

AUSTRALIAN CAPITAL TERRITORY

AUCTIONEERS ORDINANCE 1959.

EXPLANATORY MEMORANDUM

No. 2 of 1959

The Auctioneers Ordinance 1927-38 provides for the issue of licences to auctioneers by the Minister. The application must be accompanied by a certificate from the police that the applicant is over 21 years of age, of good character and is a fit and proper person to hold a licence. It is general practice in the States for auctioneers' licences to be issued by the Court and the proposed Auctioneers Ordinance 1959 will introduce this procedure in the Territory.

Briefly, the new procedure will be as follows:-

New Licences

- (a) Application is made to the Court of Petty Sessions in the form prescribed;
- (b) The Clerk of the Court fixes a date for the hearing not earlier than 21 days after the application has been lodged;
- (c) The applicant must serve a copy of the application on the Commissioner of Police within 24 hours after lodging it with the Court;
- (d) Fourteen days before the date of the hearing, the applicant must publish in a newspaper notice of his application.

Renewals

- (a) The application is lodged with the Court before the month of June;
- (b) The Clerk appoints a date for the hearing between the 14th and 30th of June;
- (c) The applicant must serve a copy of the application on the Commissioner of Police within 24 hours, and keep a copy displayed at his place of business from the 1st to 14th June;
- (d) The Clerk, before the 7th June, publishes in a newspaper a notice setting out the names and addresses of the applicants, and the date of the hearing, (the object being to avoid the publication of a large number of notices by individual applicants).

The Commissioner of Police furnishes, for the information of the Court, a report in writing on the character of the applicant. The applicant is entitled to inspect this report.

The Commissioner of Police or any other person is entitled to object to the granting of a licence upon the ground that the applicant is not a fit and proper person to be the holder of a licence. Notice of objection must be given not less than seven days before the hearing.

Renewals to which there is no objection may be granted in Chambers, but in all other cases the hearing must be in open Court.

It is proposed to omit the section of the present Ordinance which forbids auctions after sunset or before sunrise, except with the specific approval of the Minister. Although this provision occurs in State Acts, it is considered to be somewhat unreal under modern conditions and it is proposed to provide in the new Trading Hours Ordinance that auction sales may be held during ordinary shop trading hours (including the late night) and on Saturday afternoons.

The other provisions of the Ordinance follow generally the provisions of the present Ordinance.