

Disciplinary action under the *Agents Licensing Act 1979*

A guide for applicants

Background

The [Agents Licensing Act 1979](#) (the Act) regulates the licensing, conduct, and professional standards of real estate agents, agent's representatives, business agents, and conveyancing agents (collectively referred to as 'agents' for the purposes of this guide) to ensure competency and professional behaviour.

To do this, the Act establishes the Agents Licensing Board (the Board) and sets out its functions under the Act, which principally include making decisions about the licences of an agent, and determining the outcome of disciplinary processes commenced in relation to agents.

The Department of Industry, Tourism and Trade undertake a number of licensing, compliance and policy activities to support the Board to carry out its functions.

About the disciplinary process

The disciplinary process is designed to allow people to raise conduct issues in relation to agents under the Act for assessment by the Board, and provides opportunities for agents to respond to claims made against them.

The Board impartially consider all applications and information provided by all parties during the process in order to make a decision about whether or not to take disciplinary action in relation to an agent.

The disciplinary process is crucial to ensuring that agents adhere to the requirements of the Act and associated rules of conduct, by providing that the Board can take disciplinary action against an agent (including financial penalties and suspension or cancellation of licence) where breaches are proven.

The disciplinary process is not designed to consider trivial or inconsequential matters, rather it is to hold agents accountable for more serious acts or inactions. Concerns about the conduct of agents are important and reporting relevant matters is strongly encouraged. However, understanding the purpose and seriousness of the disciplinary process helps ensure resources are focused on addressing the most significant issues. Therefore, where possible and appropriate, we encourage you to try to resolve matters directly with the relevant agent (or a more senior person at the relevant business) before lodging an application.

The disciplinary process is not intended to serve as a dispute resolution mechanism or provide compensation to applicants. It is designed to be transparent and public to improve accountability, deter misconduct, and educate the industry. This includes public inquiries and the publication of disciplinary decisions.

To help you understand the disciplinary process, the stages of the process are explained further below.

Lodging an application for disciplinary action

An application for disciplinary action in relation to an agent must be based on one or more grounds listed at section 44(1) (for an agent's representatives) or section 67(1) (for all other agents). In general terms, this means a person can make an application if they believe that the conduct of an agent is a breach of the Act or the [Agents Licensing Regulations 1979](#) (which includes the rules of conduct for agents).

If you believe that the conduct of an agent falls into one or more of the grounds within the Act, you can lodge an application for disciplinary action in relation to the agent, for consideration by the Board.

To make an application, complete the application form, ensuring you include all of the details required as set out below:

Background information

- Explain your relationship with the agent (e.g. did you engage the agent as a property manager for your rental property, were you a tenant in a property managed by the agent, etc.).
- Provide any relevant background information that helps to set the context for the matters you are concerned about (e.g. duration of the relationship, terms of engagement, specific agreements or contracts involved).

Detailed explanation of the issue

- Detail the actions or conduct of the agent that you are concerned about.
- If there are dates and times that are relevant, provide those details.
- Highlight any breaches of agreements or of the legislation (including the rules of conduct) that you believe occurred.

Previous actions

- Detail any steps you have taken to resolve the issue (e.g. raising the matter with the agent, or complaining to the company the agent works for).
- Provide advice about whether you sought action through the Northern Territory Civil and Administrative Tribunal, and what the outcome was.

Supporting materials

- Provide copies of any documents that relate to the matters you have raised (i.e. documents that support the claims you are making in your application). This can include:

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- agreements or contracts (e.g. tenancy agreements, property management agreements, contract of sale, etc)
- inspection reports for the relevant property
- receipts for payments or bank statements
- correspondence (emails, letters, notices, text messages, etc)
- photographs or videos.

Providing these details will assist the Board in making decisions about the matters you have raised. If you do not provide sufficient detail or supporting information, it may affect the outcome of the matter. The Board has the ability to reject applications without holding an inquiry into a matter if the Board determines there are not sufficient grounds or information provided to proceed.

Once you have completed the form, lodge it (along with any supporting documentation that forms part of the application) with the Department by email or post:

Email	Associations.Compliance@nt.gov.au
Post	The Registrar of Land, Business and Conveyancing Agents Associations and Compliance Department of Industry, Tourism and Trade GPO Box 9800 Darwin NT 0801

Initial investigation

Departmental staff (in the Associations and Compliance team) are responsible for receiving applications on behalf of the Board, and conduct initial investigations to prepare the matter for the Board's consideration.

When your application is lodged, you will be sent confirmation that the application has been received. Associations and Compliance will then review your application. You may be asked for further information or documentation where relevant.

After receiving your application (and, where relevant, any additional information requested), Associations and Compliance will send a copy of the application (and any supporting information that has been provided by you) to the agent named in the application. The agent will be asked to provide a response (within a set time period) to the matters raised in the application.

It is a requirement of the Act that any application for disciplinary action that is lodged must be given to the agent. This is an essential step to ensure that the agent is provided with natural justice (for example, is able to set out their version of events). If you have concerns about your application being provided to the agent, please contact Associations and Compliance to discuss the matter before lodging an application.

After receiving a response from the agent, Associations and Compliance will compile the information and documentation received from all parties involved in the application. Associations and Compliance will review the information and provide a report to the Board (along with copies of all information provided by the parties) for the Board's consideration.

Decision to proceed with disciplinary inquiry

After considering all of the information provided, the Board will decide whether the matter will proceed further to a disciplinary inquiry, or whether the application will be rejected (and the matter will not proceed any further).

If the application is rejected, you will receive written notice of this, and information about what to do if you do not agree with the Board's decision.

If the Board decides to hold an inquiry, you will be given written notice of the decision, and will be advised of the date and time that the inquiry will be held.

Inquiry process

Inquiries are usually not held immediately, because time is required for the parties involved (including the person who made the application) to prepare.

As the person who lodged the application, you will be asked to attend the inquiry. This is so that the Board can ask you questions about the matters raised. The information you provide to the Board during inquiry assists the Board in making their decision.

It is not mandatory for you to attend the inquiry (unless you are summonsed). However, your attendance at the inquiry provides you with the opportunity to give further information to the board about the matters you have raised. It may be difficult for the Board to accurately determine what has occurred without being able to seek information from you, and it may affect the decision the Board makes.

Preparing for the inquiry

Once you are notified of the date and time of an inquiry, you should advise the Board as soon as possible about whether or not you will attend the inquiry.

While the Board operates its inquiries in a generally informal manner, it is acknowledged that attending an inquiry is not generally an everyday occurrence and might make some people uncomfortable. If you attend, you are welcome to bring a person to support you – such as, a family member or friend.

Additionally, in line with section 77(7) of the Act, you are also able to bring a person to represent you, if necessary. This could be a legal practitioner, or another person who can address the Board on your behalf.

It is useful if you tell the Board in advance if you intend to bring a support person or a representative.

Before attending the inquiry you should review the contents of the application you made, and any materials that have been provided to you by the Board for the purposes of the inquiry.

Attending the inquiry

Arrival

On the day of the inquiry, please ensure that you arrive promptly at the venue, allowing sufficient time if you are unfamiliar with the location.

When you are notified of the inquiry date and time you will be provided with a contact number for the purposes of the inquiry. If you are late or you are having difficulty locating the venue, please call the contact.

What to bring

You should ensure that you bring a copy of the application you made (including any supporting documentation provided as part of the application), and any materials that have been provided to you by the Board for the purposes of the inquiry. You should also bring any materials that you have not provided to the Board, but that you think may be relevant to the matter.

You may also wish to bring a jumper or cardigan, and a pen and notepaper. Water will be provided at the venue; however, you are welcome to bring your own water bottle.

Attendees

Other people who will be in attendance at the inquiry include members of the Board and a number of departmental staff, which may include the Registrar of Land, Business and Conveyancing Agents, a legal practitioner, and support staff who will perform administrative functions in relation to the inquiry.

The agent or agents the application relates to will generally also be in attendance, and also have the option of bringing a representative and a support person.

Disciplinary inquiries are open to the public (unless the Board determines that part or all of the inquiry is closed).

Standards of behaviour

As above, the Board operates its inquiries in a generally informal manner. This means that you do not need to be worried about rules like standing when you speak or addressing people by formal titles. Instead, you should focus on observing the following key standards during the inquiry:

Respect

Treat all participants with respect, including Board members and other parties involved. Ensure that you allow others to speak without interruption. Make sure that your phone is off or on silent mode for the duration of the inquiry. Respect from all parties contributes to a constructive atmosphere, which is essential for a fair and thorough examination of the issues at hand.

Honesty

You are required to be honest in your communications during the inquiry. Answer questions asked by the Board to the best of your ability, provide truthful information, and do not withhold any relevant details. Integrity is crucial to the fairness and effectiveness of the inquiry process.

Cooperation

Follow the directions of the Board members and cooperate fully with the inquiry process. This includes providing any additional information or documentation requested, and engaging constructively in the proceedings. Cooperation ensures that the inquiry can proceed efficiently and effectively.

Decision about disciplinary action

Once the Board has finished the inquiry, the members of the Board will consider whether it can and should take disciplinary action against an agent, based on the findings of the inquiry. The Board may determine that it cannot or should not take disciplinary action against the agent.

If the Board does take action against an agent, the Board may take one or more of the following actions:

- reprimand or caution the agent
- impose a fine (not exceeding 50 penalty units) on the agent
- suspend the licence of the agent for a period of time, or until a specific condition (determined by the Board) is fulfilled
- revoke the licence of the agent.

After making its decision, the Board will inform the parties of its decision and its reasons for decision. If the applicant or agent disagrees with the Board's decision, they may seek a review by the Northern Territory Civil and Administrative Tribunal. Information about seeking a review will be provided to the parties with the copy of the Board's decision.

After the Board makes its decision, and the review period has elapsed (generally 28 days after the Board provides its reasons for decision), the decision and the reasons for the decision will be published online, in accordance with section 84A of the Act. Applicants should be aware that the publication of a decision will include information about the case and may include personal details of the applicant, such as their name. Copies of decisions made by the Board in relation to disciplinary matters are available at: <https://industry.nt.gov.au/boards-and-committees/agents-licensing-board>.

Disclosure of information

Personal information obtained by the Department (including its employees) and the Board when exercising functions related to the disciplinary process (including information provided by the applicant) cannot be disclosed unless disclosure is authorised or required by law. That means, other than for the purposes of the disciplinary process (including publication of decisions where required) or for another purpose authorised or required by law, we will not share your personal information.

Further information

If you require further information about the disciplinary process, you can contact Associations and Compliance via email Associations.Compliance@nt.gov.au or phone 1800 193 111.