



Western Australia

Auction Sales Act 1973

Auction Sales Regulations 1974

As at 03 Jun 2016

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Auction Sales Regulations 1974

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Defined terms

Auction Sales Regulations 1974

1. Citation

- (1) These regulations may be cited as the *Auction Sales Regulations 1974*¹.
- (2) In these regulations the *Auction Sales Act 1973* is referred to as the *Act*.

[Regulation 1 amended in Gazette 29 Aug 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	\$230.00 per annum
2	Restricted licence	\$230.00 per annum
3	Occasional licence	\$66.00 per licence

Form No.	Purpose	Fee
4	Interim licence	\$19.00 per month or part of a month
5	Provisional licence	\$19.00 per month or part of a month
6	Duplicate licence	\$1.50
7	Transfer of licence	\$49.00

- (2) Copies of the application forms required may be obtained, free of charge, from the registrar of the Magistrates Court^{2,3}.
- (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

Form No.	Purpose
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 Oct 1983 p. 4372; 29 Aug 1986 p. 3205; 5 Aug 1988 p. 2629; 30 Jun 1989 p. 1976; 1 Aug 1990 p. 3658; 13 Dec 1991 p. 6156; 14 Aug 1992 p. 4016-7; 27 Jun 2013 p. 2662; 17 Jun 2014 p. 1956; 23 Jun 2015 p. 2161.]

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 Oct 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 registrar of the Magistrates Court ^{2,3} 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 Nov 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 registrar of the Magistrates Court^{2, 3}, the senior police officer stationed within the police district shall —

- (a) inquire as to the character and suitability of the applicant; and
- (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; and
- (c) inquire as to the circumstances and the likelihood of the occasion occurring, where an occasional licence is sought; and
- (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.
- (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; and

- (b) the name and address or identifying code of the vendor of the animals so auctioned; and
 - (c) the quantity of animals auctioned in that lot; and
 - (d) a description of the breed and type of animal auctioned; and
 - (e) the identifier applied to the animals under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and
 - (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.

Schedule

Form 1

WESTERN AUSTRALIA

Auction Sales Act 1973

APPLICATION FOR A GENERAL LICENCE

To the Magistrate⁴ at
I,
now residing at
and carrying 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.

.....
Registrar of the Magistrates Court².

A person wishing to object to this application should lodge with the registrar² 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

Form 2
WESTERN AUSTRALIA
Auction Sales Act 1973

APPLICATION FOR A RESTRICTED LICENCE

To the Magistrate⁴ at
I,
now residing at
and carrying 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.

.....
Registrar of the Magistrates Court².

A person wishing to object to this application should lodge with the registrar² 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 3
WESTERN AUSTRALIA
Auction Sales Act 1973

APPLICATION FOR AN OCCASIONAL LICENCE

To the Magistrate⁴ at
I,
now residing at
and carrying 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.

†
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

Auction Sales Regulations 1974
Schedule

Form 3

..... noon.

.....
Registrar of the Magistrates Court².

A person wishing to object to this application should lodge with the registrar² 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 4
WESTERN AUSTRALIA
Auction Sales Act 1973

APPLICATION FOR AN INTERIM LICENCE

To the Magistrate⁴ 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.

†
Consents to this Application.

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

† Insert name of firm or corporation.

Auction Sales Regulations 1974
Schedule

Form 4

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

.....
Registrar of the Magistrates Court².

A person wishing to object to this application should lodge with the registrar² 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 5
WESTERN AUSTRALIA
Auction Sales Act 1973

APPLICATION FOR A PROVISIONAL LICENCE

To the Magistrate⁴ 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 theday 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.

Auction Sales Regulations 1974
Schedule

Form 5

†
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.

.....
Registrar of the Magistrates Court².

A person wishing to object to this application should lodge with the registrar² 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 Magistrate⁴ 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

Form 7
WESTERN AUSTRALIA
Auction Sales Act 1973

APPLICATION TO TRANSFER A LICENCE

To the Magistrate⁴ 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 aton theday
of, 20....., at o'clock in the
..... noon.

.....
Registrar of the Magistrates Court ².

A person wishing to object to this application should lodge with the registrar ² 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.

Auction Sales Regulations 1974
Schedule

Form 8

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.

.....
Magistrate⁴.

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

.....
Registrar of the Magistrates Court².

* Strike out if not applicable.

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.

.....
Magistrate⁴.

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

.....
Registrar of the Magistrates Court².

* Strike out if not applicable.

Auction Sales Regulations 1974
Schedule

Form 10

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.

.....
Magistrate⁴.

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

.....
Registrar of the Magistrates Court².

* Strike out if inapplicable.

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.

.....
Magistrate⁴.

† Describe kind of licence.

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

.....
Registrar of the Magistrates Court².

* Strike out if inapplicable.

Auction Sales Regulations 1974
Schedule

Form 12

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.

.....
Magistrate⁴.

† Describe kind of licence.

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

.....
Registrar of the Magistrates Court².

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,Magistrate⁴
at, having heard an application
by,
of, for an order
transferring licence number
issued at theCourt 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.....
.....
Magistrate⁴.

[Form 14 deleted in Gazette 22 Nov 1974 p. 5101.]

Auction Sales Regulations 1974
Schedule

Form 15

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.

[Form 15 amended in Gazette 5 Feb 2013 p. 833.]



Notes

¹ 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 ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Auction Sales Act Regulations 1974</i> ⁵	13 Sep 1974 p. 3426-38	13 Sep 1974
Untitled regulations	22 Nov 1974 p. 5101	22 Nov 1974
Untitled regulations	6 Oct 1978 p. 3633-4	6 Oct 1978
<i>Auction Sales Amendment Regulations 1983</i>	28 Oct 1983 p. 4372	1 Nov 1983 (see r. 2)
<i>Auction Sales Amendment Regulations 1986</i>	29 Aug 1986 p. 3204-5	1 Sep 1986 (see r. 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 r. 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 p. 4016-17	14 Aug 1992
Reprint of the <i>Auction Sales Regulations 1974</i> as at 8 Sep 2000 (includes amendments listed above)		
<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)(i)) 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))

Citation	Gazettal	Commencement
<i>Auction Sales Amendment Regulations 2014</i>	17 Jun 2014 p. 1956	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
Reprint 2: The Auction Sales Regulations 1974 as at 7 Nov 2014 (includes amendments listed above)		
<i>Auction Sales Amendment Regulations 2015</i>	23 Jun 2015 p. 2160-1	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 2</i> ⁶	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))

- ² Under the *Courts Legislation Amendment and Repeal Act 2004* s. 54(2), a reference in a written law to the clerk of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the registrar of the Magistrates Court. The reference was amended under the *Reprints Act 1984* s. 7(5)(a).
- ³ Under the *Courts Legislation Amendment and Repeal Act 2004* s. 58, a reference in a written law to the court of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court. The reference was amended under the *Reprints Act 1984* s. 7(5)(a).
- ⁴ Under the *Courts Legislation Amendment and Repeal Act 2004* s. 15(7), a reference in a written law to a stipendiary magistrate is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to a magistrate. The reference was changed under the *Reprints Act 1984* s. 7(5)(a).
- ⁵ Now known as the *Auction Sales Regulations 1974*; name changed (see note under r. 1).

⁶ On the date as at which this compilation was prepared, the *Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 2* had not come into operation. It reads as follows:

Part 2 — Auction Sales Regulations 1974 amended

3. Regulations amended

This Part amends the *Auction Sales Regulations 1974*.

4. Regulation 3 amended

In regulation 3(1) in the table:

- (a) delete “\$230.00” (each occurrence) and insert:

\$179.00

- (b) delete “\$66.00” and insert:

\$65.00

- (c) delete “\$19.00” (each occurrence) and insert:

\$15.00

- (d) delete “\$1.50” and insert:

\$1.67

- (e) delete “\$49.00” and insert:

\$49.54

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Act	1(2)