



Western Australia

## **Land Valuers Licensing Act 1978**

Compare between:

[01 Jul 2017, 04-e0-01] and [24 Oct 2019, 04-f0-00]



Western Australia

## **Land Valuers Licensing Act 1978**

**An Act to provide for the licensing of land valuers and for related purposes.**

## **Part I — Preliminary**

**1. Short title**

This Act may be cited as the *Land Valuers Licensing Act 1978*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

[3. Deleted: No. 56 of 1995 s. 26.]

**4. Terms used**

In this Act unless the context otherwise requires —

***approved*** means approved by the Commissioner;

***Australian Property Institute*** means the incorporated association known as the Australian Property Institute;

***Commissioner*** has the meaning given in the *Fair Trading Act 2010* section 6;

***corporation*** means any body corporate;

***department*** means the department of the Public Service principally assisting the Minister in the administration of this Act;

***land*** includes any estate or interest in land;

***lawyer*** means an Australian lawyer within the meaning of that term in the *Legal Profession Act 2008* section 3;

***legal practitioner*** means an Australian legal practitioner within the meaning of that term in the *Legal Profession Act 2008* section 3;

***licence*** means a licence under this Act;

***licensed valuer*** means a person licensed under this Act;

**licensed valuers code of conduct** means the code published under section 26;

**officer** means —

- (a) in relation to a firm — a member of the firm or an employee of the firm whose sole or principal employment is in the service of the firm;
- (b) in relation to a corporation — any director, manager or secretary of the corporation or any employee of the corporation whose sole or principal employment is in the service of the corporation.

*[Section 4 amended: No. 15 of 1984 s. 3; No. 56 of 1995 s. 27; No. 65 of 2003 s. 44(2); No. 74 of 2003 s. 74(2); No. 55 of 2004 s. 586; No. 21 of 2008 s. 671(2); No. 58 of 2010 s. 14 and 31.]*

*[Part II heading deleted: No. 58 of 2010 s. 15.]*

*[Heading deleted: No. 58 of 2010 s. 16.]*

**[5-11.] Deleted: No. 58 of 2010 s. 16.]**

*[Heading deleted: No. 58 of 2010 s. 17.]*

**[12-14. Deleted: No. 58 of 2010 s. 18.]**

## **15. Powers of investigation**

The *Fair Trading Act 2010* section 61 and Part 6 of that Act apply to this Act.

*[Section 15 inserted: No. 58 of 2010 s. 19.]*

**[15A-15C. Deleted: No. 58 of 2010 s. 20.]**

## **16. Application for review by SAT of certain decisions under Part III**

- (1) Any person aggrieved by a reviewable decision of the Commissioner may apply to the State Administrative Tribunal for a review of the decision.

**s. 16**

---

(2) In subsection (1) —

***person aggrieved*** means a person whose licence is affected by a reviewable decision or who, under Part III, applies for the grant of a licence or the renewal of a licence;

***reviewable decision*** means a decision under Part III other than a determination of the form in which an application is to be made.

*[Section 16 inserted: No. 55 of 2004 s. 592; amended: No. 58 of 2010 s. 31; No. 23 of 2014 s. 15.]*

## Part III — Licensing

### 17. Applications for licences

- (1) An application for a licence shall be made in writing and in a manner and form determined by the Commissioner in respect of such an application and shall contain such information as is required by the Commissioner in respect of such an application.

*[(2), (3) deleted]*

- (4) In respect of any particular application the applicant shall furnish the Commissioner with such further information as the Commissioner determines, verified if the Commissioner so requires by statutory declaration.
- (5) If the Commissioner is considering making an adverse decision in relation to the application, the Commissioner must give the applicant the opportunity to give additional information in relation to that application.

*[Section 17 amended: No. 58 of 2010 s. 21 and 31; correction to reprint in Gazette 24 Aug 2012 p. 3959; No. 23 of 2014 s. 16; No. 44 of 2016 s. 16.]*

*[18. Deleted: No. 23 of 2014 s. 17.]*

### 19. Grant of licence

The Commissioner may grant a licence to any person who pays to the Commissioner the prescribed fee and satisfies the Commissioner, by such evidence as the Commissioner may require that he is a person of good character and repute and is competent to carry out the duties of a licensed valuer and who —

*[(a) deleted]*

- (b) is a member of the Australian Property Institute; or

**s. 19A**

---

- (c) is the holder of a prescribed degree, diploma, certificate or other award and has had, in the opinion of the Commissioner, —
  - (i) satisfactory practical experience in the valuation of land, for the period of 2 years immediately preceding the date of his application; and
  - (ii) a total of not less than 4 years' satisfactory practical experience in the valuation of land within the period of 10 years immediately preceding the date of his application;
- or
- (d) has previously held a licence under this Act within the period of 5 years immediately preceding the date of his application.

*[Section 19 amended: No. 74 of 2003 s. 74(3); No. 55 of 2004 s. 593; No. 58 of 2010 s. 31; No. 44 of 2016 s. 17.]*

**19A. Commissioner may grant licence without notice to applicant**

- (1) Subject to this Part, a licence may be granted by the Commissioner without notice to the applicant.
- (2) Where the Commissioner performs a function under subsection (1), the Commissioner shall forthwith deliver the licence to the applicant.

*[Section 19A inserted: No. 55 of 2004 s. 594; amended: No. 58 of 2010 s. 23 and 31; No. 23 of 2014 s. 18.]*

**20. Offence to give false or misleading information**

- (1) A person who gives false or misleading information in relation to an application under this Part for the grant or renewal of a licence commits an offence.

Penalty for this subsection: a fine of \$20 000.

- (2) For the purposes of subsection (1), a person gives false or misleading information in relation to an application under this



Part for the grant or renewal of a licence if the person does one or more of the following —

- (a) states anything in relation to an application that the person knows is false or misleading in a material particular;
- (b) omits anything from a statement made in relation to an application without which the statement is, to the person's knowledge, misleading in a material particular;
- (c) gives or produces any information in relation to an application that —
  - (i) the person knows is false or misleading in a material particular; or
  - (ii) omits anything without which the information is, to the person's knowledge, misleading in a material particular.

*[Section 20 inserted: No. 44 of 2016 s. 18.]*

**20A. SAT may suspend licence in some cases**

- (1) Where the State Administrative Tribunal makes an order against a licensed valuer and payment is not made in accordance with the order or the order is otherwise not complied with or is breached, the State Administrative Tribunal may suspend the licence until the payment is made, or for such period or upon such event occurring as the State Administrative Tribunal thinks fit.
- (2) The power conferred on the State Administrative Tribunal by subsection (1) is in addition to, and does not derogate from, the powers conferred on it by the *State Administrative Tribunal Act 2004*.

*[Section 20A inserted: No. 55 of 2004 s. 595.]*

**s. 21**

---

**21.      Expiry and surrender of licence**

- (1) On granting a licence the Commissioner shall fix a period, not exceeding the period prescribed, during which the licence is to have effect.
- (1a) Subject to section 28, unless sooner surrendered a licence shall have effect for the period fixed under subsection (1) and may be renewed under section 22.
- (2) A person may at any time surrender a licence and the licence shall thereupon become and be void and of no effect.
- (3) Despite the surrender by a person of a licence, this Act and the *Fair Trading Act 2010* apply, for the purpose of enabling the person to be investigated or otherwise dealt with for a matter arising before the surrender, as if the licence had not been surrendered.

*[Section 21 amended: No. 56 of 1995 s. 28; No. 55 of 2004 s. 596; No. 58 of 2010 s. 24 and 31.]*

**22.      Renewal of licence**

- (1) Where the holder of a licence applies to the Commissioner for the renewal of that licence and pays to the Commissioner the prescribed fee, the Commissioner may renew the licence for a further prescribed period.
- (2) If —
  - (a) an application is made after, but within 28 days of, the day on which the licence expired; and
  - (b) the prescribed fee and any amount prescribed by way of penalty for a late application are paid,the Commissioner may renew that licence for the period prescribed.
- (2a) A renewal under subsection (2) shall be taken for all purposes to have taken effect on the day immediately succeeding the day on which the previous licence expired.

- (3) An application for the renewal of a licence shall be made in writing and in a manner and form determined by the Commissioner in respect of such an application.
- (4) Section 19 applies to an application under this section as if it were an application for a licence under section 17.

*[Section 22 amended: No. 56 of 1995 s. 29; No. 58 of 2010 s. 25 and 31; No. 23 of 2014 s. 19.]*

**23A. Duplicate licence**

If a licence has been lost or destroyed, the Commissioner may issue a duplicate licence on payment by the holder of the prescribed fee.

*[Section 23A inserted: No. 23 of 2014 s. 20.]*

## **Part IV — Control of the practice of valuation**

### **Division 1 — General**

#### **23. Valuers to be licensed**

- (1) A person shall not carry on business, or by any means hold himself out, or demand or receive commission, reward or other valuable consideration in respect of his services, as a valuer of land unless he is licensed under this Act.

Penalty: \$50 000.

- (2) Subsection (1) does not prevent a firm or corporation from carrying on business, or holding itself out, or demanding or receiving commission, reward or other valuable consideration in respect of its services, as a valuer of land so long as every valuation of land supplied by that firm or corporation is made by a person who is licensed under this Act.

- (3) Subsection (1) does not prevent —

- (a) a student who is undertaking a prescribe course of study in the valuation of land; or
- (b) a person who is employed as an assistant to a licensed valuer,

from performing and discharging, under the supervision of a licensed valuer, functions and duties connected with the valuation of land.

*[Section 23 amended: No. 15 of 1984 s. 5; No. 69 of 2006 s. 17; No. 23 of 2014 s. 21.]*

#### **24. False claim of being licensed**

- (1) A person who, not being a licensed valuer, in any way implies that he is licensed under this Act shall be guilty of an offence against this Act.

Penalty: \$50 000.

- (2) Subsection (1) does not prevent a firm or corporation of which at least one officer is a licensed valuer from using the term

“licensed valuers”, or otherwise implying in any way that it is able to render the services of a licensed valuer, in a notice or advertisement or in a letterhead or other document so long as the notice, advertisement or document also contains the names of the officer or officers of the firm or corporation who is or are licensed under this Act.

*[Section 24 amended: No. 69 of 2006 s. 18.]*

**25. Remuneration of licensed valuers**

- (1) The Commissioner may, with the approval of the Minister, from time to time by notice published in the *Government Gazette* fix the maximum amounts of remuneration for the various kinds of services rendered by licensed valuers.
- (2) The respective maximum amounts fixed under subsection (1) shall have effect on and after the date on which the notice fixing them is published in the *Government Gazette* or on and after such subsequent date as is specified in that notice.
- (3) A licensed valuer, or a firm or corporation of which a licensed valuer is an officer, shall not demand or receive, in respect of any service rendered by the licensed valuer, any remuneration that exceeds in value the amount (if any) for the time being fixed under subsection (1) in respect of a service of that kind.  
Penalty: \$5 000.
- (4) Any remuneration received in contravention of this section may be recovered as a civil debt recoverable summarily in a court of competent jurisdiction.

*[Section 25 amended: No. 15 of 1984 s. 6; No. 69 of 2006 s. 19; No. 58 of 2010 s. 31.]*

## **Division 2 — Discipline**

### **26. Licensed valuers' code of conduct**

The Commissioner may, with the approval of the Minister, from time to time by notice published in the *Government Gazette* lay down a code of conduct for licensed valuers.

*[Section 26 inserted: No. 15 of 1984 s. 7; amended: No. 58 of 2010 s. 31.]*

### **27. Disciplinary proceedings against licensed valuers**

The Commissioner may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in section 28(2), against a licensed valuer.

*[Section 27 inserted: No. 55 of 2004 s. 597; amended: No. 58 of 2010 s. 31.]*

### **28. SAT's powers on disciplinary proceedings**

- (1) If, in a proceeding commenced by an allegation under section 27 against a licensed valuer, the State Administrative Tribunal is satisfied that proper cause exists for disciplinary action, the State Administrative Tribunal may do any one or more of the following things —
  - (a) reprimand or caution the licensed valuer;
  - (b) impose a fine not exceeding \$10 000 on him;
  - (c) suspend or cancel his licence and, in addition, disqualify him either temporarily or permanently, or until the fulfilment of any condition which may be imposed by the Tribunal, from holding a licence.
- (2) There shall be proper cause for disciplinary action if —
  - (a) the licensed valuer improperly obtained a licence; or
  - (b) the licensed valuer has been guilty of negligence or incompetence in making a valuation of land; or

- (c) the licensed valuer is acting or has acted in breach of the licensed valuers code of conduct; or
- (d) any other cause exists that renders the licensed valuer unfit to hold a licence.

*[Section 28 amended: No. 55 of 2004 s. 598; No. 69 of 2006 s. 20.]*

## **Part V — Miscellaneous**

### **29. Register of licensed valuers**

- (1) The Commissioner shall keep a register of licensed valuers.
- (2) The Commissioner shall record in the register any prescribed particulars.
- (3) The Commissioner shall cause to be removed from the register the name of every licensed valuer who dies or ceases for any reason to be licensed under this Act.
- (4) The Commissioner shall, upon receipt of the prescribed fee from a person desiring to inspect the register, make it available for the inspection of that person.

*[Section 29 amended: No. 58 of 2010 s. 31.]*

### **29A. Change of particulars, licensee to notify Commissioner**

- (1) A licensed valuer shall give written notice to the Commissioner of any change in the particulars specified in the register in respect of that valuer as soon as practicable after that change takes place.

Penalty: \$2 000.

- (2) The Commissioner shall enter in the register details of any change notified under subsection (1).

*[Section 29A inserted: No. 56 of 1995 s. 30; amended: No. 69 of 2006 s. 21; No. 58 of 2010 s. 31.]*

### **30. Commissioner's certificate**

*[(1), (2) deleted]*

- (3) A certificate under the hand of the Commissioner that any person is or is not, or was or was not, licensed under this Act on the date of, or a date referred to, in the certificate, or as to any other matter contained in a register, shall, in the absence of proof to the contrary, be taken as proof of the matter so certified.



- (4) The Commissioner shall, upon receipt of a request in writing by any person, and payment of the prescribed fee, issue a certificate as to any of the contents of the Register.

*[Section 30 amended: No. 58 of 2010 s. 31; No. 23 of 2014 s. 22.]*

**31. Annual report by department**

- (1) The chief executive officer is to ensure that the matters set out in subsection (1a) are included in the department's annual report.
- (1a) The department's annual report is to include details of —
- (a) the number, nature, and outcome, of —
    - (i) investigations and inquiries undertaken by, or at the direction of, the Commissioner; and
    - (ii) matters that have been brought before the State Administrative Tribunal by the Commissioner;
  - and
  - (b) the number and nature of matters referred to in paragraph (a) that are outstanding; and
  - (c) any trends or special problems that may have emerged; and
  - (d) forecasts of the workload of the Commissioner in the year after the year to which the report relates; and
  - (e) any proposals for improving the performance of the Commissioner's functions.

*[(2) deleted]*

*[Section 31 amended: No. 55 of 2004 s. 599; No. 58 of 2010 s. 26 and 31.]*

*[32. Deleted: No. 58 of 2010 s. 27.]*

**33. Confidentiality of information officially obtained**

The *Fair Trading Act 2010* section 112 applies to information obtained for the purposes of this Act.

*[Section 33 inserted: No. 58 of 2010 s. 28.]*

**34. Offences by corporations**

Where a corporation is guilty of an offence against this Act any officer of the corporation who was knowingly a party to the commission of that offence is also guilty of that offence.

**35. Proceedings for offences**

- (1) Proceedings for an offence against this Act may be taken by the Commissioner.
- (2) Notwithstanding the provisions of any other Act, proceedings for an offence against this Act may be brought within the period of 3 years after the commission of the alleged offence or, with the consent of the Minister, at any later time.
- (3) An allegation in a charge of an offence under this Act that a person named therein was or was not licensed under this Act at the time specified therein shall, in the absence of proof to the contrary, be taken as proved.

*[Section 35 amended: No. 59 of 2004 s. 141; No. 84 of 2004 s. 78; No. 58 of 2010 s. 31.]*

**36. Regulations**

- (1) The Governor may make such regulations as are contemplated by this Act or as he considers necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), those regulations may —

*[(a), (b) deleted]*

- (c) provide for the advertising of notices of applications for licences;
  - (d) prescribe, and provide for the recovery of, any fee for the purposes of this Act;
  - (e) prescribe the particulars to be recorded in the register required to be kept under this Act;
  - [(f) deleted]*
  - (g) prescribe penalties not exceeding \$1 000 for any breach of the regulations.
- (3) Section 45(1) and (2) of the *Interpretation Act 1984* apply in respect of fees prescribed under this Act despite sections 3(3) and 45(3) of that Act.

*[Section 36 amended: No. 65 of 1987 s. 38; No. 56 of 1995 s. 31; No. 55 of 2004 s. 600; No. 69 of 2006 s. 23; No. 58 of 2010 s. 29.]*

## **Part VI — Miscellaneous transitional matters**

*[Heading inserted: No. 58 of 2010 s. 30.]*

### **37. Terms used**

In this Part —

**commencement day** means the day on which the *Acts Amendment (Fair Trading) Act 2010* Part 3 comes into operation;

**former Board** means the Land Valuers Licensing Board established by section 5 of this Act immediately prior to the commencement day;

**former Registrar** means the Registrar of the former Board immediately prior to the commencement day;

**liability** means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

**right** means any right, power, privilege or immunity whether actual, contingent or prospective.

*[Section 37 inserted: No. 58 of 2010 s. 30.]*

### **38. Former Board abolished**

Subject to sections 44 and 45, at the beginning of the commencement day, the former Board is abolished and its members go out of office.

*[Section 38 inserted: No. 58 of 2010 s. 30.]*

### **39. References to former Board or Registrar**

If in a written law or other document or instrument there is a reference to the former Board or the former Registrar, that reference may, where the context so requires, be read as if it had been amended to be a reference to the Commissioner.

*[Section 39 inserted: No. 58 of 2010 s. 30.]*

**40. Immunity continues**

Despite the abolition of the former Board, if the former Board had the benefit of any immunity in respect of an act, matter or thing done or omitted before the commencement day, that immunity continues in that respect for the benefit of the Commissioner.

*[Section 40 inserted: No. 58 of 2010 s. 30.]*

**41. Notices of maximum amounts of remuneration**

A notice published in the *Gazette* by the Board under section 25 is taken to have been published by the Commissioner.

*[Section 41 inserted: No. 58 of 2010 s. 30.]*

**42. Unfinished proceedings by former Registrar**

Proceedings taken by the former Registrar under section 35 that are not complete at the commencement day are to continue under the direction and control of the Commissioner.

*[Section 42 inserted: No. 58 of 2010 s. 30.]*

**43. Unfinished proceedings by former Board**

- (1) Proceedings before the former Board under Part II Division 2 of the Act as it was prior to the commencement day that are not complete by the commencement day —
  - (a) are taken to have been commenced by the Commissioner for the purposes of the Act; and
  - (b) are to continue under the direction and control of the Commissioner.
- (2) Proceedings before the State Administrative Tribunal or another court commenced by allegation against a licensed valuer brought by the former Board that are not complete by the commencement day —
  - (a) are taken to have been commenced by an allegation by the Commissioner for the purposes of the Act; and

- (b) are to continue under the direction and control of the Commissioner.

*[Section 43 inserted: No. 58 of 2010 s. 30.]*

**44. Winding-up by former Board**

As soon as reasonably practicable after the commencement day, the Board is to wind-up its affairs and in particular, but without limiting what may be done to wind-up its affairs, the Board is to apply its assets, together with any moneys in hand, in —

- (a) discharging its liabilities; and
- (b) transferring any assets which remain after the discharge of liabilities (*residual assets*) to the State to be administered in the department, or realising residual assets and causing the proceeds, together with any moneys in hand, to be credited to the Consolidated Account.

*[Section 44 inserted: No. 58 of 2010 s. 30.]*

**45. Final report by former Board**

- (1) As soon as reasonably practical after the Board is satisfied that the winding-up of its affairs is concluded, it is to —
  - (a) make and submit to the Minister a report of its proceedings for the period beginning on the day after the commencement day and ending on the day on which the winding-up of its affairs is concluded; and
  - (b) deliver to the chief executive officer all records and information in its possession or under its control.
- (2) The chief executive officer is to include the final report submitted under subsection (1) in the department's annual report for that financial year.

*[Section 45 inserted: No. 58 of 2010 s. 30.]*

**46. Transitional regulations**

- (1) If there is not sufficient provision in this Part for dealing with a transitional matter, the Governor may make regulations prescribing all matters that are required, necessary or convenient to be prescribed in relation to that matter.
- (2) In subsection (1) —  
*transitional matter* means a matter that needs to be dealt with for the purpose of effecting the transition from this Act as enacted immediately before the commencement day to this Act as amended by the *Acts Amendment (Fair Trading) Act 2010*.
- (3) Regulations made under subsection (1) may provide that specific provisions of a written law —
  - (a) do not apply; or
  - (b) apply with specific modifications,to or in relation to any matter.
- (4) Regulations made under subsection (1) must be made within 12 months after the commencement day.
- (5) If regulations made under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.
- (6) In subsection (5) —  
*specified* means specified or described in the regulations.
- (7) If regulations contain a provision referred to in subsection (5), the provision does not operate so as —
  - (a) to affect, in a manner prejudicial to any person (other than the State), the right of that person existing before the day of publication of those regulations; or

**s. 46**

---

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

*[Section 46 inserted: No. 58 of 2010 s. 30.]*

=====



## Notes

- <sup>1</sup> This is a compilation of the *Land Valuers Licensing Act 1978* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

| Short title   | Number and year | Assent      | Commencement   |
|---|-----------------|-------------|--|
| <i>Land Valuers Licensing Act 1978</i>  | 55 of 1978      | 6 Sep 1978  | 1 Jul 1979 (see s. 2 and <i>Gazette</i> 22 Jun 1979 p. 1677)   |
| <i>Land Valuers Licensing Amendment Act 1984</i> <sup>2</sup>   | 15 of 1984      | 31 May 1984 | Act other than s. 3 and 7: 28 Jun 1984 (see s. 2(1)); s. 3 and 7: 26 Jul 1985 (see s. 2(2) and <i>Gazette</i> 26 Jul 1985 p. 2639) |
| <i>Acts Amendment (Legal Practitioners, Costs and Taxation) Act 1987 Pt. XI</i>   | 65 of 1987      | 1 Dec 1987  | 12 Feb 1988 (see s. 2(2) and <i>Gazette</i> 12 Feb 1988 p. 397)  |
| <i>Acts Amendment (Public Sector Management) Act 1994 s. 3(1)</i>   | 32 of 1994      | 29 Jun 1994 | 1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)   |
| <i>Business Licensing Amendment Act 1995 Pt. 6</i> <sup>3</sup>   | 56 of 1995      | 20 Dec 1995 | 1 Jul 1996 (see s. 2(2) and <i>Gazette</i> 1 Jul 1996 p. 3179)   |
| <b>Reprint of the <i>Land Valuers Licensing Act 1978</i> as at 3 May 2002</b><br>(includes amendments listed above)       |                 |             |  |
| <i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 44 and 115</i>                                       | 65 of 2003      | 4 Dec 2003  | 1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)   |
| <i>Statutes (Repeals and Minor Amendments) Act 2003 s. 74</i>   | 74 of 2003      | 15 Dec 2003 | 15 Dec 2003 (see s. 2)   |
| <i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>  | 59 of 2004      | 23 Nov 2004 | 1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)   |
| <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 70</i> <sup>4</sup> | 55 of 2004      | 24 Nov 2004 | 1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)   |

| Short title   | Number and year   | Assent      | Commencement   |
|---|---|-------------|--|
| <i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 78</i> <sup>5</sup>  | 84 of 2004<br>(as amended by No. 2 of 2008 s. 78(2)(b)) | 16 Dec 2004 | 2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53)) |
| <b>Reprint 2: The Land Valuers Licensing Act 1978 as at 12 May 2006</b><br>(includes amendments listed above)   |   |             |  |
| <i>Consumer Protection Legislation Amendment and Repeal Act 2006 Pt. 6</i>  | 69 of 2006  | 13 Dec 2006 | 14 Jul 2007 (see s. 2 and <i>Gazette</i> 13 Jul 2007 p. 3453)  |
| <i>Criminal Law and Evidence Amendment Act 2008 s. 65</i>   | 2 of 2008   | 12 Mar 2008 | 27 Apr 2008 (see s. 2 and <i>Gazette</i> 24 Apr 2008 p. 1559)  |
| <i>Legal Profession Act 2008 s. 671</i>   | 21 of 2008  | 27 May 2008 | 1 Mar 2009 (see s. 2(b) and <i>Gazette</i> 27 Feb 2009 p. 511)   |
| <b>Reprint 3: The Land Valuers Licensing Act 1978 as at 17 Jul 2009</b><br>(includes amendments listed above)   |   |             |  |
| <i>Acts Amendment (Bankruptcy) Act 2009 s. 49</i>   | 18 of 2009  | 16 Sep 2009 | 17 Sep 2009 (see s. 2(b))  |
| <i>Acts Amendment (Fair Trading) Act 2010 Pt. 3</i>   | 58 of 2010  | 8 Dec 2010  | 1 Jul 2011 (see s. 2(c) and <i>Gazette</i> 7 Jun 2011 p. 2057)   |
| <b>Reprint 4: The Land Valuers Licensing Act 1978 as at 14 Oct 2011</b><br>(includes amendments listed above) (correction to reprint in <i>Gazette</i> 24 Aug 2012 p. 3959) |   |             |  |
| <i>Consumer Protection Legislation Amendment Act 2014 Pt. 5</i>   | 23 of 2014  | 9 Oct 2014  | 19 Nov 2014 (see s. 2(b) and <i>Gazette</i> 18 Nov 2014 p. 4315)   |
| <i>Licensing Provisions Amendment Act 2016 Pt. 4</i>  | 44 of 2016  | 1 Dec 2016  | 1 Jul 2017 (see s. 2(b) and <i>Gazette</i> 30 Jun 2017 p. 3551)  |

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

**Provisions that have not come into operation**

| <u>Short title</u>   | <u>Number and year</u> | <u>Assent</u>      | <u>Commencement</u>                   |
|--|------------------------|--------------------|---------------------------------------|
| <u>Consumer Protection Legislation Amendment Act 2019 Pt. 7</u> <sup>6</sup> | <u>25 of 2019</u>      | <u>24 Oct 2019</u> | <u>To be proclaimed (see s. 2(b))</u> |

- <sup>2</sup> The *Land Valuers Licensing Amendment Act 1984* s. 4(2) and 6(2) are transitional provisions that are of no further effect.
- <sup>3</sup> The *Business Licensing Amendment Act 1995* s. 32 is a transitional provision that is of no further effect.
- <sup>4</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.
- <sup>5</sup> The *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 82, to the extent it amends this Act, was deleted by the *Criminal Law and Evidence Amendment Act 2008* s. 78(2)(b).
- <sup>6</sup> On the date as at which this compilation was prepared the *Consumer Protection Legislation Amendment Act 2019* Pt. 7 had not come into operation. It reads as follows:

**Part 7 — Land Valuers Licensing Act 1978 amended**

**33. Act amended**

This Part amends the *Land Valuers Licensing Act 1978*.

**34. Section 20 deleted**

Delete section 20.

**35. Section 22 amended**

Delete section 22(2)(a) and insert:

- (a) an application is made during the period that begins on the day on which the licence expired and ends on the day that is 28 days after the day on which the licence expired; and

**36. Section 33A inserted**

After section 33 insert:

**33A. Offence of giving false or misleading information**

(1) A person who gives false or misleading information to the Commissioner when required to give information to the Commissioner under this Act commits an offence.

Penalty for this subsection: a fine of \$20 000.

(2) For the purposes of subsection (1), a person gives false or misleading information if the person does 1 or more of the following —

(a) states anything that the person knows is false or misleading in a material particular;

(b) omits anything from a statement without which the statement is, to the person's knowledge, misleading in a material particular;

(c) gives or produces any information that —

(i) the person knows is false or misleading in a material particular; or

(ii) omits anything without which the information is, to the person's knowledge, misleading in a material particular.

**37. Various penalties amended**

Amend the provisions listed in the Table as set out in the Table.

**Table**

| <b><u>Provision</u></b> | <b><u>Delete</u></b>      | <b><u>Insert</u></b>                                     |
|-------------------------|---------------------------|--|
| <u>s. 23(1)</u>         | <u>Penalty: \$50 000.</u> | <u>Penalty for this subsection: a fine of \$100 000.</u> |
| <u>s. 24(1)</u>         | <u>Penalty: \$50 000.</u> | <u>Penalty for this subsection: a fine of \$100 000.</u> |
| <u>s. 25(3)</u>         | <u>Penalty: \$5 000.</u>  | <u>Penalty for this subsection: a fine of \$5 000.</u>   |

---

| <u>Provision</u> | <u>Delete</u>            | <u>Insert</u>  |
|------------------|--------------------------|--|
| <u>s. 29A(1)</u> | <u>Penalty: \$2 000.</u> | <u>Penalty for this subsection: a fine of \$2 000.</u> |