

COMPLAINTS ABOUT REAL ESTATE AGENTS, PROPERTY MANAGERS OR GENERAL AUCTIONEERS

The Property Agents Board

The Property Agents Board is a statutory authority which operates under the Property Agents and Land Transactions Act 2005 and is responsible to the Attorney General.

The Board registers general auctioneers, real estate agents and property managers, while property consultants and assistant property managers are not registered they are still required to comply with the Act.

The Board has the power to investigate an alleged breach of the Property Agents and Land Transactions Act and Regulations (including the Code of Conduct) and to impose penalties if a breach is proven.

An associated statutory authority, the Property Agents Trust, administers the Guarantee Fund which is available to reimburse people whose money has been misappropriated by either an auctioneer, real estate agent or a property manager.

How can the Board help you?

Anyone can complain to the Board about the conduct of a property agent

The Board can only investigate conduct which constitutes a breach of either the Property Agents and Land Transactions Act 2005 or Property Agents and Land Transactions Regulations 2006 (including the Code of Conduct). The Board cannot investigate vague allegations about bad agency practice, conduct, or provide legal advice.

Making a complaint

Step 1

Prior to pursuing a complaint the Board recommends that you review your dealings with the auctioneer, agent or property manager and in the first instance, attempt to resolve the matter which will be the subject of your complaint.

Step 2

Your complaint must:-

- Be in writing
- Be specific
- Include the name and business address of the auctioneer, real estate agent, or property manager
- Contain a brief description of the complaint
- Explain clearly what you hope to have rectified
- Include written permission for the Board to send a copy of your letter to the auctioneer/agent/property manager concerned

Complaints must be sent, together with all supporting relevant documentation, to:

The Executive Officer
Property Agents Board
Royal Engineers Building
2 Davey Street
Hobart 7000

Initial telephone enquiries can be made to the Board office on (03) 6234 2700.

What Happens Next?

The Board will refer the complaint to the general auctioneer, real estate agent or property manager and request an explanation.

The complaint and explanation is received and considered at a meeting of the Property Agents Board which will determine whether there may have been a breach of the legislation.

You will be advised of the outcome.

Sometimes a complaint is serious and will be subject of a formal disciplinary Inquiry. A Tribunal will hear the sworn testimony of the complainant and witnesses and the property agent concerned has the opportunity to answer the charges and to present his or her own evidence.

All testimony is given in the presence of both the complainant and the property agent.

If the Board or Tribunal finds the case against the property agent is proven, it may either:

Reprimand the licence

Impose a fine

Permanently or temporarily cancel or suspend a licence

The Board cannot:

Enforce or cancel a legally binding contract

Order a property agent to reimburse money to a client or other party to an auctioneering or real estate transaction.

Order a property agent to pay damages or compensation

Take legal action against an property agent for alleged negligence

Complaints will be advised in writing of decisions made in respect to their complaint