

Complaint handling process

Complaints and concerns from your clients/customers normally arise from three sources:

- REIWA's Information Service
- formal letters to REIWA
- emails

In all situations, we attempt to come to an understanding on the exact nature of the concern.

The majority of the concerns are quickly resolved mainly because the person does not fully understand the role of the agent when selling or managing a property or aspects of the agent's contractual obligations.

We will firstly encourage the person to resolve their concerns directly with the principal of the agency.

However, with some concerns, we do not fully understand the scenario and it is necessary to hear the other side of the complaint. In these situations, we will contact you and request that you respond in writing to the concern.

The Articles of Association 44.7 places an obligation upon you to respond to the concerns.

We will send your written response to the complainant in the hope that your response will settle the concern.

While the majority of concerns are resolved there are times when the complainant is not satisfied with the agent's response. At such times we will attempt to convene a conciliation meeting. At conciliation meetings an independent third party is in attendance. The role of the conciliator is to maintain an orderly meeting where both parties have the opportunity to fully appreciate the opposing position. The ideal outcome is that an agreement can be reached.

In very rare circumstance where there is a financial claim and an agreement cannot be reached, then the matter can be referred to an arbitration hearing. In such cases we will act as the administrator to ensure that the provisions of the Commercial Arbitration Act 1985 are followed. At an arbitration hearing, an independent solicitor will consider the verbal and written presentations of both parties to hand down a binding decision. Both parties equally share the arbitrator's costs that are charged at normal commercial rates. Financial claims can also be heard in the Magistrates Court.

Where the complaint from the public is about alleged breaches of an agent's fiduciary obligations and a resolution cannot be achieved then the person will be referred to the Department of Commerce. The Articles of Association do not permit disciplinarily proceeding to be undertaken where a complaint has been lodged by the public.

Complaints from member agents concerning other member agents are handled by us in the same way as complaints from the public. With agent to agent complaints we will strongly encourage the two agents to resolve their concerns between themselves. If that is not possible, then we will endeavour to convene a conciliation meeting as soon as possible. As with public complaints, if no resolution can be obtained the dispute will be referred to an arbitration hearing.