

Manage more than one authorised place of business

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 the requirements seeking approval to manage more than one authorised place of business.

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

Management of real estate agency business

Section 36 of the *Property Agents and Land Transactions Act 2016* (the Act) provides for the management of real estate agency business.

That section states that the business shouldn't be carried on unless it is carried on at an authorised place of business, and the business must be managed by a real estate agent.

Section 36(3) of the Act says that a real estate agent unless authorised by the Board, must not manage real estate agency business at more than one authorised place of business.

Section 36(4) of the Act, however, provides that the Board **may at its discretion** authorise a real estate agent to manage a real estate agency business at no more than three authorised places of business.

The Board must be satisfied before providing any authorisation that the real estate agent is competent to manage the real estate agency business and that the places of business are all in the same region.

Competent

To assist the Board with assessing whether the real estate agent is competent to manage more than one authorised place of business, the real estate agent is asked to provide information about the business activities being carried on at each place of business.

Information may include the number of property agents and administrative staff, whether property management and/or sales records are kept at the place of business, whether trust account records are kept, and the details around attendance and supervision at each place of business.

If a real estate agent requests to manage an authorised place of business that is not in reasonable proximity to the real estate agent's residence, the Board may seek written submissions from the real estate agent as to how they intend to supervise and be aware of the day to day activities.

Regions

The Board is also required to assess whether the places of business are all in the same region. The definition of regions as defined in the *Acts Interpretation Act 1931*. The regions are defined as follows:

"**northern area**" or "**northern region**" means that part of the State comprising the city of Launceston and the municipal areas of Break O'Day, Dorset, Flinders, George Town, Meander Valley, Northern Midlands and West Tamar;

"**north-western area**" or "**north-western region**" means that part of the State comprising the cities of Burnie and Devonport and the municipal areas of Central Coast, Circular Head, Kentish, King Island, Latrobe, Waratah-Wynyard and West Coast;

"**southern area**" or "**southern region**" means that part of the State comprising the cities of Hobart, Clarence and Glenorchy and the municipal areas of Brighton, Central Highlands, Glamorgan-Spring Bay, Huon Valley, Kingborough, New Norfolk, Sorell, Southern Midlands and Tasman.

Authorised place of business

Section 3 provides the definition of authorised place of business, it says:

authorised place of business, in respect of a real estate agent named in Part 1(1) of the Register, a property manager named in Part 2(1) of the Register or a general auctioneer named in Part 3(1) of the Register, means a place shown in the Register as a place where the agent, manager or auctioneer may carry on, respectively, real estate agency business, property management business or general auctioneering business;

The Act does not have a provision for "satellite offices". The Act only provides for an authorised place of business, and as identified above, the authorised place of business needs to be managed by a real estate agent.

The real estate agent that manages the authorised place of business **must** diligently supervise the work of all other persons employed or engaged to work at that authorised place of business.