



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1491
Contact Officer: Simon Mitchell
Contact Phone: (03) 9290 6909

9 October 2008

Mr Hank Spier
Spier Consulting
92 Jervois Street
DEAKIN ACT 2600

Dear Mr Spier

**Australian Property Institute (API) application for minor variation to
Authorisation A90545 - interested party consultation**

I refer to the above mentioned application for minor variation lodged with the Australian Competition and Consumer Commission (the ACCC) on 11 September 2008 and the subsequent provision of the amended API Rules of Conduct on 8 October 2008.

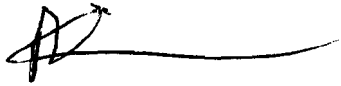
The ACCC has commenced public consultation on the application.

Please find enclosed, for your information, a copy of the letter that the ACCC sent to potentially interested parties as part of its public consultation process. The ACCC has requested that submissions be provided by 24 October 2008.

All public submissions received will be available from the ACCC's website at www.accc.gov.au (by following the 'Public registers' and 'Authorisations and notifications' links). Alternatively, at the end of the public consultation period the ACCC can arrange for you to receive a copy of all publicly available submissions received in relation to the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Simon Mitchell on (03) 9290 6909 or simon.mitchell@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch

Our Ref: C2008/1491
Contact Officer: Simon Mitchell
Contact Phone: 03 9290 6909

October 2008

[name]
[address]

Dear [name]

**Australian Property Institute application for minor variation to Authorisation A90545
- interested party consultation**

On 11 September 2008 the Australian Competition and Consumer Commission (the ACCC) received an application to vary authorisation A90545 previously granted to the Australian Property Institute (API). The API has applied to vary certain provisions of the API's Rules of Conduct.

On 8 October 2008 the API provided an amended copy of its Rules of Conduct.

The ACCC would like to invite you to comment on the application. Attached is a summary of the authorisation process, including how to make a submission to the ACCC.

Authorisation A90545 was originally granted by the Trade Practices Commission on 29 April 1994 and relates to API's code of ethics, rules of conduct, and certain clauses of its constitution and by-laws. The ACCC has granted minor variations to the authorisation on three occasions (31 August 2005, 22 February 2007 and 14 November 2007).

Proposed minor variation to A90545

The minor variation currently sought by the API relates to changes to its Rules of Conduct only. The proposed amendments include changes to the following:

- the ability of Student Members, Provisional Associate Members and Graduate Members to undertake property valuations in their own right (rule 1.21)
- Members' obligations when co-signing valuation reports for Provisional Members (rule 1.23 to 1.24)

- the nature of the supervision to be provided by Members of the API when supervising Provisional Members (rule 1.25)
- the ability of certain Provisional Members to undertake valuations of non-residential properties, subject to the property being co-inspected by a supervising Member (rule 2.2) and
- how Provisional Members must sign valuation reports (rule 2.6).

For further information on the API's application for minor variation including the reasoning for the proposed changes and a copy of the proposed changes to the Rules of Conduct, please see the attached application and submission received from the API.

A copy of the API's application, as well as the original authorisation granted by the Trade Practices Commission are also available from the ACCC's website www.accc.gov.au (by following the 'Public registers' and 'Authorisations and notifications' links).

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed variations. Please note, the ACCC recommends that you refer to the API's application and supporting submission before making a submission.

If you intend to provide a submission, please do so by **24 October 2008**.

Alternatively, you can provide comments orally by contacting Simon Mitchell on (03) 9290 6909 or by email: simon.mitchell@accc.gov.au

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

We would appreciate the provisions of email contact details to facilitate future correspondence in relation to this application.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this application for minor variation.

Please inform us if you do not wish to make a submission at this time but would like to be informed of the progress of this matter.

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

11 September 2008	Lodgement of application and supporting submission.
8 October 2008	Applicant provides an amended copy of the API Rules of Conduct.
9 October 2008	Public consultation process begins.
31 October 2008	Closing date for submissions from interested parties.
November 2008	Applicant responds to issues raised in the public consultation process.
November/ early December 2008	Determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Simon Mitchell on (03) 9290 6909 or at simon.mitchell@acc.gov.au

Yours sincerely

David Hatfield
Director
Adjudication Branch