

## Mildura Rental Agency Escapes Fine After Court Rules Error Honest

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— Categories: Real Estate



A Mildura real estate agency has avoided a significant fine after a court ruled that its failure to display a fixed rental price in an online listing was an “honest mistake.”

PRD Nationwide Mildura pleaded guilty in the Mildura Magistrates’ Court but was spared conviction and instead placed on a 12-month good

behavior bond.

The case was brought by Consumer Affairs Victoria, which alleged the agency breached state rental laws by failing to advertise a property with a fixed price. The rules, introduced in 2021, are designed to prevent rental bidding by requiring agents to list exact figures. Authorities initially fined the agency \$11,855, though the law allows a maximum penalty of more than \$61,000.

The property, located in Red Cliffs near Mildura, appeared online with the tag “on application,” an option automatically generated by third-party software. The agency’s director, Simone Fleshig, had entered rental figures of \$550 per week, later increasing to \$580, but the software defaulted to “contact agent” when no final price was confirmed.

Ms Fleshig became aware of the error after a prospective tenant questioned the listing. She immediately corrected the advertisement and confirmed the rent directly with the inquirer. The error was fixed within two days of the listing going live.

In court, the agency’s lawyer, Tyler Wolff, said the problem stemmed from the platform’s default settings. He told the court the agency had since introduced a two-step verification system to ensure all listings include a confirmed rental figure. The agency also contacted the software provider to resolve the issue.

Magistrate Patrick Southey accepted that the breach was not deliberate and described it as an oversight rather than misconduct. He noted the agency acted quickly to remedy the error and implement safeguards. Magistrate Southey said the law was aimed at agents who intentionally

conceal prices to encourage higher offers, conduct that was not present in this case.

Instead of a fine, the agency was placed on a 12-month good behaviour bond with no conviction recorded. The decision means the agency avoids a criminal record and financial penalty, provided it complies with the bond.

The case is one of several pursued across Victoria as part of a statewide crackdown on rental bidding practices. Since a dedicated taskforce was established in 2021, more than 40 agencies have been fined. In recent weeks, at least five agencies, including PRD Nationwide Mildura, have challenged their penalties in court.

The outcome highlights the compliance challenges for agencies relying heavily on digital platforms. Automated settings can trigger breaches if not carefully monitored, leaving agents vulnerable to prosecution even without intent.

For tenants, the case reinforces the importance of transparency in the rental market. For real estate agents, it serves as a reminder of their legal responsibilities and the need for safeguards against software errors that could breach consumer law.