

# Making a Submission on Orders

## Information Sheet

When a Complaints Assessment Committee (CAC) makes a finding of unsatisfactory conduct about a complaint it may ask you, as the complainant, to make a submission on what orders (or penalty) it should make against the agent. The agent will also get to make their own submission.

Once the CAC has received any submissions, it will use these to help them make a decision on orders. You, and the agent, will be advised of what the orders are and given a copy of the written decision.

### **What is a submission on orders?**

A submission on orders is your chance to suggest to the CAC what orders, if any, you think are appropriate for the CAC to make against the agent.

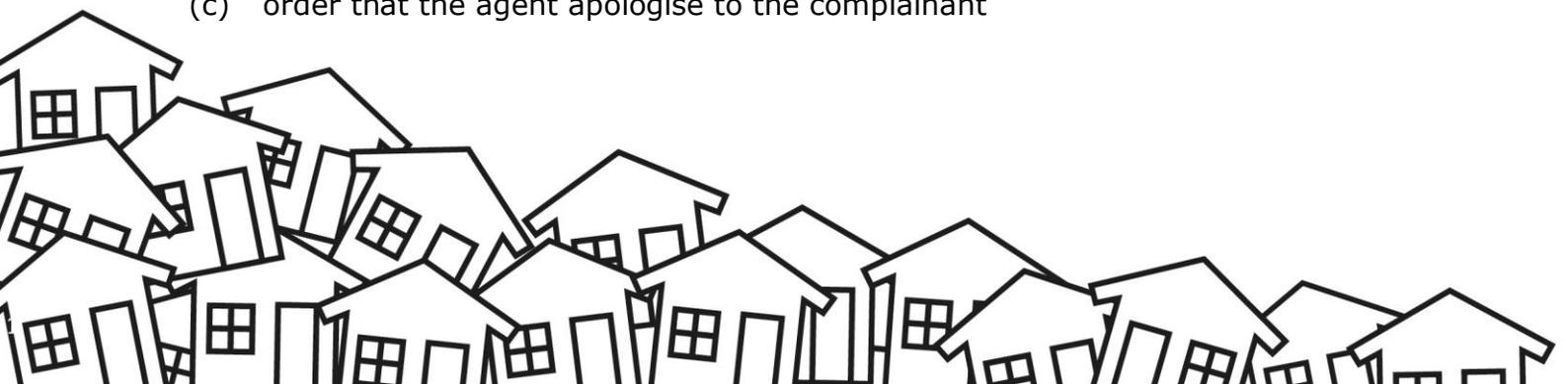
### **What orders can the CAC make?**

The CAC can only make orders that relate to the findings it made - if part of the complaint was dismissed, the CAC cannot make orders about the dismissed part of the complaint.

The CAC cannot make orders for compensation or damages.

The possible orders a CAC can make against an agent are:

- (a) an order censuring or reprimanding the agent
- (b) order that all or some of the terms of an agreed settlement between the agent and the complainant are to have effect, by consent, as all or part of a final determination of the complaint
- (c) order that the agent apologise to the complainant



- (d) order that the agent undergo training or education
- (e) order the agent to reduce, cancel, or refund fees charged for work where that work is the subject of the complaint
- (f) order the agent —
  - i. to rectify, at his or her or its own expense, any error or omission; or
  - ii. where it is not practicable to rectify the error or omission, to take steps to provide, at his or her or its own expense, relief, in whole or in part, from the consequences of the error or omission
- (g) order the agent to pay a fine to the Real Estate Agents Authority of up to \$10,000 for individuals or \$20,000 for a company
- (h) order the agent, or the agent for whom the person complained about works, to make his or her business available for inspection or take advice in relation to management from persons specified in the order
- (i) order the agent to pay the complainant any costs or expenses incurred in respect of the inquiry, investigation, or hearing by the CAC.

In some cases the CAC may decide that the decision of unsatisfactory conduct is enough and not make any orders.

### **How do I make a submission on orders?**

Submissions must be made in writing to the CAC. You send your submission to your CAC Administrator who will pass it onto the CAC. You must make your submission within 10 working days of the unsatisfactory conduct decision being made.

### **What do I include in my submission?**

This is your opportunity to tell the CAC what orders you think they should make (or why not). Your submission should focus on the conduct which the CAC considered was unsatisfactory.

You do not need to repeat or re-send information you have already provided.

You may want to cover the following in your submission:



- ✓ Anything about your circumstances that mean the orders should be higher or lower.
- ✓ Any steps taken by you or the agent to resolve matters.
- ✓ The orders you think are appropriate based on the CAC findings.
- ✓ The impact the agent's conduct has had on you.
- ✓ A description of any costs you have incurred as a result of the agent's conduct.

If you are claiming reimbursement for costs incurred as a result of the agent's conduct you must attach copies of invoices and receipts.

### **Do I have to make a submission on orders?**

No, you do not have to make a submission if you do not want to. However the CAC will consider any orders submissions it receives when making its decision about orders.

### **Will the agent see my submission on orders?**

A copy of your submission will be given to the agent before the agent makes their own submission on orders.

### **What if I am unhappy with the CAC's unsatisfactory conduct finding?**

Your submission on orders is not an opportunity to challenge the CAC's unsatisfactory conduct finding. The CAC cannot change its finding once it has issued its unsatisfactory conduct decision.

If you are unhappy with the CAC's unsatisfactory conduct finding you can appeal it to the Real Estate Agents Disciplinary Tribunal after the CAC's orders decision has been issued. Information on how to make an appeal is available from the [Real Estate Agents Disciplinary Tribunal's website](#).



## Where can I get further information?

Just give your CAC Administrator a call or send them an email. Our office contact details are below if you do not have your CAC Administrator's direct contact information.

**We are happy to help if you have any questions.**  
**Just give us a call on 0800 367 7322 or (04) 471 8930**  
or email [info@reaa.govt.nz](mailto:info@reaa.govt.nz)

A cartoon illustration of a house with a face, arms, and legs. The house is light blue with a darker blue outline. It has a window with a cross pattern, a door, and is standing on two legs. It has its right arm raised in a 'V' or 'peace' sign.

### Summary

- ✓ The Complaints Assessment Committee can make orders against the agent(s) when it makes a finding of unsatisfactory conduct.
- ✓ The Complaints Assessment Committee can only make certain orders. It cannot make orders for compensation or damages.
- ✓ You do not have to make a submission on orders if you do not want to. Let your CAC Administrator know if you won't be making a submission.
- ✓ A copy of your submission on orders will be given to the agent before they make their own submission on orders.



## Real Estate Agents Authority

PO Box 25371, Wellington, 6146  
Phone: 0800 for REAA (0800 367 7322) or (04) 471 8930  
Fax: 04 815 8468  
Email: [info@reaa.govt.nz](mailto:info@reaa.govt.nz)  
Website: [www.reaa.govt.nz](http://www.reaa.govt.nz)

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](http://www.reaa.govt.nz) [Version 1.0 20 May 2015].

