

AUSTRALIAN CAPITAL TERRITORY

AGENTS ACT 1968

**USE OF ELECTRONIC FUNDS TRANSFER FACILITIES BY REAL ESTATE,
STOCK AND STATION AND BUSINESS AGENTS**

NO 99 OF 1997

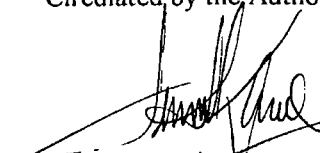
EXPLANATORY STATEMENT

The *Agents Act 1968* (the Act) does not permit real estate, stock and station and business agents to utilise electronic funds transfer (EFT) facilities to make payments to landlords and vendors. Subsection 57(2) of the Act states that "a licensed agent shall not pay money out of a trust account maintained by him or her except by means of a cheque made payable to a specified person, being a cheque that is crossed and marked 'not negotiable'".

The lack of the capacity to use EFT facilities means that real estate, stock and station and business agents, particularly those with medium to large property management responsibilities, incur significant costs both in terms of bank charges for the cheques and in terms of the time to prepare cheques.

In order to alleviate the costs on real estate, stock and station and business agents the attached Instrument declares that subsection 57(2) does not apply to real estate, stock and station and business agents. The declaration is subject to the condition that real estate, stock and station and business agents maintain appropriate records and, therefore maintain an adequate audit trail. Additionally, because banks are not authorised to pay money out of a trust account except by the means referred to in subsection 57(2), the Instrument necessarily needs to declare that subsection 59 (2) does not apply to banks when EFT facilities are to be used by real estate, stock and station and business agents.

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Trevor T Kaine
MINISTER FOR REGULATORY REFORM

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