



Western Australia

Land Valuers Licensing Act 1978

# **Land Valuers Licensing Regulations 1979**

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Western Australia

## Land Valuers Licensing Regulations 1979

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Reprinted under the  
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at 6 January 2012

Western Australia

Land Valuers Licensing Act 1978

## 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 —

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

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

*section* means section of the Act.

[*Regulation 2 amended in Gazette 22 Sep 2006 p. 4119*;  
*30 Jun 2011 p. 2649.*]

[3. *Deleted in 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

**r. 4A**

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

**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 in Gazette 25 Jun 1996 p. 2922.]*

**5. Notice of application for licence, advertisement of (Act s. 17(2))**

- (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 lodge with the Commissioner the whole page of the newspaper, in which notice of his application was advertised in accordance with this regulation.

*[Regulation 5 amended in Gazette 30 Jun 2011 p. 2650.]*

**5A. Duplicate licence, issue of**

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

*[Regulation 5A inserted in Gazette 27 Jun 2006 p. 2256; amended in Gazette 30 Jun 2011 p. 2650.]*

**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 in 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 in 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>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. 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 in 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*.
- (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. 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 in Gazette 22 Sep 2006 p. 4120.]*

**Schedule 1 — Fees**

[r. 4 and 5A]

*[Heading inserted in Gazette 22 Jun 2011 p. 2364.]*

**Table**

| <b>Item</b> | <b>Description of fee</b>  | <b>\$</b> |
|-------------|--|-----------|
| 1.          | Grant of licence (for 3 years)   | 723.00    |
| 2.          | Renewal of licence (for 3 years)   | 723.00    |
| 3.          | Issue of duplicate licence   | 31.75     |
| 4.          | Inspection of register   | 10.50     |
| 5.          | Certificate as to an individual registration in register —<br>first page | 10.50     |
|             | each subsequent page   | 2.00      |
| 6.          | Certificate as to all registrations in register                          | 129.00    |

*[Schedule 1 inserted in Gazette 22 Jun 2011 p. 2364.]*

**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 Commissioner of change of particulars .....           | \$20                    |

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

**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.          |
| <b>Officer issuing notice</b>          | Modified penalty \$ _____  |                         |
|  | Name _____   |                         |
|  | Signature _____  |                         |
| <b>Date</b>                            | Office _____   |                         |
|  | Date of notice / /20   |                         |
| <b>Notice to alleged offender</b>      | <p>It is alleged that you have committed the above offence.<br/>         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:<br/>         Approved Officer — <i>Land Valuers Licensing Act 1978</i><br/>         Department of Commerce — Consumer Protection<br/>         Locked Bag 14 Cloisters Square<br/>         Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:<br/>         Department of Commerce — Consumer Protection<br/>         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><br/>sign here _____<br/>and post this notice to the Approved Officer at the above postal<br/>address within 28 days after the date of this notice.</p> |
|--|--|

*[Form 1 inserted in Gazette 22 Sep 2006 p. 4120-1; amended in  
Gazette 30 Jun 2011 p. 2651.]*

**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><br><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> | * Your refund is enclosed.<br>or<br>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:<br>Approved Officer — <i>Land Valuers Licensing Act 1978</i><br>Department of Commerce — Consumer Protection<br>Locked Bag 14 Cloisters Square<br>Perth WA 6850 |                     |
|  | Signature _____   | /      /20          |

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

### Notes

- <sup>1</sup> This reprint is a compilation as at 6 January 2012 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<br>p. 1698-9  | 22 Jun 1979  |
| <i>Land Valuers Licensing Amendment Regulations 1983</i>  | 18 Nov 1983<br>p. 4613    | 1 Jan 1984 (see r. 2)  |
| <i>Land Valuers Licensing Amendment Regulations 1985</i>  | 21 Jun 1985<br>p. 2262    | 21 Jun 1985  |
| <i>Land Valuers Licensing Amendment Regulations 1986</i>  | 30 May 1986<br>p. 1816    | 1 Jul 1986 (see r. 2)  |
| <i>Land Valuers Licensing Amendment Regulations 1987</i>  | 4 Sep 1987<br>p. 3518     | 4 Sep 1987   |
| <i>Land Valuers Licensing Amendment Regulations 1988</i>  | 5 Aug 1988<br>p. 2604     | 5 Aug 1988   |
| <i>Land Valuers Licensing Amendment Regulations (No. 2) 1988</i>  | 2 Sep 1988<br>p. 3465     | 2 Sep 1988   |
| <i>Land Valuers Licensing Amendment Regulations 1989</i>  | 11 Aug 1989<br>p. 2679    | 11 Aug 1989 <sup>3</sup>                                       |
| <i>Land Valuers Licensing Amendment Regulations 1990</i>  | 1 Aug 1990<br>p. 3655     | 1 Aug 1990   |
| <i>Land Valuers Licensing Amendment Regulations 1991</i>  | 13 Dec 1991<br>p. 6165    | 13 Dec 1991  |
| <i>Land Valuers Licensing Amendment Regulations 1992</i>  | 14 Aug 1992<br>p. 4010-11 | 14 Aug 1992  |
| <i>Land Valuers Licensing Amendment Regulations 1993</i>  | 30 Nov 1993<br>p. 6405-6  | 30 Nov 1993  |
| <i>Land Valuers Licensing Amendment Regulations 1995</i>  | 27 Jan 1995<br>p. 285     | 27 Jan 1995  |
| <i>Land Valuers Licensing Amendment Regulations 1996</i>  | 25 Jun 1996<br>p. 2922-3  | 1 Jul 1996 (see r. 2 and <i>Gazette</i><br>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) |                           |  |

## Land Valuers Licensing Regulations 1979

| Citation   | Gazettal                  | Commencement   |
|--|---------------------------|--|
| <i>Land Valuers Licensing Amendment Regulations 2002</i>   | 28 Jun 2002<br>p. 3056-7  | 1 Jul 2002 (see r. 2)  |
| <i>Land Valuers Licensing Amendment Regulations 2003</i>   | 27 Jun 2003<br>p. 2552    | 1 Jul 2003 (see r. 2)  |
| <i>Land Valuers Licensing Amendment Regulations 2004</i>   | 30 Dec 2004<br>p. 6923    | 1 Jan 2005 (see r. 2 and <i>Gazette</i><br>31 Dec 2004 p. 7130)  |
| <i>Land Valuers Licensing Amendment Regulations 2005</i>   | 28 Jun 2005<br>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<br>p. 2256-7  | 1 Jul 2006 (see r. 2)  |
| <i>Land Valuers Licensing Amendment Regulations 2006</i>   | 22 Sep 2006<br>p. 4118-22 | 22 Sep 2006 (see r. 2(a))  |
| <i>Land Valuers Licensing Amendment Regulations 2007</i>   | 15 Jun 2007<br>p. 2782    | r. 1 and 2: 15 Jun 2007<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2007 (see r. 2(b))  |
| <i>Land Valuers Licensing Amendment Regulations (No. 2) 2007</i>   | 14 Mar 2008<br>p. 829-30  | r. 1 and 2: 14 Mar 2008<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>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<br>p. 2566-7  | r. 1 and 2: 17 Jun 2008<br>(see r. 2(a))<br>Regulations other than r. 1 and 2:<br>1 Jul 2008 (see r. 2(b))   |
| <i>Land Valuers Licensing Amendment Regulations 2009</i>   | 23 Jun 2009<br>p. 2442-3  | r. 1 and 2: 23 Jun 2009<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2009 (see r. 2(b))  |
| <i>Land Valuers Licensing Amendment Regulations 2010</i>   | 25 Jun 2010<br>p. 2847-8  | r. 1 and 2: 25 Jun 2010<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2010 (see r. 2(b))  |
| <i>Land Valuers Licensing Amendment Regulations (No. 2) 2011</i>   | 22 Jun 2011<br>p. 2363-4  | r. 1 and 2: 22 Jun 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2011 (see r. 2(b))  |



| <b>Citation</b>   | <b>Gazettal</b>           | <b>Commencement</b>   |
|---|---------------------------|---|
| <i>Land Valuers Licensing Amendment Regulations (No. 3) 2011</i>  | 30 Jun 2011<br>p. 2649-52 | r. 1 and 2: 30 Jun 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>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) |                           |   |

- <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**

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**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                   |
| Commissioner .....  | 2                   |
| section .....       | 2                   |