



ANNO VICESIMO QUINTO

GEORGII V REGIS.

A.D. 1934.

No. 2155.

An Act to consolidate certain Acts to regulate sales by auction.

[*Assented to, October 18th, 1934.*]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Auctioneers Act, 1934", and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. This Act is a consolidation of the Acts mentioned in the Schedule, and the said Acts are hereby repealed. Consolidation and repeal.

3. (1) No person—

(a) shall exercise the trade or business of an auctioneer or seller by commission at any sale of any estate, horses, cattle, goods, or effects whatsoever, by outcry, knocking down of hammer, or any other mode of sale at auction, or whereby the highest bidder becomes the purchaser :

(b) not being an auctioneer's clerk registered pursuant to this Act, shall act in the capacity of an auctioneer or shall deal in, sell, or put up to sale, any estate, horses, cattle, goods, or effects whatsoever, by public sale or by way of auction as aforesaid,

unless he is licensed pursuant to this Act.

Licensing of auctioneers. 9, 1862, s. 2.

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(2) Every licence under this Act shall set forth the true name and place of business of the person licensed.

(3) The fees payable on the issue of a licence under this Act shall be twenty-five pounds for a town licence and ten pounds for a country licence.

Method of
obtaining
licence.
Ibid., s. 4.
1419, 1920, s.
3.

4. (1) Every person desirous of obtaining an auctioneer's licence under this Act shall apply to the local court of limited jurisdiction nearest to his usual place of residence.

(2) Every application for a licence shall be lodged with the clerk of the court at least one week before the hearing of the application by the court.

(3) If the court is satisfied that the applicant is a fit and proper person to be licensed, the court shall after the hearing aforesaid deliver to the applicant a certificate to that effect under the hand of the special magistrate or justices constituting the court.

(4) On presentation of the certificate to the Receiver of Revenue at the Treasury or some other proper officer appointed in that behalf by the Governor, and upon payment of the fee required by section 3, the said receiver or officer shall issue and deliver to the applicant a licence in accordance with this Act and the application.

Effect of
licences.
9, 1862, s. 6.

5. (1) A town licence shall authorise the person licensed thereunder to act as an auctioneer anywhere in the State.

(2) A country licence shall authorise the person licensed thereunder to act as an auctioneer in any part of the State not being within the City of Adelaide or within a distance of ten miles from the said city.

(3) Every licence shall continue in force for twelve months from the date thereof unless the licence is renewed and in that case it shall continue in force for twelve months after the expiration of the last preceding licence, whether the preceding licence expired at the time of the granting of the renewed licence or not.

Partnership
licences.
Ibid., s. 7.

6. If two or more persons—

(a) who are in partnership as auctioneers constituting *bona fide* and in fact one firm; and

(b) who have or propose to have a place of business as auctioneers within the City of Adelaide or in some place within ten miles of the said city, either with or without additional places of business in the same capacity in country districts,

apply pursuant to this Act to be licensed as partners, partnership licences shall, on compliance with the provisions of this Act and on payment of a fee of twenty-five pounds each by two of the partners for their licences, be issued in accordance

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with this Act to the other member or members of the firm on payment of the fee of ten pounds for each such member or members.

7. (1) Any auctioneer may apply to the said receiver of revenue or officer appointed pursuant to section 4 for the issue of a licence to authorise his known clerk to act in his stead at sale by auction.

Auctioneer's
clerks.
Ibid., s. 8.

(2) Any such licence shall be issued accordingly on the payment of an annual fee of ten pounds which shall be additional to any fee payable for a licence by the auctioneer.

(3) In any case in which any such licence as an auctioneer's clerk is issued the auctioneer shall from time to time as occasion may require enter the name of the clerk at the office of the said receiver of revenue who shall register the same on payment of a fee of ten shillings.

8. (1) Every person licensed as an auctioneer shall, if he desires to continue in business as an auctioneer, take out a fresh licence ten days at least before the expiration of twelve months after the taking out of the first licence, and shall in the same manner renew any such licence from year to year, paying the fees required by this Act for each renewed licence.

Renewals of
licences.
Ibid., s. 9.

(2) The said receiver of revenue or officer appointed pursuant to section 4 shall, on the due application of a licence for any current year, issue and deliver to the applicant, a fresh licence in renewal of the then subsisting licence of the applicant.

(3) If any person licensed as an auctioneer under this Act does not renew his licence in manner aforesaid, and afterwards desires to renew the same, the said receiver of revenue or officer may require the applicant to produce a certificate as required by section 4 as if the applicant were then for the first time applying to be licensed, but it shall not be obligatory on the said receiver of revenue or officer to require such a certificate to be produced.

9. No person adjudicated a bankrupt shall, unless the adjudication is annulled, be entitled to receive a licence or renewal of a licence unless and until an order of discharge is issued.

Non-eligibility
of bankrupts
Ibid., s. 5

10. Every person—

(a) employed to sell by auction any of the lands of the Crown, or any estate or interest therein, or any goods, chattels, or other property of the Crown; or

(b) expressly authorised by any law to make any sale by auction,

Exemption of
Government
officers, &c.
Ibid., s. 3.

shall so far as the sales which he may as aforesaid be employed or authorised to make, be exempted from the operation of this Act.

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Penalties.
Ibid., s. 10.

11. Any person who acts as an auctioneer without a valid and subsisting licence authorising him in that behalf shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds and to imprisonment for any term not exceeding three months.

Summary procedure for offences.
Ibid., s. 11

12. All proceedings for offences against this Act shall be disposed of summarily.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Number of Act.	Short Title.
No. 9 of 1862	The Auctioneers Act, 1862.
No. 1419 of 1920	Auctioneers Act Amendment Act, 1920.

AUCTIONEERS ACT, 1934.

TABLE SHOWING HOW THE SECTIONS OF THE ACTS CONSOLIDATED HAVE BEEN DEALT WITH.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Auctioneers Act, 1862..... s. 1	Repealing provision	—
Ibid..... s. 2	.....	3
"..... s. 3	.....	10
"..... s. 4	As amended by 1419, 1920, s. 3, "Receiver of Revenue at the Treasury" is substituted for "Collector of Revenue".....	4
"..... s. 5	.....	9
"..... s. 6	.....	5
"..... s. 7	.....	6
"..... s. 8	.....	7
"..... s. 9	.....	8
"..... s. 10	.....	11
"..... s. 12	Provided for by the Acts Interpretation Act, 1915, s.42, and therefore omitted.....	—
"..... s. 13	Otherwise provided for by the Justices Act, 1921, and therefore omitted	—
"..... s. 14	Provided for by the Acts Interpretation Act, 1915, s. 29, and therefore omitted	—
"..... s. 15	Short title.....	—
".....Schedule	Schedule of Acts repealed	—
Auctioneers Act Amendment Act, 1920 s. 1	Short titles	—
Ibid..... s. 2	Incorporation.....	—
"..... s. 3	Amendment of 9, 1862, s. 4	4