**Frequently Asked Questions – ID requirements when bidding at auctions, including when bidding on behalf of another person, with an authority or Power of Attorney**

***What must be recorded in the Bidders Record about a person bidding at auction?***

Sections 68(1) and (2) of the *Property and Stock Agents Act 2002* (NSW) provides that the following information of the person who will be bidding at auction must be recorded in the Bidders Record:

* “relevant details” being their name, address and “number or other identifier of their proof of identity”;
* their “identifying number” for bidding and identification purposes; and
* other information required by the regulations.

A buyers’ agent must also record their licence number and may record their registered office’s address: clause 12(2) of the *Property and Stock Agents Regulation 2014* (NSW).

Before entering this information into the Bidders Record, the real estate agent must first establish proof of that person’s identity: s69(1) of the *Property and Stock Agents Act 2002* (NSW).

***What must be recorded in the Bidders Record if a person is bidding on behalf of another person at auction (if there is no Power of Attorney in place)?***

Pursuant to sections 68(1) and (2) of the *Property and Stock Agents Act 2002* (NSW), the Bidders Record must record the following details of the person bidding on behalf of another person at auction:

* “relevant details” being their name, address and “number or other identifier of their proof of identity”;
* their “identifying number” for bidding and identification purposes; and
* other information required by the regulations.

In addition to this information, the Bidders Record must also record the “relevant details” of the person on behalf of whom they are bidding: s68(2)(b) of the *Property and Stock Agents Act 2002* (NSW).

Before entering this information into the Bidders Record, the real estate agent must establish proof of the bidder’s identity and be provided with a letter of authority which gives the bidder permission to bid on behalf of another person at auction. The letter of authority must contain that other person’s name, address and “number or other identifier of one or more proofs of identity for that person”: s69(1)(b) of the *Property and Stock Agents Act 2002* (NSW).

However, where the person is a buyers’ agent, details of the person on behalf of whom they are bidding is established if they produce the relevant agency agreement: clause 12(5) of the *Property and Stock Agents Regulation 2014* (NSW).

***What if I have a Power of Attorney to bid on another person’s behalf?***

If a person is bidding for another person under a power of attorney, they do not have to provide the relevant details required by s68(2)(b) of the *Property and Stock Agents Act 2002* (NSW) for that other person: clause 12(4) of the *Property and Stock Agents Regulation 2014* (NSW). An agent should establish that the person bidding (the attorney) has provided them with appropriate identification details for themselves and that they have a valid Power of Attorney. Whilst there is no requirement for the Power of Attorney to be shown to the agent prior to the auction, best practice is for the bidder to notify the agent that the bidder is acting under a Power of Attorney.

***What types of proof of identity are required?***

The proof of identity must be an Australian motor vehicle driver’s licence showing the person’s photograph, an Australian passport or another proof of identity prescribed by the regulations: s69(2) of the *Property and Stock Agents Act 2002* (NSW).

Clause 14(1) of the *Property and Stock Agents Regulation* *2014* (NSW) currently provides for the following forms of proof of identity:

* A card or document displaying the person’s name and address, or their name combined with a statutory declaration of their address, issued by a “government or statutory authority of New South Wales, the Commonwealth, another State or Territory or an authorised deposit-taking institution”.
* The person’s name and address on a combination of documents, “one of which is issued by the government or statutory authority of New South Wales, the Commonwealth, another State or Territory or an authorised deposit-taking institution”.
* A passport or motor vehicle driver’s licence from a jurisdiction outside Australia which shows the person’s name combined with their address on either a card or document issued by another organisation or person or the person’s statutory declaration as to their address.