



Australian Capital Territory

Agents Regulation 2003

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made under the

Agents Act 2003

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(republishing for amendments by [A2022-8](#)
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About this republication

The republished law

This is a republication of the *Agents Regulation 2003*, made under the *Agents Act 2003* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 July 2022. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2022.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Contents

	Page
Part 1	Preliminary
1	Name of regulation 2
3	Dictionary 2
4	Notes 2
5	Offences against regulation—application of Criminal Code etc 3
5C	Entities to which Act does not apply—Act, s 6 (I) 3
5D	Act, s 28, s 29 (1) and s 45 do not apply in relation to owners corporation managing agent—Act, s 6 (I) 4
Part 2	Licensing
7A	Licence conditions—professional development—Act, s 34 (1) (a) 5
8	Renewal of licences—Act, s 36 5

R22
01/07/22

Agents Regulation 2003
Effective: 01/07/22-12/09/24

contents 1

		Page
Part 3	Registration	
10	Information to be included in advertisement of intention to apply for registration—Act, s 52 (2) (b)	6
10A	Registration conditions—professional development—Act, s 58 (1) (a)	6
10AA	Registration conditions—additional qualifications required after registration—Act, s 58 (1) (a)	6
11	Renewal of registrations—Act, s 60 (3) (b)	7
Part 4	Conduct of licensed agents and registered assistant property agents	
Division 4.1	Licensed agent's main place of business	
12	Notice of change of main place of business—Act, s 68 (2)	8
Division 4.2	Management of licensed agent's business	
13	Class 1 licensed property agent to be in charge of business—exemptions—Act, s 71 (3)	8
Division 4.3	Land—further provisions	
14	Agents giving financial and investment advice—Act, s 83	10
Part 5	Agency agreements	
15	Content of agency agreements—Act, s 100 (1) (c)	12
Part 6	Miscellaneous	
17	Rules of conduct for licensed agents—Act, s 171 (1)	13
18	Rules of conduct for licensed land auctioneers—Act, s 171 (1)	13
Schedule 3	Terms applying to all agency agreements	14
3.1	Identification of property	14
3.2	Names of parties to agreement	14
3.3	Information identifying parties	14
3.4	Principal's authority to enter into agreement	14
3.5	Authorisation for licensee to act on behalf of principal	14
3.6	Duration of the agreement	15
3.7	Termination of the agreement	15
3.8	Reimbursement of licensee	15
3.9	Remuneration	15

	Page
Schedule 4	
Terms specific to agency agreements for sale of residential property	17
4.1 Exclusive agency and sole agency agreements	17
4.2 Warning about other agency agreements	18
4.3 Fixed term agency agreements	18
4.4 Price at which property is to be offered	18
4.5 Sales inspection report to form part of agreement	18
Schedule 5	
Terms specific to a buyers agent agency agreements	19
5.1 Property details	19
5.2 Purchase price range	19
Schedule 6	
Terms specific to agency agreements for sale of rural land	20
6.1 Exclusive agency and sole agency agreements	20
6.2 Warning about other agency agreements	21
6.3 Price at which property is to be offered	21
6.4 Sales inspection report to form part of agreement	21
Schedule 7	
Terms specific to agency agreements for sale of business	22
7.1 Meaning of <i>business</i> in sch 7	22
7.2 Exclusive agency and sole agency agreements	22
7.3 Warning about other agency agreements	23
7.4 Transfer of liability for the leasing or hire purchase of inclusions	23
7.5 Specific instructions about marketing and inspections	24
Schedule 8	
Rules of conduct	25
Part 8.1	
Interpretation	25
8.1 Definitions—sch 8	25

	Page
Part 8.2	
General rules applying to all licensed agents and registered assistant property agents	
8.2 Knowledge of Act and other laws	26
8.3 Fiduciary obligations	26
8.4 Honesty, fairness and professionalism	26
8.5 Skill, care and diligence	26
8.6 High pressure tactics, harassment or unconscionable conduct	26
8.7 To act in client's best interests	27
8.8 Confidentiality	27
8.9 To act in accordance with client authority	27
8.10 To act in accordance with client's instructions	27
8.11 Licensee must ensure employees comply with the Act	28
8.12 Conflicts of interest	28
8.13 Referral to service provider	28
8.14 Licensee not to recommend engagement of services of solicitor acting for other party	29
8.15 Inducements	29
8.16 Soliciting through false or misleading advertisements or communications	29
8.17 Insertion of material particulars in documents	29
8.18 Representations about Act	30
8.19 Agency agreements must comply with regulation	30
Part 8.3	
Rules specific to licensed real estate agents and registered assistant real estate agents	31
Division 8.3.1 Sales	31
8.20 Preliminary physical inspection of property for sale to be conducted by agent	31
8.21 Sales inspection report required for property	31
8.22 Principal to be informed of an offer	32
8.23 Information to be given when expression of interest deposit paid	32
8.24 Notifying managing agent of appointment to sell residential property	33
8.25 Licensee must not accept payment for a referral	33
Division 8.3.2 Buyers agents	33
8.26 Statement of property details	33
8.27 Principal to be informed of negotiations	34

	Page
8.28 Licensee to obtain best possible purchase price	34
8.29 Licensee not to exceed agreed purchase price in negotiations or at auction	34
8.30 Information to be given when expression of interest deposit paid	35
8.31 Licensee must not accept payment for a referral	35
Division 8.3.3 Property management—real estate agents	35
8.32 Inspection report	35
8.33 Inspection of property for rent	36
8.34 Maintenance or repairs of rental property	36
8.35 Breach of tenancy agreement	36
8.36 Notifying tenant of appointment to sell	37
8.37 Final inspection of property	37
8.38 Obtaining tenant's signature for rental bond refund	37
8.39 Cooperation about records, access and transfer	38
8.40 Disclosure of potential agency	38
8.41 Confirmation of specific instructions—property management services	38
8.42 Confirmation of specific instructions—leasing of property	40
Part 8.4 Rules specific to licensed stock and station agents and registered assistant stock and station agents	41
Division 8.4.1 Sales	41
8.43 Preliminary physical inspection of property to be conducted by agent	41
8.44 Sales inspection report required for the property	41
8.45 Principal to be informed of an offer	43
8.46 Agent must not accept payment for a referral	43
Division 8.4.2 Property management—stock and station agents	43
8.47 Inspection report	43
8.48 Inspection of property for rent	44
8.49 Maintenance or repairs of rental property	44
8.50 Breach of tenancy agreement	44
8.51 Notifying tenant of appointment to sell	45
8.52 Final inspection of property	45
8.53 Cooperation about records, access and transfer	45
8.54 Disclosure of potential agency	46
8.55 Confirmation of specific instructions—property management services	46

Contents

8.56	Confirmation of specific instructions—leasing of property	Page 47
Part 8.5	Rules specific to licensed business agents and registered assistant business agents	49
8.57	Meaning of <i>business</i> in pt 8.5	49
8.58	Preliminary physical inspection of business to be conducted by agent	49
8.59	Sales inspection report required for business	49
8.60	Confirmation of specific instructions	50
8.61	Principal to be informed of an offer	51
8.62	Agent must not accept payment for a referral	51
Dictionary		52
Endnotes		
1	About the endnotes	54
2	Abbreviation key	54
3	Legislation history	55
4	Amendment history	58
5	Earlier republications	63



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Agents Act 2003

Part 1 Preliminary

1 Name of regulation

This regulation is the *Agents Regulation 2003*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition ‘*agent*, for schedule 8 (Rules of conduct)—see schedule 8, section 8.1.’ means that the term ‘agent’ is defined in that section for schedule 8.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5C Entities to which Act does not apply—Act, s 6 (l)

(1) The following entities are prescribed:

- (a) Community Housing Canberra Ltd ABN 46 081 354 752 when carrying on business as a real estate agent in relation to managing a community housing asset as a registered community housing provider;
- (b) Havelock Housing Association Incorporated ABN 47 119 833 407;
- (c) YWCA Canberra ABN 48 008 389 151;
- (d) a person who provides a real estate agent service as an employee of an entity mentioned in—
 - (i) paragraph (a) to the extent that the person provides or offers to provide the service when managing a community housing asset; or
 - (ii) paragraph (b) or (c).

- (2) In this section:

community housing asset—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

registered community housing provider—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

Note The *Community Housing Providers National Law (ACT) Act 2013*, s 7 applies the Community Housing Providers National Law set out in the appendix to the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW), as if it were a territory law referred to as the *Community Housing Providers National Law (ACT)*.

5D Act, s 28, s 29 (1) and s 45 do not apply in relation to owners corporation managing agent—Act, s 6 (l)

- (1) The [Act](#), section 28 (Advertising intended licence applications) and section 29 (1) (Licence applications) do not apply to a person applying for a real estate agents licence that is subject to the condition that the person act only as an owners corporation managing agent.
- (2) The [Act](#), section 45 (Assistant real estate agents must be registered) does not apply to a person employed by a licensed real estate agent if—
- (a) the person only provides services in relation to the management of an owners corporation; or
 - (b) the real estate agent's licence is subject to the condition that the person act only as an owners corporation managing agent.

Part 2 Licensing

7A **Licence conditions—professional development—Act, s 34 (1) (a)**

- (1) It is a condition of a licence that the licensed agent satisfy the relevant requirements for continuing professional development set out in the guideline under subsection (2) that applies to the agent, within the period set out in the guideline.
- (2) The commissioner for fair trading may, in writing, make guidelines for continuing professional development for licensed agents.
- (3) A guideline under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

8 **Renewal of licences—Act, s 36**

The prescribed requirement is that the applicant has not contravened any condition imposed on the licence under the Act, including any condition put on the licence under the [Act](#), section 34.

Example

the person has successfully completed any requirements for professional development stated as a condition of the licence

Part 3 Registration

10 Information to be included in advertisement of intention to apply for registration—Act, s 52 (2) (b)

The notice must also state the applicant's full name and postal address.

10A Registration conditions—professional development—Act, s 58 (1) (a)

- (1) It is a condition of registration that a registered person satisfy the relevant requirements for continuing professional development set out in the guideline under subsection (2) that applies to the person, within the period set out in the guideline.
- (2) The commissioner for fair trading may, in writing, make guidelines for continuing professional development for registered people.
- (3) A guideline under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

10AA Registration conditions—additional qualifications required after registration—Act, s 58 (1) (a)

- (1) It is a condition of registration that a registered assistant property agent must—
 - (a) complete an additional qualification declared by the commissioner for fair trading, that applies to the agent, within the period set out in the declaration; or
 - (b) complete, or have completed, a qualification that the commissioner for fair trading is satisfied is higher than, equivalent to or substantially equivalent to the additional qualification declared under paragraph (a).
- (2) A declaration is a disallowable instrument.

(3) In this section:

complete an additional qualification—a registered assistant property agent *completes* an additional qualification if a registered training organisation issues the agent with a statement of attainment or qualification, confirming that the agent has satisfied the requirements of the additional qualification.

11 Renewal of registrations—Act, s 60 (3) (b)

The following requirements are prescribed:

- (a) the applicant has not contravened any condition of the registration;
- (b) the applicant has not contravened any other condition put on the registration under the [Act](#), section 58.

Example for par (a)

the person has successfully completed any requirements for professional development stated as a condition of registration

Part 4 Conduct of licensed agents and registered assistant property agents

Division 4.1 Licensed agent's main place of business

12 Notice of change of main place of business—Act, s 68 (2)

The period in which the commissioner for fair trading must be told about a change in the licensed agent's main place of business is 5 business days beginning on the day after the change.

Division 4.2 Management of licensed agent's business

13 Class 1 licensed property agent to be in charge of business—exemptions—Act, s 71 (3)

- (1) In deciding whether to exempt a person from the [Act](#), section 68A (Licensed agent in charge to have class 1 property agent licence), or amend or revoke an exemption, the commissioner for fair trading must consider the following matters:
- (a) the reasons for the exemption;
 - (b) the period of the exemption;
 - (c) the person's experience as a licensed property agent;
 - (d) fiduciary safeguards and office systems established, or to be established, to provide for accountability to the licensed property agent in charge;
 - (e) staffing and office management arrangements established, or to be established, at the place of business;

- (f) the person's record in relation to compliance with the Act or the repealed Act, including compliance with any condition of a licence or registration during the previous 5 years;
 - (g) employer references (if any) in relation to the person's experience as a licensed property agent.
- (2) In deciding whether to exempt a class 1 licensed property agent from the [Act](#), section 69 (Property agent place of business to have class 1 licensed property agent in charge), or amend or revoke an exemption, the commissioner for fair trading must consider the following matters:
 - (a) the reasons for the exemption;
 - (b) the licensed property agent's experience as a licensed property agent in charge at a place of business of a licensed property agent;
 - (c) the licensed property agent's capacity to properly supervise the conduct of business at more than 1 place of business;
 - (d) office systems or arrangements established, or to be established, at each place of business;
 - (e) staffing and office management arrangements at each place of business;
 - (f) whether there is a centralised trust account for the deposit of trust money received in connection with the businesses for which the licensed property agent would be the licensed property agent in charge under the exemption;
 - (g) the licensed property agent's record in relation to compliance with the Act or the repealed Act, including compliance with any condition of a licence or registration during the previous 5 years;
 - (h) employer references (if any) in relation to the licensed property agent's experience as a licensed property agent in charge.

- (3) In deciding whether to exempt a class 1 licensed property agent from the [Act](#), section 70 (Class 1 licensed property agent to be in charge of 1 place of business), or amend or revoke an exemption, the commissioner for fair trading must consider the following matters:
- (a) the reasons for the exemption;
 - (b) the licensed property agent's experience as a licensed property agent in charge at a place of business of a licensed property agent;
 - (c) the licensed property agent's capacity to properly supervise the conduct of business of more than 1 licensed property agent;
 - (d) fiduciary safeguards and office systems established, or to be established, to provide for accountability to the licensed property agent in charge;
 - (e) whether separate trust accounts are in place for the deposit of trust money received in connection with the business of each licensed property agent for whom the licensed property agent would act under the exemption;
 - (f) the licensed property agent's record in relation to compliance with the Act or the repealed Act, including compliance with any condition of a licence or registration during the previous 5 years;
 - (g) employer references (if any) in relation to the licensed property agent's experience as a licensed property agent in charge.

Division 4.3 Land—further provisions

14 Agents giving financial and investment advice—Act, s 83

- (1) This section applies to financial or investment advice that—
- (a) is intended to influence the person to whom it is given in making a particular financial or investment decision about the sale or purchase of land; or

- (b) could reasonably be regarded as being intended to have that influence.
- (2) A real estate agent who gives the advice must give the following information or warning:
 - (a) a warning that the advice is general advice only and that its preparation has not taken into account the individual circumstances of the person;
 - (b) for advice given about the purchase of land—a warning that an intending purchaser should assess the suitability of any investment in the property in the light of their own needs and circumstances, and that they can do this themselves or by consulting an appropriately licensed financial adviser;
 - (c) information that discloses the existence and nature of any conflict of interest the agent may have in relation to the giving of the advice.

Example for par (c)

an entitlement to commission or referral fees

Part 5 Agency agreements

15 Content of agency agreements—Act, s 100 (1) (c)

- (1) An agency agreement must comply with schedules 3 to 7.
- (2) The schedules apply as follows:
 - (a) schedule 3 applies to all agency agreements (in addition to any other schedule that may apply to the agreement);
 - (b) schedule 4 applies to an agency agreement under which the agent will act for the seller on the sale of residential property;
 - (c) schedule 5 applies to an agency agreement under which the agent will act for the buyer on the purchase of land;
 - (d) schedule 6 applies to an agency agreement under which the agent will act for the seller on the sale of rural land;
 - (e) schedule 7 applies to an agency agreement under which the agent will act for the seller on the sale of a business or professional practice.
- (3) A reference in schedules 3 to 7 to *property* (other than as a reference to residential property) includes a reference to land.
- (4) An agency agreement must not contain anything inconsistent with the requirements of this part, but this section does not otherwise limit the terms that an agency agreement may contain.

Part 6 Miscellaneous

17 Rules of conduct for licensed agents—Act, s 171 (1)

- (1) Schedule 8 sets out the rules of conduct to be observed by licensed agents and registered assistant property agents.
- (2) Schedule 8 applies as follows:
 - (a) part 8.2 applies to all licensed agents and registered assistant property agents (in addition to any other schedule applicable to a particular kind of licensed agent or registered assistant property agent);
 - (b) part 8.3 applies to licensed real estate agents and registered assistant real estate agents they employ;
 - (c) part 8.4 applies to licensed stock and station agents and registered assistant stock and station agents they employ;
 - (d) part 8.5 applies to licensed business agents and registered assistant business agents they employ.

18 Rules of conduct for licensed land auctioneers—Act, s 171 (1)

A licensed land auctioneer who advertises an auction must include the auctioneer's name and licence number in the advertisement.

Schedule 3 Terms applying to all agency agreements

(see s 15)

3.1 Identification of property

- (1) The agreement must state the address of the property to which the agreement applies or must contain a description of the property that clearly identifies it.
- (2) This section does not apply to an agency agreement to act for the buyer of land.

3.2 Names of parties to agreement

The agreement must state the names of each of the parties to the agreement (including the licensee).

3.3 Information identifying parties

The agreement must state the principal's address, the licensee's licence number and any business name under which the licensee conducts business.

3.4 Principal's authority to enter into agreement

The agreement must contain a statement to the effect that the principal warrants that the principal has authority to enter into the agreement.

3.5 Authorisation for licensee to act on behalf of principal

The agreement must contain a term stating particulars of the extent of the authority of the licensee to act as agent on behalf of the principal in providing services under the agreement.

3.6 Duration of the agreement

The agreement must contain a term stating the period for which the agreement remains in force or stating that the agreement remains in force until terminated.

3.7 Termination of the agreement

If the agreement provides for its termination by a party to the agreement, the agreement must state how and when it can be terminated.

3.8 Reimbursement of licensee

If the licensee is to be entitled to any sum or reimbursement for expenses or charges incurred by the licensee in relation to services provided under the agency agreement, the agreement must include a term that:

- (a) states that the licensee is so entitled; and
- (b) describes the services; and
- (c) states the amount that the licensee is entitled to and when it is payable; and
- (d) states that the services and amounts can be varied only with the agreement in writing of the principal.

3.9 Remuneration

- (1) The agreement must include a term stating—
 - (a) the circumstances in which the licensee is entitled to remuneration (by way of commission or otherwise) for services performed under the agreement; and
 - (b) the amount of the remuneration or how it is to be worked out; and
 - (c) when the remuneration is payable.

- (2) If the agreement relates to the sale or purchase of residential property and provides for payment of commission to the agent worked out as a percentage of the sale or purchase price, the term must also state the amount of the remuneration to which the licensee will be entitled worked out on the basis of a stated estimated sale or purchase price for the property.

Schedule 4 Terms specific to agency agreements for sale of residential property

(see s 15)

4.1 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

IMPORTANT: This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sells the property or introduces a buyer who later buys the property.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

IMPORTANT: This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the property or introduces a buyer who later buys the property.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent or the client, or both, is or are the effective cause of the happening of the event.
- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.
- (5) The statement under subsection (1) or (2) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

4.2 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

WARNING: Have you signed an agency agreement for the sale of this property with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).
- (2) The warning statement under subsection (1) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

4.3 Fixed term agency agreements

- (1) If the agreement is for a fixed term that is longer than 90 days, the agreement must include a term that entitles the principal to end the agreement (without penalty) by giving 30 days written notice to the agent at any time after the end of the first 90 days of the term.
- (2) This section does not apply to an agency agreement in relation to the sale of residential property if the contract for sale provides for the construction by the seller of a dwelling on the land.

4.4 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 state the price at which the property is to be offered.

4.5 Sales inspection report to form part of agreement

The agreement must include a copy of any sales inspection report prepared by the agent and given to the principal under schedule 8, section 8.21 (Sales inspection report required for property).

Schedule 5 Terms specific to a buyers agent agency agreements

(see s 15)

5.1 Property details

The agreement must include a copy of the statement prepared and given to the principal by the agent for schedule 8, section 8.26 (Statement of property details).

5.2 Purchase price range

The agreement must state a price or price range as the maximum price or the price range that the principal is prepared to pay for a property.

Schedule 6 Terms specific to agency agreements for sale of rural land

(see s 15)

6.1 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

IMPORTANT: This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sells the property or introduces a buyer who later buys the property.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

IMPORTANT: This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the property or introduces a buyer who later buys the property.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent or the client, or both, is or are the effective cause of the happening of the event.
- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.
- (5) The statement under subsection (1) or (2) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

6.2 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

WARNING: Have you signed an agency agreement for the sale of this property with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).

- (2) The warning statement under subsection (1) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

6.3 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 state the price at which the property is to be offered.

6.4 Sales inspection report to form part of agreement

The agreement must include a copy of any sales inspection report prepared by the agent and given to the principal under schedule 8, section 8.21 (Sales inspection report required for property).

Schedule 7 Terms specific to agency agreements for sale of business

(see s 15)

7.1 Meaning of *business* in sch 7

In this schedule:

business includes professional practice.

7.2 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

IMPORTANT: This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sells the business or introduces a buyer who later buys the business.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

IMPORTANT: This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the business or introduces a buyer who later buys the business.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent or the client, or both, is or are the effective cause of the happening of the event.

- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.
- (5) The statement under subsection (1) or (2) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

7.3 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

WARNING: Have you signed an agency agreement for the sale of this business with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).
- (2) The warning statement under subsection (1) must follow immediately after the term required by schedule 3, section 3.9 (Remuneration) and be no less prominent than that term.

7.4 Transfer of liability for the leasing or hire purchase of inclusions

The agreement must include any written confirmation prepared for schedule 8, section 8.60 of any specific instructions given to the agent by the principal before the agreement is entered into about arrangements for the transfer to the purchaser of any liability for the leasing or hire purchase of goodwill, plant, fittings or stock in inventory included in the sale.

7.5 Specific instructions about marketing and inspections

The agreement must include any written confirmation prepared for schedule 8, section 8.60 of any stated instructions given to the agent by the principal before the agreement is entered into about any of the following:

- (a) the marketing of the business;
- (b) the entitlement of prospective purchasers to inspect the premises of the business and the circumstances under which the inspection can be made;
- (c) the entitlement of prospective purchasers to inspect records, books of account and other documents about the business and the circumstances under which the inspection can be made.

Schedule 8 Rules of conduct

(see s 17)

Part 8.1 Interpretation

8.1 Definitions—sch 8

In this schedule:

agent includes a registered assistant property agent.

property manager means—

- (a) for part 8.2 (General rules applying to all licensed agents and registered assistant property agents)—a person employed by an agent in relation to the management of property to which division 8.3.3 or division 8.4.2 applies; and
- (b) for division 8.3.3 (Property management—real estate agents)—a person employed by an agent in relation to the management of property to which the division applies; and
- (c) for division 8.4.2 (Property management—stock and station agents)—a person employed by an agent in relation to the management of property to which the division applies.

registered assistant property agent includes a property manager.

Part 8.2

General rules applying to all licensed agents and registered assistant property agents

8.2 Knowledge of Act and other laws

An agent must have a knowledge and understanding of the Act, and any other laws relevant to the kind and class of licence or kind of registration held (including, laws relating to residential tenancy, fair trading, trade practices, anti-discrimination and privacy) that may be necessary to allow the agent to lawfully exercise their functions as agent.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

8.3 Fiduciary obligations

An agent must comply with the fiduciary obligations arising as an agent.

8.4 Honesty, fairness and professionalism

- (1) An agent must act honestly, fairly and professionally with all parties in a transaction.
- (2) An agent must not mislead or deceive any parties in negotiations or a transaction.

8.5 Skill, care and diligence

An agent must exercise reasonable skill, care and diligence.

8.6 High pressure tactics, harassment or unconscionable conduct

An agent must not engage in high pressure tactics, harassment or harsh or unconscionable conduct.

8.7 To act in client's best interests

An agent must act in the client's best interest at all times unless it would be contrary to the Act or otherwise unlawful to do so.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

8.8 Confidentiality

An agent must not, at any time, use or disclose any confidential information obtained while acting on behalf of a client or dealing with a customer, unless—

- (a) the client or customer consents to the disclosure; or
- (b) the agent is permitted or compelled by law to disclose the information.

8.9 To act in accordance with client authority

An agent must not act as an agent or represent themselves as acting as an agent on behalf of a person without the written consent of the person.

8.10 To act in accordance with client's instructions

An agent must act in accordance with a client's instructions unless it would be contrary to the Act or otherwise unlawful to do so.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

8.11 Licensee must ensure employees comply with the Act

An agent who is the licensee-in-charge at a place of business of a licensee must take reasonable steps to ensure other licensees or registered persons employed in the business conducted there comply with the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

8.12 Conflicts of interest

An agent must not accept an appointment to act, or continue to act, as an agent if doing so would place the agent's interests in conflict with the client's interests.

8.13 Referral to service provider

- (1) An agent who refers a principal or prospective buyer to a service provider must not falsely represent to the principal or prospective buyer that the service provider is independent of the agent.
- (2) A service provider is considered to be independent of an agent if—
 - (a) the agent receives no rebate, discount, commission or benefit for referring a client or customer to the service provider; and
 - (b) the agent does not have a personal or commercial relationship with the service provider.

Examples of personal or commercial relationship

- 1 a family relationship
- 2 a business relationship
- 3 a fiduciary relationship
- 4 a relationship in which 1 person is accustomed, or obliged, to act in accordance with the directions, instructions or wishes of the other person

- (3) If the service provider is not independent of the agent, the agent must disclose to the principal or prospective buyer—
- (a) the nature of any relationship, whether personal or commercial, the agent has with the service provider; and
 - (b) the nature and value of any rebate, discount, commission or benefit the agent may receive, or expects to receive, by referring the client or customer to the service provider.

8.14 Licensee not to recommend engagement of services of solicitor acting for other party

An agent must not recommend that a principal or prospective buyer engage the services of a solicitor or firm of solicitors, if the agent knows that the solicitor or the firm of solicitors acts or will be acting for the other party to the agreement concerned.

8.15 Inducements

An agent must not offer to provide to any other person any gift, favour or benefit, whether monetary or otherwise, to induce any other person to engage the services of the agent as agent in relation to any matter.

8.16 Soliciting through false or misleading advertisements or communications

An agent must not solicit clients or customers by advertisement or other communication that the agent knows or should know are false or misleading.

8.17 Insertion of material particulars in documents

An agent must not give or tender to any person for signature a document, unless at the time of giving or tendering of the document all material particulars have been inserted in the document.

8.18 Representations about Act

- (1) An agent must not falsely represent to a person the nature or effect of a provision of the Act.
- (2) An agent must not, either expressly or impliedly, falsely represent, whether in writing or otherwise, to a person that a particular form of agency agreement or any term of the agreement is required by the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

8.19 Agency agreements must comply with regulation

- (1) An agent must not enter into an agency agreement unless the agreement complies with any applicable requirements of this regulation, as required by the [Act](#), section 100 (No commission or expenses without agency agreement).
- (2) In this section:

agent does not include a registered assistant property agent.

Note A registered assistant property agent includes a property manager (see s 8.1).

Part 8.3

Rules specific to licensed real estate agents and registered assistant real estate agents

Division 8.3.1

Sales

8.20 Preliminary physical inspection of property for sale to be conducted by agent

An agent must not act on behalf of a principal in relation to the sale of a property unless the agent has conducted a preliminary physical inspection of the property.

8.21 Sales inspection report required for property

- (1) On completion of the inspection required by section 8.20, an agent must prepare and give to the principal a sales inspection report for the property.
- (2) The report must be signed by the agent and state the following:
 - (a) the principal's name and address;
 - (b) the date of preparation of the report;
 - (c) the agent's name, business address and telephone number;
 - (d) a description of the property, including the address of the property and any other details that may be necessary to enable the property to be readily identified;
 - (e) a description of any fittings and fixtures that are to be included in the sale of the property;
 - (f) any terms and conditions of sale known to the agent (for example, whether or not vacant possession is to be given);
 - (g) the agent's recommendation about the most suitable method of sale of the property;

- (h) the agent's estimate of the selling price (or price range) for the property;
- (i) details of any covenants, easements, defects, government notices or orders affecting the property that are known to the agent;
- (j) details of any special instructions about the marketing and showing of the property;
- (k) the name, business address, telephone number and address for service of documents of the principal's solicitor.

8.22 Principal to be informed of an offer

- (1) The agent must tell the principal of all offers of purchase of a property as soon as practicable after receiving the offer until the exchange of contracts for the purchase of the property takes place.
- (2) The agent must tell the principal orally or in writing of each offer and must identify the party who made the offer.
- (3) However, if the principal has instructed the agent in writing not to tell the principal of an offer, the agent must tell the person who made the offer that the principal will not be told about the offer.
- (4) This section does not apply to bids made in the course of an auction.

8.23 Information to be given when expression of interest deposit paid

- (1) When the principal pays an expression of interest deposit (*deposit*) in relation to the proposed purchase of a property before exchange of contracts for the property, the agent must tell the principal that the vendor has no obligation to sell the property or the purchaser to buy the property.
- (2) The deposit is refundable if a contract for the sale of the property is not entered into.

- (3) The information—
 - (a) must be in writing; and
 - (b) may be given on the receipt issued by the vendor or their agent.
- (4) An agent must promptly tell the principal when the agent becomes aware of any subsequent offers to purchase the property.

8.24 Notifying managing agent of appointment to sell residential property

If an agent accepts an appointment to sell residential property that is tenanted, the agent must immediately give written notice of the appointment to any agent responsible for managing the property.

8.25 Licensee must not accept payment for a referral

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyer's agent.

Division 8.3.2 Buyers agents

8.26 Statement of property details

- (1) When entering into an agency agreement with a principal to act as buyer's agent for the principal, an agent must prepare and give the principal a statement of property details.
- (2) The statement must be signed by the agent and state the following:
 - (a) details known to the agent of the type of property to be purchased;

- (b) details of any special instructions about the property to be purchased (for example, for a rented property, an instruction that vacant possession is required).

Note These details can be changed by agreement between the parties or as provided by the agency agreement.

8.27 Principal to be informed of negotiations

- (1) The agent must keep the principal informed of each stage of the negotiation of a purchase price, as instructed by the principal.
- (2) This section does not apply to bids made in the course of an auction.

8.28 Licensee to obtain best possible purchase price

An agent is to use the agent's best efforts to get the best possible purchase price, without breaching standards of ethical conduct or engaging in conduct that is contrary to good agency practice.

8.29 Licensee not to exceed agreed purchase price in negotiations or at auction

- (1) In negotiations for the purchase of a property, the agent must not exceed the maximum or agreed price fixed by the principal without the express written consent of the principal or a person authorised by the principal.
- (2) When the bidding at an auction exceeds the maximum or agreed price fixed by the principal, the agent must not continue bidding without the express consent of the principal or a person authorised by the principal.

8.30 Information to be given when expression of interest deposit paid

- (1) When the principal pays an expression of interest deposit (*deposit*) in relation to the proposed purchase of a property before exchange of contracts for the property, the agent must tell the principal that the vendor has no obligation to sell the property or the purchaser to buy the property.
- (2) The deposit is refundable if a contract for the sale of the property is not entered into.
- (3) The information—
 - (a) must be in writing; and
 - (b) may be given on the receipt issued by the vendor or their agent.
- (4) An agent must promptly tell the principal when the agent becomes aware of any subsequent offers to purchase the property.

8.31 Licensee must not accept payment for a referral

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a selling agent.

Division 8.3.3 Property management—real estate agents

8.32 Inspection report

- (1) An agent must, as soon as practicable after entering into an agency agreement in relation to the management of property, prepare and give to the principal an inspection report for the property.
- (2) The inspection report must be signed by the licensee and include the following:
 - (a) the name and address of the principal;
 - (b) the address of the property;

- (c) the date of preparation of the report;
- (d) the licensee's name, licence number and business address;
- (e) a description of the exterior and interior condition of the property, including fittings, fixtures, improvements and anything provided with the property;
- (f) details of any work still to be completed by the principal on the property.

8.33 Inspection of property for rent

- (1) An agent must accompany a prospective tenant on an inspection of the property.
- (2) An agent must not give the keys to a property to a prospective tenant, even for a short time.
- (3) Subsections (1) and (2) do not apply if the principal, and, if the property is currently let, the tenant, have otherwise consented in writing.

8.34 Maintenance or repairs of rental property

- (1) An agent managing a rental property must promptly respond to and, subject to the principal's instructions, attend to all requests by a tenant, for maintenance of, or repairs to, the property.
- (2) If the principal has given an instruction that a repair not be carried out, the agent must tell the principal if the principal's failure to carry out the repair would constitute a breach of any tenancy agreement in force in relation to the property.

8.35 Breach of tenancy agreement

An agent managing a rental property must immediately tell the principal in writing if the agent becomes aware of a tenant's breach of the tenancy agreement.

8.36 Notifying tenant of appointment to sell

- (1) This section applies if an agent managing a rental property is aware that—
 - (a) the property is listed for sale; or
 - (b) a real estate agent has been appointed to act on the sale of the property.
- (2) The agent must immediately give the tenant written notice of—
 - (a) the intended sale of the property; or
 - (b) the appointment of the real estate agent for the sale of the property and the name and contact details of the agent.

8.37 Final inspection of property

An agent must take all reasonable steps to ensure that any final inspection of the property, on vacation of the property, is conducted in the presence of the tenant, unless otherwise authorised by the tenant.

Example of reasonable steps

Reasonable steps by an agent would consist of contacting the tenant to discuss suitable times for the inspection, arranging to meet at a particular time and place and proceeding to meet the tenant at the arranged time and place.

8.38 Obtaining tenant's signature for rental bond refund

An agent must not solicit or obtain the signature of a tenant to any document relating to the refund of a rental bond before the termination of the tenancy, unless the document directs that the bond be repaid in full to the tenant or transferred to another tenancy in accordance with the tenant's directions.

8.39 Cooperation about records, access and transfer

- (1) This section applies if an agent—
 - (a) is acting on behalf of a principal in the management of property; and
 - (b) is advised by another agent that the other agent (the *new agent*) has been engaged to act on behalf of that principal in the management of that property.
- (2) The agent must cooperate with the new agent in relation to access to the records of the principal, including but not limited to—
 - (a) making the records reasonably available (according to law); and
 - (b) facilitating the transfer of management functions between the agent and the new agent.

8.40 Disclosure of potential agency

- (1) This section applies if an agent—
 - (a) intends to act (or offers to act) for a principal in the management of property; and
 - (b) is aware that another agent is or other agents are managing that property for the principal.
- (2) Unless the principal otherwise directs in writing, the agent must disclose their intention to act (or offer to act) to the current agent or agents.

8.41 Confirmation of specific instructions—property management services

- (1) This section applies to an agent before or when entering into an agency agreement under which the agent will provide property management services in relation to the leasing of residential property or rural land.

- (2) The agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in relation to the management of the property and any limitations on the agent's authority to undertake those duties:
- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant;
 - (b) entering into and signing a tenancy agreement (specifying the term for which the property may be let);
 - (c) undertaking inspections of the property;
 - (d) effecting repairs to and maintaining the property or engaging tradespersons to do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval;
 - (e) paying disbursements and expenses incurred in relation to the agent's management of the property;
 - (f) collecting rent;
 - (g) receiving, claiming and disbursing rental bond money;
 - (h) serving notices for breach of the tenancy agreement or to terminate the tenancy agreement;
 - (i) undertaking the necessary steps to obtain vacant possession and recover any money owing to the principal in relation to the tenancy of the property;
 - (j) representing the principal in any tribunal or court proceedings in relation to the tenancy of the property;
 - (k) paying accounts for amounts owing in relation to the property (for example, water rates and charges, council rates, maintenance expenses, and owners corporation levies);
 - (l) advertising the property for letting or re-letting;

(m) reviewing the rent at the end of a tenancy.

- (3) The written confirmation may be prepared and be included as part of the agency agreement.

8.42 Confirmation of specific instructions—leasing of property

- (1) This section applies to an agent before or when entering into an agency agreement under which the agent will act for the owner of residential property or rural land in relation to the entering into a lease of the residential property or rural land.
- (2) The agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in relation to the entering into of the lease and any limitations on the agent's authority to undertake those duties:
- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant;
 - (b) entering into and signing a tenancy agreement;
 - (c) undertaking an initial inspection of the property;
 - (d) collecting initial rent payment;
 - (e) receiving and disbursing rental bond money;
 - (f) advertising the property for letting.
- (3) The written confirmation may be prepared and be included as part of the agency agreement.

Part 8.4 Rules specific to licensed stock and station agents and registered assistant stock and station agents

Division 8.4.1 Sales

8.43 Preliminary physical inspection of property to be conducted by agent

- (1) An agent must not act on behalf of a principal in relation to the sale of any property, including livestock included in the sale, unless the agent has conducted a preliminary physical inspection of the property.
- (2) This section does not apply to a sale solely of livestock.

8.44 Sales inspection report required for the property

- (1) On completion of the inspection required by section 8.43, an agent must prepare and give to the principal a sales inspection report for the property.
- (2) The report must be signed by the agent and state the following:
 - (a) the principal's name and address;
 - (b) the date of preparation of the report;
 - (c) the agent's name, business address and telephone number;
 - (d) a description of the property, including the address of the property and any other details that may be necessary to enable the property to be readily identified, and the size of the property in hectares;

- (e) a description of the services provided to the property (for example, power, phone, airstrip, closest schools, mail service, closest rail service);
- (f) information about the type of country (topography, soils, timber, arable area, pasture development), water (irrigation, dams, rainfall) and production capacity;
- (g) a description of any fittings and fixtures that are to be included in the sale of the property;
- (h) a description of items included in the sale such as house, other accommodation, grain storage, woolshed, sheep or cattle yards or plant equipment;
- (i) a description of other items to be included in the sale, such as livestock;
- (j) any terms and conditions of sale known to the agent (for example, whether or not vacant possession is to be given);
- (k) the agent's recommendation about the most suitable method of sale of the property;
- (l) the agent's estimate of the selling price (or price range) for the property;
- (m) details of any covenants, easements, defects, local government notices or orders affecting the property that are known to the agent;
- (n) details of any special instructions about the marketing and showing of the property;

- (o) the name, business address, telephone number and address for service of documents of the principal's solicitor.

8.45 Principal to be informed of an offer

- (1) The agent must, tell the principal of all offers of purchase of a property as soon as practicable after receiving the offer up until exchange of contracts takes place.
- (2) However, if the principal has instructed the agent in writing not to tell the principal of an offer, the agent must tell the person who made the offer that the principal will not be told about the offer.
- (3) The agent may tell the principal of an offer in writing and must identify the party who made the offer.
- (4) If the principal is told orally, the agent must confirm the information in writing.
- (5) This section does not apply to bids made in the course of an auction.

8.46 Agent must not accept payment for a referral

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyers agent.

Division 8.4.2 Property management—stock and station agents

8.47 Inspection report

- (1) An agent must, as soon as practicable after entering into an agency agreement in relation to the management of property, prepare and give to the principal an inspection report for the property.
- (2) The inspection report must be signed by the licensee and state the following:
 - (a) the name and address of the principal;

- (b) the address of the property;
- (c) the date of preparation of the report;
- (d) the licensee's name, licence number and business address;
- (e) a description of the exterior and interior condition of the property, including fittings, fixtures, improvements and anything provided with the property;
- (f) details of any work still to be completed by the principal on the property.

8.48 Inspection of property for rent

- (1) An agent must accompany a prospective tenant on an inspection of the property.
- (2) An agent must not give the keys to a property to a prospective tenant, even for a short time.
- (3) Subsections (1) and (2) do not apply if the principal, and, if the property is currently let, the tenant, have otherwise consented in writing.

8.49 Maintenance or repairs of rental property

- (1) An agent managing a rental property must promptly respond to and, subject to the principal's instructions, attend to all requests by a tenant, for maintenance of, or repairs to, the property.
- (2) If the principal has given an instruction that a repair not be carried out, the agent must tell the principal if the principal's failure to carry out the repair would constitute a breach of any tenancy agreement in force in relation to the property.

8.50 Breach of tenancy agreement

An agent managing a rental property must immediately notify the principal in writing if the agent becomes aware of a tenant's breach of the tenancy agreement.

8.51 Notifying tenant of appointment to sell

- (1) This section applies if an agent managing a rental property is aware that—
 - (a) the property is listed for sale; or
 - (b) an agent has been appointed to act on the sale of the property.
- (2) The agent must immediately give the tenant written notice of—
 - (a) the intended sale of the property; or
 - (b) the appointment of the agent for the sale of the property and the name and contact details of the agent.

8.52 Final inspection of property

An agent must take all reasonable steps to ensure that any final inspection of the property, on vacation of the property, is conducted in the presence of the tenant unless otherwise authorised by the tenant.

Example of reasonable steps

Reasonable steps by an agent would consist of contacting the tenant to discuss suitable times for the inspection, arranging to meet at a particular time and place and proceeding to meet the tenant at the arranged time and place.

8.53 Cooperation about records, access and transfer

- (1) This section applies if an agent—
 - (a) is acting on behalf of a principal in the management of property; and
 - (b) is advised by another agent that the other agent (the *new agent*) has been engaged to act on behalf of that principal in the management of that property.
- (2) The agent must cooperate with the new agent in relation to access to the records of the principal, including but not limited to—
 - (a) making the records reasonably available (according to law); and

- (b) facilitating the transfer of management functions between the agent and the new agent.

8.54 Disclosure of potential agency

- (1) This section applies if an agent—
 - (a) intends to act (or offers to act) for a principal in the management of property; and
 - (b) is aware that another agent is or other agents are managing that property for the principal.
- (2) Unless the principal otherwise directs in writing, the agent must disclose their intention to act (or offer to act) to the current agent or agents.

8.55 Confirmation of specific instructions—property management services

- (1) This section applies to an agent before or when entering into an agency agreement under which the agent will provide property management services in relation to the leasing of residential property or rural land.
- (2) The agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in relation to the management of the property and any limitations on the agent's authority to undertake those duties:
 - (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant;
 - (b) entering into and signing a tenancy agreement (specifying the term for which the property may be let);
 - (c) undertaking inspections of the property;

- (d) effecting repairs to and maintaining the property or engaging tradespersons to do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval;
 - (e) paying disbursements and expenses incurred in relation to the agent's management of the property;
 - (f) collecting rent;
 - (g) receiving, claiming and disbursing rental bond money;
 - (h) serving notices for breach of the tenancy agreement or to terminate the tenancy agreement;
 - (i) undertaking the necessary steps to obtain vacant possession and recover any money owing to the principal in relation to the tenancy of the property;
 - (j) representing the principal in any tribunal or court proceedings in relation to the tenancy of the property;
 - (k) paying accounts for amounts owing in relation to the property (for example, water rates and charges, council rates, maintenance expenses, and owners corporation levies);
 - (l) advertising the property for letting or re-letting;
 - (m) reviewing the rent at the end of a tenancy.
- (3) The written confirmation may be prepared and be included as part of the agency agreement.

8.56 Confirmation of specific instructions—leasing of property

- (1) This section applies to an agent before or when entering into an agency agreement under which the agent will act for the owner or residential property or rural land in relation to the entering into a lease of the residential property or rural land.

- (2) The agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in relation to the entering into of the lease and any limitations on the agent's authority to undertake those duties:
 - (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant;
 - (b) entering into and signing a tenancy agreement;
 - (c) undertaking an initial inspection of the property;
 - (d) collecting initial rent payment;
 - (e) receiving and disbursing rental bond money;
 - (f) advertising the property for letting.
- (3) The written confirmation may be prepared and be included as part of the agency agreement.

Part 8.5

Rules specific to licensed business agents and registered assistant business agents

8.57 **Meaning of *business* in pt 8.5**

In this part:

business includes professional practice.

8.58 **Preliminary physical inspection of business to be conducted by agent**

An agent must not act on behalf of a principal in relation to the sale of a business unless the agent has conducted a preliminary physical inspection of the business.

8.59 **Sales inspection report required for business**

- (1) On completion of the inspection required by section 8.58, an agent must prepare and give to the principal a sales inspection report for the business.
- (2) The report must be signed by the agent and state the following:
 - (a) the principal's name and address;
 - (b) the date of preparation of the report;
 - (c) the agent's name, business address and telephone number;
 - (d) a description of the business, including the address of the business and any other details that may be necessary to enable the business to be readily identified, the business name and its ABN;
 - (e) a description of inclusions to be included in the sale such as goodwill, plant, fittings and stock in inventory, together with details of any encumbrances affecting those inclusions;

- (f) any terms and conditions of sale known to the agent;
- (g) the agent's recommendation about the most suitable method of sale of the business;
- (h) the agent's estimate of the selling price (or price range) for the business;
- (i) details of any defects, government notices or orders affecting the business that are known to the agent.

8.60 Confirmation of specific instructions

- (1) Before, or at the time of, entering into an agency agreement under which the agent will act for the seller on the sale of a business, the agent must prepare for inclusion in the agency agreement written confirmation of any specific instructions given to the agent by the principal before the agreement is entered into about any of the following:
 - (a) arrangements for the transfer to the purchaser of any liability for the leasing or hire purchase of goodwill, plant, fittings or stock in inventory included in the sale;
 - (b) the marketing of the business;
 - (c) the entitlement of prospective purchasers to inspect the premises of the business and the circumstances under which an inspection can be made;
 - (d) the entitlement of prospective purchasers to inspect records, books of account and other documents about the business and the circumstances under which the inspection can be made.
- (2) The written confirmation may be prepared and be included as part of the agency agreement.

- (3) In this section:

agent does not include a registered assistant property agent.

Note A registered assistant property agent includes a property manager (see s 8.1).

8.61 Principal to be informed of an offer

- (1) The agent must tell the principal of all offers of purchase as soon as practicable after receiving the offer up until exchange of contracts takes place.
- (2) However, if the principal has instructed the agent in writing not to tell the principal of an offer, the agent must tell the person who made the offer that the principal will not be told about the offer.
- (3) The agent may tell the principal of an offer in writing and must identify the party by whom the offer is made.
- (4) If the principal is told orally, the agent must confirm the information in writing.
- (5) This section does not apply to bids made in the course of an auction.

8.62 Agent must not accept payment for a referral

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyers agent.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- commissioner for fair trading
- Corporations Act
- penalty unit (see s 133).

Note 3 Terms used in this regulation have the same meaning that they have in the [Agents Act 2003](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Agents Act 2003](#), dict:

- agent
- buyer
- class 1 licensed property agent
- employee
- land auctioneer
- licensed agent
- licensed business agent
- licensed land auctioneer
- licensed real estate agent
- licensed stock and station agent
- records
- registered
- registered assistant business agent
- registered assistant real estate agent
- registered assistant stock and station agent
- rural land
- trust account.

agency agreement—see the [Act](#), section 100 (1) (a).

agent, for schedule 8 (Rules of conduct)—see schedule 8, section 8.1.

business—

- (a) for schedule 7 (Terms specific to agency agreements for sale of business)—see schedule 7, section 7.1; and
- (b) for schedule 8, part 8.5 (Rules specific to licensed business agents and registered assistant business agents)—see schedule 8, section 8.57.

owners corporation managing agent—see the [Act](#), section 109A (3).

property manager, for schedule 8 (Rules of conduct)—see schedule 8, section 8.1.

registered assistant property agent—

- (a) for this regulation generally—see the [Act](#), dictionary; and
- (b) for schedule 8 (Rules of conduct)—see schedule 8, section 8.1.

repealed Act means the [Agents Act 1968](#) (repealed by the [Agents Act 2003](#)).

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Agents Regulations 2003*. It was renamed under the *Legislation Act 2001*.

Agents Regulation 2003 SL2003-38

notified LR 31 October 2003

s 1, s 2 commenced 31 October 2003 (LA s 75 (1))

remainder commenced 1 November 2003 (s 2)

as amended by

Justice and Community Safety Legislation Amendment Act 2004 (No 2) A2004-32 pt 3

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

pt 3 commenced 30 June 2004 (s 2 (1))

Agents Amendment Regulations 2004 (No 1) SL2004-49

notified LR 13 September 2004

s 1, s 2 commenced 13 September 2004 (LA s 75 (1))

remainder commenced 14 September 2004 (s 2)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.2

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.2 commenced 2 June 2005 (s 2 (1))

Agents Amendment Regulation 2005 (No 1) SL2005-10

notified LR 27 May 2005

s 1, s 2 commenced 27 May 2005 (LA s 75 (1))

remainder commenced 28 May 2005 (s 2)

Agents Amendment Regulation 2006 (No 1) SL2006-18

notified LR 15 May 2006

s 1, s 2 commenced 15 May 2006 (LA s 75 (1))

remainder commenced 16 May 2006 (s 2)

Agents Amendment Regulation 2006 (No 2) SL2006-24

notified LR 1 June 2006

s 1, s 2 commenced 1 June 2006 (LA s 75 (1))

remainder commenced 2 June 2006 (s 2)

Endnotes

3 Legislation history

Agents Amendment Regulation 2006 (No 3) SL2006-47

notified LR 2 November 2006

s 1, s 2 commenced 2 November 2006 (LA s 75 (1))

remainder commenced 3 November 2006 (s 2)

Agents Amendment Regulation 2007 (No 1) SL2007-3

notified LR 14 February 2007

s 1, s 2 commenced 14 February 2007 (LA s 75 (1))

remainder commenced 15 February 2007 (s 2)

Training and Tertiary Education Legislation Amendment Act 2007

A2007-12 sch 1 pt 1.1

notified LR 13 June 2007

s 1, s 2 commenced 13 June 2007 (LA s 75 (1))

sch 1 pt 1.1 commenced 1 July 2007 (s 2 and [CN2007-3](#))

Agents Amendment Regulation 2008 (No 1) SL2008-32

notified LR 5 August 2008

s 1, s 2 commenced 5 August 2008 (LA s 75 (1))

remainder commenced 6 August 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment

Act 2008 (No 2) A2008-37 sch 1 pt 1.5

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.5 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

Agents Amendment Regulation 2009 (No 1) SL2009-34

notified LR 30 June 2009

s 1, s 2 commenced 30 June 2009 (LA s 75 (1))

remainder commenced 1 July 2009 (s 2)

Justice and Community Safety Legislation (Red Tape Reduction

No 1—Licence Periods) Amendment Act 2013 A2013-28 pt 3

notified LR 21 August 2013

s 1, s 2 commenced 21 August 2013 (LA s 75 (1))

pt 3 commenced 22 August 2013 (s 2)

Justice and Community Safety Legislation Amendment Act 2014**A2014-17 sch 1 pt 1.2**

notified LR 13 May 2014

s 1, s 2 taken to have commenced 25 November 2013 (LA s 75 (2))

sch 1 pt 1.2 commenced 1 July 2014 (s 2 (2))

Training and Tertiary Education Amendment Act 2014 A2014-48 sch 1 pt 1.2

notified LR 6 November 2014

s 1, s 2 commenced 6 November 2014 (LA s 75 (1))

sch 1 pt 1.2 commenced 20 November 2014 (s 2)

Agents Amendment Regulation 2019 (No 1) SL2019-5

notified LR 25 February 2019

s 1, s 2 commenced 25 February 2019 (LA s 75 (1))

remainder commenced 26 February 2019 (s 2)

Fair Trading and Other Justice Legislation Amendment Act 2022**A2022-8 pt 3**

notified LR 11 May 2022

s 1, s 2 commenced 11 May 2022 (LA s 75 (1))

s 110 commenced 12 May 2022 (s 2 (1))

pt 3 remainder commenced 1 July 2022 (s 2 (2))

Agents Amendment Regulation 2022 (No 1) SL2022-10

notified LR 29 June 2022

s 1, s 2 commenced 29 June 2022 (LA s 75 (1))

remainder commenced 1 July 2022 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Name of regulation

s 1 am R4 LA

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [A2007-12](#) amdt 1.1; [A2014-48](#) amdt 1.3

Act does not apply to interstate travel agents advertising in ACT—Act, s 6 (I)

s 5A ins [SL2006-18](#) s 4
om [A2014-17](#) amdt 1.18

Act, s 24 (4) (b) does not apply to public company providing travel service—Act, s 6 (I)

s 5B ins [SL2006-47](#) s 4
om [A2014-17](#) amdt 1.18

Entities to which Act does not apply—Act, s 6 (I)

s 5C ins [SL2007-3](#) s 4
sub [SL2019-5](#) s 4; [SL2022-10](#) s 4

Act, s 28, s 29 (1) and s 45 do not apply in relation to owners corporation managing agent—Act, s 6 (I)

s 5D ins [SL2009-34](#) s 4
am [A2022-8](#) ss 103-105

Qualifications for licences—Act s 25

s 6 am [A2004-32](#) s 10; regs renum R2 LA (see [A2004-32](#) s 11);
[SL2006-18](#) s 5
(4) (d), (5) exp 16 May 2007 (s 6 (5))
am [A2007-12](#) amdt 1.2; [SL2008-32](#) s 4; ss renum R13 LA;
[SL2009-34](#) s 5; ss renum R15 LA; [A2014-17](#) amdt 1.19
om [A2022-8](#) s 106

Relevant law for property training packages

s 7 sub [SL2008-32](#) s 5
om [A2022-8](#) s 106

Licence conditions—professional development—Act s 34 (1) (a)

s 7A hdg sub [A2022-8](#) s 107
s 7A ins [SL2004-49](#) s 4
am [A2022-8](#) s 108, s 109; [SL2022-10](#) s 5

Eligibility of unqualified real estate salespeople for registration—Act, s 49 (2)

s 8A ins [SL2004-49](#) s 5
am [A2005-20](#) amdt 3.9; [SL2006-24](#) s 4; [SL2008-32](#) s 6;
[A2013-28](#) s 8
om [A2022-8](#) s 110

Eligibility for registration—certain unqualified real estate salespeople—Act, s 49 (2)

s 8B ins [SL2006-24](#) s 5
om [A2022-8](#) s 110

Qualifications for registration as salesperson—Act, s 50

s 9 am [SL2004-49](#) s 6, s 7
sub [SL2008-32](#) s 7
om [A2022-8](#) s 111

Information to be included in advertisement of intention to apply for registration—Act, s 52 (2) (b)

s 10 hdg sub [A2022-8](#) s 112

Registration conditions—professional development—Act, s 58 (1) (a)

s 10A hdg sub [A2022-8](#) s 112
s 10A ins [SL2004-49](#) s 8
am [SL2022-10](#) s 6

Registration conditions—additional qualifications required after registration—Act, s 58 (1) (a)

s 10AA ins [SL2022-10](#) s 7

Conduct of licensed agents and registered assistant property agents

pt 4 hdg sub [A2022-8](#) s 113

Class 1 licensed property agent to be in charge of business—exemptions—Act, s 71 (3)

s 13 sub [A2022-8](#) s 114

Use of excess trust money—Act s 163

s 16 om [A2008-37](#) amdt 1.18

Miscellaneous

pt 6 hdg sub [A2022-8](#) s 115

Rules of conduct for licensed agents—Act, s 171 (1)

s 17 sub [A2022-8](#) s 115

Rules of conduct for licensed land auctioneers—Act, s 171 (1)

s 18 sub [A2022-8](#) s 115

Disapplication of Legislation Act, s 47 (6)

s 18A ins [SL2008-32](#) s 8
om [A2022-8](#) s 115

Transitional provisions

pt 7 hdg exp 1 June 2006 (s 21)

Eligibility for registration—unregistered employees before commencement day—Act, s 49 (2)

s 19 exp 1 June 2006 (s 21)

Endnotes

4 Amendment history

Eligibility for registration—new employees on and after commencement day—Act, s 49 (2)

s 20 exp 1 June 2006 (s 21)

Eligibility for registration—certain unqualified real estate salespeople—Act, s 49 (2)

s 20A ins [SL2004-49](#) s 9
am [SL2005-10](#) s 4
exp 1 June 2006 (s 21)

Expiry of pt 7

s 21 sub [SL2005-10](#) s 5
exp 1 June 2006 (s 21)

Transitional—Unit Titles Amendment Act 2008 (No 2)

pt 8 hdg ins [SL2009-34](#) s 6
exp 1 January 2010 (s 31)

Owners corporation managing agents—Act, s 220 (1)

s 30 ins [SL2009-34](#) s 6
exp 1 January 2010 (s 31)

Expiry—pt 8

s 31 ins [SL2009-34](#) s 6
exp 1 January 2010 (s 31)

Licensing of real estate, stock and station, and business agents—units of competency in CPP07

sch 1 sub [SL2008-32](#) s 9
om [A2022-8](#) s 116

Registration of salespeople—units of competency in CPP07

sch 2 sub [SL2008-32](#) s 10
om [A2022-8](#) s 116

Terms applying to all agency agreements

sch 3 ss renum R4 LA

Terms specific to agency agreements for sale of residential property

sch 4 ss renum R4 LA

Terms specific to a buyers agent agency agreements

sch 5 ss renum R4 LA

Terms specific to agency agreements for sale of rural land

sch 6 ss renum R4 LA

Terms specific to agency agreements for sale of business

sch 7 ss renum R4 LA

Rules of conduct

sch 8 ss renum R4 LA

Definitions—sch 8

sch 8 s 8.1 sub [A2022-8](#) s 117
 def **agent** sub [A2022-8](#) s 118
 def **property manager** sub [A2005-20](#) amdt 3.10; [A2022-8](#) s 117
 def **registered assistant property agent** ins [A2022-8](#) s 117
 def **registered salesperson** om [A2022-8](#) s 117

General rules applying to all licensed agents and registered assistant property agents

sch 8 pt 8.2 hdg sub [A2022-8](#) s 118

Knowledge of Act and other laws

sch 8 s 8.2 am [A2022-8](#) s 119, s 120

To act in accordance with client authority

sch 8 s 8.9 am [A2022-8](#) s 121

Agency agreements must comply with regulation

sch 8 s 8.19 am [A2022-8](#) s 122

Rules specific to licensed real estate agents and registered assistant real estate agents

sch 8 pt 8.3 hdg sub [A2022-8](#) s 123

Confirmation of specific instructions—leasing of property

sch 8 s 8.42 am [SL2006-24](#) s 6

Property management—real estate agents

sch 8 div 8.3.3 hdg sub [A2005-20](#) amdt 3.11

Rules specific to licensed stock and station agents and registered assistant stock and station agents

sch 8 pt 8.4 hdg sub [A2022-8](#) s 124

Property management—stock and station agents

sch 8 div 8.4.2 hdg sub [A2005-20](#) amdt 3.12

Cooperation about records, access and transfer

sch 8 s 8.53 am [A2022-8](#) s 125

Rules specific to licensed business agents and registered assistant business agents

sch 8 pt 8.5 hdg sub [A2022-8](#) s 126

Confirmation of specific instructions

sch 8 s 8.60 am [A2022-8](#) s 127

Endnotes

4 Amendment history

Dictionary

dict

am [SL2006-47](#) s 5; [SL2009-34](#) s 7; [A2022-8](#) s 128, s 129
def **agency agreement** ins [A2022-8](#) s 130
def **ANTA** om [A2022-8](#) s 131
def **approved** ins [SL2008-32](#) s 11
om [A2022-8](#) s 131
def **business** am [A2022-8](#) s 132
def **owners corporation managing agent** ins [A2022-8](#) s 133
def **registered assistant property agent** ins [A2022-8](#) s 133
def **registered salesperson** om [A2022-8](#) s 134
def **registered training organisation** am [A2007-12](#) amdt 1.3;
[A2014-48](#) amdt 1.4
om [A2022-8](#) s 134
def **statement of attainment** am [A2007-12](#) amdt 1.4;
[A2014-48](#) amdt 1.5
om [A2022-8](#) s 134
def **unqualified real estate salesperson** ins [SL2004-49](#) s 10
om [A2022-8](#) s 134

5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Nov 2003	1 Nov 2003– 29 June 2004	not amended	new regulation
R2 30 June 2004	30 June 2004– 13 Sept 2004	A2004-32	amendments by A2004-32
R3 14 Sept 2004	14 Sept 2004– 3 Nov 2004	SL2004-49	amendments by SL2004-49
R4 4 Nov 2004	4 Nov 2004– 27 May 2005	SL2004-49	editorial amendments under Legislation Act
R5 28 May 2005	28 May 2005– 1 June 2005	SL2005-10	amendments by SL2005-10
R6 2 June 2005	2 June 2005– 15 May 2006	SL2005-10	amendments by A2005-20
R7 16 May 2006	16 May 2006– 1 June 2006	SL2006-18	amendments by SL2006-18
R8 2 June 2006	2 June 2006– 2 Nov 2006	SL2006-24	commenced expiry and amendments by SL2006-24
R9 3 Nov 2006	3 Nov 2006– 14 Feb 2007	SL2006-47	amendments by SL2006-47
R10 15 Feb 2007	15 Feb 2007– 16 May 2007	SL2007-3	amendments by SL2007-3
R11 17 May 2007	17 May 2007– 30 June 2007	SL2007-3	commenced expiry

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R12 1 July 2007	1 July 2007– 5 Aug 2008	A2007-12	amendments by A2007-12
R13 6 Aug 2008	6 Aug 2008– 1 Feb 2009	SL2008-32	amendments by SL2008-32
R14* 2 Feb 2009	2 Feb 2009– 30 June 2009	A2008-37	amendments by A2008-37
R15 1 July 2009	1 July 2009– 1 Jan 2010	SL2009-34	amendments by SL2009-34
R16 2 Jan 2010	2 Jan 2010– 21 Aug 2013	SL2009-34	commenced expiry
R17 22 Aug 2013	22 Aug 2013– 30 June 2014	A2013-28	amendments by A2013-28
R18 1 July 2014	1 July 2014– 19 Nov 2014	A2014-17	amendments by A2014-17
R19 20 Nov 2014	20 Nov 2014– 25 Feb 2019	A2014-48	amendments by A2014-48
R20 26 Feb 2019	26 Feb 2019– 11 May 2022	SL2019-5	amendments by SL2019-5
R21 12 May 2022	12 May 2022– 30 June 2022	A2022-8	amendments by A2022-8

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