



## THE REAL ESTATE INSTITUTE OF SOUTH AUSTRALIA COMPLAINTS AND DISPUTES HANDLING POLICY

### **INTRODUCTION**

This information is designed to assist consumers and members who wish to make a complaint about the conduct of a REISA member.

REISA plays a critical role in ensuring that the highest professional standards are adhered to by South Australian real estate professionals.

The REISA Complaints and Disputes Handling Process operates independently of the Office of Consumer and Business Affairs (OCBA). REISA only deals with complaints concerning a breach of the Real Estate Code and has no power to award damages in relation to a consumer complaint.

REISA is committed at all levels within the organisation to respond positively to complaints and disputes to ensure that they are resolved efficiently with effective remedies.

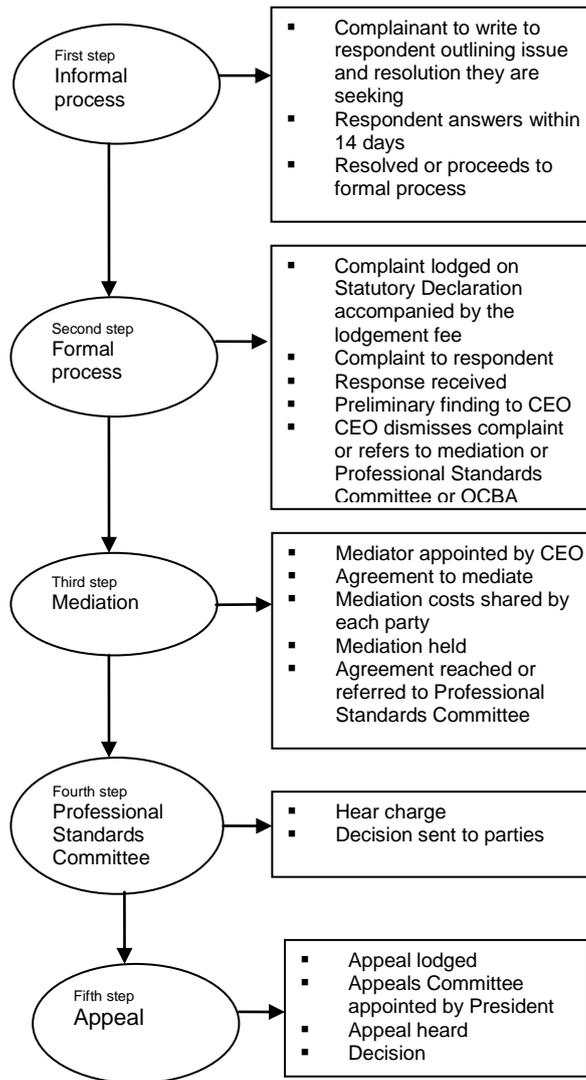
This policy sets out the principles which govern how we handle and resolve complaints and disputes.

### **MAKING A COMPLAINT**

REISA aims to provide an efficient, fair and accessible mechanism for handling member and consumer complaints.

We aspire to ensure that our Complaint and Disputes Handling Process is accessible to all members and consumers, including those with disabilities and special needs.

## OVERVIEW OF PROCESS



## **First Step – INFORMAL PROCESS**

REISA encourages all parties to seek resolution outside of the complaints handling process before lodging a formal complaint. The complainant must, in the first instance, write to the member (respondent) with details of their complaint and allow the respondent 14 days to respond. The respondent's reply must include reasons for any disagreement with the details of the complaint.

## **Second Step – FORMAL PROCESS**

If verbal and written attempts to resolve the complaint have not been successful, a formal complaint may be lodged with REISA. The complaint must be lodged by way of a Statutory Declaration. A blank form can be downloaded from [www.reisa.com.au](http://www.reisa.com.au), posted, emailed or faxed to complainants, or picked up from REI House, 249 Greenhill Road, Dulwich. This form must be signed by a Justice of the Peace. The Statutory Declaration must be accompanied by a lodgement fee. This fee is to cover some of the administration costs of investigating the complaint.

The Statutory Declaration:

- must clearly state the facts of the complaint in chronological order and should preferably be typewritten
- it is advisable that the Statutory Declaration be prepared as soon as possible after the events leading up to the complaint
- each statement should be accompanied by any relevant documentation, (with reference to why the documentation is relevant). Any attachments should be numbered and should be referred to in the statutory declaration
- must outline the resolution being sought.

The complaint can then be submitted in one of four ways.

- visit REI House at 249 Greenhill Road, Dulwich (ask to speak to a member of our Complaints and Disciplinary team)
- by email to [reisa@reisa.com.au](mailto:reisa@reisa.com.au)
- by fax to 08 8366 4380
- by mail: Address your letter to REISA Complaints and Disciplinary, PO Box 246, Glenside, SA 5065

A written acknowledgement will be made within 14 days of receiving your complaint with an approximate time frame for investigating your complaint.

After this time you may be asked to provide further information. Once a response has been received from the respondent, the complaint will be assessed and the CEO will determine whether the complaint will be referred to mediation, referred directly to the Professional Standards Committee, to OCBA or dismissed.

## **Third Step – MEDIATION**

Mediation is a cooperative problem-solving process designed to help parties involved in a dispute find workable solutions. Mediation does not result in winners and losers but in mutually agreeable outcomes. By opening up the channels of communication, relationships can be preserved and a greater variety of solutions considered.

Some of the benefits of mediation are:

- puts control of the resolution of the dispute into the hands of those best equipped to find the most appropriate solution in view of the parties' individual needs and interest
- helps get negotiations started between parties
- provides an opportunity for parties to have their say, to tell others exactly how they see the problem in a confidential, non-threatening atmosphere without prejudice
- enables business relationships to be maintained and even enhanced by encouraging cooperative problem solving
- is confidential thereby avoiding adverse publicity or media attention.

The role of the mediator is to assist the parties:

- to systematically isolate the issues in dispute (which, if the mediation is unsuccessful, may prove of assistance to the parties in any other form of dispute resolution, such as arbitration or litigations, which they may later pursue)
- to develop and explore options for the resolution of the issues
- to reach a consensual agreement which accommodates their needs and interests.

Where a dispute is referred to mediation, both parties will be asked to sign an Agreement to Mediate document. This agreement sets out the procedure to be following during the mediation. The agreement details the role of the mediator, the parties' commitment to cooperate with the mediator, the distribution of costs for the independent accredited mediator, and a confidentiality clause which ensures that certain matters will remain privileged, including any settlement agreement.

#### **Fourth Step – PROFESSIONAL STANDARDS COMMITTEE**

If mediation is unsuccessful, the parties will be charged to appear before the Professional Standards Committee. A fee will be charged to proceed to this Committee. The parties will be bound by the findings of the Professional Standards Committee. No legal representation is allowed at this stage of the process. The decision will be published.

The Professional Standards Committee will comprise of:

- an independent Chair
- a REISA member
- a member representing the interests of consumers
- the REISA Manager of Complaints and Disciplinary will act as an adviser to the committee and also fulfil secretariat duties, however they will not have a determinative role.

If the Professional Standards Committee finds a member has breached the Real Estate Code the Professional Standards Committee has the ability to:

- reprimand the member
- fine the member
- recommend to the Board that REISA membership be suspended
- recommend to the Board that the member be expelled or membership terminated
- order the member to do such acts, matters or things as it may deem proper
- order the member to pay any other member or to any other party as permitted by law, the whole or any part of any professional fee or any other remuneration or monies received by such member in respect of or in connection with any transaction from which the complaint arises
- do any other such thing as may be determined by the Board from time to time which is of benefit or ancillary to the just and equitable disposal of a complaint.

#### **Fifth Step – APPEAL COMMITTEE**

If a respondent is unhappy with the finding of the Professional Standards Committee, they may appeal the decision. An Appeal Committee will be appointed by the REISA Board.

#### **SPECIAL NEEDS**

If you are hearing impaired our complaints team will use the National Relay Service to relay your conversation. Call (08) 8366 4300 for more details.

If English is not your first language you can call 131 450 to speak to a translator who can be provided by the Department of Immigration and Multicultural and Indigenous Affairs. There is a fee for this service.

#### **RECORDING COMPLAINT INFORMATION**

REISA records statistical information from complaints to enable us to understand member and consumer needs and to identify problems which are being experienced by more than one member or consumer.

#### **REVIEW OF COMPLAINT HANDLING PROCESS**

Our complaints handling process is regularly reviewed to ensure its continued suitability, adequacy, efficiency and effectiveness.

REISA's staff will review all complaints which have not been resolved within agreed time frames and determine what action is required to resolve those complaints at the earliest opportunity.

If you have any queries, please contact the Manager of Complaints and Disciplinary at The Real Estate Institute of South Australia, 249 Greenhill Road, Dulwich SA 5065. Phone: (08) 8366 4300.