

Western Australia

Land Valuers Licensing Act 1978

# **Land Valuers Licensing Regulations 1979**

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## Land Valuers Licensing Regulations 1979

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## Land Valuers Licensing Regulations 1979

### 1. Citation

These regulations may be cited as the *Land Valuers Licensing Regulations 1979*<sup>1</sup>.

### 2. Terms used in these regulations

In these regulations —

**Commissioner** has the same meaning as it has in the *Consumer Affairs Act 1971*;

**section** means section of the Act;

**the Act** means the *Land Valuers Licensing Act 1978*.

[Regulation 2 amended in Gazette 22 Sep 2006 p. 4119.]

### 3. Common seal

The common seal of the Board shall be kept in safe custody by the Registrar and shall not be affixed to a document unless —

- (a) the Board has decided at a meeting that the common seal be affixed to the document; and
- (b) it is affixed by the Registrar in the presence of one member of the Board.

### 4. Fees

- (1) The fees set forth in Schedule 1 shall be payable in respect of the matters prescribed in that Schedule.

**r. 4A**

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- (2) If a licence is renewed in accordance with section 22 after the day on which the licence expired, a late fee equal to one quarter of the fee specified in item 2 of Schedule 1 for the renewal of the licence is payable in addition to that specified fee.

*[Regulation 4 amended in Gazette 25 Jun 1996 p. 2922;  
27 Jun 2006 p. 2256.]*

**4A. Prescribed periods**

- (1) For the purposes of section 21(1), the period prescribed is 3 years.
- (2) For the purposes of section 22(1), the further prescribed period is 3 years.

*[Regulation 4A inserted in Gazette 25 Jun 1996 p. 2922.]*

**5. Notice of application for licence**

- (1) Notice of an application for the grant of a licence to be advertised pursuant to section 17(2) —
- (a) shall be in an approved form; and
  - (b) shall be published by the applicant in a newspaper circulating in the State, within 14 days after the application is made.
- (2) An applicant for a licence shall prior to the hearing of his application lodge with the Registrar the whole page of the newspaper, in which notice of his application was advertised in accordance with this regulation.

**5A. Duplicate licence**

If the Board is satisfied that a licence has been lost, stolen or destroyed, it may issue a duplicate licence on payment of the prescribed fee.

*[Regulation 5A inserted in Gazette 27 Jun 2006 p. 2256.]*

**6. Particulars to be included in register**

In the register of licensees kept by him pursuant to section 29 the Registrar shall record in respect of each licensee the following particulars —

- (a) the name and address of the licensee;
- (b) where the licensee carries on business as a land valuer under a business name — that business name and the address of any places of business;
- (c) where the licensee is a director, partner or employee of a company or firm — the name and address of the company or firm;
- (d) where the licensee is employed in a department of the public service of the State or the Commonwealth or by a statutory authority, agency or instrumentality of the Crown in right of the State or the Commonwealth the name and address of the department, authority, agency or instrumentality;
- (e) the licence number of the licence issued to the licensee and the date of its issue;
- (f) particulars of any surrender, expiry, suspension or cancellation of the licence; and
- (g) particulars provided by the licensee pursuant to regulation 7.

*[Regulation 6 amended in Gazette 25 Jun 1996 p. 2923.]*

**7. Change of particulars**

A licensee shall, within one month of any change of circumstance that is relative to the information kept in the register, notify the Registrar in writing of that change.

Penalty \$100.

**8. Prescribed qualifications**

- (1) The following degrees are prescribed under section 19(c) —
- (a) the degree of Bachelor of Business (Valuation and Land Administration) awarded by the Western Australian Institute of Technology<sup>2</sup>; and
  - (b) the degree of Bachelor of Business (Valuation and Land Economy) awarded by the Western Australian Institute of Technology<sup>2</sup>; and
  - (c) the degree of Bachelor of Business (Valuation and Land Economy) awarded by the Curtin University of Technology; and
  - (d) the degree of Bachelor of Commerce (Property) awarded by the Curtin University of Technology.
- (2) The following certificates or other awards are prescribed under section 19(c) —
- (a) membership of the Royal Institution of Chartered Surveyors as a Chartered General Practice Surveyor obtained before 1 January 2000;
  - (b) membership of the Royal Institution of Chartered Surveyors as a Chartered Valuation Surveyor obtained before, on or after 1 January 2000;
  - (c) membership of the Royal Institution of Chartered Surveyors as a Chartered Commercial Property Surveyor obtained before, on or after 1 January 2000.

*[Regulation 8 inserted in Gazette 27 Jan 1995 p. 285; amended in Gazette 14 Mar 2008 p. 830.]*

**9. Recovery of fees and costs**

- (1) The amount of —
- (a) any fees prescribed by these regulations;
  - [(b) deleted]*
  - (c) any costs ordered by the Board to be paid to the Registrar upon the determination of any proceedings,

is a debt due to the Crown in right of the State and may be sued for and recovered by the Registrar in any court of competent jurisdiction.

- (2) Where, upon the determination of any proceedings, the Board makes an order for costs in favour of a person other than the Registrar the amount of those costs is a debt due to that person by the person against whom the order is made and may be sued for and recovered by the first-mentioned person in any court of competent jurisdiction.

*[Regulation 9 amended in Gazette 30 Dec 2004 p. 6923.]*

#### **10. Infringement notices**

- (1) The offences specified in Schedule 2 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 2 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

*[Regulation 10 inserted in Gazette 22 Sep 2006 p. 4119-20.]*

#### **11. Forms**

The forms set out in Schedule 3 are prescribed in relation to the matters specified in those forms.

*[Regulation 11 inserted in Gazette 22 Sep 2006 p. 4120.]*

**Schedule 1 — Fees**

[r. 4 & 5A]

*[Heading inserted in Gazette 22 Sep 2006 p. 4120.]*

	\$
1. Fee for a licence (period of 3 years) .....	688.00
2. Fee for renewal of licence .....	688.00
3. Fee for duplicate licence .....	30.00
4. Fee to inspect register .....	10.00
5. Fee for certificate as to an individual registration in the register —	
first page .....	10.00
each subsequent page .....	2.00
6. Fee for certificate as to all registrations in the register .....	122.00

*[Schedule 1 inserted in Gazette 27 Jun 2006 p. 2257; amended in Gazette 15 Jun 2007 p. 2782; 17 Jun 2008 p. 2567; 23 Jun 2009 p. 2443.]*

**Schedule 2 — Prescribed offences and modified penalties**

[r. 10]

*[Heading inserted in Gazette 22 Sep 2006 p. 4120.]*

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<b>Offences under <i>Land Valuers Licensing Act 1978</i></b>		<b>Modified penalty</b>
s. 23(1)	Unlicensed person on business as land valuer .....	\$100
s. 24	Unlicensed person claiming to be licensed .....	\$100
s. 25(3)	Demanding or receiving remuneration in excess of permitted amount .....	\$100
<b>Offences under <i>Land Valuers Licensing Regulations 1979</i></b>		<b>Modified penalty</b>
r. 7	Failing to notify Registrar of change of particulars.	\$20

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*[Schedule 2 inserted in Gazette 22 Sep 2006 p. 4120.]*

**Schedule 3 — Forms**

[r. 11]

[Heading inserted in Gazette 22 Sep 2006 p. 4120.]

**Form 1 — Infringement notice**

<i>Land Valuers Licensing Act 1978</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	Description of offence _____	
	<i>Land Valuers Licensing Act 1978 s.</i>	
	<i>Land Valuers Licensing Regulations 1979 r.</i>	
	Date      /      /20      Time      a.m./p.m.	Modified penalty \$ _____
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice      /      /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence.          If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to 'Approved Officer — <i>Land Valuers Licensing Act 1978</i>') to:          Approved Officer — <i>Land Valuers Licensing Act 1978</i>          Department of Consumer and Employment Protection          Locked Bag 14 Cloisters Square          Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:          Department of Consumer and Employment Protection          219 St George's Terrace, Perth WA</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p> <p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p>	

	<p><b>If you want this matter to be dealt with by prosecution in court,</b> sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>
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*[Form 1 inserted in Gazette 22 Sep 2006 p. 4120-1.]*

**Form 2 — Withdrawal of infringement notice**

<i>Land Valuers Licensing Act 1978</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue      /      /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Land Valuers Licensing Act 1978 s.</i> <i>Land Valuers Licensing Regulations 1979 r.</i>	
	Date      /      /20	Time      a.m./p.m.
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal      /      /20	
<b>Withdrawal of infringement notice</b>	The above infringement notice issued against you has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund.	
<i>[*delete whichever is not applicable]</i>	<ul style="list-style-type: none"> <li>* Your refund is enclosed.</li> <li><i>or</i></li> <li>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:  Approved Officer — <i>Land Valuers Licensing Act 1978</i>  Department of Consumer and Employment Protection  Locked Bag 14 Cloisters Square  Perth WA 6850</li> </ul>	
	Signature _____	/      /20

*[Form 2 inserted in Gazette 22 Sep 2006 p. 4121-2.]*

## Notes

- <sup>1</sup> This is a compilation of the *Land Valuers Licensing Regulations 1979* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Land Valuers Licensing Regulations 1979</i>	22 Jun 1979 p. 1698-9	22 Jun 1979
<i>Land Valuers Licensing Amendment Regulations 1983</i>	18 Nov 1983 p. 4613	1 Jan 1984 (see r. 2)
<i>Land Valuers Licensing Amendment Regulations 1985</i>	21 Jun 1985 p. 2262	21 Jun 1985
<i>Land Valuers Licensing Amendment Regulations 1986</i>	30 May 1986 p. 1816	1 Jul 1986 (see r. 2)
<i>Land Valuers Licensing Amendment Regulations 1987</i>	4 Sep 1987 p. 3518	4 Sep 1987
<i>Land Valuers Licensing Amendment Regulations 1988</i>	5 Aug 1988 p. 2604	5 Aug 1988
<i>Land Valuers Licensing Amendment Regulations (No. 2) 1988</i>	2 Sep 1988 p. 3465	2 Sep 1988
<i>Land Valuers Licensing Amendment Regulations 1989</i>	11 Aug 1989 p. 2679	11 Aug 1989 <sup>3</sup>
<i>Land Valuers Licensing Amendment Regulations 1990</i>	1 Aug 1990 p. 3655	1 Aug 1990
<i>Land Valuers Licensing Amendment Regulations 1991</i>	13 Dec 1991 p. 6165	13 Dec 1991
<i>Land Valuers Licensing Amendment Regulations 1992</i>	14 Aug 1992 p. 4010-11	14 Aug 1992
<i>Land Valuers Licensing Amendment Regulations 1993</i>	30 Nov 1993 p. 6405-6	30 Nov 1993
<i>Land Valuers Licensing Amendment Regulations 1995</i>	27 Jan 1995 p. 285	27 Jan 1995
<i>Land Valuers Licensing Amendment Regulations 1996</i>	25 Jun 1996 p. 2922-3	1 Jul 1996 (see r. 2 and <i>Gazette</i> 1 Jul 1996 p. 3179)
<b>Reprint of the <i>Land Valuers Licensing Regulations 1979</i> as at 31 Mar 2000</b> (includes amendments listed above)		
<i>Land Valuers Licensing Amendment Regulations 2002</i>	28 Jun 2002 p. 3056-7	1 Jul 2002 (see r. 2)

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Land Valuers Licensing Amendment Regulations 2003</i>	27 Jun 2003 p. 2552	1 Jul 2003 (see r. 2)
<i>Land Valuers Licensing Amendment Regulations 2004</i>	30 Dec 2004 p. 6923	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Land Valuers Licensing Amendment Regulations 2005</i>	28 Jun 2005 p. 2911	1 Jul 2005 (see r. 2)
<b>Reprint 2: The Land Valuers Licensing Regulations 1979 as at 3 Mar 2006</b> (includes amendments listed above)		
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2256-7	1 Jul 2006 (see r. 2)
<i>Land Valuers Licensing Amendment Regulations 2006</i>	22 Sep 2006 p. 4118-22	22 Sep 2006 (see r. 2(a))
<i>Land Valuers Licensing Amendment Regulations 2007</i>	15 Jun 2007 p. 2782	r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2007</i>	14 Mar 2008 p. 829-30	r. 1 and 2: 14 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Mar 2008 (see r. 2(b))
<b>Reprint 3: The Land Valuers Licensing Regulations 1979 as at 11 Apr 2008</b> (includes amendments listed above)		
<i>Land Valuers Licensing Amendment Regulations 2008</i>	17 Jun 2008 p. 2566-7	r. 1 and 2: 17 Jun 2008 (see r. 2(a)) Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations 2009</i>	23 Jun 2009 p. 2442-3	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))

<sup>2</sup> The *Curtin University of Technology Act 1966* s. 5 established the Western Australian Institute of Technology as the Curtin University of Technology from 1 January 1987.

<sup>3</sup> The commencement date of 1 Jul 1989 that was specified was before the date of gazettal.

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
Commissioner .....	2
section .....	2
the Act.....	2