

# Prescribed Conditions of Sale by Auction

Section 77, Property, Stock & Business Agents Act 2002  
(NSW) and clauses 18 and 19, Property, Stock &  
Business Agents Regulation 2003 (NSW).

## **Auctions of residential property or rural land**

The following conditions apply:

1. The principal's reserve price must be given in writing to the auctioneer before the auction commences.
2. A bid for the seller cannot be made unless the auctioneer has, before the commencement of the auction, announced clearly and precisely that a bid may be made on behalf of the seller by the auctioneer.
3. The highest bidder is the purchaser, subject to any reserve price.
4. In the event of a disputed bid, the auctioneer is the sole arbitrator and the auctioneer's decision is final.
5. The auctioneer may refuse to accept any bid that, in the auctioneer's opinion, is not in the best interests of the seller.
6. 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.
7. A bid cannot be made or accepted after the fall of the hammer.
8. As soon as practicable after the fall of the hammer the purchaser is to sign the agreement (if any) for sale.
9. All bidders must be registered in the Bidders Record and display an identifying number when making a bid.
10. One bid only may be made on behalf of the seller by the auctioneer on behalf of the seller.
11. When making a bid on behalf of the seller, the auctioneer must clearly state that the bid was made on behalf of the seller.

Bidding by a co-owner or executor must be identified in the auction conditions.