

The state Agents Council

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No person should rely on the contents of this Bulletin without first obtaining advice from a qualified professional person. Whilst care has been taken to ensure the accuracy of the material contained in this Bulletin, no responsibility can be taken for any errors or omissions.

Special Conditions In Contracts

The Estate Agents Resolution Service (EARS) has identified a problem concerning the practice of some estate agents and agents' representatives inserting into contracts special conditions with poorly drafted wording or wording which fails to include such vital terms as time frames etc.

Estate agents and agents' representatives who insert special conditions into contracts without firstly obtaining qualified legal advice, are leaving themselves exposed to potential claims for damages by either the vendor or purchaser (or from both these parties). Furthermore, they may also be in breach of the *Legal Practice Act 1996* which prohibits non lawyers from engaging in legal practice. Drafting and inserting special conditions into land or business contracts goes beyond the exemption granted to estate agents and agents' representatives under Section 53A of the *Estate Agents Act 1980* (the Act). This section was introduced to enable estate agents and agents' representatives to fill up contract notes or contracts of sale in property or business sales and it provides an exemption to a general ban on unqualified persons completing legal work under the *Legal Practice Act 1996*. Without it estate agents or agents' representatives would not be able to prepare contract notes for parties to a sale of real estate and they would have to wait for the vendor's legal practitioner to prepare a contract of sale.

On-line Business Licensing Transactions

The Business Licensing Authority (BLA) has advised that estate agent transactions are now available online at www.bla.vic.gov.au. The following activities can now be done online—

- Submit annual fee and statement (and pay by credit card)
- Notify the BLA of new or ceased Agents' Representatives
- Notify the BLA of changes to licence details
- Receive email notification that your annual statement is due

To undertake online transactions, you will need to apply for a User ID and Passcode which can be requested on the above website. Note - your Passcode will be sent to you by ordinary mail, so allow for 2-3 working days for receipt. To receive your annual statement notification by email rather than on paper, once you have your User ID and passcode, go to the Change of Details transaction and add your email address in the Registered Email Address section. If you are the Officer In Effective Control of a company, your individual passcode will enable to make changes to both your own and the company's details. Anyone can search the Estate Agents and Motor Car Traders registers online at no cost.

Consumer Affairs Victoria (CAV) Regional Real Estate Roadshow

Speakers from CAV, REIV, Archicentre and the Law Institute of Victoria will present information and tips at free Home Buying and Selling Seminars for consumers in regional Victoria. Local estate agents will receive invitation brochures to promote these seminars to clients. From **6.00pm-8.30 pm** at the following locations—

Geelong- Monday 17 May, Supper Room, Geelong West Town Hall, Pakington Street, Geelong West

Ballarat- Tuesday 18 May, Ballarat Mid City Motor Inn, 19 Doveton Street, North Ballarat

Traralgon- Friday 21 May, Latrobe City Performing Arts Centre, Little Theatre, Corner Grey & Breed Streets

Bendigo- Tuesday 25 May, RL Campbell Library Theatre, North Central Goldfields Regional Library Complex, 251-259 Hargreaves Street. For more information or bookings call David Seignior on (03) 9627 7119.