

News Statement



Hon Gail Gago
Minister for State/Local Government
Relations
Minister for the Status of Women
Minister for Consumer Affairs
Minister Government Enterprises
Minister Ast Minister for Transport, Infrastructure & Energy

Friday, 20 February 2009

MINISTER GAGO WELCOMES SUPREME COURT RULING

Consumer Affairs Minister Gail Gago welcomes the Supreme Court's ruling this week in support of the Office of Consumer and Business Affairs' interpretation of real estate laws.

John R Ring Pty Ltd, a real estate agent trading as Ring Partners, took action in the Supreme Court of South Australia challenging the Commissioner for Consumer Affairs' interpretation of the laws with the Court ruling this week in favour of the Commissioner.

The matter centred around advertising practices used by Ring Partners to attract potential buyers, which the agent argued were not in breach of new legislative requirements brought in with last year's reforms.

Ring Partners' advertisements included a 'Buyer Inquiry Range', described as a price range within which a home-buyer may consider enquiring about or inspecting a particular property.

The Supreme Court ruled that the Buyer Inquiry Range is a representation as to price, which is governed by the new real estate laws.

In his remarks the Hon. Justice Sulan determined that Ring Partners' use of a Buyer Inquiry Range gave an ambiguous message to readers, and that even with the inclusion of a disclaimer, a reader may conclude that the vendor may be willing to accept an offer within the advertised Buyer Inquiry Range.

Minister Gago said "the interpretation of the new real estate laws has been tested by this challenge, and I am pleased to say the interpretation has withstood the challenge."

To report any concerns about practices by real estate agents contact Consumer Affairs on 8204 9777, or 131 882 for regional callers.

