

1995  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Auctioneers (Amendment) Bill 1995**

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**A BILL  
FOR**

**An Act to amend the *Auctioneers Act 1959***

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**

- 5 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*.<sup>1</sup>

**Interpretation**

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

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“ ‘charge’ means a charge that has not been dealt with by a court, but does not include a charge that has been withdrawn or otherwise not been proceeded with;

5       ‘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**

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 Section 5 of the Principal Act is repealed and the following section substituted:

#### **15 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

20       (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—

25       (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**

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 Section 8 of the Principal Act is repealed and the following section substituted: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

5       “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  
10 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**

15       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.”;

20       (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—

25               (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

30       (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).

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**NOTE****Principal Act**

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

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