

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 2 of 1927.

## AN ORDINANCE

Relating to Auctioneers.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows:—

1. This Ordinance may be cited as the *Auctioneers Ordinance* short title. 1927.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“Auctioneer” means person who sells by auction or offers for sale by auction;

“Licence” means auctioneer’s licence under this Ordinance;

“Sale by auction” has a meaning corresponding to “Sell by auction”;

“Sell by auction” means sell any property by outcry, knocking down of hammer, candle, lot, parcel, instrument, machine or any other mode of sale whereby the highest or the lowest bidder is the purchaser, or whereby the first person who claims the property submitted for sale at a certain price named by the person acting as auctioneer is the purchaser, or whereby there is a competition for the purchase of any property in any way commonly known and understood to be by way of auction;

“The Commission” means the Federal Capital Commission.

3. The *Auctioneers Licensing Act 1898*, of the State of New South Wales shall cease to apply to the Territory. State Act to cease to apply.

4.—(1.) The Commission may delegate any of its powers and functions under this Ordinance (except this power of delegation) in relation to any matters or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation. Delegation by Commission.

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(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Commission.

Auctioneers  
to be licensed.

5. Subject to this Ordinance, a person shall not carry on the business of an auctioneer unless he holds a licence.

Penalty: Two hundred pounds.

Applications  
for licences.

6. An application for a licence shall be made to the Commission in accordance with Form A. in the Schedule to this Ordinance, and shall be accompanied by a certificate signed by the senior member stationed in the Territory of the police force performing police duties in the Territory, or by a member of that police force thereto authorized in writing by the senior member, that the applicant—

(a) is over the age of twenty-one years ;

(b) is a person of good character ; and

(c) is a fit and proper person to hold a licence.

Grant or refusal  
of licences.

7. The Commission may, upon any application made in pursuance of the last preceding section, grant or refuse a licence to the applicant as it thinks fit.

Form of  
licence.

8. A licence shall be in accordance with Form B. in the Schedule to this Ordinance or a form to the like effect.

Fees for  
licences.

9.—(1.) A licence shall not be granted to any person until he has paid the fee for the granting of the licence.

(2.) The fee for the granting of a licence shall be Five pounds five shillings :

Provided that where the licence is granted between the thirty-first day of December in any year and the first day of June in the following year the fee payable shall be Two pounds twelve shillings and sixpence.

Duration of  
licence.

10. A licence shall, unless sooner cancelled or suspended, be and continue in force until the thirtieth day of June then next ensuing after the date on which the licence is granted :

Provided that if the licence is granted in the month of June in any year it shall, unless sooner cancelled or suspended, be and continue in force until the thirtieth day of June in the following year.

Licence not to  
be granted to  
pawnbroker.

11. A licence shall not be granted to any person who is the holder of a licence under the *Pawnbrokers Act* 1902, of the State of New South Wales or any law of the Territory relating to the licensing of pawnbrokers.

Licence not to  
be granted to  
persons resident  
outside  
Territory.

12. A licence shall not be granted to any person resident outside the Territory, unless he holds a licence to follow the occupation of an auctioneer in any State.

**13.** The Commission may cancel, or suspend for such period as it thinks fit, the licence of any person who—

Cancellation or suspension of licences.

- (a) is the holder of a licence under the *Pawnbrokers Act 1902* of the State of New South Wales or any law of the Territory relating to the licensing of pawnbrokers ; or
- (b) has been convicted of any offence against this Ordinance or the regulations thereunder or against the criminal law ; or
- (c) is, in the opinion of the Commission, a person of bad or doubtful character.

**14.** The holder of a licence shall, within three days after the expiration of his licence, or, if his licence is cancelled or suspended, within three days after the date of the cancellation or suspension of his licence, deliver the licence to the Commission.

Return of expired or cancelled or suspended licence.

Penalty : Twenty pounds.

**15.** Any auctioneer who knowingly misrepresents or causes or permits to be misrepresented the composition, structure, character or quality or the origin or manufacture of any property offered by him for sale by auction shall be guilty of an offence.

Misrepresentation as to quality &c. of property.

Penalty : Fifty pounds.

**16.**—(1.) Every auctioneer shall forthwith record, in a book to be kept for the purpose, full particulars of all property sold by him at auction, and, in respect of any property so sold, shall preserve the record for at least twelve months after the date of the sale.

Record to be kept.

(2.) The book shall be open to inspection at all reasonable times by the senior member stationed in the Territory of the police force performing police duties in the Territory or any member of that police force thereto authorized in writing by the senior member, and every auctioneer, upon being required so to do, shall produce, for inspection by that senior member or other member of the police force, the book kept by him.

(3.) Any person who contravenes any provision of this section shall be guilty of an offence.

Penalty : Fifty pounds.

**17.** Where a sale by auction is not notified in the conditions of sale to be subject to a right to bid on behalf of the seller, the seller shall not himself bid or employ any person to bid at the sale and the auctioneer shall not knowingly take any bid from the seller or any such person.

Bidding by seller.

Penalty : Fifty pounds.

**18.** An auctioneer shall not, after sunset or before sunrise on any day throughout the year, except in such cases as the Commission specifically approves, sell or offer for sale by auction any property.

Auctions after sunset or before sunrise to be prohibited.

Penalty : Fifty pounds.

Persons  
to whom  
Ordinance  
does not  
apply.

**19. Notwithstanding anything contained in this Ordinance—**

- (a) any officer of any court having jurisdiction in the Territory may, without holding a licence, sell by auction any property taken by him in execution by virtue of any process issued from the court ;
- (b) any person thereto authorized by the Commission may, without holding a licence, sell by auction any leases of lands belonging to the Commonwealth or vested in the Commission, or any property belonging to the Commonwealth or the Commission or to intestate estates ;
- (c) every poundkeeper appointed under the *Impounding Act* 1898 of the State of New South Wales may, without holding a licence, sell any animal, as defined by that Act, impounded in any public pound in the Territory of which he is the keeper ; and
- (d) any person who is authorized by any law for the time being in force to sell by auction without a licence may do so.

Power of  
courts to  
cancel or  
suspend  
licences.

**20. Where any Court imposes any penalty for any offence against this Ordinance it may, where the person convicted holds a licence, at the same time cancel or suspend for such period as it thinks fit the licence of the person convicted.**

Regulations.

**21. The Commission may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular for prescribing penalties not exceeding Fifty pounds for any offence against the Regulations.**

THE SCHEDULE.

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THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Form A.

*Auctioneers Ordinance 1927.*

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APPLICATION FOR AUCTIONEER'S LICENCE.

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The Secretary,  
Federal Capital Commission,  
Canberra.

I hereby apply for an Auctioneer's Licence authorizing me to carry on the business of an auctioneer within the Territory for the Seat of Government, in accordance with the *Auctioneers Ordinance 1927*, and I forward herewith the sum of \_\_\_\_\_, being the prescribed fee.

Name in full  
Address  
Place of Business  
Date

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CERTIFICATE OF SENIOR MEMBER OF POLICE FORCE OR OF  
MEMBER AUTHORIZED BY HIM.

I hereby certify that the applicant—

- (1) is over the age of twenty-one years;
- (2) is a person of good character; and
- (3) is a fit and proper person to be licensed as an auctioneer.

Member of Police Force

Stationed at

Date

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THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Form B.

*Auctioneers Ordinance 1927.*

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AUCTIONEER'S LICENCE.

WHEREAS \_\_\_\_\_ residing  
at \_\_\_\_\_ and whose place of business  
is \_\_\_\_\_ has applied to the Federal Capital Commission  
for an Auctioneer's Licence, authorizing him to carry on the business of an auctioneer  
within the Territory for the Seat of Government.

And whereas the said \_\_\_\_\_ has paid the prescribed  
fee for the granting of the said licence.

Now, I \_\_\_\_\_ the Delegate of the Federal Capital  
Commission, in pursuance of the *Auctioneers Ordinance 1927*, being satisfied that  
the said \_\_\_\_\_ is a fit person to have such a licence granted to  
him, hereby grant to him an Auctioneer's Licence authorizing him to carry on the

