

Balint, Ilona

From: hank spier [spierconsulting@netspeed.com.au]
Sent: Friday, 2 February 2007 3:34 PM
To: Balint, Ilona
Cc: Hank Spier
Subject: RE: Australian Property Institute application for minor variation to authorisation A90545 [SEC=UNCLASSIFIED]

ILONA,

Thanks for send the 4 submissions.

Only one needs substantive comments and that is the one from the Valuer General of Victoria.

API Comments on VGV submission.

1, Appeal processes.

The submission from the WA Valuer General answers some of the points made in the VGV submission.

The API very carefully considered the appeal issues.

- **In relation to appeals from the Complaints Committee.**

Only so called 'minor' issues will go before that Committee and a member complained of can ask that the matter go to the Tribunal, even if it falls into the 'minor' category. The API expects that such a request will be seldom refused. To build in appeals as of right in relation to minor matters will add to costs and time delays. The old regime had a one class breach and this added to costs and delays. The API has carefully considered this issue and feels that the new regime is fair as well as efficient.

- **In relation to the suggestion of an 'independent' arbitration or mediation process to be factored into the regime.**

Mediation was part of the old regime and was cumbersome and costly. The API does not favour that at all. At the end of the day the new API process has an external review mechanism. That should safeguard against the concerns expressed by the VGV. As should the increased transparency in the new regime.

2. Costs

We are not sure what is meant by this. The rules leave these issues to a case by case approach. Generally complainants costs will not be met by anyone else, assuming that the complainant will have any costs.

We expect that the Tribunal and the External Review Committee will develop rules for issues such as costs.

The API would be prepared to look at this issue but does not see a need at this stage.

3. A qualifying clause about other rights.

5/02/2007

We are happy to do that.

I trust that the above is of assistance and should you want more please do not hesitate to contact me.

Hank Spier

Hank Spier

02 62812030

0419239 755

-----Original Message-----

From: Balint, Ilona [mailto:Ilona.Balint@ACCC.GOV.AU]

Sent: Wednesday, January 24, 2007 10:40 AM

To: spierconsulting@netspeed.com.au

Cc: Arnaud, Isabelle

Subject: Australian Property Institute application for minor variation to authorisation A90545
[SEC=UNCLASSIFIED]

Dear Mr Spier

Please find the attached letter and submissions regarding the Australian Property Institute application for minor variation lodged with the ACCC on 20 November 2006.

<<Letter to API encl IP submissions - 24 01 07.pdf>> <<VGV submission.pdf>> <<Dept of Land Information submission.pdf>> <<REIA Submission.pdf>> <<RICS Submission.pdf>>

Please do not hesitate to contact me should you have any queries on 02 6243 1113.

Regards

Ilona Balint
Project Officer
Adjudication Branch

5/02/2007

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