

# Advice Note

## Professionalism in the Property Agents Industry



The Property Agents Board (the Board) acts as the regulatory authority for property agents in Tasmania.

This advice note is provided to assist property agents to understand clauses in the Code of Conduct.

**Please note** the following information is intended only to provide a general overview and may be subject to change.

Clause in the Code of Conduct -

### 19. Professionalism in the Property Agents Industry

(1) A property agent must at all times –

- (a) undertake all dealings to the best of his or her ability, recognising and working within the individual's skills and regulated functions; and
- (b) build a professional reputation based on integrity and ability; and
- (c) recognise that his or her personal conduct may affect his or her own personal reputation and that of the property agents industry generally; and
- (d) continue professional development to keep his or her own knowledge, skills and performance up to-date and improve his or her standard of dealings in the property agents industry; and
- (e) keep up-to-date on relevant codes of conduct, policies and guidelines issued by the Property Agents Board and abide by all relative business and legislative requirements, including but not limited to marketing/advertising and intellectual property; and
- (f) accept responsibility for maintaining and improving the standards of the property agents industry; and
- (g) maintain appropriate professional boundaries with clients, customers and colleagues and avoid any conduct that could reasonably be perceived to compromise the integrity of any professional relationship; and
- (h) refrain from encouraging clients, customers or colleagues to give, lend or bequeath money, gifts or property; and
- (i) report any form of conduct that could be reasonably believed to constitute unethical, professional misconduct or unprofessional conduct by a colleague to a relevant appropriate authority such as the managing agent of that colleague and/or the Industry Body and/or the Property Agents Board.
- (j) report any form of conduct that could be reasonably believed to constitute bullying or harassment of, or by colleagues to a relevant appropriate authority such as the managing agent of that colleague, and/or the Industry Body and/or the Property Agents Board; and
- (k) treat and demonstrate respect to clients, customers and colleagues; and
- (l) refrain from undertaking actions which may unfairly damage the reputation of a colleague; and

- (m) report to the Board in writing within one-month detail of any matter which occurs and may affect their ability to work as a property agent or maintain a property agent licence.
- (2) A property agent –
- (a) must not refer to themselves by using a protected title or a name that is not shown on their licence; and
  - (b) must not hold themselves out to have a licence they do not have; and
  - (c) must not represent in any way to someone else anything that the property agent knows is false or misleading in relation to prospecting for business.

## Rationale

This clause of the Code of Conduct is designed to promote professional conduct within the Property Agents Industry in Tasmania.

Property Agents have a responsibility to report to the Board conduct that could be reasonably believed to constitute unethical, professional misconduct or unprofessional conduct.

There is a requirement for a property agent to report to the Board in writing any matter that may affect their ability to work as a property agent or to maintain a property agent licence. The matters that may affect the ability to work or maintain a property agent licence include but are not limited to drug offences, bankruptcy or entering a composition or arrangement with creditors (commonly known as a Part IX Debt agreement, Fraud or Dishonesty, offences related to persons or property.

A *protected title* means a “real estate agent”, “property manager”, “general auctioneer” and “property representative”. A property agent can only call themselves a real estate agent if that property agent holds a valid real estate agent licence.

The industry uses many different names to describe different roles. The clauses in 19 (2) of the Code of Conduct are designed to ensure that a property agent is not holding themselves out as being licensed at a category of licence that the person does not have.

As well as the protected title, a property agent should not use a title such as Estate Agent if that person only holds a property representative licence. The term Estate Agent is not a protected title in Tasmania however it does represent a certain level of licence which would be equal to that of a real estate agent.

The Board’s preferred position is the title used by the licence holder is the one that is printed on that person’s licence, ie real estate agent, property manager, general auctioneer or property representative, or alternatively the generic term, Property Agent.

It is also important for a property agent to remember that when they are promoting themselves or their business that the advertisement doesn’t create a false or misleading impression. As an example, if a property agent advertised that 550 properties had sold in their area in the last 6 months in a manner that suggested that their agency sold all 550 properties (when in fact the 550 properties were sold by 10 different property agency businesses) then that could be considered as false and misleading.

Another example is when a property agent changes agencies and advertises properties sold under the new agency banner (when they were actually sold while employed by their previous employer).