

AUCTIONEERS, DEALERS AND AGENTS ORDINANCE 1970

615

No. 65 of 1970

An Ordinance to amend the *Auctioneers Ordinance 1935-1964*

[Assented to 10 December, 1970]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Auctioneers, Dealers and Agents Ordinance 1970*. Short title and citation

(2.) The *Auctioneers Ordinance 1935-1964* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Auctioneers, Dealers and Agents Ordinance 1935-1970*.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.* Commencement

3. Section 3 of the Principal Ordinance is amended— Definitions

(a) by inserting after the definition of “clerk’s licence” the following definitions:—

“ ‘debt collector’ means a person (whether or not he carries on any other business) who on behalf of another person in expectation of any gain, fee or reward whatever carries on the business of collecting, requesting or demanding payment of debts or advertises or notifies that he carries on that business, but does not include a real estate agent while acting in the ordinary course of his business, a legal practitioner while acting in the ordinary course of his profession or a clerk of a legal practitioner while acting in the ordinary course of his master legal practitioner’s profession;

“ ‘debt collector’s licence’ means a debt collector’s licence granted under this Ordinance;”;

(b) by omitting from the definition of "licence" the words "and includes both an auctioneer's licence and a clerk's licence";

(c) by inserting after the definition of "licence" the following definitions:—

" 'livestock' means horses, cattle, buffaloes, asses, mules, sheep, swine, camels or goats;

" 'livestock agent' means a person (whether or not he carries on any other business) who in expectation of any gain, fee or reward whatever carries on business as an agent for—

(a) the sale, purchase or exchange of livestock; or

(b) the provision of agistment for livestock or the collection of fees for such agistment;

" 'livestock agent's licence' means a livestock agent's licence granted under this Ordinance;

" 'real estate agent' means a person (whether or not he carries on any other business) who in expectation of any gain, fee or reward whatever carries on business as an agent for—

(a) the sale, purchase, exchange, letting or taking on lease of land; or

(b) the collection of rents payable in respect of any lease or letting of land;

" 'real estate agent's licence' means a real estate agent's licence granted under this Ordinance;" and

(d) by adding at the end thereof the following definitions:—

" 'used car dealer' means a person (whether or not he carries on any other business) who in expectation of any gain, fee or reward whatever, carries on the business of purchasing, selling, exchanging, demolishing or dismantling used or reconstructed motor vehicles or used or reconstructed parts or accessories of motor vehicles;

" 'used car dealer's licence' means a used car dealer's licence granted under this Ordinance."

- Section 4 of the Principal Ordinance is amended—
- (a) by omitting from paragraph (a) the word “or”; and
 - (b) by inserting after paragraph (b) the following paragraphs:—
 - “(c) act for reward as a livestock agent unless he holds a livestock agent’s licence;
 - (d) act for reward as a real estate agent unless he holds a real estate agent’s licence;
 - (e) act for reward as a debt collector unless he holds a debt collector’s licence; or
 - (f) act for reward as a used car dealer, whether as a buyer or as an agent, unless he holds a used car dealer’s licence.”
- Section 5 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1.) the words “an auctioneer’s licence” and inserting in their stead the words “a licence other than a clerk’s licence”; and
 - (b) by omitting from sub-section (3.) the words “for an auctioneer’s licence” and inserting in their stead the words “under this section for a licence”.
- Section 6 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1.) the words “an auctioneer’s licence” and inserting in their stead the words “a licence other than a clerk’s licence”; and
 - (b) by omitting from sub-section (2.) the words “for the renewal of an auctioneer’s licence” and inserting in their stead the words “under this section for the renewal of a licence”.
- Section 7 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1.) the words “an auctioneer’s licence or a renewal of an auctioneer’s licence” and inserting in their stead the words “a licence that is applied for under section 5 of this Ordinance or a renewal of such a licence”;
 - (b) by omitting from sub-section (2.) the words “an auctioneer’s licence or a renewal of an auctioneer’s licence” and inserting in their stead the words “a licence that is applied for under section 5 of this Ordinance or a renewal of such a licence”;
- Auctioneer agent or dealer must hold licence
- Application for licence
- Renewal of licence
- Administrator may grant or refuse licence, &c.

- (c) by omitting from sub-paragraph (iii) of paragraph (a) of sub-section (2.) the words "an auctioneer's licence" and inserting in their stead the words "that licence"; and
- (d) by omitting from sub-section (3.) the words "a auctioneer's licence or a renewal of an auctioneer's licence" and inserting in their stead the words "a licence that is applied for under section 5 of this Ordinance or a renewal of such licence".

Appeal to
local court
where
Administrator
refuses or
fails to
grant licence

8. Section 8 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words "an auctioneer's licence or a renewal of an auctioneer's licence" and inserting in their stead the words "a licence that is applied for under section 5 of this Ordinance or a renewal of such a licence";
- (b) by omitting from paragraph (b) of sub-section (1.) the words "an auctioneer's licence" and inserting in their stead the words "the licence";
- (c) by omitting from paragraph (a) of sub-section (2.) the words "an auctioneer's licence or a renewal of an auctioneer's licence" and inserting in their stead the words "the licence or the renewal of the licence"; and
- (d) by omitting from sub-paragraph (i) of paragraph (b) of sub-section (2.) the words "an auctioneer's licence or a renewal of his licence" and inserting in their stead the words "the licence or the renewal of the licence".

Jurisdiction
and powers of
local court on
appeal

9. Section 8A of the Principal Ordinance is amended by omitting from sub-paragraph (ii) of paragraph (b) the words "an auctioneer's licence" and inserting in their stead the words "the licence applied for".

Administrator
to grant
licence on
certificate by
local court

10. Section 8B of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) the words "an auctioneer's licence" and inserting in their stead the words "the licence applied for"; and
- (b) by omitting from paragraph (b) the words "an auctioneer's licence" and inserting in their stead the words "that licence".

Fee for licence

11. Section 8c of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words "an auctioneer's licence" and inserting in their stead

the words "a licence other than a clerk's licence";
and

- (b) by omitting from sub-section (2.) the words "an auctioneer's licence" and inserting in their stead the words "a licence other than a clerk's licence".

12. Section 8D of the Principal Ordinance is amended by omitting the words "An auctioneer's licence" and inserting in their stead the words "A licence other than a clerk's licence".

Period of
licence

13. Section 8J of the Principal Ordinance is amended by omitting from paragraph (c) the words "to conduct sales by auction" and inserting in their stead the words "to hold the licence".

Administrator
may cancel or
suspend
licences

14. Section 8K of the Principal Ordinance is amended—

- (a) by omitting the words "an auctioneer's licence" and inserting in their stead the words "a licence other than a clerk's licence";
- (b) by omitting the words "business as an auctioneer" and inserting in their stead the words "the business in respect of which he holds the licence";
- (c) by omitting the words "his auctioneer's licence" and inserting in their stead the words "his licence";
and
- (d) by omitting the words "the auctioneer's licence" (twice occurring) and inserting in their stead the words "the licence".

Refund of
portion of
fee for licence
in certain
circumstances

15. Section 10 of the Principal Ordinance is amended by inserting after the words "by auction" (twice occurring) the words "or otherwise".

Exemption of
Government
officers, &c.

16. Section 13 of the Principal Ordinance is repealed and the following section inserted in its stead:—

"13.—(1.) An auctioneer shall not misrepresent or cause or permit to be misrepresented the composition, structure, character, quality, origin or manufacture of property offered by him for sale by auction.

Misrepresentations

Penalty: One hundred dollars.

"(2.) A used car dealer shall not misrepresent or cause or permit to be misrepresented the composition, quality, structure, character, origin or manufacture of a motor vehicle or a part or accessory of a motor vehicle offered by him for sale or exchange.

Penalty: One hundred dollars.

“(3.) A real estate agent shall not misrepresent or cause or permit to be misrepresented the condition of any land or property or the terms, conditions, covenants, provisos, warranties, or title in relation to the purchase or in relation to the financing of the purchase of any land or property offered by him for sale, exchange or letting.

Penalty: One hundred dollars.

“(4.) A livestock agent shall not misrepresent or cause or permit to be misrepresented the quality, origin, breeding, age or health of any livestock offered by him for sale, exchange or agistment.

Penalty: One hundred dollars.

“(5.) In a prosecution for an offence against this section it is a defence if the accused person proves that at the time the misrepresentation was made he believed it to be true.”.

Record to be kept

17. Section 14 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1.) after the word “auctioneer” the words “, livestock agent, real estate agent or used car dealer”;
- (b) by omitting from sub-section (1.) the words “at auction” and inserting in their stead the words “in the course of the business in respect of which he is licensed”; and
- (c) by omitting from sub-section (2.) the word “auctioneer” and inserting in its stead the words “person required to keep such a book”.

18. Section 15 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Bidding

“15. Where a sale by auction is not notified in the conditions of sale to be subject to a right to bid by or on behalf of the auctioneer or the seller—

- (a) the auctioneer shall not himself bid or employ any person to bid at the sale; and
- (b) 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.

Penalty: One hundred dollars.”.

Persons to whom Ordinance does not apply

19. Section 17 of the Principal Ordinance is amended by inserting after the words “by auction” (wherever occurring) the words “or otherwise”.

20. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.

Amendments
in relation
to decimal
currency

THE SCHEDULE

Section 20

AMENDMENTS OF THE PRINCIPAL ORDINANCE IN
RELATION TO DECIMAL CURRENCY

<i>Provisions Amended</i>	<i>Omit</i>	<i>Insert</i>
Section 4	Two hundred pounds	Four hundred dollars
Section 8c (1.)	Ten pounds	Twenty dollars
Section 8c (2.)	Five pounds	Ten dollars
Section 8g (1.)	Five pounds	Ten dollars
Section 8g (2.)	Two pounds ten shillings	Five dollars
Section 12	Twenty pounds	Forty dollars
Section 13	Fifty pounds	One hundred dollars
Section 14 (3.)	Fifty pounds	One hundred dollars
Section 15	Fifty pounds	One hundred dollars
Section 16	Fifty pounds	One hundred dollars

