

REAL ESTATE ADVERTISING COMPLIANCE

As a professional real estate agent, advertising is crucial for your business' success. However, you must comply with strict advertising legal obligations or you risk severe penalties and reputational damage. This factsheet outlines your key real estate advertising requirements.

CONTACT US

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LEGISLATION



Under the Australian Consumer Law and relevant state and territory real estate laws, real estate agents are prohibited from engaging in misleading or deceptive conduct when advertising.

This prohibition applies to both intentional and unintentional actions, focusing on the overall impression created by your conduct.

You must avoid making false or misleading representations about the property, including its:

- nature;
- price;
- location;
- characteristics;
- use; or
- facilities.

ACCURATE SALE PRICE



Avoid deceptive pricing practices, such as underquoting. Advertised prices should reflect the seller's willingness to accept offers. Accordingly, any amendments to the estimated selling price should be promptly updated.

ANTI-DISCRIMINATION LAWS



Ensure your advertising complies with anti-discrimination laws by avoiding language, images, or statements that may be seen as discriminatory. Promote properties to a diverse range of potential buyers and make open homes accessible to all.

PROFESSIONAL OBLIGATIONS



You must be truthful and honest in your work, including:

- accurately representing property features, condition and price;
- disclosing any conflicts of interest that you have in the property sale; and
- ensuring you publish genuine testimonials.

DISCLOSE MATERIAL FACTS



Disclose all material facts that could influence a decision to buy, sell, or rent a property. This includes information about:

- flooding;
- safety risks;
- asbestos;
- drug-related activities;
- crime history; and
- combustible cladding.

PROVIDE AGENT DETAILS



All advertisements must include the relevant licensee's name and, if incorporated, the corporation name. Provide sufficient details to identify the agent, including their:

- full name;
- contact information; and
- business affiliation.