
VALUERS REGISTRATION ACT 1974

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VALUERS REGISTRATION

No. 65 of 1974

AN ACT to regulate the registration of valuers, to amend the Land Valuation Act 1971, and for matters incidental thereto.

[21 November 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1 This Act may be cited as the *Valuers Registration Act 1974*. Short title.

2 In this Act, unless the contrary intention appears— Interpretation.

“ Board ” means the Valuers Registration Board established under this Act;

“ practising certificate ” means a certificate issued under section 15;

“ register ” means the Register of Valuers required to be kept under section 10;

“ registered valuer ” means a person who has been granted a registration that is subsisting and is not for the time being suspended;

“ registration ” means registration under this Act.

PART II

ADMINISTRATION

Valuers
Registration
Board.

3—(1) There shall be established a Valuers Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) Subject to section 4, the Board shall consist of the Valuer-General or in his absence the Deputy Valuer-General who shall be the chairman and two other members appointed by the Governor, of whom—

- (a) one shall be a nominee of the Commonwealth Institute of Valuers selected from a panel of 3 names submitted by the Tasmanian division of that Institute; and
- (b) one shall be a person experienced in valuation nominated by the Minister.

(3) Where the Tasmanian division of the Commonwealth Institute of Valuers ceases to exist, or ceases to exist under that name, the Governor may, by order, declare that this section shall have effect as if references therein to that body were references to a body specified in the order, and this section shall, on the coming into force of that order, have effect accordingly.

(4) The members of the Board are not, as such, subject to the *Public Service Act 1973*, but an officer of the Public Service may hold office as a member of the Board in conjunction with his office in the Public Service.

(5) The Board shall pay to the members thereof such remuneration and travelling or other allowances as the Governor determines.

Term of office
and removal of
members of the
Board.

4—(1) This section does not apply to the chairman of the Board.

(2) Subject to this section a member of the Board, unless he sooner resigns or is removed from office or otherwise ceases to hold office, continues in office for a period of 3 years from the date on which he was last appointed a member of the Board.

(3) Where a member of the Board dies or ceases to hold office otherwise than by reason of the effluxion of time, the Governor may appoint a person, having the same qualification and nominated in the same manner as the vacating member, to fill the vacant office for the remainder of the term for which the vacating member was so appointed.

(4) The Governor may remove from office any member of the Board who he is satisfied—

- (a) has become permanently incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, without leave of the Board, been absent from three or more consecutive meetings of the Board;
- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors;
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to be a member of the Board; or
- (f) being a registered valuer, his registration under this Act is cancelled or suspended or his name is, for any reason, removed from the register kept under this Act.

(5) A member of the Board shall not be removed from office otherwise than in accordance with this section.

5—(1) The chairman of the Board, or, if he is absent or there is no chairman, such one of the other members present as they may choose, shall preside at meetings of the Board. Proceedings of the Board.

(2) The chairman or other person presiding at a meeting of the Board has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Board, that matter stands adjourned to the next meeting of the Board.

(3) Two members of the Board constitute a quorum at any meeting of the Board.

(4) Subject to this Act the Board may regulate its own proceedings.

Registrar and
other officers.

6—(1) The Board may, with the approval of the Minister, appoint a person to be the registrar and secretary of the Board and such other officers as the Board may consider necessary for the purpose of the administration of this Act, and may pay to that person and those other officers such remuneration as the Board may, with the approval of the Minister, determine.

(2) If a registrar and secretary is not appointed under subsection (1), the Minister, at the request of the Board, may, with the approval of the Public Service Board, appoint an officer of the Public Service to be the registrar and secretary of the Board, and the person so appointed may hold office as secretary and registrar of the Board in conjunction with his office in the Public Service.

(3) For the purpose of the exercise of its functions the Board may, with the approval of the Public Service Board given on the recommendation of the Minister, make use of the services of officers of the Public Service.

Inspectors.

7—(1) The Board may appoint persons to be inspectors for the purposes of this Act.

(2) A person appointed by the Board under section 6 (1) may be appointed an inspector under this section.

(3) No officer of the Public Service may be appointed an inspector under this section except with the approval of the Public Service Board given on the recommendation of the Minister; but such an officer so appointed may hold office as an inspector in conjunction with his office in the Public Service.

(4) An inspector shall carry out such inquiries and investigations as the Board may direct for the purpose of ascertaining in any particular case whether or not the provisions of this Act are being complied with.

Finances of
the Board.

8—(1) The fees paid under this Act shall be paid to the Board and shall be applied by it in defraying the expenses incurred by it in the exercise of its functions.

(2) The Board shall keep such accounts as may be prescribed.

(3) The accounts of the Board are subject to the *Audit Act* 1918.

PART III

REGISTRATION OF VALUERS AND CONTROL OF PRACTICE OF
VALUATION*Division I—Registration of valuers*

9 This Part shall commence on a day to be fixed by proclamation. Commencement.

10—(1) The registrar shall maintain a register to be called the Register of Valuers. Register of Valuers in which he shall enter particulars of—

- (a) the grant of registration to any person (including particulars of the qualifications entitling his registration), the date of the grant of that registration, and the address of the place of abode of that person;
- (b) the change in the name and address of a registered valuer;
- (c) the cancellation of the registration of any person and the date of that cancellation;
- (d) the suspension of any registration and the period of that suspension;
- (e) the restoration of any registration and the date of that restoration; and
- (f) the death of any registered valuer.

(2) The Board may cause to be entered in the register particulars of any change in the qualification possessed by a registered valuer, but no particulars shall be entered in the register pursuant to this subsection except on the application of the person to whom they relate.

(3) Not later than 31st January in each year, the Board shall furnish the Minister with a copy of the register so far as it relates to persons who were registered valuers on 31st December last preceding, and the Minister shall forthwith cause that copy to be published in the *Gazette*.

(4) A person may, at any time when the office of the Board is open for business, and on payment of the prescribed fee, inspect the register and take a copy of any entry therein.

(5) Subject to subsection (6), the production of a copy of the *Gazette* containing a copy of the register is sufficient evidence, unless the contrary is shown, of the subsistence of the registration indicated therein and that no other registrations subsist.

(6) Production of a document purporting to be a certified copy of an entry in the register signed by the registrar is sufficient evidence, unless the contrary is shown, that that entry was duly made in the register.

Persons
entitled to be
registered.

11—(1) Subject to this section, a person is entitled to be granted registration if he—

- (a) holds, immediately before the commencement of this Act, a certificate of competency as a valuer granted under section 9 of the *Land Valuation Act 1971*; or
- (b) has completed, to the satisfaction of the Board, the prescribed courses of study and training and passed the prescribed examinations.

(2) The Board may, in its absolute discretion, grant registration to any person who—

- (a) holds a certificate or diploma in valuation granted to him by the Commonwealth Institute of Valuers or such other institute of valuers as the Board may determine, the certificate or diploma having been granted to that person upon his passing examinations conducted by that institute; or
- (b) has had at least 10 years' practical experience in the valuation of land and passes such test (if any) as the Board may determine as a prerequisite for his registration as a valuer.

(3) Where the Board is of the opinion that any person seeking registration as a valuer is capable of making valuations of land only within a certain part or certain parts of this State it may grant registration to that person limited to that part or parts of this State as are specified in the register and the registration shall have effect accordingly.

(4) Where a person is entitled to registration the Board shall, on application made by him and on payment of the prescribed fee, after that person makes a declaration in the prescribed form that he will make every valuation impartially and truly, grant him that registration if it is satisfied that he is of good fame and character.

Cancellation and
suspension of
registration.

12—(1) Where the Board is satisfied, on an inquiry under this section, that the registration of any person, or the restoration or the removal of the suspension of the registration of any person, has been obtained by fraud or misrepresentation, it may cancel that registration.

(2) Where the Board is satisfied, on an inquiry under this section, that a registered valuer—

- (a) has been guilty of misconduct in a professional respect;
- (b) has been convicted (whether before or after the grant of his registration and whether in this State or elsewhere) of an offence of such a nature that it is undesirable in the public interest for him to make valuations in this State;
- (c) is, by reason of his taking intoxicating liquor to excess or of his habitual taking of drugs, incapable of conducting himself as a valuer; or
- (d) is suffering from mental disorder (within the meaning of the *Mental Health Act 1963*) of such a nature or degree as to render him incapable of properly conducting himself as a valuer,

it may do the following acts or things or any of them, that is to say:—

- (e) Admonish or reprimand him;
- (f) Require him to pay the costs of and incidental to the inquiry by the Board;
- (g) Impose on him a fine not exceeding \$100;
- (h) Suspend his registration for such period as it thinks fit; or
- (i) Cancel his registration.

(3) The Board may hold an inquiry for the purpose of this section by serving on the registered valuer in respect of whom the inquiry is to be held a notice in writing specifying the matter in relation to which the inquiry is to be held and requiring him to appear before the Board, on the holding of the inquiry, at such place and at such time as may be specified in the notice, to show cause why his registration should not be cancelled or suspended.

(4) Where a registered valuer does not hold a subsisting practising certificate the Board may serve on him a notice in writing stating that it intends to cancel his registration unless, within one month of the service of the notice, he applies for the issue of a practising certificate, and if he fails within that period to apply for the issue of the certificate the Board may cancel his registration.

13—(1) Where the registration of a person has been suspended or cancelled the Board may, on the application of that person, restore the registration if it is satisfied that to do so would not be contrary to the public interest and is otherwise proper in the circumstances.

Restoration of registration.

(2) Where a registration that has been suspended is restored under this section that suspension ceases to be of further effect.

Appeal against
decisions of
the Board.

14—(1) A person who is aggrieved by—

- (a) the refusal or failure of the Board to grant him registration;
- (b) the cancellation or suspension by the Board of his registration; or

(c) the refusal of the Board to restore his registration,
may appeal to the chairman of the Land Valuation Court.

(2) On an appeal under this section the chairman (unless he dismisses the appeal) may—

- (a) in the case of an appeal under subsection (1) (a), by order, direct the Board to grant the appellant registration;
- (b) in the case of an appeal under subsection (1) (b), by order, quash the decision of the Board to which the appeal relates or substitute therefor any other decision that the Board could have made in respect of the matter to which the appeal relates; or
- (c) in the case of an appeal under subsection (1) (c), by order, restore the registration to which the appeal relates,

and the Board shall comply with any order made under this section.

(3) An appeal under this section shall be instituted, heard, and determined, as prescribed.

(4) The decision of the chairman on the hearing of an appeal under this section is final, and is not subject to appeal.

Annual
practising
certificates.

15—(1) On an application, accompanied by the prescribed fee, being made to the secretary of the Board by a registered valuer the secretary shall issue to him a certificate referred to in this Act as a practising certificate.

(2) A practising certificate—

- (a) if it is issued to a person holding a subsisting practising certificate, has effect for the period of 12 months commencing on 1st January next following the date on which it was issued; and
- (b) in any other case, has effect for the period commencing on the date on which it was issued and ending on 31st December next following.

Division II—Control of practice of valuation

16 No person shall take or use any name, title, addition, or description falsely implying, or shall otherwise pretend, that he is a registered valuer or that he holds a subsisting practising certificate. Offence to falsely imply that a person is registered valuer.

Penalty: \$100.

17—(1) No person, other than a registered valuer holding a subsisting practising certificate, shall take or use the description “ valuer ” either alone or in conjunction with any other name, title, or description, unless it is taken or used in such circumstances as to indicate that that person does not make, and does not purport to be qualified to make, valuations of land within the meaning of this Act. Offences in relation to practice of valuation.

(2) No person shall make a valuation of land for a fee or reward unless he is a registered valuer holding a subsisting practising certificate.

(3) Nothing in this section shall prevent any person engaged in the profession of architecture, engineering, or quantity surveying and not being a registered valuer from making or holding himself out as being qualified to make valuations of land in the course of his profession.

(4) A person who contravenes any provision of this section is guilty of an offence and is liable to a penalty of \$500 and, in the case of a continuing offence, to a further penalty of \$10 for each day during which the offence continues.

(5) This section commences on 1st January 1980.

18—(1) No person, other than a registered valuer holding a subsisting practising certificate, is entitled to sue for, recover, or retain any amount by way of fee or reward for making a valuation of land. Unregistered persons not entitled to fees.

(2) This section shall commence on 1st January 1980.

PART IV

MISCELLANEOUS

19 Where a notice is required to be served on any person for the purposes of this Act that notice may be so served— Service of notices.

(a) by delivering it to him personally; or

(b) by sending it by certified mail addressed to him at his usual or last known place of abode or at any institution or other place at which he holds any employment or appointment.

Regulations.

20 The Governor may make regulations for the purposes of this Act.

Amendment of
Land Valuation
Act 1971.

21 The *Land Valuation Act 1971* is amended—

- (a) by repealing section 7;
- (b) by omitting from section 8 (1) all the words following the word “a” (second occurring) and substituting therefor the words “subsisting practising certificate issued under section 15 of the *Valuers Registration Act 1974*”;
- (c) by omitting from section 8 (2) the words “certificate of competency or a subsisting certificate of qualification granted by the Board under section nine” and substituting therefor the words “subsisting practising certificate issued under section 15 of the *Valuers Registration Act 1974*”; and
- (d) by repealing section 9.

Transition
provisions.

22 Any person who, immediately preceding the commencement of this Act, held a certificate of competency or a subsisting certificate of qualification granted by the Valuers' Examination Board under section 9 of the *Land Valuation Act 1971*, shall be deemed to be registered for the purposes of this Act for the period, not exceeding 12 months from the commencement of this Act, during which he remains unregistered under section 11 of this Act.