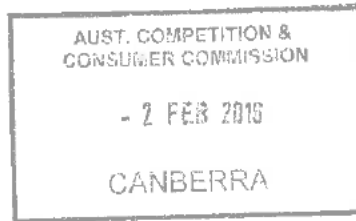


27th 8
23 January 2016



Attention Theo Kelly

Adjudication

Australian Competition & Consumer Commission

23 Marcus Clarke Street,

Canberra 2601

(GPO Box 3131, Canberra ACT 2601 Australia)

Sir,

RE: Submission to the ACCC in support of the Application for Revocation and Substitution of a New Authorisation – Australian Property Institute Ltd December 2015

I am a case in question as evidence and the Documents numbered 1 to 12 are attached as evidence to my qualifications, working history as an Approved Land Valuer under section 24E & G of The Land and Business (Sale and Conveyancing) Act 1994 ("the Act"). In South Australia, part Working History background in relation to Property & Real Estate, experience and to the comments made below etc

My Submission against the API submission to The ACCC:

- The API submission does not constitute in any part **"Job first then membership"** this goes against Australian Fair Market Principles eg section 45 of the Act. This also goes against The Fair Work Act in Australia. Eg the right to be or not to be a member of say a Union or so called Professional Body.
- The API submission is holding itself out to be a higher order against various State Legislation(s) for example in South Australia and Tertiary Qualifications for the right to practice as a Valuer say in South Australia. The API and its Members who employ Valuers in Australia is practicing Cartel and Monopoly type practices in The Valuation Industry in Australia by forcing a type of understealth type practice of forced membership of the API if you want to be employed as a valuer. This practice is going against State Legislation in South Australia and Australia.
- I cannot get a job as a Valuer anywhere in Australia given my lengthy experience and qualifications because I am not a member of the API and do not adhere to its RPV or CPV registration. This is wrong it should be **"Job first then membership"**.
- Banks in Australia are insisting on API members conducting valuations for them. Again this is going against Section 45 of the Act. So Valuer employers or prospective employers are insisting on API accredited membership before they employ you. Again this is going against Section 45 of the Act. This is wrong it should be **"Job first then membership"**.

- It costs big money to stay a complying member or accredited member of the API per year. What if you have no job for a period of time? You just cannot afford to comply to their restrictive membership practices. This also goes against The Fair Work Act and Section 45. Again **"Job first then membership"**.
- In South Australia under The Valuer under section 24E & G of The Land and Business (Sale and Conveyancing) Act 1994 ("the Act") it does not say you have to be a member of The API to practice or be employed as a Valuer. But in practice if you are not a member of the API you will never get a job as a Valuer because the Valuation industry is controlled by API members and its higher order. This is wrong.
- If you look into The Australian Immigration Departments website Valuers is listed as a short supply skill in Australia. But I cannot get a job in Australia at present because I am not a member of the API or tagged any part by itself in house accreditation system. This is wrong and again shows how the API's practices and constitution goes against Section 45 of the Act.
- The API's current accreditation system forces slave like practices for 2 years at lower pay to so call prove you are good enough. This is wrong. If you have the qualifications under State Legislation eg in South Australia you should be able to be paid the right money or worth conducting valuations as a Valuer in your employment under State Legislation. Not be measured by the type of API accreditation you have.
- To apply to be a member of the API base 1 you need to have two written API member referees. Ridiculous. What is this "White Australia Policy" in another form? A farce. This goes against basic human rights.

Signed

①

Re: ACCC Consultation - Australian Property Institute - Authorisation application [SEC=UNCLASSIFIED]

Jan 18 at 3:31 PM

To Kelly, Theo

Message body

Theo,

Thank you I have just finished reading the API submission.

I will certainly submit a submission,


 The API at present and into the future is forming a cartel style manoeuvre and grown too big and bossy and restricting trade as I conveyed by only its members employing API members going against in SA State legislation.

The court system is there and in place to remedy unjust valuation practices .

 The API should be like all State Real Estate Institutes eg offer workshops for industry changes but ^{NO¹} be higher than state valuation legislation |

Like I conveyed earlier job first then membership of a professional body eg API or REISA not the other way around.

It is not cheap to be a complying member of the API especially if you are not employed as a valuer.

 This situation has gone so out of hand that even the banking industry is only accepting API member valuations and only employing API member valuers again going against the SA State valuation act .

It has become a restriction of trade if you apply the fair work act also.

Regards

On 18 Jan 2016, at 3:07 PM, Kelly, Theo <theo.kelly@acc.gov.au> wrote:

Hi

I have attached the submission. The API also submitted additional documents as part of their application. These are available on the ACCC's Public Register.

Kind regards,

Theo Kelly

Adjudication

Australian Competition & Consumer Commission

23 Marcus Clarke Street Canberra 2601 <http://www.accc.gov.au>

T: +61 2 6243 1179

From:

Sent: Monday, 18 January 2016 2:12 PM

To: Kelly, Theo

Subject: Re: ACCC Consultation - Australian Property Institute - Authorisation application [SEC=UNCLASSIFIED]

Theo,

A hard copy would be great if the API's submission?

Regards

On 16 Jan 2016, at 9:21 AM,

wrote:

Continued.

The API in my experience is an out dated body using out dated slave like practices in its membership accreditation processes. Forcing low wages for tertiary educated valuers under State Valuer legislation when most of the work is just residential valuing work .

I have conducted 1,000's and 1,000's of residential valuations for banks and commonwealth govt but cannot get s job in SA or Australia because I am not a member of the API.

A joke .

Job first then membership !!!!!

Regards

①

Good Afternoon,

The Australian Competition and Consumer Commission (ACCC) is consulting on an application for re-authorisation received from the Australian Property Institute on 23 December 2015.

Please find attached a letter inviting you, as a potentially interested party, to comment on the application.

Kind Regards,

Theo Kelly

Adjudication

Australian Competition & Consumer Commission

23 Marcus Clarke Street Canberra 2601 <http://www.accc.gov.au>

T: +61 2 6243 1179

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<a91522 - revocation and substitution of a90545 - australian property institute limited - accc to interested parties re consultation - 14.01.2016.PDF>

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<API submission to accompany Form FC application for revocation and substitution.pdf>

On 16 Jan 2016, at 9:12 AM,

wrote:

Theo Kelly,

Thank you for the communication.

Yes I would like to make a submission.

I have some questions, please call me to discuss before I put time into a written submission?

Short brief:

Not a member of the API.

Worked for the as a valuer before it closed down.

Now cannot get a job in Australia because I am not a member of the API.

API membership practices are against the fair work act.

Technology changes eg more desktop valuations .

I use to value for as well.

Banks insisting on API member valuers this is also against the fair work act.

There is no uniform licensing of valuers in Australia .

I am a valuer under SA State legislation but not recognised in other states.

A shortage of valuers in eastern states not in SA but we cannot work there because of our lack of API tagging.

The whole industry is a dogs breakfast.

I am ears of age.

Regards

Land Valuer

Project & Property Manager

Town Planner

Sole Trader ABN:

Sent from my iPhone.

On 15 Jan 2016, at 1:41 PM, Kelly, Theo <theo.kelly@accg.gov.au> wrote: