

Queensland



# **VALUERS REGISTRATION AMENDMENT ACT 2001**

**Act No. 62 of 2001**



# Queensland



## VALUERS REGISTRATION AMENDMENT ACT 2001

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Queensland



## **Valuers Registration Amendment Act 2001**

**Act No. 62 of 2001**

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**An Act to amend the *Valuers Registration Act 1992***

*[Assented to 25 October 2001]*

**The Parliament of Queensland enacts—****1 Short title**

This Act may be cited as the *Valuers Registration Amendment Act 2001*.

**2 Commencement**

(1) Section 14 and section 19, to the extent it inserts sections 42FA(b), 42FC and 42FD(b), commence on 1 May 2002.

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

**3 Act amended**

This Act amends the *Valuers Registration Act 1992*.

**4 Amendment of s 3 (Definitions)**

(1) Section 3, definition “**appointed member**”, ‘section 6(1)(b)’—  
*omit, insert—*

‘section 6(1)(b) or (c)’.

(2) Section 3—

*insert—*

“**annual renewal day**” means 1 May.

“**CPD**”, for a registered valuer, means continuing professional development.’.

**5 Amendment of s 6 (Membership)**

(1) Section 6(1)(b)—

*omit, insert—*

‘(b) 2 registered valuers, 1 of whom is to be appointed from names submitted by the Australian Property Institute under section 8;

- (c) 2 persons appointed from names submitted by business, community or professional organisations.’.

(2) Section 6(2), ‘subsection (1)(b)’—

*omit, insert—*

‘subsection (1)(b) and (c)’.

## **6 Replacement of s 7 (Assistant members)**

Section 7—

*omit, insert—*

### **‘7 Assistant members**

‘(1) The Governor in Council may, by gazette notice, appoint assistant members.

‘(2) A person is qualified for appointment if the person is—

- (a) a registered valuer whose name has been submitted by the Australian Property Institute under section 8; or
- (b) a registered valuer whose name has been submitted by the Real Estate Institute of Queensland under section 8; or
- (c) another person who is otherwise qualified for appointment under section 6 or paragraph (a) or (b).’.

## **7 Amendment of s 12 (Removal from office)**

Section 12(1)(d), after ‘assistant member’—

*insert—*

‘, other than a member appointed under section 6(1)(c),’.

## **8 Amendment of s 21 (Quorum)**

(1) Section 21(1), ‘2 members’—

*omit, insert—*

‘3 members’.

(2) Section 21(3), from ‘the name’—

*omit, insert—*

‘in the minute book the names of the members present.’.

## **9 Amendment of s 28 (Publication of names of registered valuers)**

Section 28, ‘1 January’—

*omit, insert—*

‘1 July’.

## **10 Amendment of s 30 (Qualifications for registration)**

(1) Section 30(b)(i), ‘of valuers’—

*omit.*

(2) Section 30(c), ‘5 years’—

*omit, insert—*

‘3 years’.

## **11 Amendment of s 34 (Certificate to be issued on registration)**

Section 34(2), ‘the year’—

*omit, insert—*

‘the financial year’.

## **12 Amendment of s 36 (Annual roll fee)**

(1) Section 36, heading—

*omit, insert—*

**‘36 Roll fee, late fee and restoration fee’.**

(2) Section 36(1), ‘1 November’—

*omit, insert—*

‘1 May’.

(3) Section 36(1), ‘following year’—

*omit, insert—*



‘following financial year’.

(4) Section 36(2), ‘31 October’—

*omit, insert—*

‘30 April’.

(5) Section 36(3), ‘31 December’—

*omit, insert—*

‘30 June’.

(6) Section 36(4), ‘the year’—

*omit, insert—*

‘the financial year’.

### **13 Insertion of new s 36A**

After section 36—

*insert—*

#### **‘36A Payment of roll fee for up to 5 years**

‘(1) Despite section 36(1), a registered valuer may pay the roll fee for up to 5 years in advance.

‘(2) If particulars of a valuer are removed from the register under section 37(2), the board may refund any roll fee paid for a period after the next annual renewal day after the removal.

‘(3) If a roll fee has been paid for a period after the next annual renewal day and the prescribed roll fee for the period is a different amount to the amount paid, the board may—

- (a) if the prescribed roll fee is less than the amount already paid—refund the difference between the roll fee already paid and the prescribed roll fee; or
- (b) if the prescribed roll fee is more than the amount already paid—require payment of the difference between the roll fee already paid and the prescribed roll fee.’.

### **14 Insertion of new ss 36B–36D**

After section 36A, as inserted by this Act—

*insert—*

### **‘36B Renewal of registration—statement or certificate about CPD**

‘(1) In addition to the prescribed roll fee, a registered valuer must, before 1 May in each year, give the board—

- (a) a statement that the valuer has undertaken the CPD prescribed under a regulation during the previous 18 months; or
- (b) a CPD compliance certificate from a prescribed institute; or
- (c) a statement about the activities the valuer has undertaken that meet a prescribed institute’s requirements for a CPD compliance certificate.

‘(2) A registered valuer who gives the board a statement or certificate mentioned in subsection (1) after 30 April must pay the late fee prescribed under a regulation.

‘(3) If the valuer does not give the board the statement or certificate and pay the late fee before 30 June, the board must cancel the valuer’s registration and remove the valuer’s name and other particulars from the register.

‘(4) However, if the valuer gives the board the statement or certificate and pays the late fee before the end of the financial year to which the renewal of registration relates, the board must restore the valuer’s registration.

### **‘36C Exemption from providing statement or certificate about CPD**

‘(1) The board may exempt a registered valuer from the requirement under section 36B(1) to give the board a statement or certificate about the valuer’s CPD—

- (a) in special circumstances; and
- (b) for no longer than 2 years; and
- (c) if the valuer gives the board an undertaking not to practise as a valuer during the time to which the exemption relates.

*Examples for paragraph (a)—*

- the valuer’s family responsibilities
- the valuer’s absence interstate or overseas.

‘(2) The valuer must give the board the statement or certificate before the valuer recommences practice as a valuer.

**‘36D Entries in register about renewal of registration**

‘On payment by a registered valuer of the prescribed roll fee for the next financial year, the board must enter in the register—

- (a) renewal of the valuer’s registration; and
- (b) in relation to the statement or certificate required under section 36B(1) that—
  - (i) the valuer has given the statement or certificate; or
  - (ii) the valuer has been exempted under section 36C(1) from giving the statement or certificate and the period of the exemption.’.

**15 Amendment of s 40 (Restoration of registration)**

(1) Section 40, heading—

*omit, insert—*

**‘40 Restoration of registration after removal under s 37’.**

(2) Section 40(2), ‘the prescribed fee’—

*omit, insert—*

‘the fee prescribed under a regulation and the statement or certificate mentioned in section 36B(1)’.

(3) Section 40(4), ‘the year’—

*omit, insert—*

‘the financial year’.

**16 Amendment of s 42C (Grant of application)**

Section 42C(2) and (3)—

*omit.*

**17 Amendment of s 42D (Refusal of application)**

Section 42D—

*insert—*

‘(2) The notice must tell the applicant that the applicant may appeal against the decision under section 61.’.

## **18 Omission of s 42E (Failure to decide application)**

Section 42E—

*omit.*

## **19 Insertion of new ss 42FA–42FD**

After section 42F—

*insert—*

### **‘42FA Renewal of recording of registered valuer on list of specialist retail valuers**

‘A registered valuer who is recorded as a specialist retail valuer on the list kept by the board must, to remain on the list, before 1 May in each year—

- (a) pay the board the fee prescribed under a regulation; and
- (b) give the board a statement that the valuer has, during the previous 18 months, undertaken the prescribed amount of CPD relating to retail rental valuation.

### **‘42FB Payment of fee for recording on list for up to 5 years**

‘(1) Despite section 42FA, a specialist retail valuer may pay the fee mentioned in section 42FA(a) for up to 5 years in advance.

‘(2) If particulars of a specialist retail valuer are removed from the list of specialist retail valuers under section 42G(1), the board may refund any fee paid for a period after the next annual renewal day after the removal.

‘(3) If a fee has been paid for a period after the next annual renewal day and the prescribed fee for the period is a different amount to the amount paid, the board may—

- (a) if the prescribed fee is less than the amount already paid—refund the difference between the fee already paid and the prescribed fee; or

- (b) if the prescribed fee is more than the amount already paid—require payment of the difference between the fee already paid and the prescribed fee.

#### **‘42FC Exemption from providing statement about CPD relating to retail rental valuation**

‘(1) The board may exempt a specialist retail valuer from the requirement under section 42FA(b) to give the board a statement about the specialist retail valuer’s CPD relating to retail rental valuation—

- (a) in special circumstances; and
- (b) for no longer than 2 years; and
- (c) if the specialist retail valuer gives the board an undertaking not to practise as a specialist retail valuer during the time to which the exemption relates.

*Examples for paragraph (a)—*

- the specialist retail valuer’s family responsibilities
- the specialist retail valuer’s absence interstate or overseas.

‘(2) The specialist retail valuer must give the board the statement before the valuer recommences practice as a specialist retail valuer.

#### **‘42FD Entries on list of specialist retail valuers about renewal**

‘On payment by a specialist retail valuer of the fee mentioned in section 42FA(a), the board must record on the list—

- (a) renewal of the recording of the valuer as a specialist retail valuer; and
- (b) in relation to the statement required under section 42FA(b) that—
- (i) the valuer has given the statement; or
- (ii) the valuer has been exempted under section 42FC(1) from giving the statement and the period of the exemption.’.

**20 Amendment of s 42G (Removal of name from list)**

Section 42G, heading—

*omit, insert—*

**‘42G Effect of loss of registration’.**

**21 Insertion of new ss 42GA–42GD**

After section 42G—

*insert—*

**‘42GA Removal from list of specialist retail valuers**

**‘(1)** The board may remove a valuer’s particulars from the list of specialist retail valuers kept by the board if the board considers the valuer does not have the qualifications to remain on the list.

**‘(2)** The board must not remove the particulars unless the board gives the valuer written notice—

- (a) stating the reasons for the proposed removal; and
- (b) giving the valuer 30 days to make oral or written submissions to the board about the reasons.

**‘(3)** If the board removes a valuer’s particulars under subsection (1)—

- (a) the board must give the valuer written notice of the removal; and
- (b) the notice must tell the valuer that the valuer may appeal against the removal under section 61.

**‘42GB Restoration of name on list**

**‘(1)** A valuer whose particulars are removed from the list of specialist retail valuers under section 42GA(1) may apply to the board for restoration of the valuer’s particulars on the list.

**‘(2)** The application must be—

- (a) in writing; and
- (b) accompanied by the fee prescribed under a regulation and the statement mentioned in section 42FA(b).

**‘(3)** If the board is satisfied the valuer has the qualifications to be recorded on the list, the board must grant the application.

‘(4) If the board restores a valuer’s particulars to the list and the fee mentioned in section 42FA has not been paid, the fee payable is calculated by reducing the prescribed fee by one twelfth for each whole month of the financial year that has passed at the time the particulars are restored.

‘(5) For subsection (4), a whole month is taken to have passed if the particulars are restored after the 15th day of the month.

#### **‘42GC Unauthorised dealing with list of specialist retail valuers**

‘A person must not, other than under this Act—

- (a) record particulars on the list of specialist retail valuers; or
- (b) alter particulars on the list; or
- (c) remove particulars from the list; or
- (d) restore particulars to the list.

Maximum penalty—50 penalty units.

#### **‘42GD Waiver of fee**

‘The board may waive payment of the whole or part of a fee payable under section 42B(2), 42FA(a) or 42GB(4) if the board considers it reasonable in the circumstances to do so.<sup>1</sup>’.

### **22 Amendment of s 50 (Disciplinary charge may be laid)**

Section 50(4), ‘the members and the assistant members’—

*omit, insert—*

‘at least 3 members or assistant members’.

### **23 Insertion of new s 50A**

After section 50—

*insert—*

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1 Sections 42B (Valuers may apply to be recorded as specialist retail valuers), 42FA (Renewal of recording of registered valuer on list of specialist retail valuers) and 42GB (Restoration of name on list)

**‘50A Conflict of interest**

‘(1) The board must not appoint a member or assistant member to a committee if the member or assistant member has an interest in the matters in the investigator’s report to be considered by the committee.

‘(2) If, during a proceeding of a committee, the chairperson or a member of the committee becomes aware that the member has an interest in the matter being considered—

- (a) the member must resign from the committee; and
- (b) if, because of the member’s resignation, the committee has fewer than 3 members—the board must appoint the number of members or assistant members necessary for the committee to have at least 3 members.

‘(3) For subsections (1) and (2), a member has an interest in a matter to be considered or being considered by the committee if, for example, during the previous 2 years—

- (a) the member was employed by the same entity as the registered valuer whose conduct is being considered; or
- (b) the member was the employer of the registered valuer whose conduct is being considered.’.

**24 Amendment of s 59 (Committee may order cancellation of registration, etc.)**

Section 59(3) to (5)—

*omit, insert—*

‘(3) A committee may order the valuer to pay to the board, within a stated time, the costs or part of the costs of and incidental to the proceeding, including the costs or part of the costs of the investigation that led to the proceeding.

‘(4) An order under subsection (1)(c) or (3) may contain a direction that the valuer’s registration is to be suspended for a stated period or cancelled if the valuer fails to pay the penalty or costs within the stated time.

‘(5) If the valuer does not pay the penalty or costs within the stated time, the valuer’s registration is suspended or cancelled in accordance with the direction.’.



**25 Amendment of s 61 (Appeals)**

(1) Section 61(1)(e)—

*omit.*

(2) Section 61(3)(e)—

*omit.*

**26 Insertion of new part hdg**

Before section 70—

*insert—*

**‘PART 6—TRANSITIONAL PROVISIONS FOR  
VALUERS REGISTRATION ACT 1992’.**

**27 Insertion of new pt 7**

After section 71—

*insert—*

**‘PART 7—TRANSITIONAL PROVISIONS FOR  
VALUERS REGISTRATION AMENDMENT ACT 2001**

**‘72 Definitions for pt 7**

‘In this part—

**“amending Act”** means the *Valuers Registration Amendment Act 2001*.

**‘73 Publication of names of registered valuers—s 28**

‘Despite the commencement of section 9 of the amending Act, the board—

- (a) must publish a copy of the register as at 1 January 2002; and
- (b) is not required to publish a copy as at 1 July 2002.

**‘74 Roll fee—s 36**

‘On the commencement of section 12 of the amending Act, section 36 has effect in the following way—

- (a) in the year 2001, roll fees are payable as if section 36 had not been amended;
- (b) in the year 2002, roll fees are payable for the second half of the financial year that begins on 1 July 2002 and ends on 30 June 2003;
- (c) in the year 2003, roll fees are payable under section 36 as amended by the amending Act.’.