

Working as an auctioneer in SA

Information for interstate workers

This factsheet outlines your requirements for working as an auctioneer in South Australia.

If your principal place of residence:

- is in another state or territory, you can use the Automatic Mutual Recognition process to work in SA under your interstate registration.
- changes to SA, you must hold an SA registration – not an interstate registration. You can apply for an SA registration under the [Mutual Recognition process](#) (rather than the automatic process).

Registrations granted under mutual recognition (including via the automatic process) will appear on the [SA Licensing Register](#) so that members of the public can verify that a person is licensed or registered to work in SA.

Registration requirements

Auctioneers conduct auctions for the sale of a property. You can work as an auctioneer in SA if your interstate registration allows this.

SA auctioneers must be registered as a land agent or sales representative with the auctioneer condition added to their registration.

Auctioneer responsibilities

Auctioneers must:

- accept the highest bid if it was equal to or more than the vendor's reserve price
- not accept dummy bids at auction
- announce the conditions of the auction before it starts, including if vendor bids are allowed
- decide whether the auction will stop to allow latecomers to register and bid
- announce and place up to three vendor bids during the auction
- maintain accurate and complete records of who made bids, how much they bid and the outcome of the auction e.g. passed in, held over or successful
- negotiate with bidders if the auction was held over.

Trust accounts

If you receive trust money from clients, in relation to a real estate agent, you must deposit the funds into a trust account. The account needs to be approved by Consumer and Business Services (CBS) and be held in a bank, building society or credit union.

The agent must meet certain requirements for trust accounts including: keeping all records of trust money; issuing detailed receipts; and arranging for accounts and records to be audited every year.

Compulsory real estate notices

There are certain forms that you are required to use e.g. bidder's guide. These are outlined on the [working in real estate](#) page on the SA.GOV website.

Disclosing a benefit from a sale – 24G

You or your associates must not personally benefit from a property or business sale that you have appraised or been authorised to sell unless you have the Commissioner's approval or sell the property at public auction. The auction must be prominently advertised for at least two consecutive weeks before the auction takes place. This section of the law is commonly referred to as '24G'.

Associates usually include a personal partner, close relative or people connected through work.

It is best to seek legal advice regarding a potential conflict or beneficial interest.

Legislation

- [Land Agents Act 1994](#)
- [Land Agents Regulations 2010](#)
- [Land and Business \(Sale and Conveyancing\) Act 1994](#)
- [Land and Business \(Sale and Conveyancing\) Regulations 2010](#)

Other relevant legislation

You must comply with all applicable laws while working in South Australia, including laws relating to:

- [Approved Codes of Practice in SA](#)
- [Employing people](#)
- [State taxes](#)
- [Safe Work SA](#)