

# Valuers Registration Act 1975 No 92

[1975-92]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Corporations \(Consequential Amendments\) Act 2001 No 34](#) (not commenced)
- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2001](#)

### Authorisation

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New South Wales

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# Valuers Registration Act 1975 No 92



New South Wales

An Act to provide for the registration of real estate valuers; to regulate the qualifications for and the effect of such registration; to confer and impose functions on the Director-General of the Department of Fair Trading; and to amend the *Local Government Act 1919* in relation to valuations made for the purposes of that Act.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Valuers Registration Act 1975*.

### 2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Sections 5 (4) and 24 shall commence on such day (being a day that is at least six months after the day appointed under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

### 3 (Repealed)

### 4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**Director-General** means the Director-General of the Department of Fair Trading.

**licensed premises** has the same meaning as in the *Liquor Act 1982*.

**real estate valuer** means a person who values land for a fee or reward which is paid or payable either to him or her or to a person (including the Crown or an instrumentality or agency of the Crown) who employs him or her, whether in the

capacity of employee or agent or in any other capacity.

**register** means the Register of Real Estate Valuers kept by the Director-General under section 12.

**registered real estate valuer** means a person registered under Part 3.

**regulations** means regulations made under this Act.

- (2) A reference in this Act (section 12 excepted) to the name of a person in the register includes a reference to the other particulars in the register that relate to that person.
- (3) A person who carries out a valuation of land in the course of, and incidentally to, the performing of services as an architect, an engineer, a surveyor or a quantity surveyor is not a real estate valuer with respect to that valuation if any fee or reward paid or payable in respect of those services is wholly or principally attributable to the performing of services other than the carrying out of that valuation.

## **Part 2**

### **5-11 (Repealed)**

## **Part 3 Registration of real estate valuers**

### **12 Register**

- (1) The Director-General shall keep a register, to be called the "Register of Real Estate Valuers".
- (2) The register shall be divided as follows:
  - (a) associate real estate valuers,
  - (b) practising real estate valuers,
  - (c) non-practising real estate valuers,
  - (d) associate valuers of licensed premises,
  - (e) valuers of licensed premises.
- (3) A person shall be registered by the entry in the appropriate division of the register of:
  - (a) the person's full name and address,
  - (b) the date on which the person is registered,
  - (c) particulars of the qualification by virtue of which the person is registered,
  - (d) in the case of a practising real estate valuer, particulars of any limitation imposed

by the Director-General on the valuer's right to practise, and

(e) such other particulars (if any) as the Director-General may think fit or as may be prescribed.

(4) A person may, during business hours:

(a) inspect the register at the office of the Director-General free of charge, and

(b) on application and payment of the prescribed fee, obtain from the Director-General a copy of such entries in the register as are specified in the application.

(5) The Director-General shall, as soon as practicable after the first day of January in each year, transmit a list of the names and addresses entered in each division of the register to the Minister and, if the Minister so directs, publish that list in the Gazette.

### **13 Applications for registration—generally**

(1) A person may apply to the Director-General to be registered as:

(a) an associate real estate valuer,

(b) a practising real estate valuer,

(c) a non-practising real estate valuer,

(d) an associate valuer of licensed premises, or

(e) a valuer of licensed premises.

(2) An application under subsection (1) shall be:

(a) in a form approved by the Director-General, and

(b) accompanied by the prescribed fee.

### **14 Application for registration as associate real estate valuer**

Where, on receipt of an application under section 13 (1) from a person to be registered as an associate real estate valuer, the Director-General is satisfied that:

(a) the person is of good character,

(b) the person has successfully completed a course of study approved by the Minister for the purposes of this paragraph, and

(c) the person, for the purpose of gaining sufficient experience and competence in valuing land to be able, by himself or herself, to value properly all classes of land, is, at the date of the application, under the supervision of a person registered as a practising real estate valuer,

the Director-General shall cause the firstmentioned person to be registered as an associate real estate valuer.

**15 Application for registration as practising real estate valuer**

(1) Where, on receipt of an application under section 13 (1) from a person to be registered as a practising real estate valuer, the Director-General is satisfied that:

- (a) the person is of good character,
- (b) the person:
  - (i) has successfully completed both a course of study approved by the Minister and a prescribed period of training in valuing land, whether situated within New South Wales or elsewhere, at a standard approved by the Director-General, or
  - (ii) was, at any time within the period of 5 years immediately preceding the date of the person's application, a registered real estate valuer and satisfies such requirements, if any, with respect to valuing land, whether situated within New South Wales or elsewhere, as may be determined by the Director-General for the purposes of this subparagraph, and
- (c) the person is sufficiently experienced and competent in valuing land, whether situated within New South Wales or elsewhere, to be able, by himself or herself, to value properly all classes of land,

the Director-General shall cause that person to be registered as a practising real estate valuer.

(2) Where, on receipt of an application under section 13 (1) from a person to be registered as a practising real estate valuer, the Director-General, in respect of the person:

- (a) is satisfied as to the matters referred to in subsection (1) (a) and (b) (i) or (ii), and
- (b) is not satisfied as to the matter referred to in subsection (1) (c),

the Director-General shall:

- (c) cause that person to be registered as a practising real estate valuer subject to such limitations on that person's right to practise as the Director-General thinks fit, or
- (d) cause that person to be registered as a non-practising real estate valuer, unless the person is already so registered.

(3) Without affecting the generality of subsection (2) (c), a limitation referred to in that paragraph may require a practising real estate valuer:

- (a) not to value land specified by reference to:
  - (i) the location of the land, or
  - (ii) the purpose for which the land is being or may be used, or both, or
- (b) not to value land, whether or not specified by reference to either or both of the matters referred to in paragraph (a) (i) and (ii), except under the supervision of or in conjunction with another person of such class or description, if any, as may be specified, who is registered as a practising real estate valuer and whose registration is not subject to any limitation with respect to the land so specified.

**15A Application for registration as non-practising real estate valuer**

Where, on receipt of an application under section 13 (1) from a person to be registered as a non-practising real estate valuer, the Director-General, in respect of the person, is satisfied that:

- (a) the person is of good character, and
- (b) the person:
  - (i) has successfully completed both a course of study approved by the Minister and a prescribed period of training in valuing land, whether situated in New South Wales or elsewhere, at a standard approved by the Director-General, or
  - (ii) has previously been registered as a practising real estate valuer,

the Director-General shall cause that person to be registered as a non-practising real estate valuer.

**15B Application for registration as associate valuer of licensed premises**

Where, on receipt of an application under section 13 (1) from a person to be registered as an associate valuer of licensed premises, the Director-General is satisfied that:

- (a) the person is of good character, and
- (b) the person, for the purpose of gaining sufficient experience and competence in valuing licensed premises to be able, by himself or herself, to value properly all classes of licensed premises, is, at the date of the application, under the supervision of a person registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises,

the Director-General shall cause the firstmentioned person to be registered as an associate valuer of licensed premises.



### **15C Application for registration as valuer of licensed premises**

- (1) Where, on receipt of an application under section 13 (1) from a person to be registered as a valuer of licensed premises, the Director-General is satisfied that:
  - (a) the person is of good character,
  - (b) the person:
    - (i) (Repealed)
    - (ii) is registered as an associate valuer of licensed premises, or
    - (iii) was, at any time within the period of 5 years immediately preceding the date of the person's application, registered as a valuer of licensed premises and satisfies such requirements, if any, with respect to valuing licensed premises as may be determined by the Director-General for the purposes of this subparagraph, and
  - (c) the person is sufficiently experienced and competent in valuing licensed premises to be able, by himself or herself, to value properly all classes of licensed premises,the Director-General shall cause that person to be registered as a valuer of licensed premises.
- (2) (Repealed)

### **16 Renewal of registration under this Part**

- (1) The registration of a person under this Part (other than as a non-practising real estate valuer):
  - (a) remains in force for a period of one year, and
  - (b) may, upon application to the Director-General being made within the prescribed period before the date of expiry thereof, be renewed for a like period.
- (2) A person who duly applies for renewal of registration under subsection (1) shall remain registered under this Part until such time as the Director-General deals with the person's application pursuant to this section.
- (3) An application for renewal of registration under subsection (1) made after the expiration of the prescribed period referred to in subsection (1) (b) shall be deemed to be a duly made application for registration under this Part if the Director-General so decides.
- (4) The Director-General shall cause to be removed from the register the name of a person whose registration under this Part expires and shall cause that person, where, immediately before the person's registration expired, the person was registered as a

practising real estate valuer, to be registered as a non-practising real estate valuer.

(4A) Unless the Director-General is of the opinion that a person who has duly applied for renewal of registration as:

- (a) an associate real estate valuer is not, for the purpose of gaining sufficient experience and competence in valuing land to be able, by himself or herself, to value properly all classes of land, at the date of the application under the supervision of a person registered as a practising real estate valuer, or
- (b) an associate valuer of licensed premises is not, for the purpose of gaining sufficient experience and competence in valuing licensed premises to be able, by himself or herself, to value properly all classes of licensed premises, at the date of the application, under the supervision of a person registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises,

the Director-General shall cause that registration to be renewed.

(5) Unless the Director-General is of the opinion that a person who has duly applied for renewal of registration as:

- (a) a practising real estate valuer is no longer sufficiently competent in valuing land to be able, by himself or herself, to value properly all classes of land, or
- (b) a valuer of licensed premises is no longer sufficiently competent in valuing licensed premises to be able, by himself or herself, to value properly all classes of licensed premises,

the Director-General shall cause that registration to be renewed.

(6) Where the Director-General is of the opinion that a person who has duly applied for renewal of registration as a practising real estate valuer is no longer sufficiently competent in valuing land to continue to be able, by himself or herself, to value properly all classes of land, the Director-General shall:

- (a) cause the person's registration as a practising real estate valuer to be renewed subject to such limitations on the person's right to practise as the Director-General thinks fit,
  - (a1) cause the person to be registered as an associate real estate valuer, or
  - (b) cause the person to be registered as a non-practising real estate valuer.

(6A) Where the Director-General is of the opinion that a person who has duly applied for renewal of registration as a valuer of licensed premises is no longer sufficiently competent in valuing licensed premises to be able, by himself or herself, to value properly all classes of licensed premises, the Director-General shall either:

- (a) cause the person to be registered as an associate valuer of licensed premises, or
- (b) refuse to renew the person's registration.

(7) Where a person duly applies for renewal of registration as a practising real estate valuer and the person's registration is subject to limitations on the person's right to practise, the Director-General shall, if the Director-General is of the opinion that the person is now sufficiently experienced and competent to be able, by himself or herself, to value properly all classes of land, cause the person's registration to be renewed without those limitations, but if the Director-General is not of that opinion, the Director-General shall either:

- (a) cause the person's registration as a practising real estate valuer to be renewed subject to those limitations or to such other limitations on the person's right to practise as the Director-General thinks fit, or
- (b) cause the person to be registered as a non-practising real estate valuer.

#### **16A Removal of variation of limitations during currency of registration**

The Director-General may, at any time during the currency of the registration of a person as a practising real estate valuer, cancel or vary any limitation imposed by the Director-General on the person's right to practise as a real estate valuer.

#### **17 Certificate of registration under this Part**

- (1) The Director-General shall issue a certificate of registration to a person registered under this Part (otherwise than as a non-practising real estate valuer) or whose registration under this Part is renewed.
- (2) A certificate of registration as a practising real estate valuer issued under subsection (1) shall specify any limitations imposed by the Director-General on the real estate valuer's right to practise.
- (3) Where the Director-General cancels or varies under section 16A any limitation imposed on a person's right to practise as a real estate valuer, the Director-General may amend the person's certificate of registration accordingly, but the cancellation or variation has effect whether or not the certificate has been so amended.

#### **18 Notice of Director-General's decision**

The Director-General shall give notice to a person of:

- (a) the decision of the Director-General with respect to an application by the person under section 13 (1) or 16, and
- (b) the decision of the Director-General to cancel or vary under section 16A any limitation on the person's right to practise as a real estate valuer.

## **19 Removal of name of real estate valuer from register**

The Director-General shall cause to be removed from the register the name of:

- (a) a real estate valuer who requests that his or her name be removed,
- (b) a deceased real estate valuer,
- (c) a real estate valuer who becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act, and
- (d) a person whose particulars were entered in the register erroneously or in consequence of any false or fraudulent statement, declaration or representation.

## **20 Proceedings before the Director-General against real estate valuers**

- (1) Where the Director-General is satisfied after inquiry that a registered real estate valuer:
  - (a) has been convicted in New South Wales or elsewhere by any court of any crime or offence,
  - (b) has been guilty of misconduct in a professional respect,
  - (b1) has, being an associate real estate valuer:
    - (i) valued any class of land otherwise than under the supervision of a person registered as a practising real estate valuer, or
    - (ii) advertised that he or she or any person employed by him or her, whether in the capacity of an employee or in any other capacity, is prepared to value land, either for fee or reward or for no fee or reward,
  - (b2) has, being a practising real estate valuer, valued any class of land in contravention of a limitation to which his or her right to practise is subject,
  - (b3) has, being a non-practising real estate valuer:
    - (i) valued any class of land, or
    - (ii) advertised that he or she or any person employed by him or her, whether in the capacity of an employee or in any other capacity, is prepared to value land, either for fee or reward or for no fee or reward,
  - (b4) has, being an associate valuer of licensed premises:
    - (i) valued any class of land (other than any class of licensed premises), or
    - (ii) valued any class of licensed premises otherwise than under the supervision of

a person registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises, or

(iii) advertised that he or she or any person employed by him or her, whether in the capacity of an employee or in any other capacity, is prepared to value land (whether or not by reference to any class of licensed premises), either for fee or reward or for no fee or reward,

(b5) has, being a valuer of licensed premises, valued any class of land (other than any class of licensed premises), or

(c) has otherwise contravened any limitation or restriction imposed by this Act, the regulations or the Director-General on his or her right to practise as a real estate valuer,

the Director-General may by order:

(d) reprimand or caution that real estate valuer,

(e) in the case of a real estate valuer (other than a non-practising real estate valuer), suspend the valuer's registration for such period, not exceeding the unexpired term of the valuer's registration, as the Director-General thinks fit, or

(f) cause the valuer's name to be removed from the register.

- (2) Where the Director-General causes the name of a registered real estate valuer to be removed from the register, the Director-General may in the Director-General's order fix a time after which the person whose name is so removed may apply for restoration of his or her name to the register.
- (3) The Director-General shall not make an order directing that a registered real estate valuer be suspended from registration or that the valuer's name be removed from the register because of a conviction referred to in subsection (1) (a) where the Director-General is satisfied that, whether from its trivial nature or from the circumstances in which it occurred or for any other reason, the crime or offence does not in the public interest disqualify the person so registered from practising as a real estate valuer.
- (4) An order made by the Director-General under subsection (1) shall not take effect until the expiration of the period of twenty-one days after notice of the making of the order is given to the registered real estate valuer to whom the order relates.
- (5) If the registration of a real estate valuer (other than a non-practising real estate valuer) is suspended under subsection (1), the Director-General shall enter in the register a memorandum of that fact and of the date and cause thereof.

## **21 Inquiry by Director-General for the purposes of section 20**

Schedule 1 applies with respect to an inquiry by the Director-General.

## **22 Restoration of name to register**

- (1) The name of a person whose name has been removed from the register shall only be again entered in the register at the direction of the Director-General or in pursuance of an order of the Land and Environment Court.
- (2) Where the name of a registered real estate valuer has been removed from the register and:
  - (a) the person whose name has been removed duly applies for registration under this Part, and
  - (b) any disability that caused the removal of the name of that person has ceased to exist,

the Director-General shall deal with the application pursuant to section 14, 15, 15A, 15B or 15C, as the case may require.

## **23 Appeal**

- (1) A person aggrieved:
  - (a) by a decision of the Director-General with respect to an application by the person under section 13 (1) or 16,
  - (b) (Repealed)
  - (b1) by the decision of the Director-General to vary under section 16A any limitation on the person's right to practise as a real estate valuer,
  - (c) by any neglect or delay by the Director-General to give within sixty days after receipt by the Director-General of an application by the person under section 13 (1) or 16 a decision with respect thereto, or
  - (d) by an order of the Director-General under section 20,may appeal to the Land and Environment Court in accordance with the rules of court.
- (2) An appeal under subsection (1) shall be dealt with by way of rehearing.
- (3) The Land and Environment Court, in deciding an appeal under subsection (1), may:
  - (a) confirm the decision of the Director-General appealed against, or
  - (b) substitute for that decision any decision that the Director-General might have made.

- (4) The decision of the Land and Environment Court in respect of an appeal under subsection (1) shall be final and shall be given effect to by the Director-General.
- (5) Without otherwise limiting or affecting any discretion of the Land and Environment Court with respect to the making of an order as to costs, where in relation to an appeal under subsection (1) against a decision referred to in subsection (1) (a) or neglect or delay referred to in subsection (1) (c):
  - (a) the Land and Environment Court decides the appeal pursuant to subsection (3) (b), and
  - (b) the decision of the Court is made wholly or partly on the basis of evidence given by or on behalf of the appellant which was not given to the Director-General at the time the appellant's application for registration or renewal of registration was made and which, but for the failure, neglect or refusal of the appellant, could have been so given,

the Court shall take into consideration the failure, neglect or refusal of the appellant before it makes any order as to costs in respect of the appeal.

## **Part 4 General**

### **24 Practice by certain persons prohibited**

- (1) A person shall not:
  - (a) practise as a real estate valuer, or
  - (b) advertise himself or herself or hold himself or herself out as being entitled or prepared to practise as a real estate valuer,

unless the person is registered under Part 3 (otherwise than as a non-practising real estate valuer).

Maximum penalty: 5 penalty units or imprisonment for six months.

- (2) Subsection (1) does not apply to a person who is undertaking a course of study and training prescribed under this subsection and who, for that purpose, carries out duties under the supervision of a person registered as a practising real estate valuer in connection with valuations of land that are made by that valuer.
- (3) Except as provided by subsection (4), a person shall not advertise that he or she or any person employed by him or her, whether in the capacity of an employee or in any other capacity, is prepared to value land, either for fee or reward or for no fee or reward, unless he or she or, as the case may be, the person so employed is registered under Part 3 (otherwise than as a non-practising real estate valuer).

Maximum penalty: 5 penalty units.

- (4) A person shall not advertise that he or she or any person employed by him or her, whether in the capacity of an employee or in any other capacity, is prepared to value licensed premises, either for fee or reward or for no fee or reward, unless he or she or, as the case may be, the person so employed is registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises.

Maximum penalty: 5 penalty units.

- (5) Nothing in this section applies to a corporation within the meaning of section 5 (1) of the *Companies (New South Wales) Code*.

## 24A Corporations

- (1) In this section, **corporation** has the meaning ascribed thereto in section 5 (1) of the *Companies Act 1961*.
- (2) Except as provided by subsection (5), a corporation shall not:
- (a) practise as a real estate valuer, or
  - (b) advertise itself or hold itself out as being entitled or prepared to practise as a real estate valuer,
- unless at least one director or one employee of the corporation is registered as a practising real estate valuer.
- (3) Except as provided by subsection (6), a corporation shall not advertise that it or any person employed by it, whether in the capacity of an employee or in any other capacity, is prepared to value land, either for fee or reward or for no fee or reward, unless at least one director or one employee of the corporation is registered as a practising real estate valuer.
- (4) Except as provided by subsection (7), a corporation shall not furnish to a person, either for fee or reward or for no fee or reward, a valuation of any land unless the valuation is signed by a director or an employee of the corporation who is registered as a practising real estate valuer and whose registration is not subject to a limitation with respect to the land so valued which prevents the director or employee from furnishing the valuation.
- (5) A corporation shall not:
- (a) practise as a valuer of licensed premises, or
  - (b) advertise itself or hold itself out as being entitled or prepared to practise as a valuer of licensed premises,
- unless at least one director or one employee of the corporation is registered as a



valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises.

- (6) A corporation shall not advertise that it or any person employed by it, whether in the capacity of an employee or in any other capacity, is prepared to value licensed premises, either for fee or reward or for no fee or reward, unless at least one director or one employee of the corporation is registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises.
- (7) A corporation shall not furnish to a person, either for fee or reward or for no fee or reward, a valuation of any licensed premises unless the valuation is signed by a director or employee of the corporation who is registered as a valuer of licensed premises or as a practising real estate valuer whose registration is not subject to any limitation with respect to licensed premises.

Maximum penalty: 10 penalty units.

## **25 Penalties for false statements etc**

A person shall not:

- (a) wilfully make or cause to be made any false entry in or falsification of the register,
- (b) wilfully procure or attempt to procure himself or herself or any other person to be registered under Part 3 by the making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing,
- (c) in connection with a matter into which the Director-General is inquiring for the purposes of this Act:
- (i) wilfully make a false statement,
- (ii) utter or attempt to utter or put off as true before the Director-General a false, forged or counterfeit academic award, testimonial or other document or writing, or
- (iii) personate or represent himself or herself as being the person referred to in any academic award, testimonial or other document or writing presented to the Director-General, or
- (d) aid or assist in the commission of any such offence.

Maximum penalty: 5 penalty units or imprisonment for six months.

## **26 Notices**

A notice required by this Act to be given to any person may be given:

- (a) by delivering it personally to the person to whom it is addressed, or
- (b) by posting it by prepaid post in an envelope addressed to the person to whom it is addressed at the place last known to the Director-General to be the place of residence or business of that person,

and, until the contrary is proved, shall be deemed, in the case of a notice referred to in paragraph (b), to have been given when it would have been delivered in the ordinary course of post.

## **27 Evidentiary certificates**

A document purporting to be a certificate signed by the Director-General and stating that a person specified therein:

- (a) was or was not, on a day or during any period specified therein, a registered real estate valuer,
- (b) was or was not, on a day or during any period specified therein, registered as an associate real estate valuer, a practising real estate valuer, a non-practising real estate valuer, an associate valuer of licensed premises or a valuer of licensed premises, or
- (c) was, on a day or during any period specified therein, a person whose registration as a real estate valuer (other than a non-practising real estate valuer) was suspended pursuant to an order under section 20,

shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be evidence of the matters specified therein.

## **28 Proceedings for offences**

- (1) An information for an offence against this Act or the regulations shall be laid by:
  - (a) the Director-General or some other person appointed by the Director-General for that purpose either generally or in any particular case, or
  - (b) a member of the police force.
- (2) Proceedings for an offence against this Act or the regulations shall be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

## **29 (Repealed)**

## **30 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) Without prejudice to the generality of subsection (1), the Governor may make regulations for or with respect to:
  - (a) (Repealed)
  - (b) fees payable under this Act,
  - (c) applications for registration (and renewal of registration) under this Act,
  - (d) the form of a certificate of registration as a real estate valuer (other than a non-practising real estate valuer),
  - (e) prescribing the procedure to be followed at and any matters incidental to the holding of an inquiry under section 20, and
  - (f) prescribing rules of conduct to be observed in the course of practice by a person who is registered as a real estate valuer (other than a non-practising real estate valuer).
- (3) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (4) Regulations made for the purposes of section 14 (b), 15 (1) (b) (i) or 15A (b) (i) may authorise any matter or thing to be from time to time determined, applied or regulated by the Director-General either generally or for any class of cases or in a particular case.
- (5) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.

### **30A Provision relating to Valuers Registration Regulation**

- (1) In this section:

**application** means an application under section 13 for registration as an associate real estate valuer, a practising real estate valuer, an associate valuer of licensed premises or a valuer of licensed premises.

**Regulation** means the regulation made under this Act and published in Gazette No 73 of 26 April 1985 at page 1804.

- (2) Notwithstanding the publication of the Regulation in the Gazette on 1 May 1985 the Regulation shall be deemed to have had effect on and from but not before 1 July 1985.

## **Part 5 Amendment of [Local Government Act 1919](#)**

### **31 (Repealed)**

## Schedule 1 Inquiries by the Director-General

(Section 21)

### 1 Definition

In this Schedule, a reference to the Director-General as the person conducting an inquiry includes, subject to the terms of the delegation, a reference to a person or committee if the person or committee is delegated that function.

### 2 Postponement or adjournment

An inquiry may be postponed or adjourned by the Director-General.

### 3 Conduct of inquiry

- (1) An inquiry is to be conducted by the Director-General as in open court.
- (2) If the Director-General delegates to a committee the conduct of an inquiry:
  - (a) the Director-General is required to appoint one of the members of the committee to preside at each meeting of the committee held for the purpose of the inquiry, and
  - (b) at such a meeting, the person so appointed has a deliberative vote and, if there is an equality of votes, a second or casting vote.

### 4 Representation

At a hearing, the registered real estate valuer may appear in person or by a barrister, solicitor or agent.

### 5 Discretions

Subject to this Act, the Director-General:

- (a) may conduct the inquiry in such manner as the Director-General sees fit and is not bound by the rules or practice as to evidence and may be informed of any matter in such manner as the Director-General thinks fit, but must conform to the rules of natural justice, and
- (b) may call and receive evidence as to any matter relevant to the inquiry, and
- (c) may (subject to section 13 of the *Oaths Act 1900*) require any evidence at the inquiry to be given on oath and may administer an oath to any person by whom evidence is required to be given.

### 6 Re-opening inquiry

- (1) If, at any time before the Director-General makes an order under section 20 (1), the

Director-General requires further evidence on any relevant matter, the Director-General may re-open the inquiry for the purpose of obtaining that further evidence before making an order.

- (2) An inquiry that is so re-opened is to be taken to have been adjourned and is to proceed accordingly.

#### **7 Absence of registered real estate valuer**

- (1) An inquiry may be conducted in the absence of the registered real estate valuer if the Director-General is satisfied that the valuer was served with reasonable notice of the time and place for the inquiry.
- (2) Service of any such notice may be proved by the oath of the person who served it or by affidavit.

#### **8 Notices to attend or produce documents**

- (1) The Director-General may of the Director-General's own motion, or on the application of the registered real estate valuer, issue a notice in a form approved by the Minister requiring the person to whom the notice is addressed:
  - (a) to attend as a witness at the inquiry, or
  - (b) so to attend and to produce at the inquiry any books, documents or things in his or her possession or under his or her control relating to any matter relevant to the inquiry and specified in the notice.
- (2) A person who is served with such a notice and to whom, at the time of service, is tendered an amount that is sufficient to cover his or her travelling and other out-of-pocket expenses:
  - (a) in attending the inquiry specified in the notice, and
  - (b) for producing anything required by the notice to be produced,must not, without reasonable cause, fail to comply with the notice.

Maximum penalty: 10 penalty units.
- (3) A person on whom a notice is served is entitled to receive:
  - (a) if the notice was issued by the Director-General on the Director-General's own motion, from the Director-General, or
  - (b) if the notice was issued by the Director-General on the application of the registered real estate valuer, from the valuer,his or her reasonable costs, including any loss of earnings, incurred in obeying the notice, calculated in accordance with the scales relating to subpoenas issued out of

the District Court.

- (4) On application by the Director-General, the Supreme Court may:
  - (a) order a person who has failed to comply with such a notice to comply with it within a period specified by the Court, and
  - (b) if, after that period has expired, the Court is satisfied that the person does not have a reasonable excuse for failing to comply with the notice, punish the person in the same way as it would if the person had been guilty of contempt of the Court.
- (5) Such an order may be made by the Supreme Court whether or not an information has been laid alleging the person concerned has committed an offence under subclause (2).

## **9 Costs of inquiry**

- (1) If, following an inquiry, the Director-General decides to take no further action, the Director-General may pay to the registered real estate valuer such amount as the Director-General thinks fit towards the reasonable costs and expenses incurred by the valuer in connection with the inquiry.
- (2) There is no appeal against a decision of the Director-General with respect to the payment of costs or expenses to a registered real estate valuer.
- (3) If, following an inquiry, the Director-General makes any order under section 20 (1), the Director-General may, by the order, require the registered real estate valuer to pay to the Director-General, towards the costs and expenses incurred in connection with conducting the inquiry, such amount as is specified in the order.
- (4) Any amount ordered to be paid to the Director-General may be recovered as a debt due to the Director-General in a court of competent jurisdiction.