

## How do I make a complaint to the Authority?

If you decide to complain to the Authority, you need to make your complaint in writing.

You can get a copy of the complaint form, and more detailed information about making a complaint, from [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800forREAA** (0800 367 7322).

You can deliver your complaint personally or fax, post or e-mail it. The back panel of this brochure gives you the contact details of the Authority.

You must identify the person about whom you are complaining about, outline your complaint, advise of any steps that you have already taken to try to resolve the complaint, and provide any relevant documents. You must also provide a contact address.

## Will I have to pay anything?

There is no charge for making a complaint to the Authority, and a Committee cannot make a costs order against a complainant. However, if you want professional assistance with your complaint, such as advice from a lawyer or an accountant, you will have to pay for that.

## More information

For more detailed information about making a complaint, to find out what happens when you make a complaint, and to obtain a copy of the complaint form, go to:

Website: [www.reaa.govt.nz](http://www.reaa.govt.nz)

Phone: **0800forREAA (0800 367 7322)**

Email: [info@reaa.govt.nz](mailto:info@reaa.govt.nz)

## Real Estate Agents Authority

PO Box 25371, Wellington 6146

Phone: **0800forREAA (0800 367 7322)**

Fax: **04 815 8468**

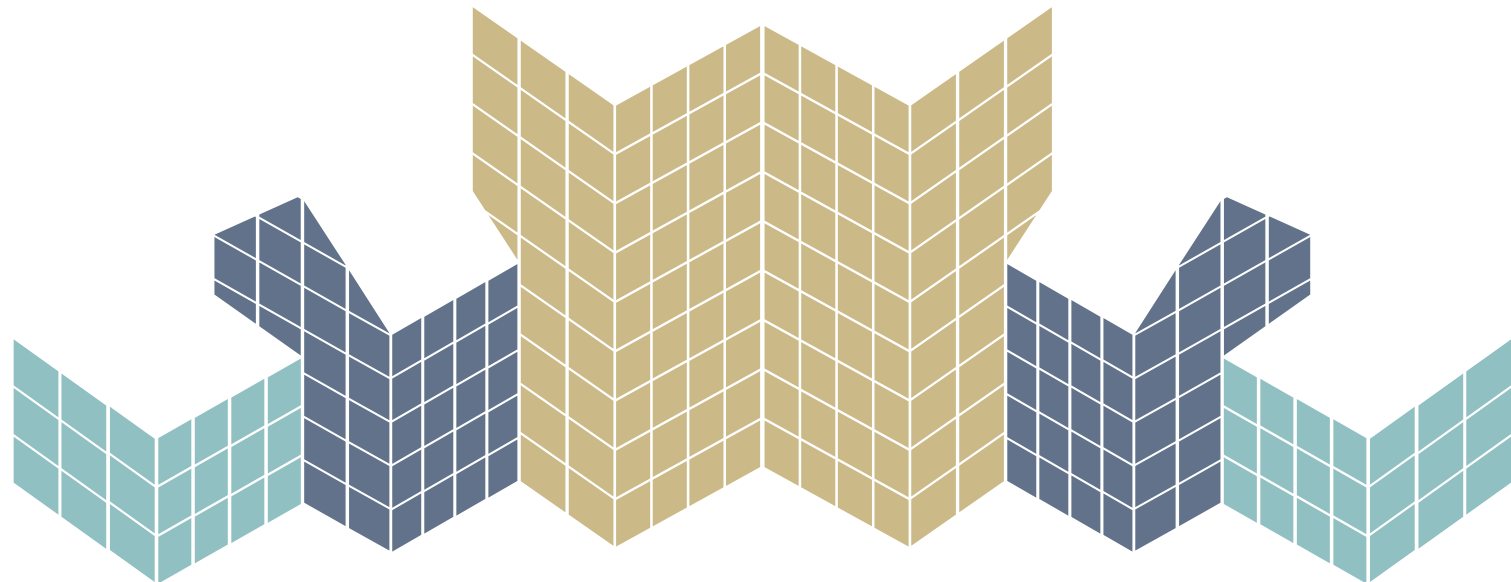
Email: [info@reaa.govt.nz](mailto:info@reaa.govt.nz)

Website: [www.reaa.govt.nz](http://www.reaa.govt.nz)



To the best of the Real Estate Agents Authority's knowledge, the information in this guide is accurate at the date shown below. However, the requirements on which this information is based can change at any time and the most up-to-date information is available at [www.reaa.govt.nz](http://www.reaa.govt.nz) [Version 1.0, 17 November 2009].

# How to make a complaint to the Real Estate Agents Authority



# How to make a complaint

Everyone wants their real estate transaction to proceed smoothly and successfully. However, this does not always happen and things can sometimes go wrong.

All agents must have procedures for handling complaints. Using those procedures may be the quickest way to resolve your concerns. If you are unable to sort things out this way, you can complain to the Real Estate Agents Authority under the Real Estate Agents Act 2008.

This brochure explains how to make a complaint to the Authority if you are unhappy with the way that an agent or salesperson has behaved or performed, and what happens when you make a complaint. You can make a complaint as a buyer or seller of a property.

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## Who can I complain about?

You can complain to the Authority about anyone who has held a licence to work in the real estate industry since 17 November 2009, even if they no longer hold a licence.

You can complain to the Authority about conduct that occurred before 17 November 2009, but your complaint can only be considered if:

- it has not already been considered under the previous Act (the Real Estate Agents Act 1976), and
- it relates to conduct that could have been the subject of a complaint under the 1976 Act.

Remedies would also be restricted to those that would have been available under the 1976 Act.

## What can I complain about?

As well as complying with the law, any person working in the real estate industry is required to comply with the Code of Professional Conduct and Client Care.

A copy of the Code of Professional Conduct and Client Care can be found at [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800forREAA** (0800 367 7322).

If someone does break the law, or falls short of the standards set out in the Code, this may constitute unsatisfactory conduct or misconduct depending on how far short of the standards the conduct is found to be.

## What happens when I make a complaint?

The Authority will refer it to a Complaints Assessment Committee appointed by the Authority. The person about whom you have complained will be advised that a complaint has been received.

The Committee will consider your complaint as soon as possible. The Committee may decide to take no action if it considers the person complained about did nothing wrong, or the complaint is inconsequential or was not made in good faith. If the Committee thinks the complaint would be better handled by another agency, it can refer the complaint to that agency. The Committee will let you know what it decides. If you are unhappy with the Committee's decision to take no action, you can appeal to the Real Estate Agents Disciplinary Tribunal.

If the Committee decides to inquire further into your complaint, it can require the person complained about to appear before it to make an explanation. If necessary the Committee can also require that person or anyone else to provide further information to enable it to carry out its inquiry.

The Committee will usually just consider the information that it has received and make a decision based on that. One outcome might be that the Committee asks you and the person about whom you are complaining to make use of an alternative dispute resolution process (for example,

mediation or negotiation) and report back to the Committee, if it thinks this method is likely to resolve the dispute.

If the Committee finds that the conduct of the person about whom you are complaining falls short of what would usually be expected, is unacceptable, incompetent or negligent, or breaches the 2008 Act, regulations or rules (unsatisfactory conduct), it can make one or more of a number of orders, including:

- requiring that person to apologise
- requiring that person to undergo further training or education
- ordering that person to reduce, cancel or refund fees or to fix an error or omission
- fining that person up to \$10,000 if an individual or \$20,000 if a company
- ordering that person to pay costs to you in respect of the inquiry, investigation or hearing by the Committee.

If the Committee considers that the conduct is disgraceful, seriously incompetent or seriously negligent, or is a willful or reckless breach of the 2008 Act, regulations or rules (misconduct), it can refer your complaint to the Real Estate Agents Disciplinary Tribunal.

The Disciplinary Tribunal is administered by the Ministry of Justice independently of the Authority. The Tribunal deals with alleged misconduct and can impose greater penalties than the Committee. Further information on the Tribunal can be found at [www.justice.govt.nz/tribunals](http://www.justice.govt.nz/tribunals).

If the Committee does inquire into your complaint, you will be informed of its decision once the inquiry has been completed. If you are unhappy with the decision, you can appeal to the Real Estate Agents Disciplinary Tribunal.

