



Department of Sustainability and Environment

Valuer-General Victoria Reference: AD/06/0097/3

17 January 2007

The General Manager
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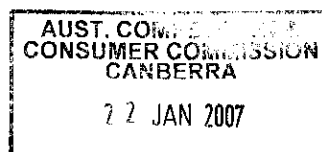
Dear Sir,

Re: Application by Australian Property Institute for Minor Variation to Authorisation A 90545

Thank you for your letter of 7 December 2006 requesting the views of Valuer-general Victoria (VGV) on various issues in regard to this Matter. I apologise for the late submission.

Whilst I support the tenure of the changes to the API Complaints procedures, further improvement may be possible.


- New clause 24.3.6 appears to remove all rights of appeal against decisions of the Complaints Committee. Whilst this may be seen by the API as a very time and cost effective administrative mechanism for the management of complaints, there needs to be an avenue of appeal, to ensure both the complainant and the respondent are treated fairly. In addition, the API's procedures need an appeals process which is independent and impartial so that it can appropriately deal with claims of bias, conflict of interest, protection of "mates", etc. Therefore it is recommended that some form of independent arbitration or mediation appeals process be considered for inclusion in the complaints procedures.
- The issue of costs does not appear clear. There needs to be a clear structure for costs. Who pays for the complainant's, the respondent's and the API's costs at all stages of the complaints/appeals process for the various win/lose scenarios.
- It should also be acknowledged that there will be occasions when the courts and government departments will receive applications to deal with legal and administrative issues arising both under common law and legislation, e.g. State Fair Trading Act, Valuation of Land Act for the states where the registration of valuers continues, the ACCC for competitive neutrality issues, etc.



Therefore it is recommended that a qualifying clause be included for the purpose of advising the API's membership that the API's complaints procedures in no way replaces common law rights or the legislative environment within which they operate.

I trust these comments will be of some use in assessing the API's application. Please contact me on 8636 2505 if you would like to discuss further.

Yours faithfully,



JACK DUNHAM
Valuer-General