AUCTION NOTICE

Pursuant to Section 79 of the *Property Agent and Land Transactions Act 2016* a general auctioneer or real estate agent must not conduct an auction until notice has been given of the relevant and material parts of the following sections.

Please note: as at 1 July 2026, one penalty unit is $213.00.

Section 67. Bids by owner at public auction

(1) At a public auction of land –

(a) the owner of the property must not bid or cause a person to bid on the owner's behalf; and

(b) a person must not bid on behalf of the owner of the land; and

(c) the auctioneer conducting the auction must not accept a bid from a person who the auctioneer knows is bidding in contravention of paragraph (a) or (b).

Penalty: Fine not exceeding 500 penalty units.

(2) A person must not procure another person to make a bid that is contrary to subsection (1)(b).

Penalty: Fine not exceeding 500 penalty units.

(3) It is not a defence to a charge for an offence under subsection (1) to prove that the person making the bid was not in Tasmania at the time the bid was made.

(4) For the purpose of subsection (1)(b), a bid may be found to have been made on behalf of an owner even though it was not made at the request of, or with the knowledge of, the owner.

(5) Evidence that a person who made a bid at a public auction had the intention of benefiting the owner in making the bid is evidence that the person made the bid on behalf of the owner.

(6) It is a defence to a charge for an offence under subsection (1) to prove –

(a) That the land that was auctioned was owned by more than one person; and

(b) That one or more of those persons was attempting, in good faith, to acquire a greater interest in the land; and

(c) *That the auctioneer had been advised of the situation by or on behalf of that person before the start of the auction*.

Section 69. Dummy bids

An auctioneer conducting a public auction must not appear to acknowledge the making of a bid if no bid was made.

Penalty: Fine not exceeding 500 penalty units.

Section 70. Offence to falsely acknowledge bid

A person at a public auction must not –

(a) falsely claim to have made a bid; or

(b) falsely acknowledge that he or she made a bid.

Penalty: Fine not exceeding 500 penalty units.

Section 76. Certain bidding agreements unlawful

(1) In this section –
***"dealer"** means a person who in the normal course of business attends auctions to purchase property for resale.*

(2) A dealer must not give, agree to give or offer a gift or any other consideration to a person as an inducement or reward for abstaining or having abstained from bidding at an auction.

Penalty: Fine not exceeding 500 penalty units.

(3) A person must not accept, agree to accept or attempt to obtain from a dealer a gift or any other consideration for abstaining or having abstained from bidding at an auction.

Penalty: Fine not exceeding 500 penalty units.

Section 77. Collusive practices prohibited at auctions

(1) In this section –
***"unlawful promise"** means a promise expressed or implied, made by a person that if that person is the successful bidder in respect of property sold at an auction –*

(a) the person to whom the promise was made will have the right to elect to take over as purchaser through the auctioneer the property, or any part of it, at the auction price; or
(b) the ownership of the property, or any part of it, will be decided by a specified method.

(2) A person must not, by means of an unlawful promise made to a person at an auction, induce or attempt to induce the person –

(a) to abstain from bidding, either generally or for any particular lot: or
(b) not to bid, except to a limited extent; or
(c) to do any act or thing which may in any way prevent free and open competition.

Penalty: Fine not exceeding 500 penalty units.

(3) A person at an auction must not, as a result of an unlawful promise made to that person –

(a) abstain or agree to abstain from bidding, either generally or for any particular lot;
(b) not bid, except to a limited extent; or
(c) do or agree to do any other thing which may in any way prevent or tend to prevent free and open competition.

Penalty: Fine not exceeding 500 penalty units.

Section 78. Successful bidder to supply information to auctioneer

(1) A person who makes a successful bid at an auction must, as soon as practicable after acceptance of the bid, give to the auctioneer –

(a) his or her name and address if the bid was made on his or her own behalf; or
(b) if the bid was made on behalf of another person, the name and address of the other person.

Penalty: Fine not exceeding 50 penalty units.

(2) Subsection (1) does not apply if the person who made the successful bid gave the information mentioned in subsection (1)(a) or subsection (1)(b) to the auctioneer before the auction.