

TERMS AND CONDITIONS OF AUCTION SALE

Property, Stock and Business Agents Act (NSW) 2002, Part 6, S77 and Regulations 2003

Clause 18(1) The following conditions are prescribed as applicable to and in respect of the sale by auction of land or livestock:

- (a) The principal's reserve price must be given in writing to the auctioneer before the auction commences.
- (b) A bid for the seller cannot be made unless the auctioneer has, before the commencement of the auction, announced clearly and precisely the number of bids that may be made by or on behalf of the seller.
- (c) The highest bidder is the purchaser, subject to any reserve price.
- (d) In the event of a disputed bid, the auctioneer is the sole arbitrator and the auctioneer's decision is final.
- (e) The auctioneer may refuse to accept any bid that, in the auctioneer's opinion, is not in the best interests of the seller.
- (f) A bidder is taken to be a principal unless, before bidding, the bidder has given to the auctioneer a copy of a written authority to bid for or on behalf of another person.
- (g) A bid cannot be made or accepted after the fall of the hammer.
- (h) As soon as practicable after the fall of the hammer the purchaser is to sign the agreement (if any) for sale.

Clause 18(2) The following conditions, in addition to those prescribed by subclause (1), are prescribed as applicable to and in respect of the sale by auction of residential property or rural land:

- (a) All bidders must be registered in the Bidders Record and display an identifying number when making a bid.
- (b) One bid only may be made by or on behalf of the seller. This includes a bid made by the auctioneer on behalf of the seller.
- (c) When making a bid on behalf of the seller or accepting a bid made by or on behalf of the seller, the auctioneer must clearly state that the bid was made by or on behalf of the seller or auctioneer

PRESCRIBED WARNING NOTICES

Section 78(3) and Regulations 2003, clause 20(1)

It is an offence against the Property, Stock and Business Agents Act 2002 for a person to do any of the following as a result of a collusive practice, or to induce or attempt to induce another person by a collusive practice to do any of the following:-

- (a) to abstain from bidding, or
- (b) to bid to a limited extent only, or
- (c) to do any other act or thing that might prevent free and open competition.

Severe penalties can be imposed on persons convicted of collusive practices.

Section 83(2). and Regulations 2003, clause 20(2)

The actual successful bidder at an auction sale must give to the auctioneer or an employee of the auctioneer:

- (a) the bidder's name, or
- (b) the name of the person on whose behalf the successful bid was made.

AUCTION REGISTER in rooms at _____

Date: _____ AUCTIONEER: _____ LICENCE # _____

PROPERTIES SUBMITTED:						
ADDRESS *	SELLING AGENT	LIC. #	SELLER	RESULT	PRICE	BIDDER #
ADDRESS OF PROPERTY BEING AUCTIONED	NAME OF LISTING AGENCY		NAME(S)	SOLD/PASSED IN		IF SOLD
1.					\$	
2.					\$	
3.					\$	
4.					\$	
5.					\$	
6.					\$	
7.					\$	
8.					\$	
9.					\$	
10.					\$	
11.					\$	
12.					\$	
13.					\$	

* If Seller's home address is different from the property being auctioned, note also the Seller's address

