

Real Estate Agents Authority

Compliance Approach

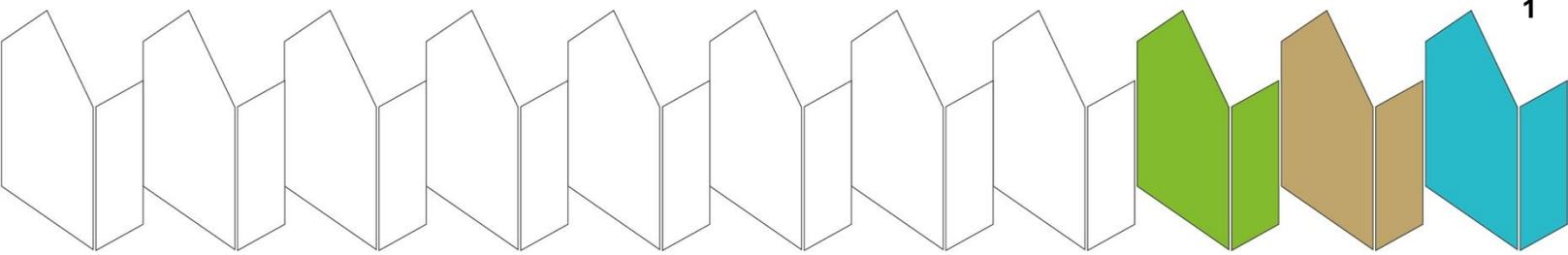
Information Sheet

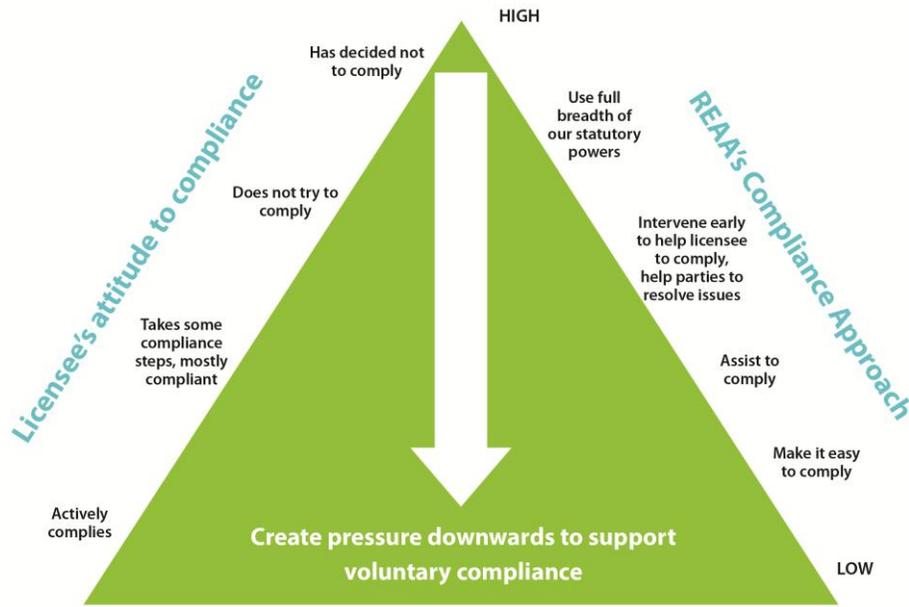
This information sheet outlines the Real Estate Agents Authority's (REAA's) approach to ensuring licensees comply with their responsibilities under the Real Estate Agents Act 2008, the Regulations and the Code of Conduct Rules, and how we deal with complaints about the conduct of licensees.

Our approach

Our approach to ensuring licensees comply with their statutory responsibilities is influenced by the attitude and conduct of licensees:

- ✓ We make compliance as easy as possible for those capable and willing to comply.
- ✓ We assist those who are trying to comply but not succeeding.
- ✓ We deter through surveillance and detection, those who are reluctant to comply.
- ✓ We utilise the full breadth of our statutory powers for those who do not try to comply or have actively decided not to comply.





We make it as easy as possible to comply

We make it as easy as possible for licensees to comply by:

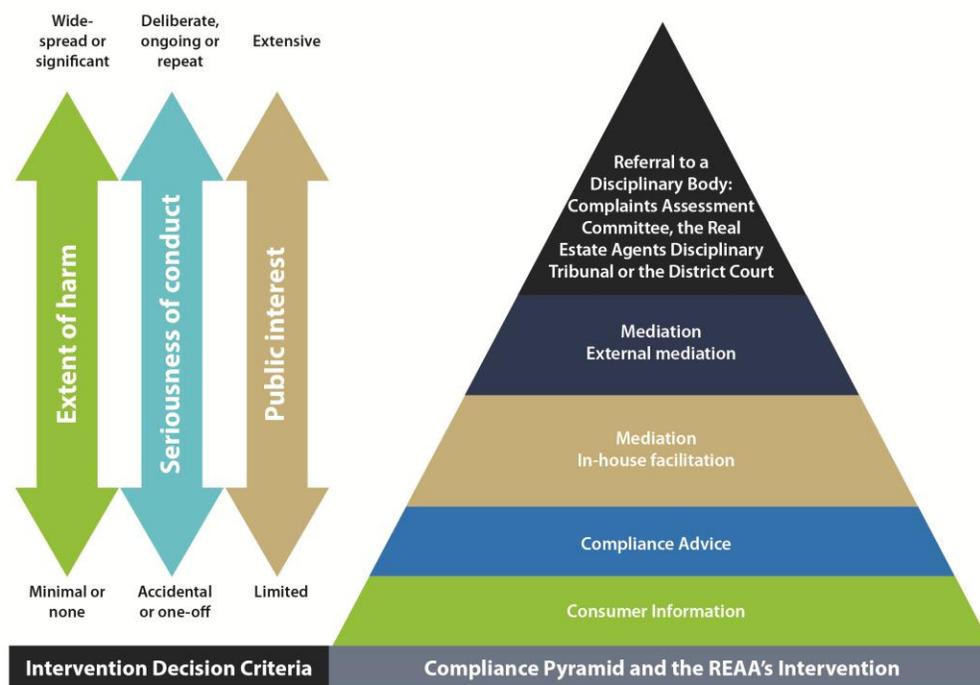
- ✓ Publishing guidance documents on our website and in our regular industry newsletters.
- ✓ Producing a Real Estate Agents Handbook that contains comprehensive guidance for licensees.
- ✓ Requiring licensees to undertake 20 hours of continuing education each year to keep them up-to-date with statutory requirements.
- ✓ Providing advisory services to licensees.

Dealing with complaints

We deal with complaints based on the risk they present. When we receive a complaint, we assess:

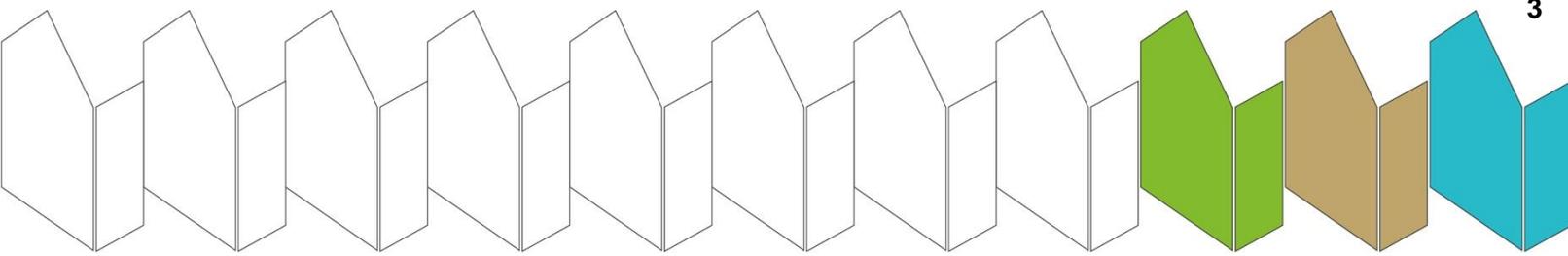
- ✓ The likely extent of the harm or risk of harm.
- ✓ The seriousness of the alleged conduct.
- ✓ The importance to the wider public interest in the conduct being deterred.

Real Estate Agents Authority's Compliance Model



Categories of complaint

In line with the risk-based approach, we categorise each complaint in accordance with the factors outlined below:



Consumer Information	Compliance Advice	Mediation (in-house facilitation or external mediation)	Referral to a Disciplinary Body
<p>The complaint is outside the REAA's jurisdiction as:</p> <ul style="list-style-type: none"> - the person being complained about is not a licensee or former licensee - the subject of the complaint is not an offence under the Real Estate Agents Act 2008 <p>OR</p> <p>The complaint is within the jurisdiction of the REAA but is not a disciplinary matter under sections 72 or 73 of the Act</p>	<p>There is little or no consumer or licensee detriment</p> <p>There is no intention to breach</p> <p>The licensee has not received any previous compliance advice letter(s)</p> <p>The conduct is not ongoing</p> <p>Other risk factors are not evident</p>	<p>The complaint is a matter between the licensee and the consumer, or between licensees only</p> <p>There is no wider public interest issue</p> <p>The complaint can be remedied by the licensee</p> <p>Both parties are willing to explore resolving the issue via facilitation or external mediation</p>	<p>Any complaint that does not fall within the other three categories is referred to one of the following:</p> <ul style="list-style-type: none"> - Complaints Assessment Committee - Real Estate Agents Disciplinary Tribunal - District Court

Consumer information

We write to the complainant advising them that the matter is either outside our jurisdiction or not a disciplinary matter under the Real Estate Agents Act 2008. Where appropriate we refer the complainant to other agencies.

Compliance advice

We send the licensee a compliance advice letter which outlines the conduct complained about and reminds the licensee of their obligation to comply. The letter is not a formal finding and does not form part of the public record.

Mediation

Both parties must be willing to explore resolving the issue via mediation.

In-house facilitation

Lower level and less complex issues are referred to our in-house facilitation team who will assist the complainant and licensee to resolve the complaint. They contact the parties by telephone.

External mediation

Higher level and more complex matters may be referred to external mediators. The parties may meet face-to-face with the external mediator to resolve the complaint.

Referral to a disciplinary body

Matters categorised as suitable for enforcement will, depending on the facts, be referred to either the Complaints Assessment Committee, the Real Estate Agents Disciplinary Tribunal or the District Court.

Real Estate Agents Authority

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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 1.0, 24 November 2014].

