

REIA Guidelines to the Trade Practices Act (TPA)

Rebates on Advertising

Prepared in collaboration with the ACCC

REIA Guidelines

The provision of rebates, commissions and discounts by entities such as advertisers to persons placing those advertisements (such as real estate agents) is an accepted part of commercial dealings, not only in the real estate industry. However:

- Real estate agents should disclose to any consumer to whom any rebate, commission, benefit, or discount from an advertiser relates, the source and amount of that rebate, commission, benefit or discount. If, at the time that an agent makes this disclosure, the agent is unable to provide the advice of the precise amount of the rebate, commission, benefit or discount, the agent should advise a reasonable estimate of that amount.
- Real estate agents should bear in mind that some state and territory based regulatory provisions and real estate institute rules of practice contain provisions requiring the disclosure to relevant consumers of any significant relationships, connections or affinities between agents and third party suppliers. Further, all jurisdictions contain criminal laws that prohibit the receipt of secret commissions.