

I refer to an email circulated to all real estate agents registered as a Part 1 Division 1 registration with regard to accurate advertising practices in Tasmania by property agents.

It has been drawn to the Board's attention that property agents have not thoroughly altered either previous ongoing advertising or any new advertising which has been set up since the email was circulated.

I urge all property agents to thoroughly examine/amend any advertising which is in place for their agency as the Board will be enforcing this legislation and referring any breaches for prosecution. There will be no further warnings.

Please ensure that you are fully aware of the following:-

### **Name and Address of Property Agent on all advertisements**

The property agent's **name and address** must be noted on all advertisements - Section 27 & 28 & 37 *Property Agents and Land Transactions Act 2005* (the Act) (ie ABC Realty – 1 Main Street, Hobart)

This requirement applies to the following (but is not limited to them):-

- Building advertisements
- Bus advertisements
- Car signage
- Classified advertisements
- Flyers/letter drops
- For sale/lease signs
- Newspapers including TV guides, circulars, magazines etc advertisements
- Open home signs
- Pointer signs
- Radio advertisements
- Television advertisements
- Websites
- Social networks (facebook/twitter etc.)

### **False or misleading descriptions**

Property agents must not make false or misleading representation concerning property, including misleading information as to the location or characteristics of land.

In particular a written description or photograph must provide a true representation of the property. For example, if a photo of a view (such as a beach) is not a view that can be obtained from the property, this must be clearly stated. Similarly the use of words such as "absolute waterfront" can be misleading if not absolutely accurate.

Photographs used to advertise property should be a true representation. Stretched, photo shopped or otherwise altered photos should not be used.

### **Placement**

You should be aware of provisions within the *Property Agents and Land Transactions Regulations 2006* - Code of Conduct, Fair Trading Act, Trade Practices Act, Local Government Legislation and local Municipal Council By-Laws as well as and other legislative requirements.

The owner of the land must give authorisation for any sign to be on the owner's property.

Local Councils can impose fines for matters such as placing a signboard on the footpath in an unauthorised location, or for a sign of an unauthorised size or construction, or for such matters as

failing to remove a signboard from a footpath, or placing a sign on road or on private land without approval or permits.

Other organisations may also have placements restrictions. Aurora Energy, for example, states that no advertising, signage or promotional material may be affixed to its power poles and other assets without permission. It is an offence under the Electricity Supply Industry Act 1995 to attach any material to Aurora's power poles or other electricity infrastructure without proper authority.

**Alicia Hutton**  
**Executive Officer**