

FARM PRODUCE AGENTS (AMENDMENT) ACT.

Act No. 40, 1952.

**Elizabeth II,
No. 40, 1952.**

An Act to make further provision with respect to the regulation of the sale and disposal of farm produce; for this and other purposes to amend the Farm Produce Agents Act, 1926, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 25th November, 1952.]

BE it enacted by the Queen'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:—

**Short title,
citation and
commence-
ment.**

1. (1) This Act may be cited as the "Farm Produce Agents (Amendment) Act, 1952."

(2) The Farm Produce Agents Act, 1926, as amended by subsequent Acts and by this Act, may be cited as the Farm Produce Agents Act, 1926-1952.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment
of Act No.
7, 1926.**

2. The Farm Produce Agents Act, 1926, as amended by subsequent Acts, is amended—

**New sec.
13A.**

(a) by inserting next after section thirteen the following new section:—

**Informa-
tion to be
supplied
and books
to be
produced.**

13A. (1) For the purpose of ascertaining whether any offence against this Act or the regulations has been committed the registrar or any person authorised generally to exercise the powers conferred by subsection one of section thirteen of this Act may—

(a) require any person having farm produce in his possession for sale or for use in connection with any business, commercial

commercial or trading undertaking or whom he has reasonable cause to believe has farm produce in his possession as aforesaid to furnish him with information as to the ownership of such farm produce or the source from which it was acquired;

- (b) require any person to produce for his inspection any book or record kept under this Act or the regulations or required by or under this Act or the regulations to be kept by such person or any docket or other document delivered in accordance with this Act or the regulations or required by or under this Act or the regulations to have been delivered to such person in respect of farm produce purchased by such person for resale or for use in connection with any business, commercial or trading undertaking, and take copies thereof or of any particulars contained therein.

(2) Any person who, when so required under subsection one of this section,—

- (a) refuses or neglects to furnish information or furnishes information which is false in any particular;
- (b) refuses or neglects to produce any book, record, docket or other document or produces any book, record, docket or other document which is false in any particular,

shall be guilty of an offence against this Act:

Provided that it shall be a defence to any prosecution for refusal or neglect to produce any such book, record, docket or other document if the person charged proves that such book, record, docket or other document has been destroyed or disposed of in accordance with the provisions of this Act or the regulations.

(b)

Farm Produce Agents (Amendment) Act.**No. 40, 1952.**Substituted
sec. 23.Regulation
of com-
mission
and other
charges.

(b) by omitting section twenty-three and by inserting in lieu thereof the following section:--

23. (1) No farm produce agent shall charge, sue for or recover any fees, charges, commission, reward or other remuneration—

- (a) for or in respect of the sale or disposal of farm produce except commission not exceeding the prescribed commission;
- (b) for or in respect of the performance or doing of any service, act or thing incidental to the sale or disposal of farm produce or in relation to any farm produce sold or disposed of by him or forwarded or delivered to or received by him for sale or disposal unless such service, act or thing is a service, act or thing prescribed as one in respect of which fees, charges, commission, reward or other remuneration may be charged, sued for or recovered;
- (c) for or in respect of any service, act or thing so prescribed in excess of the fees, charges, commission, reward or other remuneration prescribed for such service, act or thing.

(2) No farm produce agent shall charge, sue for or recover any fees, charges, commission, reward or other remuneration for or in respect of the sale or disposal of farm produce or any service, act or thing in respect of which fees, charges, commission, reward or other remuneration may be charged, sued for or recovered unless he is the holder of a license.

(3) (a) Any term or condition, expressed or implied, of or attaching to any contract between a farm produce agent and any person relating to the sale or disposal of farm produce on behalf of such person, providing for, seeking or requiring the payment of any fees, charges, commission,

commission, reward or other remuneration for No. 40, 1952.
the performance or doing by such agent of any
service, act or thing not being incidental to the
sale or disposal of such farm produce nor in
relation to farm produce sold or disposed of by
him on behalf of such person or forwarded or
delivered to or received by him from such person
for sale or disposal, shall be null and void.

(b) The provisions of paragraph (a)
of this subsection shall apply to and in respect
of contracts referred to in such paragraph
entered into before the commencement of the
Farm Produce Agents (Amendment) Act, 1952,
as well as to contracts entered into after such
commencement.

(c) by inserting next after subsection one of section Sec. 32.
thirty-two the following new subsection:— (Regula-
tions.)

(1A) In addition to the matters referred to
in subsection one of this section the Governor
may make regulations—

(a) prohibiting or regulating within public
markets any sales or class of sales of
farm produce or sales of farm produce
by or to any persons or class of persons
or purchases of farm produce by any
persons or class of persons;

(b) prescribing the books or records to
be kept by persons or any class of
persons who sell farm produce in a
public market or by persons or any
class of persons who purchase farm
produce for sale or use in connection
with any business, commercial or trad-
ing undertaking whether or not such
farm produce is purchased in a public
market;

(c) requiring the delivery by vendors to
purchasers of dockets or documents
containing the prescribed particulars
with respect to farm produce sold in a
public

Farm Produce Agents (Amendment) Act.

No. 40, 1952.

public market and the retention of dockets or other documents required to be delivered or issued under this Act by the persons to whom they are delivered or issued;

- (d) otherwise prohibiting or regulating the marketing of farm produce or marketing practices in relation to farm produce in public markets.

Such regulations may be made with respect to public markets generally or with respect to any specified public market or class of public markets or to any specified part of any public market or to all public markets other than those specified.

In this subsection "public market" means any market provided controlled or managed by the council of any city, municipality or shire or by a county council within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, and any other place which the Governor may by proclamation published in the Gazette declare to be a public market for the purposes of this subsection.

The provisions of the Local Government Act, 1919, as amended by subsequent Acts, and of any ordinances thereunder, shall to the extent to which they are inconsistent with the provisions of any regulation made under this subsection cease to have any force or effect.

STAMP.