

## PROCEDURE FOR REIQ MEMBER COMPLAINT

Thank you for contacting the Real Estate Institute of Queensland (**REIQ**) to advise us of a complaint you have against a real estate agency.

The REIQ exists to support member agencies with information, products and resources that complement their business practices, which in turn ensures professional service for the public across the State. The REIQ:

- undertakes political advocacy on behalf of its members and the profession
- provides property research, advice and training to members
- acts as a source of real estate products and services, and
- provides a platform for dispute resolution between member agents

### What to do if you have a complaint?

The REIQ may be able to assist in the resolution of complaints subject to certain restrictions:

1. REIQ can only assist if the complaint involves an REIQ member that holds a certain type of membership
2. Written correspondence was sent to the respondent in an attempt to resolve the dispute, within 20 business days from the date of the event giving rise to the complaint
3. The complaint is lodged with the REIQ Registrar, within 45 business days from the date of the first written correspondence that was sent to the Respondent
4. The complaint must relate to conduct that is covered by our Standards of Business Practice. These standards can be found at: [http://reiq.com/REIQ/about\\_us/REIQ\\_Governance/REIQ/](http://reiq.com/REIQ/about_us/REIQ_Governance/REIQ/)

If the four conditions above are not met, the REIQ is unable to assist in facilitating the resolution of your complaint. In cases where a complaint cannot be dealt with by the REIQ, we can advise you of the relevant authority that has the capacity to progress your complaint.

You may be able to pursue your complaint through the Office of Fair Trading (OFT) and/or the Queensland Civil and Administrative Tribunal (QCAT). Please contact these organisations directly.

Furthermore, because of the legal hierarchy, if your matter is before another body (such as the OFT or QCAT) for investigation or determination, the REIQ is unable to consider the dispute.

If you are eligible to lodge a complaint through the REIQ, we require consumers and REIQ members to, in the first instance, attempt to resolve the matter with the Principal of the relevant real estate agency in question. You must write to the Principal within 20 business days of the first event giving rise to the complaint, outlining in detail the:

- nature of your complaint; and
- remedy and outcome you are seeking to resolve the matter.

Following this, you should allow the Principal of the agency a reasonable period to respond to your complaint. At minimum, you should allow 5 business days. If you are an REIQ member complaining against another REIQ member you should allow at least 10 business days.

If you receive a response from the Principal and are satisfied with the response, you should confirm this in writing to them. Alternatively, if the response is not satisfactory, you must write to the Principal and notify them that you intend to refer the matter to the REIQ.

### **What can the REIQ do if the above steps do not resolve the matter?**

Subject to certain requirements set out in the REIQ By-laws, you can lodge a complaint to the REIQ and the matter will be referred to mediation. A copy of the REIQ By-law can be obtained from [http://reiq.com/REIQ/about\\_us/REIQ\\_Governance/REIQ/](http://reiq.com/REIQ/about_us/REIQ_Governance/REIQ/).

To lodge the matter to the REIQ the following three steps must be completed, within 45 business days of the first written communication:

1. File Notice of Complaint Form;
2. Pay a Filing fee of \$220; and
3. Submit all written/supporting correspondence

When lodging your complaint with the REIQ, it must be lodged in writing and can be emailed to [tribunal@reiq.com.au](mailto:tribunal@reiq.com.au).

Mediations are conducted by REIQ appointed mediators. Our mediators act as facilitators in the dispute between the parties and attempt to assist parties to reach a resolution of the dispute.

REIQ will determine the place, time and date of mediation. The duration of mediation and its potential success will vary depending on the attitude of the parties, the nature of the dispute and the other individual circumstances of the matter.

If a matter is not resolved at mediation, the REIQ may refer a matter to our Consumer Complaints or Professional Standards (as applicable) Tribunal for determination. This tribunal operates independently of REIQ management and comprises a Chairperson who is an experienced legal practitioner as well as a consumer and real estate industry representative. A Tribunal Hearing fee of \$880 will be payable by the complainant to the REIQ if the matter is referred to the tribunal.

Appeal rights are also potentially available if a complainant is not satisfied with the outcome of a tribunal decision. Information about the appeals process can be found in the REIQ By-laws.

### **What can't the REIQ do?**

The REIQ does not provide legal advice. We cannot predict or give advice as to the potential outcome of referring a complaint to us.

The REIQ By-Laws do not allow the REIQ Tribunal to direct a member to pay compensation and/or damages to a consumer or to another member (only a court or the Queensland Civil and Administrative Tribunal have that power).

### **Fees**

Please note that there is a Filing fee of \$220 that covers the establishment of a complaint and the appointment of a mediator. A Tribunal Hearing fee of \$880 is payable to the REIQ if the dispute is not resolved at mediation and is referred onto the Consumer Complaints or Professional Standards (as applicable) Tribunal for determination.

These fee's may be recoverable depending on the outcome of any mediation or Tribunal Hearing. A separate appeals fee is payable if you seek leave to appeal the decision of the REIQ Tribunal. For further information, please visit:

[http://reiq.com/REIQ/about\\_us/What\\_to\\_do\\_if\\_you\\_have\\_a\\_complaint/REIQ/About\\_Us/](http://reiq.com/REIQ/about_us/What_to_do_if_you_have_a_complaint/REIQ/About_Us/) or contact our Tribunal Secretary at [tribunal@reiq.com.au](mailto:tribunal@reiq.com.au) or phone 3249 7326.