

CBS22-0048



**Government of South Australia**

Attorney-General's Department

4 April 2022

Consumer and Business Services

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Mr Garry Topp  
Chief Executive Officer  
The Society of Auctioneers and Appraisers (SA) Inc.

By email: [society@auctioneers.com.au](mailto:society@auctioneers.com.au)

Dear Mr Topp

I write in response to your email of 16 February 2022, to Mr David Sedgwick of my office, regarding the practice at auctions of land where an employee of the selling agent bids for a purchaser giving instructions over the phone.

As you are aware, S24K of the *Land and Business (Sale and Conveyancing) Act 1994* (the Act) requires an auctioneer to only accept bids from registered bidders. If a bidder intends to bid on behalf of another person, they must be registered as a bidder and provide written proof of authority to bid on that other person's behalf.

Although the Act does not specifically contemplate a scenario where an employee of the selling agent may purport to act on behalf of a bidder, section 24F states that a person must not simultaneously act as an agent on behalf of both the vendor and purchaser in relation to the same property. It is arguable that an employee of the agency other than the sales representative could undertake the bidding, however, the intention of the legislation is clear in that it is seeking to eliminate any potential conflict of interest.

In light of the above, land agents should be mindful of the potential for issues to arise if they choose to represent bidders at auctions. I have noted this issue and will ensure that it is given adequate consideration upon the next review of the Act.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dini Soulio', followed by a horizontal line.

**Dini Soulio**  
Commissioner for Consumer Affairs  
Consumer and Business Services