

What happens when a complaint is referred to the Real Estate Agents Disciplinary Tribunal (the Tribunal)

A Complaints Assessment Committees (CAC) may decide to refer a complaint to the Tribunal if the agent's behaviour appears to be misconduct. The Tribunal is independent of the Authority and is part of the Ministry of Justice. When a CAC refers a complaint to the Tribunal, the person who made the complaint to the Authority becomes a witness in the CAC's case.

This information sheet is an overview of what happens when a complaint is referred to the Tribunal.



The CAC files a misconduct charge at the Tribunal. A charge is a document which describes the alleged breach of the Real Estate Agents Act. We will tell you when this happens.



The agent tells the Tribunal whether they accept the charge or dispute it.



The Tribunal arranges a telephone conference with the CAC and the agent(s) to discuss any concerns, and set a date for the hearing.



The Tribunal will usually issue its written decision 3-4 weeks after the hearing. We will send all parties a copy of the decision.



During the hearing each party's witnesses tell the Tribunal what they did in relation to the case and answer any questions from the other party. The hearing may take several days.



The CAC and the agent(s) each prepare their case. This includes obtaining written statements from witnesses about what happened. The person who made the complaint is usually included in the hearing as a witness.



If the agent is found guilty of misconduct the Tribunal may hold a separate hearing to decide what the penalty will be. The Tribunal will send all parties a copy of its decision.

OUTCOMES

The Tribunal can find the agent guilty of unsatisfactory conduct or misconduct, or decide to take no further action. The Tribunal can make any of the orders a CAC can make, and/or order:

- Cancellation or suspension of an agent's licence
- Termination of an agent's current employment, and say that no one can employ them as an agent in future
- The agent pay a fine of up to \$15,000 (or \$30,000 for an agency)
- The agent to pay the complainant compensation for actual loss of up to \$100,000 (if the agent is found guilty of misconduct)

An agent can appeal a decision of the Tribunal to the High Court and can also make a further appeal to the Court of Appeal.

The Tribunal will make its decision publically available.

Misconduct is when an agent's behaviour:

- Constitutes seriously incompetent or negligent real estate agency work
- Would reasonably be regarded as disgraceful
- Has resulted in a conviction that reflects adversely on their fitness to be an agent
- Willfully or recklessly contravenes the Real Estate Agents Act

The Tribunal sets the timetable for this process which may take up to 12 months

Real Estate
Agents Authority

For more information:

Complainants contact the Authority:
Call: 0800 367 7322 or 04 471 8930
Email: info@reaa.govt.nz

Licensees contact the Tribunal:
Call: 04 462 6660
Email: readt@justice.govt.nz

