



Order on the Agent

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Order on the Agent



It is now a quite a few years since the introduction of electronic settlements through Pexa (the digital property settlement platform), and is still a fair amount of confusion regarding what an agent can and cannot accept through the Pexa notification system.

In particular, the question is regularly raised during our training sessions at ACOP as to the legal position for agents receiving the settlement completion notification or 'Order on the Agent' from Pexa.

In October 2021, it became compulsory for all settlements to be completed through the conveyancing platform Pexa. With that major change in the conveyancing process, many solicitors and conveyancers established a notification to be sent to the selling agents through the Pexa system.

The issue that arose with this notification is that the email would clearly state that it had been sent through Pexa, not that the solicitor or conveyancer had sent it.

Many agents and industry associations have taken the view that a notification from a third party source did not

satisfy the conveyancing standards and an agent should not release keys or deposit monies held until a letter, on the solicitors or conveyancers letterhead, was received by the agent.

In response to this, the team at Pexa made an addition to the notification settings allowing for a document to be uploaded into the system. This means solicitors and conveyancers can upload their official 'Order on the Agent' to their letterhead into the Pexa system to be disbursed at the time settlement has concluded.

The good thing about this is that the document cannot be sent until the settlement has completed. And even more positive for agents is that it is sent within minutes of the settlement completion, no longer requiring the solicitor or conveyancer to actively send it through. No more delays.

But how do the industry associations feel about this addition to the system? One industry association stated:

PEXA has deployed a new settlement notification feature for its legal practitioner members. This enables practitioners to upload and attach files to emails distributed upon settlement completion. As part of this, the PEXA system allows the upload and attachment of the Order on the Agent PDF



document within their post-settlement communications.... we are satisfied that with the upload and attachment of the practitioner letter to the PEXA notification, this now meets the Order on the Agent requirements.

So now, when you receive an email sent from Pexa, check if there is

an attached document, the 'Order on the Agent' on the solicitors or conveyancers' letterhead. This attachment should be there, and can be accepted as your notice to release keys and deposits.

[Rosy Sullivan](#)
[Director | College Principal](#)

From the office

The past fortnight has seen our trainers on overdrive all over NSW conducting training – from NCAT skills development courses in Tweed Heads to CPD down in Bowral. We've also run property management licensing modules in Wagga Wagga and Stock & Station licensing modules in Sydney CBD and also in Ballina. Our CPD program for this year is on full-scale operations with sessions around the Sydney metropolitan area including our CBD training rooms, St Leonards, Dee Why, Castle Hill and Parramatta and then out into the regions with Ballina, Tweed Heads, Orange and Nelsons Bay. Not to mention all the training that is taking place through online interactive webinars. I'm surprised that the trainers still have voices after all this talking and training.

A number of our admin team are also currently undertaking study towards university degrees. It is that time of the year when they are working their way through the exam period. We wish them the best in making sure that what they write in their exams is thoughtful and correct.

On top of Melbourne Cup, and a welcome afternoon break for our students who were attending training in our Sydney CBD office – we have also celebrated Michael's birthday. Whilst he was actually in Wagga Wagga running training on his birthday – we naturally celebrated in ACOP style upon his return.

Oh and yes – ACOP has been Christmasified – the baubles are hanging from the ceiling throughout the entire office and the decorations are out. Just wait till Rosy starts playing her Michael Buble Christmas music.

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