



Western Australia

Land Valuers Licensing Act 1978

## **Land Valuers Licensing Regulations 1979**



# Land Valuers Licensing Regulations 1979

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### **Defined terms**



## Land Valuers Licensing Regulations 1979

### 1. Citation

These regulations may be cited as the *Land Valuers Licensing Regulations 1979*.

### 2. Terms used

In these regulations —

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

**Commissioner** has the same meaning as it has in the *Fair Trading Act 2010*;

**designated period** means the period —

- (a) beginning on the day on which the *Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 38 comes into operation; and
- (b) ending on 31 March 2021;

**section** means section of the Act.

[Regulation 2 amended: Gazette 22 Sep 2006 p. 4119; 30 Jun 2011 p. 2649; SL 2020/196 r. 36.]

[3. Deleted: Gazette 30 Jun 2011 p. 2650.]

### 4. Fees (Sch. 1)

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

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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: Gazette 25 Jun 1996 p. 2922; 27 Jun 2006 p. 2256.]

**4AA. Refund of fees in response to COVID-19 pandemic**

(1) In this regulation —

*commencement day* means the day on which the *Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 38 comes into operation;

*designated fee* means a fee set out in Schedule 1 as in force on 1 April 2020;

*reduced fee* means a fee set out in Column 2 of Schedule 1.

(2) This regulation applies if —

- (a) a person paid a designated fee during the period beginning on 1 April 2020 and ending on the day before commencement day; and
- (b) the designated fee is greater than the corresponding reduced fee.

(3) The Commissioner must refund to the person an amount equal to the difference between the designated fee and the corresponding reduced fee.

[Regulation 4AA inserted: SL 2020/196 r. 37.]

**4A. Periods prescribed (Act s. 21(1) and 22(1))**

(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: Gazette 25 Jun 1996 p. 2922.]

[5, 5A. Deleted: Gazette 18 Nov 2014 p. 4318.]

**6. Particulars in register prescribed (Act s. 29)**

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

- (a) the name and address of the licensee; and
- (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; and
- (c) where the licensee is a director, partner or employee of a company or firm — the name and address of the company or firm; and
- (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; and
- (e) the licence number of the licence issued to the licensee and the date of its issue; and
- (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: Gazette 25 Jun 1996 p. 2923; 30 Jun 2011 p. 2650.]*

**7. Change of particulars, licensee to notify Commissioner**

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

Penalty \$100.

*[Regulation 7 amended: Gazette 30 Jun 2011 p. 2650.]*

**8. Degrees etc. prescribed (Act s. 19(c))**

- (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>1</sup>; and
  - (b) the degree of Bachelor of Business (Valuation and Land Economy) awarded by the Western Australian Institute of Technology<sup>1</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; and
  - (e) the degree of Bachelor of Commerce (Property Valuation) awarded by the Curtin University of Technology; and
  - (f) the degree of Bachelor of Commerce (Property Development and Valuation) awarded by the Curtin University of Technology; and
  - (g) the degree of Master of 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: Gazette 27 Jan 1995 p. 285; amended:  
Gazette 14 Mar 2008 p. 830; 18 Dec 2012 p. 6590;  
15 May 2015 p. 1719.]

**9. Fees and costs, recovery of**

- (1) The amount of —
- (a) any fees prescribed by these regulations;
  - [(b) *deleted*]
  - (c) any costs ordered to be paid to the Commissioner 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 Commissioner in any court of competent jurisdiction.

- (2) Where, upon the determination of any proceedings, the court or tribunal makes an order for costs in favour of a person other than the Commissioner 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: Gazette 30 Dec 2004 p. 6923;  
30 Jun 2011 p. 2651.]

**10. Infringement notices, offences etc. prescribed (Sch. 2)**

- (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*.

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- (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: Gazette 22 Sep 2006 p. 4119-20.]*

**11. Infringement notices, forms prescribed (Sch. 3)**

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

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

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**Schedule 1 — Fees**

[r. 4 and 4AA]

*[Heading inserted: SL 2020/196 r. 38.]*

<b>Item</b>	<b>Column 1 Matter</b>	<b>Column 2 Fee during designated period \$</b>	<b>Column 3 Fee after designated period \$</b>
1.	Grant of licence	553.00	829.75
2.	Renewal of licence	542.00	813.50
3.	Issue of duplicate licence	—	29.50
4.	Inspection of register	—	11.80
5.	Certificate as to an individual registration in register —		
	(a) first page	—	12.20
	(b) each subsequent page	—	2.30
6.	Certificate as to all registrations in register	—	115.50

*[Schedule 1 inserted: SL 2020/196 r. 38.]*

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

[r. 10]

[Heading inserted: 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

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<b>Offences under <i>Land Valuers Licensing Regulations 1979</i></b>		<b>Modified penalty</b>
r. 7	Failing to notify Commissioner of change of particulars .....	\$20

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[Schedule 2 inserted: Gazette 22 Sep 2006 p. 4120; amended: Gazette 30 Jun 2011 p. 2651.]

## Schedule 3 — Forms

[r. 11]

[Heading inserted: 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 Commerce — Consumer Protection          Locked Bag 14 Cloisters Square          Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:          Department of Commerce — Consumer Protection  <i>[street address to be inserted]</i></p>		

**Form 1**

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**If you do not pay** the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

**If you need more time** to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.

**If you want this matter to be dealt with by prosecution in court,** sign here \_\_\_\_\_

and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.

*[Form 1 inserted: Gazette 22 Sep 2006 p. 4120-1; amended: Gazette 30 Jun 2011 p. 2651; 20 Aug 2013 p. 3836; 18 Nov 2014 p. 4318; SL 2020/163 r. 36.]*

**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>  <i>[*delete whichever is not applicable]</i>	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. * Your refund is enclosed. <i>or</i> * 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 Commerce — Consumer Protection Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature _____ / /20	

*[Form 2 inserted: Gazette 22 Sep 2006 p. 4121-2; amended: Gazette 30 Jun 2011 p. 2652.]*



## Notes

This is a compilation of the *Land Valuers Licensing Regulations 1979* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<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>2</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 Gazette 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)		



Citation	Published	Commencement
<i>Land Valuers Licensing Amendment Regulations 2002</i>	28 Jun 2002 p. 3056-7	1 Jul 2002 (see r. 2)
<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))
<i>Land Valuers Licensing Amendment Regulations 2010</i>	25 Jun 2010 p. 2847-8	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2011</i>	22 Jun 2011 p. 2363-4	r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

**Land Valuers Licensing Regulations 1979****Notes**                      Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Land Valuers Licensing Amendment Regulations (No. 3) 2011</i>	30 Jun 2011 p. 2649-52	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<b>Reprint 4: The Land Valuers Licensing Regulations 1979 as at 6 Jan 2012</b> (includes amendments listed above)		
<i>Land Valuers Licensing Amendment Regulations 2012</i>	15 Jun 2012 p. 2589-90	r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2012</i>	18 Dec 2012 p. 6590	r. 1 and 2: 18 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Dec 2012 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2013</i>	27 Jun 2013 p. 2681-2	r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations 2013</i>	20 Aug 2013 p. 3836	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Land Valuers Licensing Amendment Regulations 2014</i>	17 Jun 2014 p. 1967-8	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<b>Reprint 5: The Land Valuers Licensing Regulations 1979 as at 22 Aug 2014</b> (includes amendments listed above)		
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2014</i>	18 Nov 2014 p. 4318	r. 1 and 2: 18 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2014 (see r. 2(b) and <i>Gazette</i> 18 Nov 2014 p. 4315)
<i>Land Valuers Licensing Amendment Regulations 2015</i>	15 May 2015 p. 1718-19	r. 1 and 2: 15 May 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 16 May 2015 (see r. 2(b))
<i>Land Valuers Licensing Amendment Regulations (No. 2) 2015</i>	23 Jun 2015 p. 2176	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016</i> Pt. 11	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2017</i> Pt. 13	23 Jun 2017 p. 3213-52	1 Jul 2017 (see r. 2(b))
<i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018</i> Pt. 12	25 Jun 2018 p. 2325-53	1 Jul 2018 (see r. 2(b))
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2019</i> Pt. 12	18 Jun 2019 p. 2077-115	1 Jul 2019 (see r. 2(b))
<i>Commerce Regulations Amendment (Infringement Notices) Regulations 2020</i> Pt. 18	SL 2020/163 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
<i>Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020</i> Pt. 11	SL 2020/196 27 Oct 2020	28 Oct 2020 (see r. 2(b))

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2021</i> Pt. 13	SL 2021/86 21 Jun 2021	1 Jul 2021 (see r. 2(b))

### Other notes

- <sup>1</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>2</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>
Act.....	2
commencement day .....	4AA(1)
Commissioner .....	2
designated fee .....	4AA(1)
designated period .....	2
reduced fee.....	4AA(1)
section .....	2