

# **Auction Sales (Repeal) Act 2001**

**Act No. 84/2001**

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Victoria

**No. 84 of 2001**

## **Auction Sales (Repeal) Act 2001<sup>†</sup>**

[Assented to 11 December 2001]

**The Parliament of Victoria enacts as follows:**

### **1. *Purpose***

The main purpose of this Act is to repeal the  
**Auction Sales Act 1958.**

### **2. *Commencement***

- (1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Sections 3(1) and 7 come into operation on 1 January 2002.

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- (3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (4) If a provision referred to in sub-section (3) does not come into operation before 1 January 2003, it comes into operation on that day.

### 3. *Repeal of Auction Sales Act 1958*

- (1) Section 35 of the **Auction Sales Act 1958** is **repealed**.
- (2) Section 38 of the **Auction Sales Act 1958** is **repealed**.
- (3) The **Auction Sales Act 1958** is **repealed**.

### 4. *Amendment to Estate Agents Act 1980*

In section 13B(2) of the **Estate Agents Act 1980**, for paragraph (a) **substitute**—

"(a) to the following—

- (i) any person who sells by auction any Crown land or other Crown property under the authority of the Minister administering the **Crown Land (Reserves) Act 1978** or the Minister administering the **Planning and Environment Act 1987** or any other competent authority; or
- (ii) any sale of property specially ordered by the Governor in Council; or
- (iii) any sale ordered by the sheriff by virtue of any writ or process issued out of any court; or

See:  
Act No.  
6202/1958.  
Reprint No. 3  
as at  
12 February  
1998  
and  
amending  
Act Nos  
46/1998 and  
74/2000.  
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See:  
Act No.  
9428/1980.  
Reprint No. 7  
as at  
13 January  
2000  
and  
amending  
Act Nos  
35/2000 and  
74/2000.  
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dpc.vic.  
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- (iv) any sale made by any person acting in obedience to any process issued by any court for the recovery of any fine, penalty, or award or to any other order of a court; or
  - (v) any sale made by or under any rule, order or decree of the Supreme Court; or
  - (vi) any sale made by or under the authority of any municipal council; or".

**5. Amendment to Forests Act 1958**

In section 78 of the **Forests Act 1958**, for subsection (5) **substitute**—

- "(5) Every authorised officer may in the performance of his or her duties—
- (a) sell by auction any forest produce; and
  - (b) for the purposes of section 53 of this Act submit licences or permits referred to in that section to public auction."

See:  
Act No.  
6254/1958.  
Reprint No. 7  
as at  
18 February  
1999  
and  
amending  
Act Nos  
53/1999,  
66/2000,  
69/2000 and  
74/2000.  
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**6. Amendment to Instruments Act 1958**

In section 74 of the **Instruments Act 1958**, for "a licensed auctioneer" **substitute** "an auctioneer".

See:  
Act No.  
6279/1958.  
Reprint No. 9  
as at  
19 February  
1998  
and  
amending  
Act No.  
52/1998.  
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See:  
Act No.  
115/1994.  
Reprint No. 3  
as at  
13 January  
2000  
and  
amending  
Act Nos  
6/2000,  
37/2000,  
74/2000 and  
79/2000.  
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**7. *New section 144 inserted in Livestock Disease Control Act 1994***

After section 143 of the **Livestock Disease Control Act 1994** insert—

**"144. *Saving of records of cattle sales kept under Auction Sales Act 1958***

- (1) This section applies to a person who—
  - (a) was a licensed auctioneer immediately before 1 January 2002; and
  - (b) is a person to whom section 94A(1) or (2) applies.
- (2) Subject to any regulations made for the purposes of section 94A or this section, a person to whom this section applies who kept a registry or book of cattle sales under section 35 of the **Auction Sales Act 1958** immediately before its repeal must keep that registry or book available for inspection under this Act and for that purpose section 94A applies as if that registry or book were a record required to be kept under that section."

See:  
Act No.  
40/1993.  
Reprint No. 2  
as at  
1 January  
1999.  
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**8. *Amendment to Meat Industry Act 1993***

In section 5 of the **Meat Industry Act 1993**, sub-section (7) is **repealed**.

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**9. Amendment to Motor Car Traders Act 1986**

- (1) In section 3(1) of the **Motor Car Traders Act 1986**, the definition of "licensed auctioneer" is **repealed**.
- (2) In section 42A of the **Motor Car Traders Act 1986**, for sub-section (3) **substitute—**  
"(3) This section does not apply to a motor car that is sold by auction at a public auction by a person acting on behalf of the owner of the car."
- (3) In section 54 of the **Motor Car Traders Act 1986**, for sub-section (7) **substitute—**  
"(7) This section does not apply to a motor car that is sold by auction at a public auction by a person acting on behalf of the owner of the car."

See:  
Act No.  
104/1986.  
Reprint No. 4  
as at  
1 September  
1999  
and  
amending  
Act No.  
35/2000.  
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**10. Amendment to Murray Valley Citrus Marketing Act 1989**

In section 33 of the **Murray Valley Citrus Marketing Act 1989**, sub-section (4) is **repealed**.

See:  
Act No.  
63/1989.  
Reprint No. 1  
as at  
26 September  
1996  
and  
amending  
Act Nos  
93/1997,  
46/1998,  
76/1998,  
53/1999 and  
74/2000.  
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See:  
Act No.  
6338/1958.  
Reprint No. 8  
as at  
15 October  
1998  
and  
amending  
Act Nos  
30/1999,  
61/1999 and  
95/2000.  
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**11. Amendment to Police Regulation Act 1958**

In section 122 of the **Police Regulation Act 1958**, sub-section (9) is **repealed**.

See:  
Act No.  
54/1989.  
Reprint No. 4  
as at  
10 February  
2000  
and  
amending  
Act No.  
35/2000.  
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**12. Amendment to Second-Hand Dealers and Pawnbrokers Act 1989**

(1) In section 3(1) of the **Second-Hand Dealers and Pawnbrokers Act 1989**, insert the following definition—

"**auctioneer**" means any person—

(a) who sells or attempts to sell or offer for sale or resale any goods by way of auction; or

(b) who acquires any goods for sale by auction.

(2) In section 4 of the **Second-Hand Dealers and Pawnbrokers Act 1989**, for paragraph (a) **substitute**—

"(a) an auctioneer acting in his or her capacity as auctioneer; or

(aa) any goods acquired by an auctioneer for the purpose of auction for so long as they are in his or her possession in his or her capacity as auctioneer; or".

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**13. Amendment to Summary Offences Act 1966**

In section 29 of the **Summary Offences Act 1966**, for sub-section (5) **substitute—**

"(5) In this section "**vendor**" includes the auctioneer or other agent of the vendor."

**14. Amendment to Transfer of Land Act 1958**

In section 79(2)(c) of the **Transfer of Land Act 1958**, **omit** "by a licensed auctioneer".

See:  
Act No.  
7405/1966.  
Reprint No. 7  
as at  
6 August 1998  
and  
amending  
Act Nos  
44/1999, and  
74/2000.  
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See:  
Act No.  
6399/1958.  
Reprint No. 13  
as at  
26 August  
1999  
and  
amending  
Act No.  
74/2000.  
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**ENDNOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 5 April 2001*

*Legislative Council: 4 December 2001*

The long title for the Bill for this Act was "to repeal the **Auction Sales Act 1958** and for other purposes."