

# Advice Note – Supervision of Employees



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 -

## 6. Supervision of employees and persons engaged by property agent

- (1) A real estate agent, property manager, or general auctioneer, who manages a property agent's business –
  - (a) must diligently supervise the work of all other persons employed or engaged to work in that business and must ensure that they and all persons employed or engaged to work in that business understand and comply with the Act, the regulations and this Code of Conduct;
  - (b) while being permitted to delegate tasks to other persons employed or engaged to work in that business, must not delegate the responsibility for any aspect of the work undertaken in that business; and
  - (c) treat those under his or her supervision with respect, care and patience.
  
- (2) A property agent must notify the real estate agent, property manager or general auctioneer who manages the property agents' business within 7 days of notification by the Board that a conduct complaint has been made against them.

### Rationale

The property agent who manages a business must supervise the work of the people employed or engaged to work in that business and is to ensure that everyone understands and complies with the *Property Agents and Land Transactions Act 2016*, the *Property Agent and Land Transactions Regulations 2017* and the Code of Conduct.

The Act provides that the Board is to only notify "the property agent who is the subject of a conduct complaint". The Act does not provide for the Board to make the managing property agent aware of conduct complaints against individual property agents.

As a real estate agent, property manager, or general auctioneer, who manages a property agent's business is to diligently supervise the work of all other persons employed this clause in the Code of Conduct provides the mechanism for the supervising property agent to be made aware of a conduct complaint.

The property agent who is subject to a complaint should notify the property agent named in the Board's Register as the person authorised to manage, this should not be confused with internal positions of a department manager or the like.

If a property agent changes employing agents then they should also notify the new employing agent of any open complaint against them.

Case study – Poor supervision results in theft of trust money (Tribunal Decision)