



AUSTRALIAN CAPITAL TERRITORY

Auctioneers (Amendment) Act 1995

No. 14 of 1995

An Act to amend the *Auctioneers Act 1959*

[Notified in ACT Gazette S135: 30 June 1995]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Auctioneers (Amendment) Act 1995*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Auctioneers Act 1959*.¹

Interpretation

4. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definitions:

- “ ‘charge’ means a charge that has not been dealt with by a court, but does not include a charge that has been withdrawn or otherwise not been proceeded with;
- ‘convicted’ includes being discharged under section 556A of the *Crimes Act 1900* or an equivalent provision of a law of the Commonwealth, a State, another Territory or another country, but does not include a reference to a conviction that has been set aside on appeal or review;”.

Auctioneers to be licensed

5. Section 4 of the Principal Act is amended by omitting from paragraph (2) (a) “Court” and substituting “court”.

Substitution

6. Section 5 of the Principal Act is repealed and the following section substituted:

Applications for licences

“5. (1) A person who has attained the age of 18 years may apply to the Court for a licence by lodging with the Registrar—

- (a) an application in accordance with Form A;
- (b) a copy of the application; and
- (c) references as to the applicant’s character and suitability for holding a licence given by 3 qualified persons.

“(2) In this section—

‘elector’ has the same meaning as it has in the *Electoral Act 1992*;

‘qualified person’ means—

- (a) an elector who is a person referred to in the Schedule to the Statutory Declarations Regulations of the Commonwealth; or
- (b) another person approved by the Court.”.

Renewal of licences

7. Section 7 of the Principal Act is amended—

- (a) by omitting from paragraph (2) (a) “and”; and
- (b) by omitting paragraph (2) (b).

Substitution

8. Section 8 of the Principal Act is repealed and the following section substituted:

Certificates of convictions

“8. (1) The Commissioner shall, not later than 5 days before the date appointed for the hearing of an application for a licence, furnish to the Registrar for the use of the Court a certificate stating whether, according to the records held by the Commissioner, it appears that the applicant has been charged with, or convicted of, any offence against a law of the Territory, the Commonwealth, a State, another Territory or another country.

“(2) The applicant is entitled to inspect a certificate under subsection (1).”.

Objections to granting of licences

9. Section 9 of the Principal Act is amended by inserting in subsection (4) “other than an objection by the Commissioner of Police” after “objection”.

Granting of licences

10. Section 10 of the Principal Act is amended—

- (a) by omitting from subsection (1) “, upon payment of a fee of \$4,”;
- (b) by inserting after subsection (1) the following subsection:
 - “(1A) For the purpose of determining whether an applicant for a licence is a fit and proper person to hold the licence, the Court may have regard to whether he or she—
 - (a) has been convicted of, or is subject to, a charge in relation to an offence—
 - (i) that involves fraud or dishonesty; or
 - (ii) against this Act or a corresponding law; or
 - (b) has been refused a licence under this Act or a corresponding law.”; and
- (c) by adding at the end the following subsection:
 - “(4) In this section—
 - ‘corresponding law’ means a law of a State, another Territory or another country that deals with the licensing or conduct of auctioneers.”.

Licence not to be granted in certain circumstances

- 11.** Section 11 of the Principal Act is amended—
- (a) by omitting from subsection (1) “(1)”; and
 - (b) by omitting subsection (2).

NOTE

Principal Act

1. Reprinted as at 30 April 1993. See also Act No. 97, 1994.

[Presentation speech made in Assembly on 1 June 1995]