

AUCTIONEERS ORDINANCE 1924.⁽¹⁾

No. 12 of 1924.

An Ordinance Relating to Auctioneers.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Auctioneers Ordinance* Short title.
1924.⁽¹⁾
2. This Ordinance shall commence on a date to be fixed by Commencement.
the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “Clerk” means the clerk of a District Court;
 - “Court” means a District Court;
 - “Licence” means an auctioneer’s licence issued under this Ordinance;
 - “Sale by auction” has a meaning corresponding to “Sell by auction”;
 - “Sell by auction” means sell any property by outcry, knocking down of hammer, candle, lot, parcel, instrument, machine or any other mode whereby the highest or the lowest 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 property in any way commonly known and understood to be by way of auction.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Governor-General in Council.	Date on which notified in <i>Commonwealth Gazette</i> .	Date on which took effect.
19.3.1924	27.3.1924	1.8.1924 (<i>N.G. Gaz.</i> of 15.5.1924)

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Auctioneers to be licensed.

4. Subject to this Ordinance, no person shall, in any part of the Territory, sell, or offer for sale, by auction, any property, unless he holds a licence authorizing him to do so in that part of the Territory.

Penalty: Not less than Fifteen pounds and not more than Fifty pounds.

Classes of licences.

5.—(1.) A licence may be—

(a) a general licence; or

(b) a district licence for the district only for which it is issued.

(2.) The holder of a general licence may sell by auction in any part of the Territory.

(3.) The holder of a district licence may sell by auction in the district only in respect of which the licence is issued.

Notice of intention to apply for licence.

6. Any person who desires to obtain a licence may, on or before the last Tuesday in any month, give to the clerk of the court for the district in which he resides a notice, in accordance with Form A in the Schedule to this Ordinance, of his intention to apply for the licence.

Lists of applicants to be posted.

7. The clerk shall cause a copy of the application made in pursuance of the last preceding section to be posted up, and to be kept posted up, until the application is disposed of, in some conspicuous place at the court-house or place at which the court sits.

Consideration of application.

8. The court shall consider and determine the application at a sitting to be held on the first Tuesday of the month following the giving of the notice.

Adjournments.

9. The court, or in the absence of the court, the clerk may adjourn the consideration and determination of all or any of the applications before the court to such day or days as the court or the clerk, as the case may be, thinks fit, but so that no such adjournments shall exceed in the aggregate one month from the day first appointed for the consideration of the applications.

Hearing to be in open court.

10. The hearing or adjourned hearing of any such application shall be held in open court.

Objections.

11.—(1.) At the hearing or adjourned hearing of any application for a licence any person may object to the granting of the application.

(2.) The court shall inquire into any such objections and for that purpose may summon and examine on oath such witnesses as it thinks necessary.

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- 12.** The court shall either grant or refuse an application for a licence as in its discretion it deems fit and proper. Discretion of court to grant or refuse applications.
- 13.** Where a court grants an application for a licence the justice presiding at the court shall issue to the applicant a certificate, in accordance with Form B in the Schedule to this Ordinance, authorizing the issue of a licence to the applicant. Certificate to approved applicant.
- 14.** Upon a person to whom a certificate is granted under section thirteen of this Ordinance lodging the certificate with the District Officer of the district in which the application for the licence was granted (in this Ordinance referred to as "the District Officer") the District Officer shall, upon payment of the prescribed fee, issue to that person, and register in his office, a licence in accordance with Form C or Form D in the Schedule to this Ordinance, as the case requires. Issue of licence.
- 15.** If any person to whom a certificate is granted under section thirteen of this Ordinance fails to lodge the certificate and the prescribed fee for the licence with the District Officer within six weeks after the issue of the certificate, the certificate shall be null and void. Certificate to be lodged within six weeks after issue.
- 16.** The District Officer shall within fourteen days after the issue of a licence forward to the Government Secretary the name and address of the person to whom the licence has been issued. Name and address of licensed auctioneer to be notified to Government Secretary.
- 17.** The Government Secretary shall cause to be published in the *New Guinea Gazette* the name and address of the person to whom the licence has been issued and a description of the licence, and in the case of a district licence the name of the district for which the licence has been issued. Issue of licence to be notified in Gazette.
- 18.** A licence shall be in force from the date of its issue until the first day of January thereafter. Duration of licence.
- 19.**—(1.) Subject to the next succeeding sub-section, the fee for a general licence shall be Fifteen pounds and the fee for a district licence shall be Five pounds. Fees for licences.
- (2.) If a licence has, at the date of its issue, less than twelve months to run, the fee shall be in proportion to the time which the licence has to run.
- 20.**—(1.) The District Officer, on the written application of the holder of a licence and on payment of the fee mentioned in sub-section (4.) of this section, may, if he is satisfied that the holder of the licence is unable from illness or other good cause to act as auctioneer, grant to the holder of the licence a temporary licence to sell by auction by his clerk or deputy. Temporary licence to clerk or deputy of licensed auctioneer.

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(2.) The clerk or deputy shall thereupon at the place and on the day specified in the temporary licence be authorized to act as an auctioneer on behalf of the holder of the licence.

(3.) A temporary licence shall be in accordance with Form E in the Schedule to this Ordinance.

(4.) A fee of One pound shall be paid for each day for which a temporary licence is granted.

(5.) The holder of a licence shall not in any year be granted more than six temporary licences.

(6.) The holder of a licence shall be personally liable and responsible for all acts and defaults of any clerk or deputy acting on his behalf by virtue of a temporary licence in the same manner and to the same extent as he would be liable and responsible if he had done the act or made the default.

(7.) During any day on which the temporary licence is in force, the general licence or the district licence, as the case may be, granted to the auctioneer, shall be suspended.

Persons
to whom
Ordinance
does not apply.

21. Notwithstanding anything contained in this Ordinance, any officer of any court of the Territory may, without holding a licence, sell by auction any property taken by him in execution by virtue of process issued from the court, and any officer of the Territory, who is authorized or required by any law in force in the Territory to sell any property by auction, may do so without holding a licence.

THE SCHEDULE.

FORM A.

TERRITORY OF NEW GUINEA.

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NOTICE OF APPLICATION FOR AUCTIONEER'S LICENCE.

To the Clerk of the District Court,

District.

I, _____, of _____, hereby give notice that it is my intention to apply at the next sittings of the abovenamed Court, to be held on the first Tuesday of next month, for an Auctioneer's General Licence.
District Licence.

Dated this _____

day of _____

19 _____

Signature of Applicant.

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FORM B.

TERRITORY OF NEW GUINEA.

Auctioneers Ordinance 1924.

CERTIFICATE TO AUTHORIZE THE ISSUE OF A LICENCE.

At the sittings [or adjourned sittings] of the District Court for the
District, held at _____ on the _____
day of _____, 19____, the said Court granted the application of
_____ of _____ for _____, and I,
as the Justice presiding at the said Court, hereby authorize the issue to
the said _____ of an Auctioneer's General Licence [or Auctioneer's
District Licence for _____ District, *as the case may be*] for the
year ending the thirty-first day of December, 19____.

Dated this _____ day of _____ 19____.

Signature of Justice.

FORM C.

TERRITORY OF NEW GUINEA.

Auctioneers Ordinance 1924.

AUCTIONEER'S GENERAL LICENCE.

A.B., of _____, is hereby licensed to act as an Auctioneer
for all parts of the Territory of New Guinea.

This licence shall continue in force until the first day of January next.

Dated this _____ day of _____ 19____.

Signature of District Officer.

FORM D.

TERRITORY OF NEW GUINEA.

Auctioneers Ordinance 1924.

AUCTIONEER'S DISTRICT LICENCE.

A.B., of _____, is hereby licensed to act as an Auctioneer
for the _____ District only.

This licence shall continue in force until the first day of January next.

Dated this _____ day of _____ 19____.

Signature of District Officer.

FORM E.

TERRITORY OF NEW GUINEA.

Auctioneers Ordinance 1924.

AUCTIONEER'S TEMPORARY LICENCE.

Whereas _____ of _____, is the holder of an
Auctioneer's General Licence [or Auctioneer's District Licence for
District *as the case may be*], and is desirous of selling by auction by his
clerk or deputy on the _____ day of _____ next at

_____ : Now therefore I do hereby certify that the said
_____ having paid the sum of One pound is authorized to act as
an auctioneer by his clerk or deputy on the said day of _____
next at _____ aforesaid.

Signature of District Officer.