



Department of Land Information  
Government of Western Australia

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## Valuation Services

Your Ref: D05/24019  
Our Ref: 6659

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

**Attention: Isabelle Arnaud, Director**

### **APPLICATION BY THE AUSTRALIAN PROPERTY INSTITUTE (API) FOR MINOR VARIATION TO AUTHORISATION A90545 – INTERESTED PARTY CONSULTATION.**

Thank you for your invitation to comment on the application by API. The valuation profession relies to a great extent on the self regulatory aspect provided by membership to this professional body especially in States that do not have legislation that supports licensing of valuers as we have in Western Australia. It should also be noted that I hold a position on the WA State Council of the API.

It is pointed out that in Western Australia all land valuers practicing as valuers must hold a **Land Valuers License** and are subject in this State to that specific legislation. Generally all practicing members of API, in WA are required to be licensed. Anything required by API in respect of their Code of Conduct would be overridden by the Licensing Code of Ethics for Western Australia's legislation.

Information on the licensing aspect in WA, including the Licensing Board's code of conduct for valuers can be found in links at: - <http://www.docep.wa.gov.au/landvaluers/index.asp>.

Disciplinary action as a result of a complaint which may proceed parallel or as a result of a complaint against a member of API and is brought to the attention of the licensing board the Board may allege to the State Administrative Tribunal (SAT) that a valuer should be disciplined. It does so under Section 27. Section 28, set out below outlines the areas of discipline.

Where a proceeding is a matter referred to the Licensing Board or the State Administrative Tribunal of WA the copy provided of the **API Code of Ethics Section 27: Complaints**, appears to refer to such situations and that the API disciplinary process would be suspended until these process are concluded. This is agreed with.

**A shortfall observed in the API constitution** is in its silence in **Clause 8 Fundamental Rules**, in relation to State and Territory jurisdictional legislation that may also exist to control valuers.

A section (f) could be incorporated, as follows in the API Constitution at 8.2.2 that removes the shortfall:


(f) Local legislation, regulations and jurisdictional rules guiding behaviour and control of Valuers.

Without this link any disciplinary process carried out by API, in a jurisdiction such as WA with valuer controlling laws and disciplinary process, may verge on a 'contempt' of the legal process. The insertion of such a clause may be made a condition of approval of the changes sought and would be in the public interest in WA.

It is suggested that both the Land Valuer's Licensing Board and the State Administrative Tribunal who will deal with issues such as breeches of the Code of Ethics and discipline of valuers in this State may also be 'interested parties' to this issue as it might affect WA.

As Valuer General of WA I support the efforts of the ACCC and again thank you for the opportunity to provide comments to your enquiry. Should you require further information on these comments please do not hesitate to contact Mr Mario Palandri my Manager Regulation and Valuation Research on telephone number 08 94298592 or on e-mail: [Mario.Palandri@dli.wa.gov.au](mailto:Mario.Palandri@dli.wa.gov.au).

Yours sincerely



**G FENNER  
VALUER GENERAL  
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DEPARTMENT OF LAND INFORMATION**

16 June 2005