



Electronic Service of Documents

College Chronicle
Newsletter

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RTO 91513



Electronic Service of Documents

Businesses need to keep themselves up-to-date with any and all new technology that comes available to them to further their business and ensure that they are able to service their clients.

In saying that, an agent and their agency is bound by the legislative constraints of the Property and Stock Agents Act and the Property and Stock Agents Regulation.

Service of Agency Agreements is one of the areas that an agent must ensure meets the legislative requirements of the Act and Regulation for the protection of the agent and their commission.

We often get asked by agents if they can serve their agency agreements through a number of new methods of communication including applications (apps) such as wechat and whatsapp. To answer the question we must look at what methods of service the Property and Stock Agents Regulation states at clause 10:

10 SERVICE OF AGENCY AGREEMENTS - THE ACT, S 55

1. For the Act, section 55(3), each of the following methods of service is prescribed as a means by which a copy of an agency agreement may be served on an individual:
 - a. delivering it personally to the individual,
 - b. leaving it at the individual's place of residence, or at an address provided in the agency agreement as the individual's

address for service, with a person:

- i. who apparently resides there, and
 - ii. who has apparently reached the age of 16 years,
- c. sending it by post to the individual:
 - i. at the individual's residential address or postal address as disclosed in the agency agreement, or
 - ii. at an address provided in the agency agreement as the individual's address for service,
 - d. transmitting it electronically to an email address provided in the agency agreement as the individual's address for electronic service.

Specifically, the regulations state that electronic service is to be to an email address provided in the agency agreement. Whilst it does not specify that the agency agreement must be sent BY email, it does specify that it is to be sent TO an email address.

In using applications like wechat and whatsapp, the agent would be sending the agency agreement via a phone number and not necessarily an email address. As such it would not fit within the definition of acceptable service as per the Property and Stock Agents Regulation.

If an agent has served their agreement through one of the apps mentioned above or any other apps, they may face significant issues should there be a claim from a vendor or landlord against the commission payable to the agent.

So we see that the Act and the Regulation are very clear in relation to the service of an agency agreement upon a property owner. However, continued communication with

clients does not have prescriptive legislation about how this must be undertaken. So if an agent wishes to establish a 'chat group' with a client for continued communication – this would not breach any legislation. It is always best to ask your client their preferred method of communication, and who to include in the chat group, so that you meet your requirement under the Supervision Guidelines to establish a communication channel with all clients. And such appropriate use of technology can only be a good thing.

Rosy Sullivan

Director | College Principal



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The advertisement features a blue and white color scheme with a yellow curved arrow graphic. A circular inset image shows three people (two men and one woman) looking at a laptop screen together. The text is arranged in a clear, hierarchical layout, starting with the deadline and the program name, followed by eligibility details and a list of qualifications.

Did you know???

Businesses with an aggregated turnover of less than \$50 million are entitled to claim a **120% deduction** for eligible expenditure, which includes external training courses delivered by a Registered Training Organisation (such as ACOP) in Australia.

This deduction is available until **30 June 2024**.

Now you know.....there is no better time to support your employees through training opportunities

From the office

And now it's May....where has the year gone. Here at ACOP, we are well into the 2023 CPD year and have conducted our first sessions for face-to-face and also for webinars. The new CPD requirements are being met with varied responses from agents – we guess it will just take some time for everyone to understand the new regime. Our trainers have been busy finalising all of the new CPD materials, participating in training sessions themselves and arranging the new assessment processes for CPD. It's been a busy fortnight. We have also been in Tamworth, Penrith, Sydney CBD and the central coast conducting compliance audits for agencies.

In the office, we have a new Student Support person who has joined the ever-increasing administration team. We welcome Stacey to the ACOP team and she's already showing clear indications of ACOP behaviours (all good of course). We also have a couple of the team who have taken holidays and are out travelling the globe enjoying their freedom.

A number of the team have been assisting our College Principal Rosy, in her planning for the Northern Beaches Women's Shelter fundraising gala which is happening this coming Saturday evening. We are all very keen to look at all of the silent auction items on galabid and see what's available, and at the same time support one of our favourite charitable organisations.

It is sad to say that there have been no birthdays or other celebrations this past fortnight – but we are definitely gearing up for some cake in the next fortnight. Bring it on.

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