

An Act to amend the Law relating to Sales
by Auction and Auctioneers.

[11th November, 1935.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Auction Sales Act 1935* and shall be read and construed as one with the *Auction Sales Act 1928* (hereinafter called the Principal Act) and the Act amending the same which Acts and this Act may be cited together as the Auction Sales Acts.

Short title
construction
and citation.
Nos. 3639, 4144.

2. For the interpretation of "Cattle" in section three of the Principal Act there shall be substituted the following interpretation:—

Amendment of
No. 3639 s. 3.
Interpretation.

" 'Cattle' means horses mares fillies foals geldings colts
bulls bullocks cows heifers steers calves ewes
wethers rams lambs and swine."

"Cattle."

3. (1) Any person who induces or attempts to induce any other person to abstain from bidding at a sale by auction of cattle either generally or for any particular lot, by

Splitting of
lots of cattle
purchased at
auction an
offence.

means

means of a promise, express or implied, that he will if he is the successful bidder for the cattle—

- (a) give such other person the right to elect to take over as purchaser through the auctioneer all or any of the said cattle at the auction price; or
- (b) agree to decide by tossing or the drawing of lots or any other method who is to become the owner of all or any of the said cattle—

shall be liable for a first offence to a penalty of not more than Ten pounds and for a second or any subsequent offence to a penalty of not more than Twenty-five pounds or to imprisonment for a term of not more than one month.

(2) Any person who abstains or agrees to abstain from bidding at a sale by auction of cattle as the result of a promise, express or implied, given to him—

- (a) that he shall have the right to elect to take over as purchaser through the auctioneer all or any of the said cattle at the auction price; or
- (b) that the ownership of all or any of the said cattle shall be determined by tossing or the drawing of lots or any other method—

shall be liable for a first offence to a penalty of not more than Ten pounds and for a second or any subsequent offence to a penalty of not more than Twenty-five pounds or to imprisonment for a term of not more than one month.

Entry by auctioneer or clerk in registry or book kept by auctioneer as purchaser of cattle sold by auction any name other than the name of the actual successful bidder, an offence.

4. (1) Any auctioneer or any clerk of an auctioneer who knowingly enters in any registry or book kept or required to be kept by such auctioneer as the purchaser of any cattle sold by auction any name other than the name of the actual successful bidder for such cattle shall be liable for a first offence to a penalty of not more than Ten pounds and for a second or any subsequent offence to a penalty of not more than Twenty-five pounds or to imprisonment for a term of not more than one month.

Auctioneer liable for incorrect entries by clerk.

(2) If the clerk of any auctioneer enters in any registry or book kept or required to be kept by such auctioneer as the purchaser of any cattle sold by auction any name other than the name of the actual successful bidder for such cattle the auctioneer shall unless he proves to the satisfaction

satisfaction of the court that he did not know that a name other than the name of the actual successful bidder was entered as aforesaid be guilty of an offence and shall be liable for a first offence to a penalty of not more than Ten pounds and for a second or any subsequent offence to a penalty of not more than Twenty-five pounds or to imprisonment for a term of not more than one month.

(3) Notwithstanding anything in the foregoing provisions of this section, where the actual successful bidder at a sale by auction of any cattle immediately after the auctioneer conducting such sale has indicated such actual successful bidder informs such auctioneer—

Provision for entry in registry or book of name other than name of actual successful bidder in certain cases.

(a) that he bid for such cattle on behalf of another person ; and

(b) of the name of such other person—

the said auctioneer or clerk shall not be guilty of an offence against the foregoing provisions of this section by reason of the fact that he enters in the registry or book aforesaid as purchaser of such cattle the name of such other person.

(4) An auctioneer shall not be deemed to be rendered liable under any of the foregoing provisions of this section by reason of the provisions of section forty-two of the Principal Act.

Saving.

No. 3039 s. 42.

5. (1) Every auctioneer shall before beginning any sale by auction of any cattle read or recite aloud a statement of the material parts of sections three and four of this Act :

Material parts of Act to be read or recited aloud at sales by auction of cattle.

Provided that where on any day successive sales by auction of cattle are held at the same selling place and the foregoing provisions of this sub-section are complied with by the auctioneer conducting the first of such sales no auctioneer thereafter conducting any of such successive sales shall be required before commencing any of such sales to comply with such provisions.

(2) Any auctioneer who fails to comply with the provisions of the last preceding sub-section shall be liable to a penalty of not more than Ten pounds.