

VALUERS REGISTRATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Valuers Registration Act 1975 with respect to certain miscellaneous matters, including—

- (a) the limitations to which registrations under the Act are subject;
- (b) the rules of conduct for valuers; and
- (c) the penalties for offences against the Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision giving effect to the Schedules of amendments to the Principal Act.

Schedule 1 (1) provides that a member of the Real Estate Valuers Registration Board who is required to be a real estate valuer must be a person who has no limitation imposed on his or her right to practise as a real estate valuer.

Schedule 1 (2) provides that any such member of the board vacates office if a limitation is subsequently imposed on his or her right to practise as a real estate valuer.

Schedule 1 (3) omits the requirement that applications for registration must be made in the prescribed form.

Schedule 1 (4) enables the board to register an applicant who has applied for registration as a valuer of licensed premises, but to impose limitations on the applicant's right to practise as such a valuer if the applicant is not fully competent.

Schedule 1 (5) empowers the making of regulations which prescribe fees for applications for renewals of registration (including additional fees for late applications).

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Schedule 1 (6) enables the board to impose limitations or additional limitations on a person's right to practise as a real estate valuer or as a valuer of licensed premises during the currency of that registration. However, the person is to be given a chance to show cause why the board should not impose any such limitation or additional limitation, or to vary any existing limitation.

Schedule 1 (7) requires the board to give notice to a person of the board's decision to impose any such limitation or additional limitation.

Schedule 1 (8) enables the board to have regard to the prescribed rules of conduct when determining whether a registered real estate valuer is guilty of misconduct in a professional respect. The item also includes a consequential amendment.

Schedule 1 (9) provides a registered real estate valuer with a right of appeal against the board's decision to impose limitations or additional limitations on his or her right to practise during the currency of the registration.

Schedule 1 (10) increases the monetary penalty for individuals who practise as a real estate valuer without being registered from \$500 to \$2,000 (the alternative penalty of 6 months imprisonment remains unchanged).

Schedule 1 (11) increases the penalty for corporations which employ unregistered persons etc. from \$1,000 to \$2,000.

Schedule 1 (12) increases the monetary penalty for making a false statement from \$500 to \$2,000 (the alternative penalty of 6 months imprisonment remains unchanged).

Schedule 1 (13) extends the time limit within which proceedings for an offence against the Principal Act or the regulations may be instituted from 6 months to 2 years.

Schedule 1 (14) omits the provision for prescribing forms of certificate of registration, and increases the penalty that may be imposed for offences against the regulations to \$2,000.

Schedule 2 effects amendments for the purposes of statute law revision.

VALUERS REGISTRATION (AMENDMENT) BILL 1987

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TABLE OF PROVISIONS

1. Short title
2. Commencement
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VALUERS REGISTRATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Valuers Registration Act 1975 with respect to the limitations to which registrations under that Act are subject, the rules of conduct for valuers and penalties for offences; and for other purposes.

Valuers Registration (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Valuers Registration (Amendment) Act 1987.

5 Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 92, 1975

3. The Valuers Registration Act 1975 is amended as set out in Schedules 10 1 and 2.

SCHEDULE 1—PRINCIPAL AMENDMENTS

(Sec. 3)

(1) Section 5 (**Constitution of board**)—

Section 5 (4)—

15 Omit the subsection, insert instead:

(4) A person is not eligible to be appointed as a member pursuant to subsection (2) (b) (i), (ii) or (iii) unless the person—

(a) is registered as a practising real estate valuer; and

20 (b) has no limitation imposed on the person's right to practise as a real estate valuer.

(2) Section 6 (**Vacation of office**)—

Section 6 (1) (i)—

At the end of the paragraph, insert "or has a limitation imposed on the right to practise as a real estate valuer".

25 (3) Section 13 (**Applications for registration—generally**)—

Section 13 (2)—

Omit the subsection, insert instead:

(2) An application shall be accompanied by the prescribed fee.

30 (4) Section 15C (**Application for registration as valuer of licensed premises**)—

Section 15C (3), (4)—

After section 15C (2), insert:

35 (3) Where, on receipt of an application under section 13 (1) from a person to be registered as a valuer of licensed premises, the board, in respect of that person—

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (a) is satisfied as to the matters referred to in subsection (1) (a) and (b) (i), (ii) or (iii); and
- (b) is not satisfied as to the matter referred to in subsection (1) (c),
- 5 the board shall cause that person to be registered as a valuer of licensed premises subject to such limitations on the person's right to practise as such a valuer as the board thinks fit.
- (4) Without affecting the generality of subsection (3), a limitation referred to in that subsection may require a valuer of licensed premises not to value licensed premises except under the supervision of, or in conjunction with another person of such class or description, if any, as may be specified by the board, being a person—
- 10 (a) who is registered as a valuer of licensed premises or who is registered as a practising real estate valuer; and
- 15 (b) whose registration is not subject to any limitation with respect to licensed premises.
- (5) Section 16 (**Renewal of registration under this Part**)—
- (a) Section 16 (1A)—
- 20 After section 16 (1), insert:
- (1A) An application for the renewal of registration shall be accompanied by the prescribed fee.
- (b) Section 16 (3)—
- 25 Omit "registration under this Part if the board so decides", insert instead "renewal of registration if the person pays an additional prescribed fee for the late application and the board so decides".
- (c) Section 16 (3A)—
- After section 16 (3), insert:
- 30 (3A) If an application for renewal of registration under subsection (1) is made after the expiration of the prescribed period referred to in that subsection and the board decides to renew the registration, the board shall not renew the registration to a date beyond the date that it could have renewed the registration if the application had been made within the prescribed period.
- 35 (d) Section 16 (6A) (a)–(c)—
- Omit section 16 (6A) (a) and (b), insert instead:
- (a) cause the person's registration as a valuer of licensed premises to be renewed subject to such limitations on the person's right to practise as it thinks fit;

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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(b) cause the person to be registered as an associate valuer of licensed premises; or

(c) refuse to renew the person's registration.

(6) Section 16A—

5 Omit the section, insert instead:

Imposition, removal or variation of limitation during currency of registration

10 16A. (1) The board may, at any time during the currency of the registration of a person as a practising real estate valuer or as a valuer of licensed premises—

(a) cancel or vary any limitation imposed by the board; or

(b) impose any limitation or additional limitation,

on the person's right to practise as a real estate valuer or as a valuer of licensed premises.

15 (2) The board shall not—

(a) vary, in a manner detrimental to a person, any limitation imposed by the board; or

(b) impose any limitation or additional limitation,

20 on the person's right to practise as a real estate valuer or as a valuer of licensed premises unless the board has given the person a chance to show cause why it should not do so.

(7) Section 18 (**Notice of board's decision**)—

Section 18 (b)—

Omit the paragraph, insert instead:

25 (b) the board's decision under section 16A—

(i) to cancel or vary any limitation; or

(ii) to impose any limitation or additional limitation,

on the person's right to practise as a real estate valuer or as a valuer of licensed premises.

30 (8) Section 20 (**Proceedings before the board against real estate valuers**)—

(a) Section 20 (1) (b5)—

Omit the paragraph, insert instead:

(b5) has, being a valuer of licensed premises—

35 (i) valued any class of land (other than any class of licensed premises); or

Valuers Registration (Amendment) 1987

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (ii) valued any licensed premises in contravention of a limitation to which his or her right to practise is subject; or

(b) Section 20 (1A)—

5 After section 20 (1), insert:

(1A) In determining whether a registered real estate valuer has been guilty of misconduct in a professional respect as referred to in subsection (1) (b), the board may have regard to the rules of conduct (if any) prescribed under section 30 (2) (f).

10 (9) Section 23 (**Appeal**)—

Section 23 (1) (b1)—

Omit the paragraph, insert instead:

(b1) by the decision of the board under section 16A—

15 (i) to vary any limitation on the person's right to practise; or

(ii) to impose limitations or additional limitations on the person's right to practise;

(10) Section 24 (**Practice by certain persons prohibited**)—

20 Omit "\$500" wherever occurring, insert instead "20 penalty units".

(11) Section 24A (**Corporations**)—

Omit "\$1,000", insert instead "20 penalty units".

(12) Section 25 (**Penalties for false statements etc.**)—

Omit "\$500", insert instead "20 penalty units".

25 (13) Section 28A—

After section 28, insert:

Time for instituting proceedings for offences

30 28A. Notwithstanding anything in any other Act, proceedings for an offence against this Act or the regulations may be instituted within the period of 2 years after the act or omission alleged to constitute the offence.

(14) Section 30 (**Regulations**)—

(a) Section 30 (2) (d)—

Omit the paragraph.

35 (b) Section 30 (5)—

Omit "\$500", insert instead "20 penalty units".

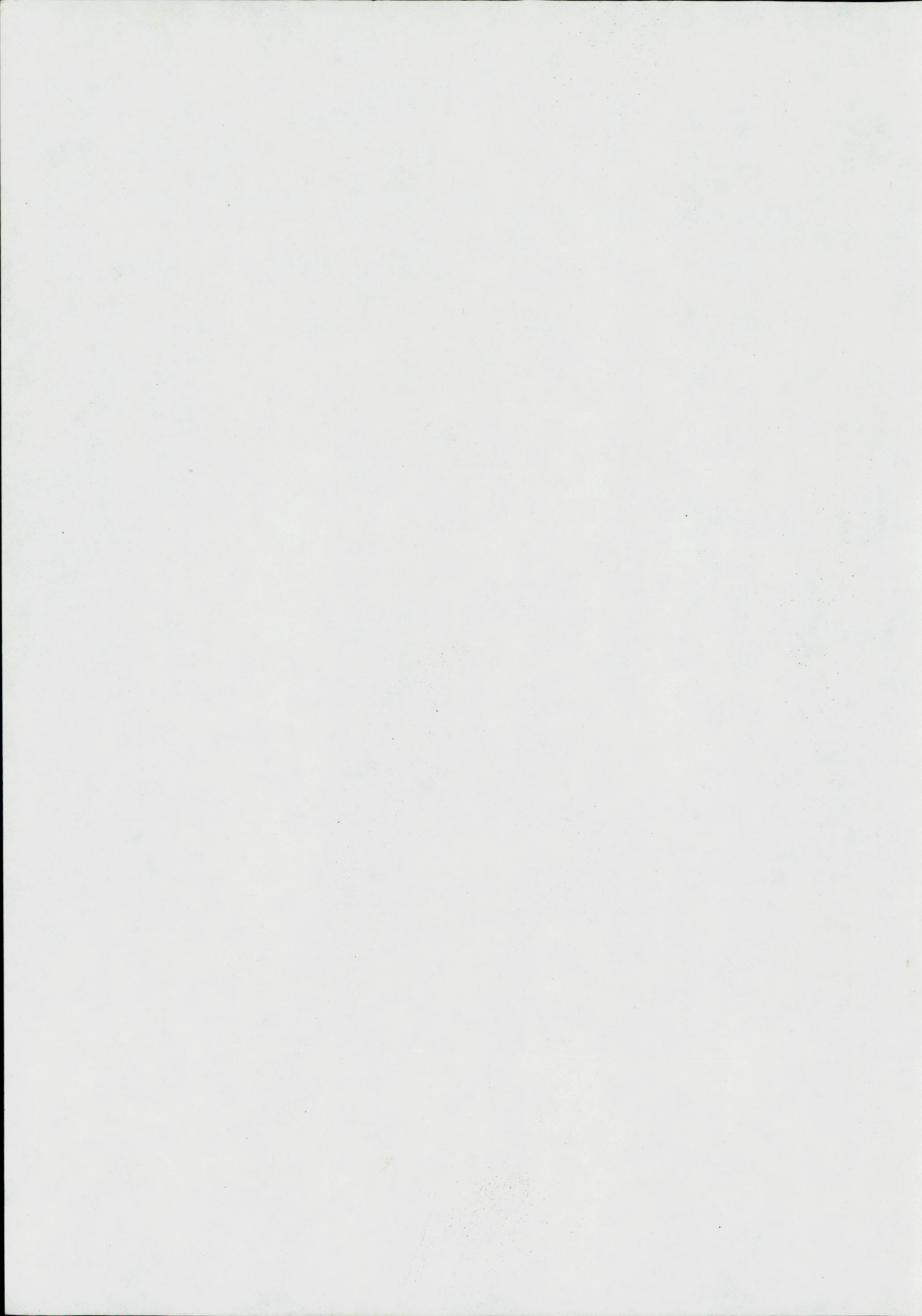
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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

(Sec. 3)

- (1) Section 4 (1), definition of “licensed premises”—
 5 Omit “section 3 (1) of the Liquor Act, 1912”, insert instead “section 4 (1) of the Liquor Act 1982”.
- (2) Section 28 (2)—
 Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.
- (3) Section 29 (2)—
 10 Omit “Revenue”.
- (4) (a) Section 30 (2) (f)—
 Omit “by a person who is registered as a real estate valuer”, insert instead “by a registered real estate valuer”.
- (b) Section 30 (3), (4)—
 15 Omit the subsections.
- (5) Section 30A—
 Omit the section.





VALUERS REGISTRATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 92, 1975

SCHEDULE 1—PRINCIPAL AMENDMENTS

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, , 1987*

NEW SOUTH WALES



Act No. , 1987

An Act to amend the Valuers Registration Act 1975 with respect to the limitations to which registrations under that Act are subject, the rules of conduct for valuers and penalties for offences; and for other purposes.

Valuers Registration (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Valuers Registration (Amendment) Act 1987.

Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 92, 1975

3. The Valuers Registration Act 1975 is amended as set out in Schedules 1 and 2.

SCHEDULE 1—PRINCIPAL AMENDMENTS

(Sec. 3)

(1) Section 5 (**Constitution of board**)—

Section 5 (4)—

Omit the subsection, insert instead:

(4) A person is not eligible to be appointed as a member pursuant to subsection (2) (b) (i), (ii) or (iii) unless the person—

(a) is registered as a practising real estate valuer; and

(b) has no limitation imposed on the person's right to practise as a real estate valuer.

(2) Section 6 (**Vacation of office**)—

Section 6 (1) (i)—

At the end of the paragraph, insert "or has a limitation imposed on the right to practise as a real estate valuer".

(3) Section 13 (**Applications for registration—generally**)—

Section 13 (2)—

Omit the subsection, insert instead:

(2) An application shall be accompanied by the prescribed fee.

(4) Section 15C (**Application for registration as valuer of licensed premises**)—

Section 15C (3), (4)—

After section 15C (2), insert:

(3) Where, on receipt of an application under section 13 (1) from a person to be registered as a valuer of licensed premises, the board, in respect of that person—

Valuers Registration (Amendment) 1987

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

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

the board shall cause that person to be registered as a valuer of licensed premises subject to such limitations on the person's right to practise as such a valuer as the board thinks fit.

(4) Without affecting the generality of subsection (3), a limitation referred to in that subsection may require a valuer of licensed premises not to value licensed premises except under the supervision of, or in conjunction with another person of such class or description, if any, as may be specified by the board, being a person—

- (a) who is registered as a valuer of licensed premises or who is registered as a practising real estate valuer; and
- (b) whose registration is not subject to any limitation with respect to licensed premises.

(5) Section 16 (**Renewal of registration under this Part**)—

(a) Section 16 (1A)—

After section 16 (1), insert:

(1A) An application for the renewal of registration shall be accompanied by the prescribed fee.

(b) Section 16 (3)—

Omit "registration under this Part if the board so decides", insert instead "renewal of registration if the person pays an additional prescribed fee for the late application and the board so decides".

(c) Section 16 (3A)—

After section 16 (3), insert:

(3A) If an application for renewal of registration under subsection (1) is made after the expiration of the prescribed period referred to in that subsection and the board decides to renew the registration, the board shall not renew the registration to a date beyond the date that it could have renewed the registration if the application had been made within the prescribed period.

(d) Section 16 (6A) (a)–(c)—

Omit section 16 (6A) (a) and (b), insert instead:

- (a) cause the person's registration as a valuer of licensed premises to be renewed subject to such limitations on the person's right to practise as it thinks fit;

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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

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

(6) Section 16A—

Omit the section, insert instead:

Imposition, removal or variation of limitation during currency of registration

16A. (1) The board may, at any time during the currency of the registration of a person as a practising real estate valuer or as a valuer of licensed premises—

- (a) cancel or vary any limitation imposed by the board; or
- (b) impose any limitation or additional limitation,

on the person's right to practise as a real estate valuer or as a valuer of licensed premises.

(2) The board shall not—

- (a) vary, in a manner detrimental to a person, any limitation imposed by the board; or
- (b) impose any limitation or additional limitation,

on the person's right to practise as a real estate valuer or as a valuer of licensed premises unless the board has given the person a chance to show cause why it should not do so.

(7) Section 18 (**Notice of board's decision**)—

Section 18 (b)—

Omit the paragraph, insert instead:

(b) the board's decision under section 16A—

- (i) to cancel or vary any limitation; or
- (ii) to impose any limitation or additional limitation,

on the person's right to practise as a real estate valuer or as a valuer of licensed premises.

(8) Section 20 (**Proceedings before the board against real estate valuers**)—

(a) Section 20 (1) (b5)—

Omit the paragraph, insert instead:

(b5) has, being a valuer of licensed premises—

- (i) valued any class of land (other than any class of licensed premises); or

*Valuers Registration (Amendment) 1987*SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (ii) valued any licensed premises in contravention of a limitation to which his or her right to practise is subject; or
- (b) Section 20 (1A)—
After section 20 (1), insert:
 - (1A) In determining whether a registered real estate valuer has been guilty of misconduct in a professional respect as referred to in subsection (1) (b), the board may have regard to the rules of conduct (if any) prescribed under section 30 (2) (f).
- (9) Section 23 (**Appeal**)—
Section 23 (1) (b1)—
Omit the paragraph, insert instead:
 - (b1) by the decision of the board under section 16A—
 - (i) to vary any limitation on the person's right to practise; or
 - (ii) to impose limitations or additional limitations on the person's right to practise;
- (10) Section 24 (**Practice by certain persons prohibited**)—
Omit "\$500" wherever occurring, insert instead "20 penalty units".
- (11) Section 24A (**Corporations**)—
Omit "\$1,000", insert instead "20 penalty units".
- (12) Section 25 (**Penalties for false statements etc.**)—
Omit "\$500", insert instead "20 penalty units".
- (13) Section 28A—
After section 28, insert:

Time for instituting proceedings for offences

28A. Notwithstanding anything in any other Act, proceedings for an offence against this Act or the regulations may be instituted within the period of 2 years after the act or omission alleged to constitute the offence.
- (14) Section 30 (**Regulations**)—
 - (a) Section 30 (2) (d)—
Omit the paragraph.
 - (b) Section 30 (5)—
Omit "\$500", insert instead "20 penalty units".

Valuers Registration (Amendment) 1987

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

(Sec. 3)

- (1) Section 4 (1), definition of “licensed premises”—
Omit “section 3 (1) of the Liquor Act, 1912”, insert instead “section 4 (1) of the Liquor Act 1982”.
- (2) Section 28 (2)—
Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.
- (3) Section 29 (2)—
Omit “Revenue”.
- (4) (a) Section 30 (2) (f)—
Omit “by a person who is registered as a real estate valuer”, insert instead “by a registered real estate valuer”.

(b) Section 30 (3), (4)—
Omit the subsections.
- (5) Section 30A—
Omit the section.