Underquoting……...again

The new underquoting laws are well and truly in force and NSW Fair Trading have updated their information material for Agents. Whilst looking through the Property, Stock and Business Agents Act and Regulations with some of our trainers this week, in an attempt to clarify some student questions, we have come across an interesting change to the Regulations.

The Act has been amended to add the underquoting reforms into the legislation, and clearly states what a selling agent is required to do when entering into an agency agreement with a client and an estimate of selling price:

72A Estimated selling price in agency agreement for sale of residential property

(1) A real estate agent must not enter into an agency agreement with a person for the sale of residential property unless the agreement includes the agent’s estimate of the likely selling price of the property.

One of the questions that has arisen from CPD students is:

Are we required to specifically state a dollar figure in the agency agreement when completing the section in the agreement that is asking what is the vendor’s selling price.

The simple answer comes in the form of another question:

What do the Act and Regulations require?

The 2003 regulations previously stated at Schedule 8:

(4) Price at which property is to be offered
If the agreement provides for the property to be offered for sale by private treaty, the agreement must specify the price at which the property is to be offered.

Interestingly this clause has been deleted from the current regulations.

There are no longer any sections in the Act or the Regulations that state you are required to provide within your agency agreement what the property is to be listed at or a vendor’s authorised advertised price.
When addressing this section of your agency agreement, is it misleading or against the Act to state “expressions of interest” or “contact agent”?

From reviewing the change to the Regulations, the omission of a requirement to specify the price at which the property is to be offered, would suggest that you are not required to provide a dollar figure at this section of your agreement.


If you would like to have more information or a short training session in your office, please contact us to arrange.

‘Til next time,
Wishing you every success in your business ventures,
Rosy Sullivan

The College has continued with a very busy start to 2016, with full Finance and Mortgage Broking courses running from our CBD office. In Parramatta, we had an impressive number of students attending our Certificate of Registration course, looking to start the New Year working in real estate. CPD training has also been very busy throughout January with many people looking to get information on the latest changes regarding underquoting in the property industry.

We were very excited in the office this week to welcome Stephanie back to the office. Steph returns after spending the last 18 months travelling throughout Europe and running our London office for migration students. It goes without saying that we had cake to celebrate her return. She will be taking on the role of Training Manager in the office and with the work ahead of her it shouldn’t be too long before it feels like she never left.

The College also welcomed Rhiannon to the ACOP team. Rhiannon will be joining the presigious production team and we wish her all the best.

Of great excitement in the office, was the news that Rosy and John have sponsored another child through the Cambodian Children’s Fund and that the ACOP team are going to be the regular email contacts with Pon, who is a 9 year old girl who required urgent medical, accommodation and educational support, which she will now receive through CCF. Everyone is very excited about getting to know Pon through emails and sending her regular photos and updates of their lives.
The staff at the College enjoyed the Australia Day Public holiday this week, with the smart members of staff taking the Monday off to give themselves a 4 day long weekend. Staff came back on Wednesday refreshed and looking forward to the year ahead.

Certificate IV in Finance & Mortgage Broking

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Diploma of Finance & Mortgage Broking Management
(Upgrade Course)

*Thursday 3rd - Friday 4th March*

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Business Broking Agency Practices Sydney
Thu 4th - Fri 5th Feb

Sales for Real Estate Sydney
Tue 9th - Fri 12th Feb

Strata Management Agency Practices Sydney
Tue 15th - Fri 18th Mar

Stock & Station Agency Practices Sydney
Mon 9th - Fri 13th May

Financial Management Sydney
Wed 13th - Thu 14th Apr

Staff Management Sydney
Thu 21st - Fri 22nd Apr

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Thu 3rd Mar