

Buyer's Agent

Information Sheet

What is a buyer's agent?

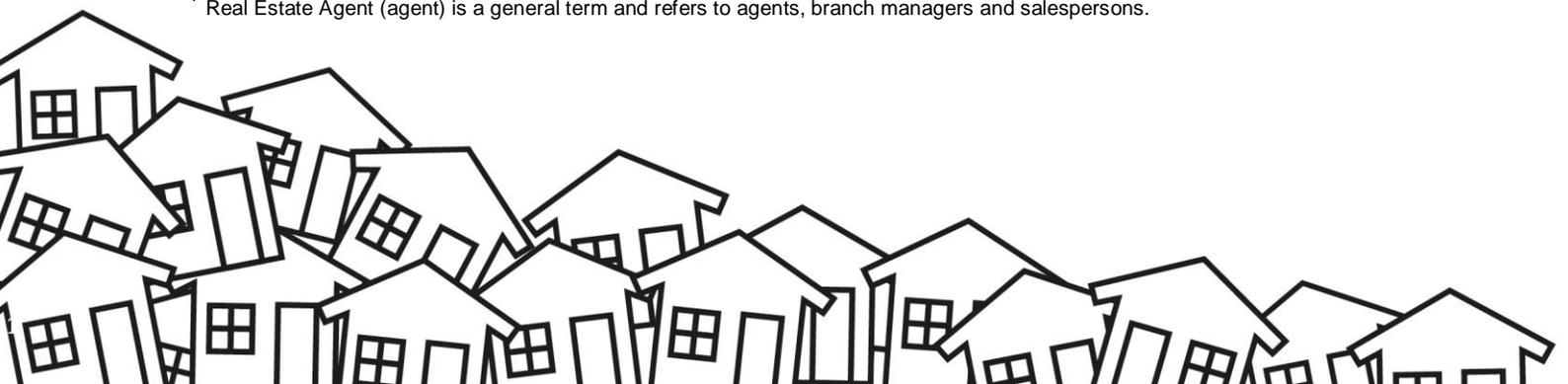
In New Zealand real estate agents¹ usually work on behalf of a seller and are paid by the seller. In a number of other countries, such as the United Kingdom and the United States, buyer's agents are also common. Buyer's agents are agents who work on behalf of a buyer, and are paid for their services by the buyer.

Buyer's agents are quite rare in New Zealand, but there are some operating, usually in niche markets.

Buyer's agents are different to other agents in the following ways:

- They are engaged and paid by the buyer, not the seller.
- They do not maintain property listings.
- They may offer a number of services, such as:
 - Sourcing properties for a buyer, on the basis of criteria set out by the buyer. In some cases they may also source property for a person seeking to rent rather than buy.
 - Undertaking some inspection and checking of properties, such as obtaining a LIM or related information for the buyer.
 - Negotiating with the seller on behalf of a buyer.
 - Bidding at auction on behalf of a buyer.

¹ Real Estate Agent (agent) is a general term and refers to agents, branch managers and salespersons.



Within New Zealand buyer's agents usually act primarily for overseas buyers who want to locate property in particular locations.

Does a buyer's agent need to be licensed?

Yes. Any person carrying out real estate agency work, as defined by the Real Estate Agents Act 2008 must be licensed, regardless of whether they act for a buyer or seller.

Buyer's agents are bound by all of the requirements of the Real Estate Agents Act 2008. This means that they must carry out work for a client under an agency agreement, disclose information as required under the Act, and comply with the Real Estate Agents Authority's Code of Professional Conduct and Client Care (Code of Conduct). The Code of Conduct includes specific rules for buyer's agents. You can download the Code of Conduct from www.reaa.govt.nz.

Do I need a buyer's agent in order to buy property in New Zealand?

No you don't. Having a buyer's agent is a matter of personal choice, and the majority of buyers find that they can easily source property without a buyer's agent. If you do decide to use a buyer's agent, you should ensure that the person is licensed (you can check this on the register of licensees at www.reaa.govt.nz), that you have an agency agreement that clearly spells out what services will be provided and at what cost, and ensure that your lawyer looks at the agency agreement before you sign it.

If you are authorising a buyer's agent to negotiate or bid at auction on your behalf, you also need to ensure that you are very clear about the limits of the agent's authority, and when they need to seek your approval for a particular action or decision.

What does it cost?

There is no standard rate or scale of charges for buyer's agents. It is important that you ask in advance about costs, and what services will be provided as a part of this cost. If the buyer's agent charges a set fee, you should check whether any separate charges are made for expenses.



When do I pay a buyer's agent?

The terms under which a buyer's agent is paid are generally negotiated between the agent and client. You should ensure that payment is made on the basis of achievement of results.

Can an agent act for both a buyer and seller of the same property?

No. This is a conflict of interest. An agent cannot work in the interests of two different parties (the buyer and the seller) in a negotiation concerning a property. The Real Estate Agents Authority's Code of Professional Conduct and Client Care specifically states that an agent cannot receive commissions from both parties to a transaction.

Information sheets that provide further information on the property buying and selling process are available from **www.reaa.govt.nz** or by calling **0800 for REAA** (0800 367 7322) or (04) 471 8930.

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To the best of the Real Estate Agents Authority 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** [Version 1.2, 8 April 2013].

