

Serial 66
Auctioneers Act Repeal (Consequential Amendments) Bill 2002
Dr Toyne

**A BILL
for
AN ACT**

to amend various legislation consequential on the repeal of the *Auctioneers Act*



NORTHERN TERRITORY OF AUSTRALIA
AUCTIONEERS ACT REPEAL (CONSEQUENTIAL AMENDMENTS) ACT
2002

No. of 2002

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

AN ACT

to amend various legislation consequential on the repeal of the *Auctioneers Act*

[Assented to 2002]

[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Auctioneers Act Repeal (Consequential Amendments) Act 2002*.

2. Commencement

This Act comes into operation on the commencement of the *Auctioneers Act Repeal Act 2002*.

3. Amendments of *Consumer Affairs and Fair Trading Act*

(1) The *Consumer Affairs and Fair Trading Act* is amended by inserting after Part 9 the following:

"PART 9A – AUCTIONS

"125A. Auctioneer to keep record of property sold

"(1) An auctioneer must record, in a book to be kept for the purpose, full particulars of all property sold by the auctioneer at auction and must preserve

Auctioneers Act Repeal (Consequential Amendments) Act 2002

the record for at least 12 months after the date of the sale.

Penalty: If the offender is a natural person – 10 penalty units.

If the offender is a body corporate – 20 penalty units.

"(2) The auctioneer must make the book available at all reasonable times for inspection by the Commissioner of Police or a member of the Police Force authorised in writing by the Commissioner of Police for the purposes of this section.

Penalty: If the offender is a natural person – 10 penalty units.

If the offender is a body corporate – 20 penalty units.

"(3) An offence against subsection (1) is a regulatory offence.

"125B. No bidding by seller if not notified in conditions of sale

"(1) If the conditions of sale of property by auction do not notify that the sale is subject to the right of the seller to bid on his or her own behalf, the seller must not bid or employ a person to bid at the sale.

Penalty: If the offender is a natural person – 10 penalty units.

If the offender is a body corporate – 20 penalty units.

"(2) An auctioneer must not knowingly take a bid from the seller of property by auction, or a person employed by the seller to bid at the sale, if the conditions of sale do not notify that the sale is subject to the right of the seller to bid on his or her own behalf.

Penalty: If the offender is a natural person – 10 penalty units.

If the offender is a body corporate – 20 penalty units."

(2) Section 169 of the *Consumer Affairs and Fair Trading Act* is amended by omitting from subsection (3)(e) "auction, where the auction is conducted by a licenced auctioneer in accordance with the *Auctioneers Act*." and substituting "auction."

(3) Section 245 of the *Consumer Affairs and Fair Trading Act* is amended by omitting paragraph (a) and substituting the following:

"(a) an auctioneer;"

4. Amendments of other Acts

The Acts specified in Schedule 1 are amended as set out in that Schedule.

5. Amendment of By-laws

(1) The By-laws specified in Schedule 2 are amended as set out in that Schedule.

(2) A by-law amended as set out in Schedule 2 may be amended or repealed by a by-law as if the amendment had been made by a by-law.

SCHEDULE 1

Section 4

Provision	Amendment	
	omit	substitute
<i>Crown Lands Act</i>		
Section 97	the whole section	
<i>Liquor Act</i>		
Section 5(2)(g)	conducted by a person who holds a licence granted under the <i>Auctioneers Act</i>	
<i>Warehousemen's Liens Act</i>		
Section 17	the whole section	

SCHEDULE 2

Section 5

Provision	Amendment	
	omit	substitute
Jabiru Town Development (Roads and Public Places) By-laws		
By-law 74(2)	within the meaning of the <i>Auctioneers Act</i>	