

ECONOMIC STABILITY AND WAR-TIME PROVISIONS CONTINUANCE ACT.

Act No. 54, 1946.

George VI.
No. 54, 1946. An Act to make provision for the preservation of economic stability; to provide for the continuation of certain war-time provisions; to amend the Hire-purchase Agreements Act, 1941, the Money-lenders and Infants Loans Act, 1941, the Careless Use of Fire Act, 1912, the Gaming and Betting Act, 1912, and certain other Acts in certain respects: and for purposes connected therewith. [Assented to, 27th December, 1946.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

Short
title, and
division
into Parts.

1. (1) This Act may be cited as the “Economic Stability and War-time Provisions Continuance Act, 1946.”

(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—ECONOMIC STABILITY.

PART

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PART III.—HIRE-PURCHASE AGREEMENTS AND No. 54, 1946.
MONEY-LENDERS.

PART IV.—PROFESSIONAL REGISTERS.

PART V.—ELECTORAL SIGNS.

PART VI.—BUSH FIRES.

PART VII.—RACING.

PART II.—ECONOMIC STABILITY.

2. (1) In this Part of this Act unless inconsistent with ^{Interpre-}
the context or subject-matter— ^{tation.}

“Commonwealth Regulations” means—

The National Security (Prices) Regula-
tions;

The National Security (Landlord and
Tenant) Regulations;

The National Security (Capital Issues)
Regulations, and

The National Security (Economic Organ-
ization) Regulations (other than regu-
lation 4 and Part V)

in the form in which those regulations exist
immediately prior to the commencing day; and
a reference to the Commonwealth Regulations
shall be read as including a reference to any
part of those Regulations;

“the commencing day” in relation to any Common-
wealth Regulations means the day fixed by the
Governor under section three of this Act in
relation to those Regulations.

(2) In this Part of this Act and in any regulations
or instruments in operation by virtue of this Part of this
Act, unless the contrary intention appears—

(a) any reference to a Minister shall be read as a
reference to a Minister of State of the Common-
wealth;

(b) any reference to the Gazette shall be read as a
reference to the Commonwealth Gazette;

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(c) any reference to the Public Service Board shall be read as a reference to the Commonwealth Public Service Board of Commissioners; and

(d) any reference to any officer shall be read as a reference to that officer of the Commonwealth.

Operation
of certain
regulations.

3. (1) The Governor may, by proclamation published in the New South Wales Government Gazette, fix a commencing day in respect of all or any of the Commonwealth Regulations.

(2) Any day fixed in pursuance of subsection one of this section may be a day either before or after the date of the proclamation fixing that day.

(3) On and after the commencing day so proclaimed in relation to any such Regulations, those Regulations, in the form in which they existed immediately prior to that day, shall, subject to this Part of this Act, be and be deemed to have been in operation as if they were regulations made under this Part of this Act.

Continuance
of officers,
authorities,
etc.

4. Each authority and officer continued in existence, constituted, appointed or holding office under any Commonwealth Regulations in operation by virtue of section three of this Act shall, subject to this Part of this Act, continue to be in existence, constituted or appointed or to hold office for the purposes of those Regulations as in operation by virtue of this Part of this Act.

Continuance
of orders,
etc.

5. All orders, declarations, determinations, delegations, authorities, applications, notifications, rules, consents, agreements, requirements, valuations, certificates, reports, notices or directions which were made, given or entered into under any Commonwealth Regulations in operation by virtue of section three of this Act and which were in force or subsisting immediately prior to the commencing day fixed under this Part of this Act in respect of those Regulations shall, subject to this Part of this Act, be in force or effective so far as they operated or purported to operate in or in relation to the State but may be revoked or varied under any regulations in operation by virtue of this Part of this Act.

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6. (1) Any person who contravenes or fails to comply with— No. 54, 1946.
Offences.

- (a) any provision of any regulation in operation by virtue of this Part of this Act; or
- (b) any order, rule or other instrument in operation by virtue of this Part of this Act or made in pursuance of any regulation in operation under this Part of this Act,

shall be guilty of an offence against this Part of this Act.

(2) An offence against this Part of this Act may be prosecuted either summarily or upon indictment.

(3) The punishment for an offence against this Part of this Act shall be—

- (a) if the offence is prosecuted summarily—a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months; or
- (b) if the offence is prosecuted upon indictment—a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years.

(4) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of any money or goods in respect of which an offence against this Part of this Act has been committed.

7. Where a person convicted of an offence against this Part of this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence. Offences by corporations.

8. (1) Where any person is convicted of an offence against this Part of this Act, the court before which he is convicted may, either in addition to or in lieu of any punishment provided for the offence, require him to enter into recognizances with or without sureties to comply with the provisions of the regulations, orders, rules or other instruments in relation to which the offence was committed. Power to order recognizances.

(2)

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(2) If any person fails to comply with an order of the court requiring him to enter into recognizances, the court may order him to be imprisoned for any term not exceeding six months.

Delegation
of powers
under reg-
ulations.

9. (1) Any Minister having any powers or functions under any regulation in operation by virtue of this Part of this Act may, in relation to any matters or class of matters, by writing under his hand, delegate all or any of his powers and functions under that regulation (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

(3) Where in any regulation in operation by virtue of this Part of this Act the exercise of any power or function by a Minister, or the operation of any provision of that regulation, is dependent upon the opinion, belief or state of mind of a Minister in relation to any matter, that power or function may be exercised by the person to whom that power or function has been delegated by the Minister or that provision may operate, as the case may be, upon the opinion, belief or state of mind of that person in relation to that matter.

(4) Any delegation which was made by a Minister in respect of any of his powers and functions under any Commonwealth Regulations in operation by virtue of section three of this Act and which was in force immediately prior to the commencing day shall continue in force as if made under this Part of this Act.

Regulations.

10. (1) The Governor may, after consultation has taken place between the Premier of the State and the Prime Minister of the Commonwealth, make regulations—

(a) for or in respect of any matters or class of matters dealt with in any Commonwealth Regulations in operation by virtue of section three of this Act;

(b)

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- (b) repealing or amending any regulations in operation by virtue of this Part of this Act but so that any such amendment shall be in respect of a matter dealt with by those regulations. No. 54, 1946.

(2) The regulations made under this section may provide for empowering such persons or classes of persons as are prescribed and thereto authorised in pursuance of the regulations, to make orders, rules or other instruments for any of the purposes for which regulations are, by this Part of this Act, authorised to be made.

(3) The regulations made under this section shall—

- (a) be published in the New South Wales Government Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

11. (1) This Part of this Act and any regulations in operation by virtue of this Part of this Act and any orders, rules or other instruments in operation by virtue of such Part or regulations shall terminate on the thirty-first day of December, one thousand nine hundred and forty-eight, or on such earlier day as may be appointed by the Governor and notified by proclamation published in the New South Wales Government Gazette. Duration
of Part.

(2) The provisions of section eight of the Interpretation Act of 1897 shall apply in relation to the termination of this Part of this Act and of any such regulations,

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No. 54, 1946. regulations, orders, rules or other instruments as if that termination were a repeal and any such regulation, order, rule or other instrument were an Act.

PART III.

HIRE-PURCHASE AGREEMENTS AND MONEY-LENDERS.

**Commence-
ment and
citation.**

12. (1) This Part of this Act shall commence upon the first day of January, one thousand nine hundred and forty-seven.

(2) (a) The Hire-purchase Agreements Act, 1941, as amended by this Part of this Act, may be cited as the Hire-purchase Agreements Act, 1941-1946.

(b) The Money-lenders and Infants Loans Act, 1941, as amended by this Part of this Act, may be cited as the Money-lenders and Infants Loans Act, 1941-1946.

**Amendment of
Act No. 56,
1941.**

13. The Hire-purchase Agreements Act, 1941, is amended—

**Sec. 8.
(Provisions
as to
guarantors.)**

(a) by inserting at the end of subsection three of section eight the following words:—

Provided that any such agreement executed on or after the first day of January, one thousand nine hundred and forty-seven, binding the guarantor—

(a) to pay to the vendor a larger aggregate sum than that which the purchaser is liable to pay under the hire-purchase agreement in respect of which the guarantee is given; or

(b) to perform any obligation in respect of goods other than the goods comprised in the hire-purchase agreement in respect of which the guarantee is given

shall be null and void unless such agreement is executed by the guarantor in the presence of a chamber magistrate, clerk of petty sessions, or a solicitor instructed and employed independently of the vendor and is certified by such
magistrate,

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magistrate, clerk of petty sessions or solicitor No. 54, 1946.
as hereinafter provided.

The magistrate, clerk of petty sessions or
solicitor—

- (i) shall read over and explain, or cause to be read over and explained in his presence, to the guarantor the agreement; and
- (ii) shall examine the guarantor touching his knowledge of the agreement; and
- (iii) if he thinks fit may so examine him separately and apart from any other person; and
- (iv) if he is satisfied that the guarantor understands the true purport and effect thereof and freely and voluntarily executes the same, shall certify in writing upon the agreement that the agreement has been so read over and explained, and that he has examined the guarantor and is satisfied as hereinbefore required, and that the guarantor has executed the agreement in his presence.

Provided further that any such agreement executed before the first day of January, one thousand nine hundred and forty-seven, binding the guarantor as provided in paragraph (a) or paragraph (b) of the preceding proviso shall, to the extent to which it relates to goods delivered to the purchaser on or after the said first day of January, be null and void, unless the guarantor has in the manner prescribed by the preceding proviso for the execution of an agreement to which such preceding proviso relates, confirmed such agreement.

- (b) by inserting next after section fourteen the following new section:— New sec. 14A.

14A. Where by virtue of a hire-purchase agreement (whether entered into before or after the first day of January, one thousand nine hundred Removal of goods.

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hundred and forty-seven), a purchaser is under a duty to keep the goods comprised in the agreement in his possession or control at any particular address or not to remove such goods from any particular address a court of petty sessions exercising jurisdiction in the petty sessions district within which the purchaser resides or to which the purchaser desires to remove the goods may on application of the purchaser order that the purchaser shall be entitled to remove such goods in accordance with the provisions of such order.

The removal of any goods in accordance with the provisions of any such order relating to such goods shall not be deemed to be a breach of any covenant or condition in the hire-purchase agreement.

**New sec.
16A.**

**Restrictions
on payments
to owners of
goods by
financiers.**

(c) by inserting next after section sixteen the following new section:—

16A. (1) If in connection with the sale of any goods the person by whom or on whose behalf the sale is negotiated (hereinafter called the "owner") arranges that some other person (hereinafter called the "lender") shall:—

- (a) enter into a hire-purchase agreement in relation to those goods with a purchaser; or
- (b) accept any assignment of the owner's property in the goods comprised in, or of the owner's rights under, a hire-purchase agreement; or
- (c) advance or pay money to the owner or to some person on his behalf in respect of a hire-purchase agreement in relation to such goods,

such owner shall not seek, accept, demand or receive from the lender, and such lender shall not pay, offer or grant to the owner, directly or indirectly, any money or other valuable consideration which, together with the money (if any) paid or payable by or on behalf of the purchaser

purchaser to the owner and the value of any other consideration (if any) furnished or to be furnished by or on behalf of the purchaser to the owner, would exceed the price at which the goods might have been purchased from the owner by the purchaser for cash. No. 54, 1946.

In the absence of proof as to the price at which the goods might have been purchased from the owner by the purchaser for cash such price shall be deemed to be the price specified in the hire-purchase agreement pursuant to the provisions of paragraph (a) of subsection two of section twenty-three of this Act.

(2) Any person guilty of an offence against this section shall be liable on summary conviction—

- (a) if a company—to a penalty not exceeding two hundred pounds;
- (b) if any other person—to a penalty not exceeding one hundred pounds, or to imprisonment not exceeding three months, or to both such penalty and imprisonment.

14. The Hire-purchase Agreements Act, 1941, is further amended— Further amendment of Act No. 56, 1941.

- (a) by inserting at the end of subsection two of section one the following matter:— Sec. 1.
(Division into Parts.)

PART IV.—MINIMUM DEPOSITS.

- (b) by inserting next after section twenty-nine the following new Part:— New Part IV.

PART IV.—MINIMUM DEPOSITS.

30. In this Part “hire-purchase agreement” does not include any agreement or arrangement which is entered into solely for the purpose of giving effect to an assignment or transfer of the rights and liabilities under an existing hire-purchase agreement from the purchaser to another person. Definition.

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**Minimum
deposits.**

31. (1) A person shall not enter into any hire-purchase agreement unless the agreement provides for payment of a deposit as follows:—

(a) where the goods the subject of the agreement consist of:—

- (i) an agricultural implement;
- (ii) machinery to be used for manufacturing or industrial purposes;
- (iii) a motor tractor;
- (iv) electrical appliances, machinery or equipment for use wholly or partly in or for the purposes of primary production;
- (v) any appliance operated by gas or electricity; or
- (vi) any appliance for household use operated by oil, coal, coke, or other fuel;

a deposit of not less than one-tenth of the purchase price;

(b) in any other case, a deposit of not less than one-fifth of the purchase price;

(c) where the goods the subject of the agreement consist of goods in respect of which different minimum deposits are required by this section, a deposit of not less than the deposit which would be payable if all the goods were of that class of goods subject to the agreement in respect of which the greatest minimum deposit is required.

(2) The deposit required by subsection one of this section may include the value of any goods provided or required to be provided by the purchaser to purchase the goods under the hire-purchase agreement.

32. A hire-purchase agreement entered into in contravention of this Part shall be void except insofar as the rights of the purchaser thereunder or arising thereout are concerned.

**Hire-
purchase
agreements
in contra-
vention of
this Part.**

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15. The Money-lenders and Infants Loans Act, 1941, No. 54, 1946.
is amended—

- (a) by inserting in subsection three of section one after the words and figures "PART IV.— MISCELLANEOUS" the following matter:—

Amendment of
Act No. 67,
1941.
Sec. 1.
(Division
into Parts.)

PART V.—CASH ORDERS.

- (b) by inserting next after section fifty-one the following new Part:—

New
Part V.

PART V.—CASH ORDERS.

52. (1) In this Part of this Act unless the context or subject-matter otherwise indicates or requires:—

Definitions
and
application.

"Cash loan" means a loan of money made or to be made by a cash order trader.

"Cash order" includes any document which is issued for the purpose of enabling a person to receive goods, services or other valuable consideration in exchange therefor and in consideration of, or in association with, an agreement by that person to pay to the person issuing the order the amount thereof at a fixed or determinable future time, or by instalments, but does not include a bill of exchange.

"Cash order trader" means a licensed money-lender who carries on the business of issuing cash orders, whether alone or in conjunction with any other business.

(2) This Part of this Act shall apply to and in respect of cash orders issued after the commencement of the National Security (Cash Orders and Hire Purchase Agreements) Regulations under the National Security Act 1939-1943 of the Parliament of the Commonwealth and subsisting upon the first day of January, one thousand nine hundred and forty-seven, as well as to cash orders issued after the said first day of January.

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Cash orders
to be issued
only at
authorised
address and
to be
received
in person.

53. (1) Subject to subsection two of this section, a cash order trader shall not issue a cash order—

- (a) at any place other than his authorised address; and
- (b) unless the applicant for the cash order receives it in person at such address.

(2) Nothing in subsection one of this section shall prevent a cash order trader from issuing a cash order otherwise than in person to the applicant therefor if an application in writing for the issue of the cash order has been received otherwise than through an employee or agent of the cash order trader.

(3) An employee or agent of a cash order trader shall not—

- (a) prepare or complete an application for the issue of a cash order; or
- (b) accept or receive an application for the issue of a cash order for transmission through the post or otherwise to a cash order trader.

Control of
cash orders.

54. (1) A cash order trader shall not make any agreement or arrangement for the charging or receipt of, or, subject to subsection three of this section, charge or receive in respect of any cash order issued by him any sum greater than the amount of the cash order and an amount calculated at the rate of nine pence for each one pound of the amount of the cash order.

(2) A person who accepts a cash order in exchange for any goods, services or other valuable consideration shall present it for redemption within one month after he so accepts it, but failure to comply with the provisions of this subsection shall not invalidate any cash order or affect the rights or obligations of any person arising under, or in connection with, any cash order.

(3)

(3) A person who redeems a cash order shall pay to the person who presents the cash order for redemption the full amount thereof less—

(a) where payment is made not later than fourteen days after—

(i) the end of the month during which the cash order is presented for redemption; or

(ii) the date on which the goods for which the cash order was exchanged were delivered, or the date on which the services or other valuable consideration for which the cash order was exchanged were received,

whichever is the later—an amount not exceeding ten per centum of the amount of the cash order; or

(b) in any other case—an amount not exceeding five per centum of the amount of the cash order.

(4) A cash order trader shall not issue a cash order unless it is repayable in full within not more than twenty weeks after the date of issue thereof.

55. (1) A cash order trader shall not issue to any person any cash order for an amount exceeding twenty pounds.

Cash orders
in excess
of £20
not to be
issued.

(2) A cash order trader shall not issue a cash order to any person unless that person certifies in writing to the cash order trader—

(a) that a cash order has not at any time previously been issued to him or her, or to his or her spouse, as the case may be; or

(b) that the amount unpaid under all cash orders previously issued to him or her, together with the amount (if any)

unpaid

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unpaid under any cash orders previously issued to his or her spouse, as the case may be, together with the amount of the cash order then issued, does not exceed twenty pounds;

and the cash order trader has no reason to doubt the truth of the certificate.

Provided that where an applicant for a cash order being married is living separate and apart from his or her spouse, as the case may be, or being married, his or her spouse, as the case may be, is outside New South Wales, such applicant shall not be required to certify in accordance with paragraph (a) or paragraph (b) of this subsection in respect of any cash order issued to any such spouse.

(3) Any person who makes any false or misleading statement in any certificate given for the purposes of subsection two of this section shall be guilty of an offence against this Act and shall be liable to the penalty provided by section fifty-nine of this Act.

(4) Every cash order trader shall preserve at his authorised address all certificates given to him under subsection two of this section for a period of not less than one year after the completion of the transaction to which the certificate relates.

Cash loan
not to be
made in
certain
cases.

56. A cash order trader shall not make a cash loan to any person where any amount remains unpaid under any cash order previously issued by that cash order trader to that person, or to his wife or her husband, as the case may be.

Amounts
not
expended
to be
credited
or paid.

57. Where portion of the amount of a cash order is not expended, the cash order trader shall, on demand by the person to whom the cash order was issued, credit him with, or, where the cash order has been repaid in full, pay to him, the amount unexpended.

58. (1) In this section—

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“quarter” means a period of three months commencing on the first day of January, the first day of April, the first day of July, or the first day of October;

Limitation
of volume
of business
of cash
order
traders.

“volume of business”, in relation to any cash order trader, means the total amount of all cash orders issued by that cash order trader during a quarter.

(2) The Minister may, by notification in the Gazette, determine from time to time the volume of business of any cash order trader in respect of any quarter or quarters commencing after the date of publication of such notification.

(3) A cash order trader to whom any determination under subsection two of this section applies shall not, as from the commencement of any quarter in respect of which such determination has been made, issue any cash order so that his volume of business in respect of that quarter exceeds the volume of business determined as aforesaid in respect of that quarter.

(4) (a) Where the Treasurer of the Commonwealth of Australia has, pursuant to the provisions of regulation seventeen of the National Security (Cash Orders and Hire Purchase Agreements) Regulations, determined the volume of business of any cash order trader in respect of the quarter commencing on the first day of October, one thousand nine hundred and forty-six, that cash order trader shall not issue any cash order so that his volume of business in respect of any quarter exceeds the volume of business determined by the Treasurer in respect of the quarter commencing on the first day of October, one thousand nine hundred and forty-six.

(b)

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(b) Where a determination has been made under subsection two of this section in respect of a cash order trader to whom this subsection applies this subsection shall in relation to that cash order trader cease to have effect in respect of any quarter as to which such determination is made.

(5) Every cash order trader shall, during the months of January, April, July and October of each year furnish to the Minister full particulars of his volume of business for the quarter immediately preceding that month.

Invalidation
of trans-
actions in
contraven-
tion of
Part and
penalties.

59. (1) Any agreement or arrangement entered into or made, cash order issued, or cash loan made in contravention of this Part of this Act shall be void, but nothing in this section shall affect the right of any person who receives a cash order in exchange for goods, services or other valuable consideration to obtain redemption of the cash order.

(2) Any person who contravenes or fails to comply with any of the provisions of this Part of this Act shall be guilty of an offence against this Act and liable—

(a) if a company—to a penalty of not less than fifty pounds and not exceeding five hundred pounds;

(b) if any other person—to a penalty of not less than ten pounds and not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

Sec. 23.
(Regulation
of loans to
and
guarantees
by married
persons.)

(c) by inserting at the end of subsection five of section twenty-three the words:—

“In this subsection ‘money-lending transaction’ does not include a cash order within the meaning of Part V of this Act.”

PART

PART IV.

PROFESSIONAL REGISTERS.

16. This Part of this Act shall commence upon the first day of January, one thousand nine hundred and forty-seven. Commence-
ment of
Part.

17. (1) The Medical Practitioners Act, 1938-1945, is amended— Amendment
of Act No.
37, 1938.

(a) by omitting from subsection one of section thirty-one the words “and shall, by him, be published in the Gazette” and by inserting in lieu thereof the words “who shall thereupon cause the same to be printed and published by the Government Printer”; Sec. 31.
(Publication
of copy
of register.)

(b) by omitting from subsection two of the same section the words “appearing in the Gazette” and by inserting in lieu thereof the words “purporting to be printed by the Government Printer.”

(2) The Medical Practitioners Act, 1938, as amended by subsequent Acts and by this section, may be cited as the Medical Practitioners Act, 1938-1946.

18. (1) The Dentists Act, 1934-1945, is amended— Amendment
of Act No. 10,
1934.

(a) by omitting from subsection two of section six the words “published in the Gazette” and by inserting in lieu thereof the words “printed and published by the Government Printer”; Sec. 6.
(Particulars
in register.)

(b) by omitting from paragraph (b) of subsection one of section twenty the words “a copy of the Gazette containing the latest published copy of the register” and by inserting in lieu thereof the words “a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.” Sec. 20,
(Evidence of
entry in
register.)

(2) The Dentists Act, 1934, as amended by subsequent Acts and by this section, may be cited as the Dentists Act, 1934-1946.

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Amendment
of Act No. 7,
1897.

Sec. 10.

(List of
pharmacists
to be
published.)

Sec. 23.

(Registers
to be
prima facie
evidence.)

19. (1) The Pharmacy Act, 1897-1940, is amended—

(a) by omitting from section ten the words “publish in the Gazette” and by inserting in lieu thereof the words “cause to be printed and published by the Government Printer”;

(b) by omitting from section twenty-three the words “the Gazette containing the list provided for in section ten” and by inserting in lieu thereof the words “the list referred to in section ten of this Act purporting to be printed by the Government Printer which is for the time being the latest copy so printed.”

(2) The Pharmacy Act, 1897, as amended by subsequent Acts and by this section, may be cited as the Pharmacy Act, 1897-1946.

Amendment
of Act No.
20, 1930.

Sec. 13.

(Register.)

20. (1) The Opticians Act, 1930-1945, is amended by omitting from subsection one of section thirteen the words “published in the Gazette” and by inserting in lieu thereof the words “printed and published by the Government Printer.”

(2) The Opticians Act, 1930, as amended by subsequent Acts and by this section, may be cited as the Opticians Act, 1930-1946.

Amendment
of Act No.
37, 1924.

Sec. 11.

(Register.)

21. (1) The Nurses’ Registration Act, 1924-1932, is amended—

(a) by omitting from subsection one of section eleven the words “published in the Gazette” and by inserting in lieu thereof the words “printed and published by the Government Printer”;

(b) by omitting from the same subsection the words “A copy of such Gazette” and by inserting in lieu thereof the words “A copy of such lists purporting to be printed by the Government Printer which is for the time being the latest copy so printed.”

(2) The Nurses’ Registration Act, 1924, as amended by subsequent Acts and by this section, may be cited as the Nurses’ Registration Act, 1924-1946.

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22. (1) The Architects Act, 1921-1941, is amended by omitting from subsection one of section ten the words "published in the Gazette" and by inserting in lieu thereof the words "printed and published by the Government Printer."

No. 54, 1946.
Amendment
of Act No.
8, 1921.
Sec. 10.
(Architects
roll.)

(2) The Architects Act, 1921, as amended by subsequent Acts and by this section, may be cited as the Architects Act, 1921-1946.

23. (1) The Veterinary Surgeons Act, 1923, is amended—

Amendment
of Act No.
25, 1923.
Sec. 10.
(Roll.)

(a) by omitting from subsection one of section ten the words "published in the Gazette" and by inserting in lieu thereof the words "printed and published by the Government Printer";

(b) by omitting from subsection two of the same section the words "A copy of the Gazette" and by inserting in lieu thereof the words "A copy of the register purporting to be printed by the Government Printer."

(2) The Veterinary Surgeons Act, 1923, as amended by this section may be cited as the Veterinary Surgeons Act, 1923-1946.

24. (1) The Surveyors Act, 1929, as amended by subsequent Acts, is amended—

Amendment
of Act No. 3,
1929.

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

Sec. 8.
(Board to
keep a
register.)

(3) The board shall, in the month of January in each year, cause a copy of the register signed by the president to be printed and published by the Government Printer.

(b) by omitting from subsection four of the same section the words "A copy of the Gazette" and by inserting in lieu thereof the words "A copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed."

(2) The Surveyors Act, 1929, as amended by subsequent Acts and by this section, may be cited as the Surveyors Act, 1929-1946.

25.

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No. 54, 1946.

Amendment
of Act No. 17,
1899.

Sec. 34.

(Annual

list of

names.)

25. (1) The Registration of Births, Deaths, and Marriages Act, 1899-1944, is amended—

(a) by omitting from subsection one of section thirty-four the words “publish in the Gazette” and by inserting in lieu thereof the words “cause to be printed and published by the Government Printer”;

(b) by inserting at the end of the same subsection the following words:—

“Every list so printed shall bear thereon the day, month and year of its publication.”

(2) The Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts and by this section, may be cited as the Registration of Births, Deaths, and Marriages Act, 1899-1946.

Amendment
of Act No. 9,
1945.

Sec. 20.

(Register.)

26. (1) The Physiotherapists Registration Act, 1945, is amended—

(a) by omitting from subsection five of section twenty the words “published in the Gazette” and by inserting in lieu thereof the words “printed and published by the Government Printer”;

(b) by omitting from paragraph (b) of subsection one of section thirty-one the words “the Gazette containing the latest published copy of the register” and by inserting in lieu thereof the words “the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.”

(2) The Physiotherapists Registration Act, 1945, as amended by this section, may be cited as the Physiotherapists Registration Act, 1945-1946.

PART V.

ELECTORAL SIGNS.

Commence-
ment of
Part and
citation.

27. (1) This Part of this Act shall commence upon the first day of January, one thousand nine hundred and forty-seven.

(2)

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(2) The Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts and by this Part of this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1946. No. 54, 1946.

28. The Parliamentary Electorates and Elections Act, 1912-1944, is amended by inserting next after section 151A the following new section:—

Amendment
of Act No.
41, 1912.
New sec.
151B.

151B. (1) Any person who posts up or exhibits or permits or causes to be posted up or exhibited, any poster of any size exceeding the prescribed size, shall be liable to a penalty of not less than twenty pounds and not exceeding fifty pounds.

Exhibition
of
posters.

(2) A poster shall be deemed to be posted up or exhibited if it is posted up or exhibited in or on any building, vehicle, vessel, hoarding or fence, or in or on any movable or immovable object in any place (whether it is or is not a public place and whether on land or water or in the air).

(3) Nothing in this section shall prohibit the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908-1946.

(4) Every contract or agreement for the posting up or exhibition of any poster entered into on or before the first day of January, one thousand nine hundred and forty-seven, is to the extent to which the contract or agreement relates to any poster of a size exceeding the prescribed size hereby declared to be void and of no effect.

(5) Any person who writes, draws or depicts any electoral matter directly on any roadway, foot-path, building, vehicle, vessel, hoarding or place (whether it is or is not a public place and whether on land or water) shall be liable to a penalty of not less than twenty pounds and not exceeding fifty pounds.

(6) In this section—

“electoral matter” means any matter which is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held under this Act

or

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or of any referendum of the electors held or to be held in accordance with the provisions of any Act or which is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his vote at any such election or referendum.

“poster” means any electoral matter printed, drawn or depicted on any material whatsoever and where any electoral matter is printed, drawn or depicted in sections, such sections, both severally and collectively, shall be deemed to be a poster.

“the prescribed size” means ten inches in length and six inches in width.

PART VI.

BUSH FIRES.

Commence-
ment of
Part and
citation.

29. (1) This Part of this Act shall commence upon the first day of January, one thousand nine hundred and forty-seven.

(2) The Careless Use of Fire Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Careless Use of Fire Act, 1912-1946.

Amendment
of Act No. 28,
1912.
New sec. 4B.

30. The Careless Use of Fire Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 4A the following new section:—

Lighting
of fires
prohibited
in emergent
circum-
stances.

4B. (1) Where the Minister is of opinion that it is necessary or expedient in the interests of public safety so to do, he may by notification published in the Gazette or in a newspaper circulating in the area or areas to which the direction relates, direct that—

- (a) the lighting of any fire or class of fire in the open air is prohibited in such area or areas and for such period or periods as may be specified in such notification;
- (b) such special conditions as may be specified in such notification be observed by persons lighting any fire or class of fire in the open air

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air in such area or areas and for such period or periods as may be specified in such notification; No. 54, 1946.

- (c) such action as may be specified in such notification be taken in such area or areas and by such persons or class of persons as may be specified in such notification for preventing the outbreak or the spread of any bush fire or for controlling or extinguishing any bush fire.

(2) Where the Minister is of the opinion that the weather conditions are conducive to the outbreak or spread of bush fires or that weather conditions conducive to the outbreak or spread of bush fires are imminent and that it is impracticable to give any directions under paragraph (a) of subsection one of this section in the manner prescribed by that subsection such directions may be given by or on behalf of the Minister verbally or in such other manner including aerial broadcast as the Minister deems expedient.

(3) The Minister may by writing under his hand delegate all or any of his powers or functions under this section (except this power of delegation) to the council of an area so that the delegated powers or functions with respect to the matters or class of matters specified in the instrument of delegation may be exercised by that council in respect of the area of which it is the council.

Every delegation under this subsection shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.

Where in this section the exercise of any power or function by the Minister or the operation of any provision of this section is dependent upon the opinion of the Minister in relation to any matter that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion of the delegate in relation to that matter.

(4)

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(4) Any person who fails to comply with any direction given by the Minister or the council of an area under or pursuant to the provisions of this section shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any period not exceeding one year or to both such penalty and imprisonment.

(5) In this section "council" and "area" have the meanings ascribed thereto respectively in the Local Government Act, 1919, as amended by subsequent Acts.

(6) The provisions of this section shall have effect notwithstanding anything contained in this or any other Act to the contrary.

PART VII.

RACING.

Commence-
ment of
Part.

31. This Part of this Act shall commence upon the first day of January, one thousand nine hundred and forty-seven.

Restrictions
applicable
to race-
meetings.

32. (1) In this section "race-meeting" and "race-course" shall have the meanings ascribed thereto in the Gaming and Betting Act, 1912-1942.

(2) No race-meeting shall be held on any race-course within seventy-five miles of the General Post Office, Sydney, nor within forty miles of the principal post office, Newcastle, on any day other than a Saturday or public holiday:

Provided that the Governor may authorise a race-meeting to be held on Randwick Racecourse on Wednesday, the ninth day of April, one thousand nine hundred and forty-seven:

Provided further that where a race-meeting to be held on any race-course on any day in accordance with the provisions of this subsection cannot be held on such

such day on account of unfavourable weather such race-meeting may be postponed and held on any other day (not being Sunday, Good Friday or Christmas Day) within fourteen days of such postponement. No. 54, 1946.

(3) If any race-meeting is held in contravention of this section, the owner or trustees of the race-course, and the club, association, or person by or on behalf of which or whom such race-meeting was so held, and each member of the managing body of such trustees, club or association, and any person acting at such race-meeting as starter or judge, shall be liable to a penalty not less than five hundred pounds and not exceeding one thousand pounds.

(4) The provisions of this section shall have effect notwithstanding anything contained in the Gaming and Betting Act, 1912-1942, or any other Act.

(5) This section shall remain in force until the thirtieth day of June, one thousand nine hundred and forty-seven:

Provided that the Governor may by notification published in the Gazette extend the operation of this section for such period not exceeding three months as the Governor may determine.
