Exclusive Estate Agency Agreements: Read the Three-Month Commission Tail

Description

CEAâ??s prescribed agreements make the scope, commission and conflict rules explicit. An exclusive sale agreement can run for up to three months, and the prescribed form can require commission for a transaction completed within three months after expiry with a party introduced during the agreement. CEA buying or selling property guide. CEA estate agency agreement explainer.

Choose the branch that matches your case

Situation	Next step
Want one agency accountable for marketing	Consider an exclusive agreement and define deliverables
Want several agencies competing	Use non-exclusive agreements and control duplication
Buyer was introduced during exclusivity	Check the post-validity commission clause
Seller finds a buyer independently	Read the exclusive form before assuming no commission

Use the prescribed form as the starting point

The Council for Estate Agencies provides prescribed estate agency agreements for residential sales, purchases and leases. The form records the parties, property, duties, commission and validity period. CEA buying or selling property guide.

A verbal promise about marketing or rebates should be written into the agreement or a clear addendum. If it is not recorded, later proof becomes harder.

Understand what exclusive really buys

An exclusive agreement appoints one estate agency during the validity period. The agent is expected to invest time and marketing effort without competing agencies offering the same property. CEA estate agency agreement explainer.

Exclusivity is not a guarantee of price, speed or buyer quality. The seller should agree on photographs, portal listings, viewing process, feedback cadence and approval for expenses.

Keep the term within the prescribed limit

CEA says the validity of an exclusive agreement is up to three months. The date range should be written precisely, including the year and the event that ends the appointment.

Do not let a discussion about renewal become an assumed extension. Review performance and sign any new term deliberately.

Read the commission clause beyond expiry

The prescribed exclusive sale agreement can make commission payable when the property is transacted within three months after the agreement ends with a party introduced by the estate agent during its validity.

The important evidence is who was introduced, when and through which activity. Maintain a viewing and enquiry register that both sides can reconcile.

Do not assume a self-found buyer is free of commission

During exclusivity, the seller may owe the agreed commission even if the seller closes with a buyer found independently, depending on the form.

That trade-off is central to choosing exclusivity. Read the exact clause before sharing the property through personal channels.

Control duplicate listings under non-exclusivity

With several agencies, inconsistent prices, descriptions or viewing instructions can confuse buyers. Multiple agents may also claim to have introduced the same party.

Use one current fact sheet and require agents to log prospects. The arrangement offers reach, but the seller must manage the record.

Verify the person and negotiate transparently

Check the salesperson on CEAâ??s Public Register and make commission discussions direct. CEA does not fix commission rates; they are negotiable.

Record whether GST applies, what outlays need approval and when payment is due. Do not sign a blank or partially completed form.

Build a dated decision record

Write down the exact outcome you need: choose the agreement type and identify when commission can remain payable after expiry. Keep the household, company, product, trip or booking facts that produced the result beside it. A result based on different facts is not a precedent, even when the headline issue looks similar.

Record the date and the controlling page you checked. For this decision, the source set is CEA buying or selling property guide; CEA estate agency agreement explainer. Save the relevant reference number, model, class, property detail, deadline, service route or ticket choice. That makes it possible to reconstruct the decision if a rule, inventory position or personal fact changes.

Use two working aids instead of a single yes-or-no note. First, make an exclusive-versus-non-exclusive decision matrix. Second, add a prospect-introduction record for resolving the post-validity tail. The first shows how the facts map to the official rule or live service; the second exposes the timing, cost, trade-off or follow-up action that a simple eligibility answer can hide.

Set a stop condition before acting. Pause if you encounter assuming exclusivity guarantees a sale, signing an incomplete form, ignoring a self-found-buyer clause, or if any fact no longer matches the source you checked. Re-run the relevant official tool or contact the competent organisation. The purpose of the record is not paperwork for its own sake. It prevents an old screenshot, rough estimate or remembered rule from becoming an expensive assumption.

Work the example before the real decision

A seller signs a two-month exclusive agreement. A buyer attends a recorded viewing in week six but completes the purchase two months after the agreement expires. The seller reviews the prescribed post-validity clause and introduction record before deciding whether commission is payable.

Reader checklist

1. Verify the salesperson and estate agent
2. Choose exclusive or non-exclusive deliberately
3. Write the validity dates
4. Specify marketing deliverables
5. Record GST and expenses
6. Maintain an introduction register
7. Review the three-month tail

Mistakes to avoid

- Assuming exclusivity guarantees a sale
- Signing an incomplete form
- Ignoring a self-found-buyer clause
- Losing the prospect record

- Treating commission as a fixed statutory rate

Related next reads

After choose the agreement type and identify when commission can remain payable after expiry, map HDB resale legal costs. You can also verify a property agent on the CEA register.

Questions readers ask

How long can an exclusive agreement run?

CEA says up to three months.

Can commission be due after expiry?

Yes, the prescribed form can cover a transaction within three months with a party introduced during validity.

Does CEA set commission rates?

No. Commission is negotiable.

Date Created
04/08/2026
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