



Speech by

Hon. S. ROBERTSON

MEMBER FOR STRETTON

Hansard 16 October 2001

VALUERS REGISTRATION AMENDMENT BILL

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (2.58 p.m.), in reply: In summary of the debate that was adjourned the last time we met, I acknowledge that the debate was brought on at a difficult time for my friend opposite. However, he was ably represented by the member for Warrego. The Valuers Registration Amendment Bill is another example of the practical reform agenda of the Beattie government. It brings in some important safeguards for the users of valuation services. It gives the community greater say in the standards required of registered valuers and greater confidence in the competency of valuers and improves the efficiency and administration of the Valuers Registration Act 1992 by the Valuers Registration Board of Queensland.

Legislation introduced into Queensland in 1965 provided for the registration of land valuers and for the power to investigate complaints and hear charges against them. However, nothing was done to improve that legislation until 1992, when the Goss government strengthened the act by including a code of conduct in the regulations. This gave the act some teeth and there was a benchmark for acceptable valuation practice.

In 1999, in accordance with the principles of national competition policy, my department carried out a review of the Valuers Registration Act 1992 and the Valuers Registration Regulation 1992. That review was advertised widely. Public submissions were considered, and representatives of professional bodies, community organisations and other government agencies were consulted. The review highlighted that land valuations are part of a wider market for property related services, some of which are unregulated.

The community is often the third party recipient of valuations, while not being directly involved in appointing the consultant valuer, and valuations are determined for valuation purposes, with the resultant valuation varying depending on the instructions given. This is often not understood by infrequent users of valuation services. In response to community concern, the government proposes to manage this risk in the short term by strengthening the role of the Valuers Registration Board of Queensland and introducing competency based annual renewal of valuers' registration.

Before commenting again on what this bill will achieve, I will outline the general purpose and role of the existing act. The Valuers Registration Board of Queensland carries out the administration of the registration of valuers. Currently the board comprises three members, who must be registered valuers. One is the nominee of the Australian Property Institute. A second is from practising registered valuers. The Governor in Council appoints both of these members. The third member is the registered valuer, who is the nominee of the chief executive of the Department of Natural Resources and Mines. The chairperson is one of these three members and is appointed by the Governor in Council.

Currently the board is assisted on special assignments by two assistant members. Both are registered valuers, with one nominated from the Australian Property Institute and one from the Real Estate Institute of Queensland. Again, these assistant members are appointed by the Governor in Council. The board is responsible for assessing applications for registration as a valuer. An applicant for registration must pass an examination approved by the board, have sufficient practical experience and be of good fame and character. Upon approval, a valuer's name is included in the register, published every year. To retain registration, the valuer is required to pay an annual roll fee. The board also

assesses valuer applications for registration as a specialist retail valuer. Specialist retail valuers are then available to carry out rental determination duties required under the Retail Shop Leases Act 1994.

The other important duty of the board is to authorise investigations of complaints against registered valuers or complaints of alleged practise by a person who is not a registered valuer. The board may appoint a person to investigate the complaints and may lay charges. After a charge is laid, the board appoints a committee of all board and assistant members to consider the investigator's report and hear from the accused. If the committee finds the registered valuer guilty of the charge, it may admonish or reprimand the valuer, take an undertaking from the valuer to abstain from specific conduct, order payment of a penalty, or suspend or cancel registration. If the charge relates to an offence of alleged practise by an unregistered valuer, the board may instigate action in the Magistrate's Court.

Before I outline the major benefits of this bill in detail, I point out that the board is currently setting up an independent investigation into a complaint relating to actions of the board. It would be inappropriate to comment on this matter, other than to say that the investigation is yet to commence as the board is currently consulting with the Ombudsman to finalise terms of reference for the investigation. But as a result of this matter, and as mentioned by the member for Keppel earlier in the debate, a further amendment will be made in committee to the Valuers Registration Amendment Bill to allow temporary members to be appointed to the board to ensure a quorum in all circumstances.

The bill before the House expands the board from three to five members, provides for a quorum of three members to hear disciplinary matters and excludes members of the board from such committees if there is an apparent conflict of interest. For most disciplinary matters these requirements would be sufficient. However, if three or more members of the board had a conflict of interest then the disciplinary committee would not have a quorum. While the existing legislation provides for the appointment of at least two assistant members by the Governor in Council, this provision would not provide for a quorum in the example I have given.

The amendment to be made in committee to clause 6 of the bill enables the Governor in Council to appoint more than two members if necessary. Such additional assistant members would need to be members of the Australian Property Institute, registered valuers or, as included in the current bill, from a business, community or professional organisation. This new amendment will ensure that the disciplinary committee considering an investigator's report is sufficient in number and is impartial.

As the member for Warrego pointed out, this disciplinary process is similar to that applying to surveyors and engineers—the surveyors disciplinary committee is two-tiered—with the Surveyors Board considering an investigation and admonishing or recommending the matter be heard by a tribunal consisting of two surveyors and a District Court judge. Under the disciplinary process for valuers, a person may be found guilty after the disciplinary committee has considered an investigator's report and the accused has given evidence.

The member for Nanango expressed some concern that there is no right of appeal from a decision of the Valuers Registration Board. I can assure the member that the board's disciplinary committee is required to give a person under investigation a fair hearing. While this amendment bill does not contain a direct reference to appeal, section 61 of the current act already allows a right of appeal to the District Court.

The proposed amendments will also give the community greater input into the administration by the board by ensuring that representatives from business and the community have their say, in addition to the chosen registered valuer members.

The addition of continuing professional development as a requirement of a valuer's annual renewal of registration, as well as renewal on the specialist retail valuer register, will assist in ensuring that registered valuers keep abreast of changes in their profession. This will mean that no longer will a valuer or a specialist valuer, once registered, be able to continue to practise without any recognition of the need to update and refresh their skills.

The members for Darling Downs and Tablelands raised concerns about the ability of rural valuers to comply with continuing professional development renewal requirements. I can assure both members that valuers in rural and remote areas will not be required to travel great distances at their own expense to attend conferences or seminars to satisfy continuing professional development requirements. As the member for Kallangur pointed out, valuers in rural and remote areas have the option of keeping their valuation practices up to date by spending 10 hours a year reading journals or listening to audio tapes. If they are unable to meet this requirement, they can submit two valuation reports completed in the previous 18 months for consideration by the board. I do not believe that these provisions are too onerous, even for valuers in rural and remote areas.

The other changes in the bill will assist in the administration of the act with regard to concerns raised by the member for Nanango about payment of the valuers registration fee. I point out that the

fee can still be paid annually, but in an effort to reduce red tape valuers can now opt to pay the fee for five years in one lump sum. The amendment providing for this also allows for adjustments if there are changes to the fees or if refunds are payable to registered valuers who relinquish their registration. Currently the registration fee is \$69 per annum or \$345 for five years.

The member for Gladstone raised some concerns with the statutory rating and valuation process. This is a matter for another fundamental review, which is currently being formulated by my department in consultation with stakeholders and interest groups. An options paper is expected to be released by around March next year.

The member also asked whether the obligations of valuers registration applied to valuers employed by the Department of Natural Resources and Mines. I can assure the member that departmental valuers are required to be registered and are subject to the same requirements of the Valuers Registration Act as are other valuers.

As I said at the outset, this bill is a positive step in the reform of legislation covering the occupation of land valuer in Queensland. The amendments will strengthen the administration of registered valuers in both rural and urban areas of the state and will assist in achieving the goal of self-regulation of these professionals in the future. I commend the bill to the House.
