



Speech by

Mrs D. PRATT

MEMBER FOR BARAMBAH

Hansard 13 September 2001

VALUERS REGISTRATION AMENDMENT BILL

Mrs PRATT (Nanango—Ind) (6.30 p.m.): Once again national competition policy has reared what most rural people call its ugly head. Those who will be affected by it will be rural valuers in Queensland. The Valuers Registration Board found no evidence that NCP would be of benefit to the industry. In fact, I believe that it stated that it was inconclusive. Like the member for Darling Downs, I wonder why it needs to be brought in at all.

I would ask the minister—and I did not ask the valuers this question at the time—to clarify how much the five-year fee is.

Mr Robertson: Do you want me to answer those questions now?

Mrs PRATT: Could the minister clarify that later? Also, is the five-year up-front fee worked out on the number of valuations done or is the fee applied universally? If so, in some areas valuers do hundreds of valuations a year. In other areas, primarily rural areas, the resident valuer may not do more than five in five years. Therefore, the cost is extremely high for that person. This bill discriminates against rural valuers. The costs involved in a rural valuer evaluating a property can be totally out of proportion to the costs of city-based valuers who virtually travel around the block.

Many people whom I spoke to believe that the one benefit of the bill appears to be a financial benefit to the board, where there is a requirement for the five-year, in-advance payment. The bill states that it will ensure greater community input and greater competency of valuers. Although I can see that this may be necessary in a lot of areas, I hesitate to say that it will have much effect in rural areas. I am not saying that because I believe they will not want to be continually updating; they will. They are very competent in that sense. Valuers who are suspect in their actions are very quickly discovered in rural areas and are avoided, making their existence in that community one of no income and totally unprofitable.

Having received input from within my constituency from businessmen with real estate backgrounds, I find that it is agreed that the addition to the Valuers Registration Board of two business and community representatives, in addition to the three registered valuers, is to be commended. Another area to be commended is the requirement to keep abreast of the rapidly changing face of commerce by the introduction of the competency-based renewal of a valuer's registration, which then evolves into listing as a specialist retail valuer.

The disciplinary committee has the power to find a given delinquent person guilty of a charge. I understand that the charge would be not of a spurious nature, but I question whether the power to find a delinquent person guilty of a charge could not be later challenged in a properly constituted Court of Appeal. I am referring to the applicable court of appeal.

The amendment of section 59 refers to the committee's ability to cancel registrations, et cetera. Clause 24 of the bill states—

Section 59(3) to (5)—

...

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.

There is no indication of a right of appeal against a charge that incurs the penalty of deregistration.

Clause 24 further states that, under section 59(5), '...the valuer's registration is suspended or cancelled in accordance with the direction.' This amendment is commendable in its effort to upgrade the act, and is more commendable than the manner in which both departmental and public input was sought and truth acted on.

However, I ask the minister to clarify in detail if any of the findings of the new Valuers Registration Board could impinge upon common law. I am asking if the statute law inherent in the authority of the Valuers Registration Board overrules or overrides common law. That is all that I wanted to ask. Without some clarification of the appeal issue, I find it difficult to support the bill.
