obtaining a farm produce agent's license shall deliver to the clerk of a court within the petty sessions district in which he resides an application, in the form of the First Schedule hereto. Farm produce agents to be licensed. Schedule I.

(2.) Upon such application, the court may issue a license, in the form of the Second Schedule hereto: Schedule II.

Provided that no such license shall be issued to any person under the age of twenty-one years.

(3.) Such license shall entitle the holder thereof to carry on the business of a farm produce agent in all parts of the State, and unless sooner cancelled shall continue in force until the thirty-first day of December next after the date thereof, but may, on a similar application, be renewed from year to year as the court thinks fit. Effect and duration of license.

(4.) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of twenty shillings, unless the applicant already holds an auctioneer's license, in which case a license shall issue or be renewed under this Act without fee. Fee.

5. After the thirty-first day of March, one thousand nine hundred and eighteen, it shall not be lawful for— Restriction on agent purchasing consignments.

(a) Any farm produce agent, whether directly or indirectly or by himself or any partner or sub-agent, to purchase or be in any way concerned or interested in the purchase of any farm produce consigned or delivered to him for sale by any principal without having previously obtained the consent in writing of such principal to such purchase;

Every farm produce agent who commits a breach of this provision, or any partner, sub-agent, or other person knowingly concerned in

such breach, shall be liable to a penalty not exceeding fifty pounds, and, in addition, such farm produce agent shall be ordered by the court adjudicating on the complaint to account for and pay over to his principal all profits resulting from the purchase in respect of which such breach was committed ;

- (b) Any employee of a farm produce agent to purchase or be in any way interested or concerned in the purchase of any farm produce consigned or delivered for sale to his employer by any owner thereof without having previously obtained the consent in writing of such owner to such purchase ;
- (c) Any farm produce agent to charge commission to the consignor on any produce which may be taken over by such agent as a purchaser or for his own use in accordance with subsection (a) hereof ;

*Every such employee who commits a breach of this provision shall be liable to a penalty not exceeding fifty pounds.

6. (1.) All moneys received by a farm produce agent in respect of any transaction shall be applied in payment of—

- (a) The expenses, commission, and other charges of or incidental to the transaction ; and
- (b) Any moneys owing to such agent by the person on whose behalf the transaction was carried out ; and
- (c) The balance (if any) to such person, or as he may direct ;

and until such payment such balance shall be paid into a bank to a trust account.

(2.) Every farm produce agent who commits a breach of this section shall be liable to a penalty not exceeding fifty pounds.

(3.) Moneys paid into such trust account shall not be available for payment of the debt of any other creditor of the farm produce agent, or be liable to be attached or taken in execution under the order or process of any court at the instance of any such creditor.

7. (1.) Every person ceases to be licensed thirty days after the expiration or on the cancellation of his license.

[*Sic* in Gazette but *semble* relates only to subsection (b)].

Application of trust moneys.

Ceasing to be licensed.

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(2.) Any court may, on the complaint of any person against a licensed farm produce agent that he has been guilty of any offence against this Act, or that such licensee is in any other respect unfit to hold a license, cancel such license. Licenses may be cancelled.

If any licensed farm produce agent is convicted of an indictable offence, his license shall be deemed to be *ipso facto* cancelled.

(3.) The clerk of the court at which any license is granted or cancelled shall enter particulars of the same in a register to be kept by him. Register to be kept.

(4.) An appeal shall lie from the decision of the court to the Supreme Court, and such appeal shall be by way of rehearing.

Such appeal shall be made by way of special case in manner provided by "*The Justices Acts, 1886 to 1909*,"* with respect to appeals from the decisions of justices; and the provisions of those Acts relating to such appeals shall, *mutatis mutandis*, apply to appeals under this subsection, and the costs of such appeal shall be in the discretion of the court.

8. (1.) Every entry in any book kept or belonging to a licensed farm produce agent or found on his premises shall be deemed, unless the contrary is shown, to have been made by or with the authority of such agent. Entries in agent's books deemed made by him.

(2.) A copy of any entry in any prescribed register, purporting to be signed by the clerk of the court or any officer of the department making the same, shall be *prima facie* evidence of the truth of the matters stated in such copy. Copy of entries in registers to be evidence.

9. Nothing in this Act shall affect any civil remedy which any person may have against a farm produce agent in respect of any matter. Civil remedies not affected.

10. (1.) All proceedings for penalties and for the cancellation of any license under this Act may be heard and determined in a summary way before any court. Hearing of complaints.

(2.) All fees and penalties shall, when recovered, be paid into the Consolidated Revenue: Appropriation of fees, &c.

Provided that where it is proved to the satisfaction of the adjudicating court that any person has sustained any loss or damage by reason of the act or default of the

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

defendant which constitutes the offence, the court may award to such person such part of the penalty imposed as it thinks fit by way of compensation for such loss or damage.

- 11.** Account sales of farm produce sold shall be rendered by farm produce agents to their principals within fourteen days after the sale thereof.
- 12.** The Governor in Council may from time to time make regulations with respect to all or any of the following matters:—
- (i.) Licenses. The form, manner, and place of registration of licenses, renewals, cancellations, and other matters requiring registration under this Act, where not specially provided for in this Act;
 - (ii.) Lists. Means for circulating throughout Queensland or any part thereof lists of licenses and cancellations thereof;
 - (iii.) Account sales. The form and particulars of account sales to be rendered by farm produce agents to their principals;
 - (iv.) Records. Records to be kept by farm produce agents of farm produce and of the sale or other disposal thereof;
 - (v.) Inspection. The inspection of the records and books of farm produce agents by their principals or other authorised persons relating to transactions in which such principals are concerned;
 - (vi.) Market reports. The issue of official market reports with respect to farm produce;
 - (vii.) Weights. The checking of weights of farm produce, and the rendering of accounts as to weights;
 - (viii.) Penalties. Imposing penalties not exceeding fifty pounds for the breach of any regulation;
 - (ix.) Recovery of penalties. Regulating the procedure for the recovery of penalties and for the cancellation of licenses.

All such regulations, upon being published in the *Gazette*, shall have the same effect as if they were enacted in this Act.

All such regulations shall be laid before both Houses of Parliament within forty days after the publication thereof if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

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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 thereupon cease to have effect:

Provided always that, if such regulations and the amendments (if any) thereof are not duly laid before both Houses of Parliament as hereinbefore prescribed, they shall thereupon cease to have any force, effect, or operation whatsoever.

FIRST SCHEDULE.

Section 4.

APPLICATION FOR LICENSE.

Petty Sessions District

I, A.B., of _____, hereby make application for a farm produce agent's license. My sole [*or principal*] place of business is in the city [*or town*] of _____.

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

To the Clerk of Petty Sessions

SECOND SCHEDULE.

Section 4.

LICENSE.

Petty Sessions District

In pursuance of "*The Farm Produce Agents Act of 1917*," the court of petty sessions at _____ hereby issues this license to A.B., whose sole [*or principal*] place of business is within the city [*or town*] of _____, to carry on business as a farm produce agent in Queensland.

This license shall continue in force until the thirty-first day of December next after the date hereof, unless it is sooner cancelled.

Dated at _____ the _____ day of _____, 19 _____.

(Signed)

C.D., P.M.

(Countersigned) E.F., C.P.S.

APPROPRIATION.

See CONSTITUTION.

AUTHORITIES, LOCAL.

See LOCAL AUTHORITY.

CANE PRICES, SUGAR, REGULATION OF.

See SUGAR.