



Western Australia

## **Auction Sales Regulations 1974**

Compare between:

[01 Jul 2013, 01-d0-02] and [01 Jul 2014, 01-e0-00]



## Auction Sales Regulations 1974

### 1. Citation and commencement

- (1) These regulations may be cited as the *Auction Sales Regulations 1974* <sup>1</sup>.
  - (2) In these regulations the *Auction Sales Act 1973* is referred to as “**the Act**”.
- [Regulation 1 amended in Gazette 29 August 1986 p.3205.]*

### 2. Forms

The forms prescribed for the purposes of the Act are set out in the Schedule.

### 3. Applications

- (1) The application forms referred to in the first column of the table hereunder shall be used for the purposes respectively specified in relation thereto in the second column, and the fee payable for the purpose shall be at the rate specified in the third column.

#### Application forms and fees payable

Form No.	Purpose	Fee
1	General licence	<del>\$179</del> 225.00 per annum
2	Restricted licence	<del>\$176.50</del> 225.00 per

r. 3

<b>Form No.</b>	<b>Purpose</b>	<b>Fee</b>
		annum
3	Occasional licence	\$65.00 per licence
4	Interim licence	<del>\$15</del> 19.00 per month or part of a month
5	Provisional licence	<del>\$15</del> 19.00 per month or part of a month
6	Duplicate licence	<del>\$27.00</del> 1.50
7	Transfer of licence	<del>\$45.90</del> 49.00

- (2) Copies of the application forms required may be obtained, free of charge, from the Clerk of a Court of Petty Sessions.
- (3) The forms of licence referred to in the first column of the table hereunder shall be used for the purposes respectively specified in relation thereto in the second column.

**Licences**

<b>Form No.</b>	<b>Purpose</b>
8	General licence.
9	Restricted licence.
10	Occasional licence.
11	Interim licence.
12	Provisional licence.

- (4) The form of transfer of a licence shall be in Form 13 and shall be endorsed on the original licence to which it relates.

*[Regulation 3 amended in Gazette 28 October 1983 p.4372; 29 August 1986 p.3205; 5 August 1988 p.2629; 30 June 1989 p.1976; 1 August 1990 p.3658; 13 December 1991 p.6156; 14 August 1992 pp.4016-7; 27 Jun 2013 p. 2662; [17 Jun 2014 p. 1956.](#)]*

#### **4. Renewals**

- (1) The fee payable on the renewal of a licence shall, subject to apportionment in respect of periods of less than 12 months, be the fee payable on application for that kind of licence as set out in the table to regulation 3(1).
- (2) A licence shall not be renewable as of right.
- (3) An application for the renewal of a licence shall be made in the same manner as an application for the grant of a licence, save that the applicant is not required to comply with section 11(5) of the Act or to lodge character testimonials.

*[Regulation 4 amended in Gazette 6 October 1978 p.3634.]*

#### **5. Method of application**

- (1) An application for the grant, renewal or transfer of a licence shall be made in the manner provided by section 11 of the Act by lodging with the Clerk of a Court of Petty Sessions the prescribed fee together with —
  - (a) where the application is made for a licence to be used for the benefit of a firm or corporation, 4 copies; and
  - (b) in any other case, 3 copies,of the relevant application form.
- (2) Where the application is for the transfer of a licence the application shall be made in Form 7 by the proposed transferee and shall be endorsed with the consent of the proposed transferor and on behalf of the firm or corporation (if any) named in the original licence as that for the benefit of which the licence is to be used.

**6. Notice of application**

For the purposes of section 11(5) of the Act publication of a copy of the application shall be taken of itself to constitute the notice in the prescribed form, no further notice being required to be published.

*[Regulation 6 amended in Gazette 22 November 1974 p.5101.]*

**7. Notice of objection**

A notice of objection to the grant, renewal or transfer of a licence is not required to be given in a prescribed form.

**8. Police inquiries**

On receipt of a copy of the application for the grant, renewal or transfer of a licence from the Clerk of a Court of Petty Sessions, the senior police officer stationed within the police district shall —

- (a) inquire as to the character and suitability of the applicant;
- (b) inquire as to the fitness and repute of the persons responsible for the management of that firm or corporation where the licence is sought for the benefit of a firm or corporation;
- (c) inquire as to the circumstances and the likelihood of the occasion occurring, where an occasional licence is sought;
- (d) inquire as to the genuineness of the incapacity by a medical certificate or other evidence, where an interim licence is sought; and
- (e) report in writing to the court the result of his inquiries.

**9. Stock register**

- (1) The register to be kept for the purposes of section 30 of the Act shall be in Form 15.

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- (2) On the same day as a sale of stock is conducted, the auctioneer shall cause to be entered in the register the following particulars as a separate entry for each lot of animals offered for sale —
- (a) the number of the pen where the animals were held when auctioned;
  - (b) the name and address or identifying code of the vendor of the animals so auctioned;
  - (c) the quantity of animals auctioned in that lot;
  - (d) a description of the breed and type of animal auctioned;
  - (e) the identifier applied to the animals under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;
  - (f) if sold by auction, the price per head of each animal when knocked down to the purchaser, and the name and address or identifying code of the purchaser of the animal; and
  - (g) if passed in or sold by private treaty, a description of the means of disposal and the name and address of any purchaser.
- (3) The auctioneer conducting the sale shall append his signature in the place provided, signifying that the particulars contained in that sheet are, to the best of his knowledge, accurate particulars of all stock offered for sale by him.
- (4) Where any alteration to particulars entered on the register appears, the auctioneer shall initial each alteration as being correct.

*[Regulation 9 amended in Gazette 5 Feb 2013 p. 833.]*

## **10. Waybills**

A person who sells by auction or submits for sale by auction any stock, in relation to which a waybill issued under the *Biosecurity and Agriculture Management (Identification and*

*Movement of Stock and Apiaries) Regulations 2013* is not furnished, commits an offence.

*[Regulation 10 amended in Gazette 5 Feb 2013 p. 833.]*

**11. Misrepresentation**

A person who wilfully makes any representation or statement which is false or misleading in a material particular in relation to any application, objection, register or other matter or proceeding under the Act or these regulations commits an offence and is liable to the penalties provided by section 35 of the Act.



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**Schedule**

**Form 1**

WESTERN AUSTRALIA

*Auction Sales Act 1973*

**APPLICATION FOR A GENERAL LICENCE**

To the Stipendiary Magistrate at .....

I, .....

now residing at .....

and carry on business at .....

and having attained the age of 18 years, do hereby apply for the \* renewal/grant of a general licence to act as and carry on the business of, an auctioneer throughout the State in relation to all classes of business to which the *Auction Sales Act 1973* applies \* (for the benefit of .....

of .....

a \* firm/corporation of which I am an \* employee/partner/Director, which consents to this application).

Dated the ..... day of ....., 20.....

.....  
Signature of Applicant.

\* Strike out whichever not required.

† .....

Consents to this Application.

.....  
Authorised person for  
firm or corporation.

† Insert name of firm or corporation.

The application will be heard before the.....

Court at ..... on the ..... day of ....., 20 .....

at ..... o'clock in the ..... noon.

.....  
Clerk of Petty Sessions.

A person wishing to object to this application should lodge with the clerk of the above Court and serve on the applicant or his authorised representative, at least 7 days before the date appointed for the hearing, a notice stating the grounds of the objection.

**Form 2**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*  
**APPLICATION FOR A RESTRICTED LICENCE**

To the Stipendiary Magistrate at .....  
I, .....  
now residing at .....  
and carry on business at .....  
and having attained the age of 18 years, do hereby apply for the \* grant/renewal of a  
restricted licence to act as and carry on the business of, an auctioneer in (1) .....  
.....  
in relation to the sale of (2) .....  
and during the times stated herein, (3) .....  
\* (for the benefit of .....  
of .....  
a \* firm/corporation of which I am an \* employee/partner/Director and which consents  
to this application).

Dated the ..... day of ....., 20 .....

.....  
Signature of Applicant.

- (1) Describe Police Dist.
- (2) Describe Class of Business.
- (3) Describe Time Periods.

\* Strike out whichever not required.

† .....  
Consents to this Application.

.....  
Authorised person for  
firm or corporation.

† Insert name of firm or corporation.

The application will be heard before the.....  
Court at .....on the .....day of .....  
....., 20 ....., at ..... o'clock in the  
..... noon.

.....  
**Clerk of Petty Sessions.**

A person wishing to object to this application should lodge with the clerk of the above  
Court and serve on the applicant or his authorised representative, at least 7 days before  
the date appointed for the hearing, a notice stating the grounds of the objection.

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**Form 3**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

**APPLICATION FOR AN OCCASIONAL LICENCE**

To the Stipendiary Magistrate at .....

I, .....

now residing at .....

and carry on business at .....

and having attained the age of 18 years, do hereby apply for the grant of an occasional licence in accordance with section 13 of the *Auction Sales Act 1973* to act as an auctioneer \* (for the benefit of.....

.....

of .....

a \* firm/corporation of which I am an \* employee/partner/Director and which consents to this application) from (1) ..... to .....

at (2) ..... in the ..... Police District in relation to the sale of (3) .....

on the occasion and in the circumstances following (4) .....

.....

\* I am/am not the holder of a (5) ..... licence under the *Auction Sales Act 1973* in relation to the sale of (3).....

\* (granted to be used for the benefit of .....

.....of .....

which \* have/have not consented to the making of this application).

Dated the ..... day of ....., 20 .....

.....  
Signature of Applicant.

\* Strike out whichever not required.

- (1) Insert period of licence.
- (2) Describe place of sale.
- (3) Describe class of business.
- (4) Describe reasons for application.
- (5) Describe kind of licence.

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† .....  
Consents to this Application.

.....  
Authorised person for  
firm or corporation.

† Insert name of firm or corporation.

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**Auction Sales Regulations 1974**  
**Schedule**

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The application will be heard before the.....  
Court at .....on the .....day  
of....., 20 ....., at ..... o'clock in the  
..... noon.

.....  
Clerk of Petty Sessions.

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A person wishing to object to this application should lodge with the clerk of the above Court and serve on the applicant or his authorised representative, at least 7 days before the date appointed for the hearing, a notice stating the grounds of the objection.

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**Form 4**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

**APPLICATION FOR AN INTERIM LICENCE**

To the Stipendiary Magistrate at .....

\* I (1) .....

\* the \* firm/corporation for the benefit of which the licence was granted

\* a person acting on behalf and with the consent of the parties named in the licence of .....

hereby apply for the suspension of the (2) .....

licence No. .... granted to (3) .....

and for the grant of an interim licence in accordance with section 14 of the *Auction Sales Act 1973* in favour of (4) .....

now residing at .....

and carrying on business at .....

for the period from the ..... day of ..... to the ..... day of ..... in relation to the sale of (5) ..... on the grounds that (3) .....

will be incapacitated by reason of (6) .....

Dated the ..... day of ....., 20.....

.....  
Signature of Applicant.

\* Strike out whichever not required.

- (1) Name of auctioneer, firm, corporation or proposed licensee making the application.
- (2) Describe kind of licence.
- (3) Name of auctioneer.
- (4) Name of proposed licensee.
- (5) Describe class of business.
- (6) Describe reason for incapacity.

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† .....  
Consents to this Application.

.....  
Authorised person for  
firm or corporation.

† Insert name of firm or corporation.

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**Auction Sales Regulations 1974**  
**Schedule**

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The application will be heard before the.....  
Court at .....on the .....day of  
....., 20 ....., at ..... o'clock in the  
..... noon.

.....  
Clerk of Petty Sessions.

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A person wishing to object to this application should lodge with the clerk of the above Court and serve on the applicant or his authorised representative, at least 7 days before the date appointed for the hearing, a notice stating the grounds of the objection.

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**Form 5**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

**APPLICATION FOR A PROVISIONAL LICENCE**

To the Stipendiary Magistrate at .....

\* I (1) .....

\* the \* firm/corporation for the benefit of which the licence was granted  
of .....

hereby apply for the grant of a provisional licence under section 15 of the *Auction Sales Act 1973* in favour of (2) .....

..... to act as an auctioneer under the direct supervision and  
instruction of (3) .....

for the period from the ..... day of .....

to the ..... day of ..... in relation to the sale

of (4).....

Dated the ..... day of....., 20.....

.....  
Signature of Applicant.

I (3) .....

carrying on business at .....

under a (5) ..... licence No. .... current until the

..... day of .....

\* (for the benefit of .....

of .....

a \* firm/corporation of which I am an \* employee/partner/Director and which consents  
to this application am aware that I am personally liable and responsible for any act or  
default of the holder of the provisional licence in the same manner and to the same  
extent that I would be liable had such act been done or such default been made by me.

Dated the ..... day of....., 20.....

.....  
Signature of Auctioneer.

\* Strike out whichever not required.

(1) Name of auctioneer, firm or corporation making the application.

(2) Name of proposed trainee.

(3) Name of auctioneer.

(4) Describe class of business.

(5) Describe kind of licence.

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† .....

Consents to this Application.

.....  
Authorised person for

**Auction Sales Regulations 1974**  
**Schedule**

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firm or corporation.

† Insert name of firm or corporation.

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The application will be heard before the.....  
Court at .....on the .....day  
of....., 20....., at .....o'clock in  
the ..... noon.

.....  
Clerk of Petty Sessions.

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A person wishing to object to this application should lodge with the clerk of the above Court and serve on the applicant or his authorised representative, at least 7 days before the date appointed for the hearing, a notice stating the grounds of the objection.



**Form 6**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*  
**APPLICATION FOR A DUPLICATE LICENCE**

To the Stipendiary Magistrate at .....

I, .....

now residing at .....

and carrying on business at .....

.....

do hereby apply for a duplicate of my (1) .....

licence No. .... which was issued to me at the .....

Court on the ..... day of....., 20 .....

My ..... licence was Lost/Destroyed under the following circumstances

.....

.....

Dated the ..... day of....., 20 .....

.....

Signature of Applicant.

(1) Describe kind of licence.

**Form 7**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*  
**APPLICATION TO TRANSFER A LICENCE**

To the Stipendiary Magistrate at .....  
I, .....  
now residing at .....  
and carrying on business at .....  
..... and having attained the age of  
18 years, do hereby apply for the transfer to me of the .....  
..... licence, number ..... issued at the  
..... court on the..... day of  
....., 20..... to .....  
.....  
(to be used by me for the benefit of .....  
of .....  
a \* firm/corporation of which I am an \* employee/partner/Director, which consents to  
this application).

Dated the ..... day of ....., 20.....  
.....  
Signature of Applicant.

\* Strike out if not required.

†.....the proposed transferor of the licence  
consents to this Application.  
.....  
Signature of transferor.

† Insert name of transferor.

†.....for the benefit of which the licence was issued,  
consent to this Application.  
.....  
Authorised person for  
firm or corporation.

† Insert name of firm or corporation.

‡..... for the benefit of which the transferred licence  
is to be used, consent to this Application.  
.....  
Authorised person for  
firm or corporation.

‡ Insert name of firm or corporation.

The application will be heard before the.....  
Court at .....on the .....day  
of ....., 20....., at ..... o'clock in the  
..... noon.

.....  
Clerk of Petty Sessions.

A person wishing to object to this application should lodge with the clerk of the above Court and serve on the applicant or his authorised representative, at least 7 days before the date appointed for the hearing, a notice stating the grounds of the objection.

**Form 8**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

FEE \$ ..... No. ....

**GENERAL LICENCE**

This is to certify that .....  
residing at .....  
and carrying on business at .....  
\* (for the benefit of .....  
a \* firm/corporation of whom he is an \* employee/partner/Director), is hereby  
licensed — \* subject to the conditions, limitations or restrictions endorsed hereon — to  
act as, and carry on the business of, an auctioneer throughout the State in relation to all  
classes of business to which the *Auction Sales Act 1973* applies, from the date hereof,  
until the ..... day of ..... ,  
20 .....

Conditions, limitations or restrictions (if any) —  
.....  
.....

Issued this ..... day of ..... , 20 .....  
at the ..... Court.

.....  
Stipendiary Magistrate.

Fee \$ ..... paid. Date ...../...../..... Receipt No. ....

.....  
Clerk of Petty Sessions.

\* Strike out if not applicable.

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**Form 9**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

FEE \$ ..... No. ....

**RESTRICTED LICENCE**

This is to certify that .....  
residing at .....  
and carrying on business at .....  
\* (for the benefit of .....  
of .....  
a \* firm/corporation of whom he is an \* employee/partner/Director), is hereby  
licensed, subject to the conditions, limitations or restrictions endorsed hereon to act as,  
and carry on the business of, an auctioneer in accordance with the *Auction Sales*  
*Act 1973*, from the date hereof, until the ..... day  
of ....., 20 .....  
Conditions, limitations or restrictions applicable .....  
.....  
Issued this ..... day of ....., 20 .....  
at the ..... Court.

.....  
Stipendiary Magistrate.

Fee \$ ..... paid. Date ...../...../..... Receipt No. ....

.....  
Clerk of Petty Sessions.

\* Strike out if not applicable.

**Form 10**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

FEE \$ ..... No. ....

**OCCASIONAL LICENCE**

This is to certify that .....  
residing at .....  
and carrying on business at .....  
\* (for the benefit of .....  
of .....  
a \* firm/corporation of whom he is an \* employee/partner/Director), is hereby licensed  
as an auctioneer in accordance with the *Auction Sales Act 1973*, in relation to the  
occasion and circumstances specified herein, but subject to such conditions, limitations  
or restrictions endorsed herein, from the ..... day of ..... ,  
20 ..... , until the ..... day of ..... ,  
20 ..... , inclusive.

Occasion and circumstances .....  
.....

Conditions, limitations or restrictions applicable .....  
.....

Issued this ..... day of ..... , 20 .....  
at the ..... Court.

.....  
Stipendiary Magistrate.

Fee \$ ..... paid. Date ...../...../..... Receipt No. ....

.....  
Clerk of Petty Sessions.

\* Strike out if inapplicable.

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**Form 11**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

FEE \$ ..... No. ....

**INTERIM LICENCE**

This is to certify that .....  
residing at .....  
and carrying on business at .....  
is hereby authorised under the *Auction Sales Act 1973* to sell by auction on behalf of,  
and to act as, and carry on the business of .....  
of .....  
whose † ..... licence would otherwise be current until

\* (for the benefit of .....  
of .....  
a \* firm/corporation of whom he is an \* employee/partner/Director).

This licence applies from the ..... day of ..... 20 ....., until  
the ..... day of ....., 20 ....., inclusive  
during which time the licence held by .....  
is suspended.

This licence is subject to the following conditions, limitations or restrictions .....  
.....  
.....

Issued this ..... day of ....., 20 ..... at  
the ..... Court.

.....  
Stipendiary Magistrate.

† Describe kind of licence.

Fee \$ ..... paid. Date ...../...../..... Receipt No. ....

.....  
Clerk of Petty Sessions.

\* Strike out if inapplicable.

**Form 12**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

FEE \$ ..... No. ....

**PROVISIONAL LICENCE**

This is to certify that .....  
residing at .....  
is hereby authorised under the *Auction Sales Act 1973* to act as an auctioneer under the  
direct supervision and instruction of .....  
of .....  
the holder of a † ..... licence issued for the benefit of  
of .....  
until the ..... day of ....., 20 .....

The licence applies from the ..... day of ..... 20 ....., until  
the ..... day of ....., 20 ....., inclusive,  
and is subject to the following conditions, limitations or restrictions .....

Issued this ..... day of ....., 20 .....  
at the ..... Court.

.....  
Stipendiary Magistrate.

† Describe kind of licence.

Fee \$ ..... paid. Date ...../...../..... Receipt No. ....

.....  
Clerk of Petty Sessions.

Period of this licence not to exceed 2 months.



**Form 13**  
**WESTERN AUSTRALIA**  
*Auction Sales Act 1973*

**FORM OF ORDER OF TRANSFER TO BE ENDORSED ON LICENCE**

I, ..... Stipendiary Magistrate  
at ....., having heard an application by  
....., of .....,  
for an order transferring licence number .....issued  
at the .....Court on the ..... day of .....  
20 ..... to him, and being satisfied that the licensee (or the legal personal  
representative of the licensee) has consented to the application, and that the applicant is  
a fit and proper person to be the holder of a licence under the *Auction Sales Act 1973*, do  
hereby order the licence to be transferred, and the same is hereby transferred to the said  
....., who shall henceforth  
have the sole right to use and exercise the same, subject to the Act.

Dated the ..... day of ....., 20 .....

.....  
Stipendiary Magistrate.

*[Form 14 deleted]*

**Auction Sales Regulations 1974**  
**Schedule**

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**Form 15**  
**WESTERN AUSTRALIA**

..... day of ....., 20 .....

Type of Stock *Auction Sales Act 1973*

**REGISTER**

Location .....

Pen	Vendor, Address	Quantity	Description	Identifier	Price	Purchaser, Address or How Disposed of

.....  
Licensed Auctioneer.

*[Schedule amended in Gazette 22 November 1974 p.5101; 5 Feb 2013  
p. 833.]*

### Notes

<sup>1</sup> This is a compilation of the *Auction Sales Regulations 1974* and includes the amendments made by the other written laws referred to in the following table.

#### Compilation table

Citation	Gazettal	Commencement
<i>Auction Sales Act Regulations 1974</i>	13 Sep 1974 pp.3426-38	13 Sep 1974
	22 Nov 1974 p.5101	22 Nov 1974
	6 Oct 1978 pp.3633-4	6 Oct 1978
<i>Auction Sales Amendment Regulations 1983</i>	28 Oct 1983 p.4372	1 Nov 1983 (see regulation 2)
<i>Auction Sales Amendment Regulations 1986</i>	29 Aug 1986 pp.3204-5	1 Sep 1986 (see regulation 2)
<i>Auction Sales Amendment Regulations 1988</i>	5 Aug 1988 p.2629	5 Aug 1988
<i>Auction Sales Amendment Regulations 1989</i>	30 Jun 1989 p.1976	1 Jul 1989 (see regulation 2)
<i>Auction Sales Amendment Regulations 1990</i>	1 Aug 1990 p.3658	1 Aug 1990
<i>Auction Sales Amendment Regulations 1991</i>	13 Dec 1991 p.6156	13 Dec 1991
<i>Auction Sales Amendment Regulations 1992</i>	14 Aug 1992 pp.4016-7	14 Aug 1992
<b>Reprinted as at 8 Sep 2000</b>		
<i>Auction Sales Amendment Regulations 2013</i>	5 Feb 2013 p. 832-3	r. 1 and 2: 5 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823)
<i>Auction Sales Amendment Regulations (No. 2) 2013</i>	27 Jun 2013 p. 2661-2	r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))

**Auction Sales Regulations 1974**

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<a href="#"><u>Auction Sales Amendment Regulations 2014</u></a>	<a href="#"><u>17 Jun 2014</u></a> <a href="#"><u>p. 1956</u></a>	<a href="#"><u>r. 1 and 2: 17 Jun 2014</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>1 Jul 2014 (see r. 2(b))</u></a>