

Guideline – Information for complainants

Real Estate, Business Broking & Conveyancing Industry

This guideline outlines the requirements to lodging a formal complaint against a licensed real estate agent, business or conveyancing agent or a registered agent's representative and sets out the complaint handling process.

The Agents Licensing Board

The Agents Licensing Board ("the Board") is an independent statutory authority constituted under the Agents Licensing Act 1979 (the Act), within the administrative responsibility of the Department of Industry Tourism and Trade. The Board's responsibilities include the licensing of real estate, business and conveyancing agents and the registration of agent's representatives. The Board oversees complaints against agents and deals with disciplinary matters.

If you are dissatisfied with the conduct of a real estate, business or conveyancing agent or an agent's representative, you should first raise your concerns with the business manager of the agency to attempt to resolve your issues.

If you are not satisfied with the agent's response and there is sufficient evidence of a breach of law or ethical standards, you may wish to lodge a formal complaint in the form of an application for disciplinary action against the agent/agent's representative. If you are in any doubt as to whether you can lodge a complaint, have any questions or require clarification please call the licensing team on 1800 193 111.

The Board has limited powers. It cannot compel an agent/agent's representative to pay damages or compensation. If the actions of the agent/agent's representative have caused you financial loss and you wish to seek reimbursement you may need to seek independent legal advice or consider seeking redress through the Northern Territory Civil and Administrative Tribunal (NTCAT) - <https://ntcat.nt.gov.au>.

What you can complain about

A complaint may be made about any action or inaction of an agent or an agent's representative within the Boards jurisdiction that is a breach of the Act, including the rules of conduct.

Examples of behaviour that can be the subject of a complaint include: failure in the performance of duties; a failure to carry out lawful instructions of a principal on whose behalf the agent acts; a failure to exercise due skill, care and diligence or acting without written authorisation of the principal.

Application for disciplinary action

An application for disciplinary action must be in writing. The application must outline the facts and circumstances of the alleged breach, providing as much detail as possible. The application should include all relevant documents that form the evidence of the alleged breach.

The application must include your contact details, including a contactable phone number. The application will be handled in a confidential, fair, impartial and transparent manner. An officer from the department may need to contact you to clarify or request additional information in relation to the application for disciplinary action as your complaint is investigated.

Investigation of the application for disciplinary action

On receipt of an application, the Registrar will provide written acknowledgement of its receipt. After an initial assessment of the application for disciplinary action is completed the respondent will be notified of the application and will be informed of the allegations and evidence and will be requested to provide a response.

If it is deemed that a breach of the Act has been identified an investigation report will be completed for presentation to the Board. The Board will then assess the investigation report and determine if there are sufficient grounds to proceed to hearing or if the application will be rejected. If the Board rejects the application you will be notified in writing and provided with the reasons the board rejected the application.

If you decide to withdraw your application, the Registrar and Board, in their independent discretion, can still determine if disciplinary action is required.

If the Board determines to hold an Inquiry, the parties will be served notice. The notice will state the time and place of the hearing, the matter being inquired into. Prior to the Inquiry, summonses will be issued to relevant persons to attend the Inquiry and give evidence.

Lodgement of application for disciplinary action

When lodging your application all supporting documents must be attached. It is your responsibility to ensure that your application meets the eligibility requirements before submission as incomplete applications cannot be accepted.

Applications can be lodged with Occupational Licensing in person, email or via post.

In person	Development House, Ground Floor, 76 The Esplanade Darwin City NT
Email address	associations.compliance@nt.gov.au
Postal address	The Registrar of Land, Business and Conveyancing Agents GPO Box 9800 Darwin NT 0801.

Relevant legislation

- *Agents Licensing Act and Regulations 1979*
<https://legislation.nt.gov.au/en/Legislation/AGENTS-LICENSING-ACT-1979>
- *Unit Title Schemes Act 2009*
<https://legislation.nt.gov.au/en/Legislation/UNIT-TITLE-SCHEMES-ACT-2009>
- *Unit Titles (Management Modules) Regulations 2009*
<https://legislation.nt.gov.au/en/Legislation/UNIT-TITLES-MANAGEMENT-MODULES-REGULATIONS-2009>

Further information:

An application for disciplinary action is the process to formally lodge a complaint against a:

- Real Estate Agent;
- Real Estate / Business Agent;
- Agents Representative; or
- Conveyancing Agent.

Prior to lodging your Application for disciplinary action you should first raise your concerns with the Business Manager of the agency involved, in an attempt to resolve your issues. An application for disciplinary action cannot award compensation or reimbursement for loss of monies incurred by an Agent or Agents Representative. If you are seeking compensation or reimbursement from an Agents or Agents Representative you should review the Northern Territory Civil and Administrative Tribunal's website. <https://ntcat.nt.gov.au/>.

Once the department receives your application for disciplinary action you will receive an acknowledgement letter. The application will then be reviewed by a compliance assessment officer and you may be contacted for further information or clarification.

The application for disciplinary action will be presented to the Agents Licensing Board to determine if disciplinary action is applicable. You will be notified of the outcome in writing once this process is completed. It should be noted that the Board sits 4 times per year.