

Media Release



Government of South Australia

Office of Consumer and
Business Affairs

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FULL COURT DISMISSES REAL ESTATE AGENT'S APPEAL

The Full Court has upheld a Supreme Court ruling in favour of the Commissioner for Consumer Affairs, dismissing an appeal by real estate agency Ring Partners.

Bellevue Heights real estate agent John R. Ring Pty Ltd, trading as Ring Partners, took action in the Supreme Court of South Australia in September last year, challenging the Commissioner's interpretation of new real estate laws. A decision was handed down in favour of the Commissioner in February and Ring Partners lodged an appeal to the Full Court in March.

Ring Partner's advertising practices were at the centre of the matter, namely the use of a 'Buyer Inquiry Range', described as a price range within which a home-buyer might consider enquiring about or inspecting a particular property.

The Supreme Court ruled in favour of the Commissioner, deeming the 'Buyer Inquiry Range' to be a representation as to the price of the property, which is governed under the new real estate laws.

The Full Court presided by Chief Justice Doyle and the Honourable Justices Anderson and Kourakis dismissed Ring Partners' appeal, stating that the agency's advertisements "[contained] the very mischief at which the legislation is aimed".

Acting Commissioner for Consumer Affairs Anne Gale welcomed the result, describing it as a win for South Australian homebuyers.

"Consumers often decide to look at a property depending on figures quoted in advertisements."

The ruling confirms that agents should not advertise a price or price range that is below the vendor's acceptable selling price or the agent's estimated value of the property, whichever of the two is highest, as it may mislead consumers.

"Agents who aren't clear about any aspect of the legislation should seek legal advice".

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