



ANNO DECIMO TERTIO

**GEORGII VI REGIS.**

A.D. 1949.

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**No. 35 of 1949.**

**An Act to amend the Business Agents Act, 1938.**

*[Assented to 24th November, 1949.]*

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

Short titles.

1. (1) This Act may be cited as the " Business Agents Act Amendment Act, 1949 ".

(2) The Business Agents Act, 1938, as amended by this Act, may be cited as the " Business Agents Act, 1938-1949 ".

(3) The Business Agents Act, 1938, is hereinafter referred to as " the principal Act ".

Enactment of  
s. 13a of  
principal Act—

2. The following section is enacted and inserted in the principal Act after section 13 thereof :—

Renewal of  
licence.

13a. (1) The holder of a licence may not earlier than the first day of January and not later than the last day of February preceding the date of the expiry of the licence make an application for the renewal of the licence.

(2) Except as hereinafter in this section provided, every application for a renewal of a licence shall be made in the same manner and to the same court as an application for a licence is made ; Provided is shall not be necessary for an advertisement to be published as provided by section 10 and provided further that if the applicant has previously

filed a fidelity bond complying with this Act which will enure and remain of full force and effect during the period of renewal of the applicant's licence the applicant shall be deemed to have complied with the provisions of this Act relating to the filing of a fidelity bond.

(3) Any person who objects to the renewal of a licence may, at any time before the seventh day of March in any year, file in the local court in which the application is filed, a notice in the prescribed form of his objection to the application and the grounds of his objection. The provisions of this Act relating to objections (except subsection (1) of section 11) shall apply in respect of any such objection.

(4) Where any objection is lodged to the renewal of a licence, the court shall hear and determine the application for renewal in the same manner as if it were an application for the issue of a licence.

(5) In the absence of any objection to an application for the renewal of a licence the court may, on payment of the fee provided to be paid by section 18, grant a renewal without further inquiry as to the fitness of the applicant to carry on the business of a business agent.

An application for renewal of a licence to which no objection has been filed may be dealt with by the court sitting in chambers at such time and place as the court thinks fit.

(6) The court may, in its discretion, hear and determine any application for the renewal of a licence, or any objection to such renewal, notwithstanding that the application or objection may not have been filed within the times limited by this section in that behalf.

(7) If application for the renewal of a licence has been filed, but is not determined on or before the thirty-first day of March in any year, the licence shall, notwithstanding anything to the contrary in this Act, be deemed to be extended until the application is disposed of by a court in accordance with this Act.

(8) Subject to this section every reference in this Act to an application for a licence shall be deemed to include a reference to an application for the renewal of a licence.

**3. Section 16 of the principal Act is amended—**

- (a) by striking out the words " thirtieth day of June " in the fourth line thereof and by inserting in lieu thereof the words " thirty-first day of March " ;

Amendment of  
principal Act,  
s. 16—  
Duration of  
licence.

(b) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) If any licence is current at the passing of the Business Agents Act Amendment Act, 1949, the licence shall, unless sooner cancelled, continue in force until the thirty-first day of March next after the said passing and no longer, but the following provisions shall apply in respect thereof :—

- i. If at the expiration of the licence, the licence is renewed pursuant to this Act then the fee to be paid for that renewal shall be three-quarters of the fee which would otherwise be payable pursuant to section 18 :
- ii. If at the expiration of the licence the licence is not renewed pursuant to this Act, the Treasurer shall refund to the holder of the licence one-quarter of the fee paid for the licence.

Any payment required to be made pursuant to this subsection shall be made from the general revenue without any further appropriation than this section and the general revenue is hereby appropriated for that purpose accordingly.

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

C. W. M. NORRIE, Governor.