

# A Bidder's Guide

*For Residential Property in Queensland*

This guide seeks to simplify the auction process and provide clarification on the roles and responsibilities of Auctioneers and bidders.

**Queensland real estate law requires that all people bidding at a residential property auction must provide their names, addresses and proof of identity to the Auctioneer prior to the auction in order for their bids to be accepted.**

## How to register

- You can register at any time prior to the auction. This can be at an open for inspection, or when visiting the listing agency prior to the auction. **Registering early will save you the trouble of registering on auction day.**
- You will need to provide the Auctioneer with your name and address and some photo identification – e.g. drivers licence or passport.
- The Auctioneer will record these details in a Bidders Register and provide you with a Bidder number. This number must be displayed by you when making a bid during the course of the auction.
- If you register prior to auction day, you may not receive your number. When you arrive at the auction, you will need to see the Auctioneer or their representative, provide them proof of your identity, and receive your number or bidder card at that time.
- Auctioneers are not permitted to provide your information to any other person other than an inspector or the court. However, the auctioneer may disclose to the seller of the property the identity of a bidder if it is necessary for negotiating the sale of the property after the auction.

**Remember: You do not have to bid just because you have registered, but you must be registered if you intend to bid.**

## How to bid

- Make sure that the Auctioneer can see you. Ideally you should hold up your bidder number and call out your bid in a clear audible voice.
- You can call out an exact amount – e.g. "\$260,000" or indicate the amount you wish to increase the previous bid by the increment suggested by the Auctioneer – e.g. "Another \$10,000".
- If the Auctioneer calls the incorrect amount or misinterprets your bid – call out to the auctioneer and clarify the bid with them immediately.

## Important points to remember when bidding at an auction

- Make sure you are familiar Conditions of Sale prior to bidding at the auction. Auctioneers will have these displayed at the auction for inspection by bidders prior to the auction commencing. Some Auctioneers will read some or all of these out at the start of the auction.
- If you propose to bid on behalf of another person, you must have a letter of authority and provide the name and address details of that person to the Auctioneer in order to register them as bidders in the bidder register.
- When bidding at an auction, remember that if you are the successful bidder you will be required to sign the contract of sale and pay a deposit on the spot.
- There is no cooling off period when you buy at an auction.
- The Auctioneer's decision is final. In the event of a dispute arising, the Auctioneer has the right to resubmit the property afresh or with a Vendor's bid in the event that the dispute arise before the reserve price was reached.
- Prior to the commencement of an auction, Auctioneers are unable by law to provide advice to potential purchasers as to what the reserve price is.
- At the commencement of the auction, the Auctioneer may announce if the property is to be sold with or without a reserve price.

**REMEMBER TO HAND IN YOUR BIDDER NUMBER AT THE END OF THE AUCTION!**

## Online Auctions

- The auction may be facilitated online through a Digital Offer Management Platform. A Digital Offer Management Platform refers to a digital platform that Sales Agents, Auctioneers and/or sellers may use to facilitate the sale of a property online via auction. The Digital Offer Management Platform provide an open online platform for parties to:
  - access information about listed properties for sale;
  - interact with appointed Sales Agents or Auctioneers;
  - participate in bidding for property being sold by online auction; and
  - negotiate and manage the sale of property.
- The requirements set out above in relation to registering, bidding and auction process, will still apply to an online auction.
- You may need to accept additional terms and conditions of participating in an online auction set by the relevant Digital Offer Management Platform used to conduct the auction. If you do not accept the terms and conditions, you may not be able to participate in the auction.
- You should make sure that you are prepared for the online auction by using a reliable computer or mobile device with a stable internet connection. If you have any questions about using the Digital Offer Management Platform, you should contact the Sales Agent or Auctioneer.

## DISCLOSURE DOCUMENTS

Unless an exemption applies, the seller of the Property is required to give the buyer a copy of the following documents (**Disclosure Documents**):

- a completed and signed Form 2 Seller Disclosure Statement (Form 2); and
- any prescribed certificates in relation to the Property.

The Disclosure Documents must be provided to the buyer in one of the following ways:

### When the buyer is registered as a bidder

### How the disclosure document must be given

Registered **before** the auction starts

The seller must give the disclosure documents before the auction starts. This includes giving a hard copy, email or link/QR code.

Registered **during** the auction

If the buyer has not already been given the disclosure documents before the auction, then they must be provided to the buyer before the completion of the auction by:

- for an auction conducted **in person**, (onsite or in rooms) displaying at the **place** of the auction from the **start** of the auction until the **completion** of the auction—
  - a physical copy of the disclosure documents
  - a physical document stating the disclosure documents could be viewed by using a stated electronic link
- for an **online** auction, making **available** in the same electronic medium being used to conduct the auction from the **start** of the auction until the **completion** of the auction—
  - a copy of the disclosure documents
  - a document stating the disclosure documents could be viewed, and a copy obtained, by using a stated electronic link

### Need more information?

The Office of Fair Trading can provide you with more information on the laws that apply to property auctions. You can contact them on 3246 1523 or check out their website on [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)

*Information current as at January 2024*