

Valuers Registration Board of Queensland

**Complaints and Disciplinary Proceedings
Procedures Manual**

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INTRODUCTION

The Valuers Registration Board of Queensland (the Board) is constituted under Section 5 of the *Valuers Registration Act 1992* (the Act).

The Board performs its statutory obligations by:-

1. registering valuers who have demonstrated both initial and ongoing competence;
2. approving standards and guidelines for valuers' practice; and
3. receiving and investigating complaints about the conduct and/or competence of a valuer.

The Board considers complaints by anyone who is aggrieved by the conduct of a valuer.

This Manual explains the processes and procedures of the Board for the receipt and processing of complaints against valuers, specialist retail valuers, or persons held out to be valuers or specialist retail valuers, in Queensland.

It also outlines the steps that are typically taken by a disciplinary committee appointed to consider disciplinary proceedings.

CHAIRPERSON'S DIRECTIONS

The Board, at its meeting on Tuesday, 8 July 2003 adopted the following as the procedures for:-

- dealing with a complaint received by the Board;
- the appointment of an investigator to gather evidence in relation to a complaint; and
- the appointment of a committee to hear charges, if any, laid by the investigator.

Bob Mullins
Chairperson
Valuers Registration Board of Queensland

8 July 2003

The Board, at its meeting on Monday, 18 August 2008 adopted the following as the procedures for:-

- Convening disciplinary proceedings

Greg Clarke
Chairperson
Valuers Registration Board of Queensland

Part A: Background and Purpose

1. Background

The Board is established under the *Valuers Registration Act 1992* (the Act).

The Act provides that the Board may receive [s.43] and authorise the investigation of complaints [s.44].

The Act provides for the investigation of complaints and discipline of registered valuers [s 43 to s59].

The Act provides for the laying of charges and committee procedures [s 50 to s60].

2. Purpose

This Manual has been prepared to provide guidelines and procedures for:-

- handling of complaints received by the Board;
- appointment of an investigator to investigate a complaint received by the Board;
- the formation and operation of a committee to hear charges laid by an investigator; and
- proceeding against unregistered valuers.



Part B: Receiving a Complaint

that the person is a registered valuer or is entitled to carry on the business of a registered valuer.”

3. Lodgement of a Complaint

Section 43 of the *Act* makes provision for a person who is aggrieved by the conduct of a valuer, specialist retail valuer, or person holding themselves out to be a valuer or specialist retail valuer to lodge a complaint with the Board.

The written complaint **must** identify the alleged misconduct, incompetence and/or negligence.



Section 43 (2) of the *Act* stipulates that:

“A complaint must be in writing”.

4. Initial contact

If an aggrieved person telephones or emails, the Secretary will record the details (see Form - Com 1 at **Appendix A**) and advise the caller to lodge a formal complaint in writing.

To assist the caller to document a complaint, the Secretary will send the caller a ‘*Complaint Form*’, Form - Com 2 (**Appendix B**), which incorporates ‘*Guidelines for Lodging a Complaint*’.

5. Categories of Complaints

Complaints can be made against a registered valuer/specialist retail valuer and relate to:-

- 1) a valuer’s/specialist retail valuer’s -
 - “(a) misconduct in a professional respect; or*
 - (b) incompetence or negligence in the person’s performance as a valuer.”*

OR an unregistered person and relate to:-

- 2) the unregistered person -
 - “(a) holding himself or herself out as being a registered valuer; or*
 - (b) carrying on or attempting to carry on the business of a registered valuer;*

or

 - (c) take, use or exhibit a name, letter, word, title, description or symbol that, either alone or in the circumstances in which it is taken-*
 - (i) is capable of being reasonably understood to indicate; or*
 - (ii) is intended by the person to indicate;*

Part C: Complaint Handling

6. Acknowledgement of complaint

On receipt of a written complaint in the form of Appendix B, the Secretary will:-

- create a new file for the complaint;
- record the details of the complaint on 'Complaint File Cover Sheet' (see **Appendix C**);
- formally acknowledge the complaint in writing (see **Appendix D**);
- refer the complaint to the next meeting of the Board for consideration and appropriate action.

7. Consideration of the complaint by the Board

The Board will assess the complaint, based on the content of the complaint, the evidence submitted in support of the complaint, and the comments of the valuer against whom the complaint is made.

The Board will determine whether the complaint is:-

(a) '*frivolous or vexatious*';

or

(b) has substance and falls within the Board's jurisdiction.

The Macquarie Dictionary provides the following meanings for frivolous and vexatious.

Macquarie Dictionary - Third Edition - reprinted 2001 - pages 447 and 1304.

“**frivolous** /'frivalas/ *adj.* **1.** of little or no weight, worth, or importance; not worthy of serious notice; *a frivolous objection.* **2.** characterised by lack of seriousness or, or sense; *frivolous conduct.* **3.** given to trifling or levity, as persons. [L: silly, trifling, paltry]”

“**vexatious** /vek'set[as/ *adj.* **1.** causing vexation; vexing; annoying. **2.** *Law* (of legal actions) instituted without sufficient grounds, and serving only to cause annoyance.”

If the Board considers that the complaint is frivolous/vexatious under Section 44(3), the complaint will be dismissed.

If the Board determines that the complaint is NOT frivolous/vexatious, the Board will resolve to either:-

i) seek information from the complainant and/or the valuer (see **Appendix E**).

OR

ii) to appoint an investigator.

When the information referred to in i) above is received, the Board will reconsider the complaint and whether the complaint is frivolous or vexatious.



PART D: INVESTIGATION

8. Investigations

When the Board has resolved to appoint an investigator, the Board will select a person to be appointed to investigate the complaint - the 'investigator designate'. The person selected need not be a registered valuer.

The Secretary will contact the investigator designate with a brief setting out the details of the complaint to be investigated and the timeframe which the Board considers appropriate for the completion of the investigation.

The brief will make it clear that the investigator designate may be required to lay charges against a valuer and may be called upon to give evidence.

9. Declaration of 'conflict of interest'

If the investigator designate has an interest in the matter about which the complaint refers, the investigator designate **must** declare a '**conflict of interest**' and decline appointment.

In such instances the Board will select another person as the investigator designate.

10. Appointment of investigator

If the investigator designate accepts appointment as the investigator, the Board will appoint that person as the investigator.

The Board will provide the investigator with a 'Letter of Appointment' (see **Appendix F**) incorporating the details of the complaint and the parameters of the investigation.

11. Notification of investigation

When an investigator is appointed, the Secretary will advise the complainant and the person whose conduct is the subject of the investigation.

Draft Letters to the complainant and to the person whose conduct is the subject of the

investigation, advising of the appointment of an investigator are attached as **Appendix G** and **Appendix H**.

12. The role of the investigator

The investigator must act independently based on information and evidence found during the investigation and use their own knowledge and expertise in their assessment of the complaint.

13. The investigator's report

At the completion of the investigation, the investigator must submit a report to the Board. The investigator's report must include the following:-

- an Executive Summary-
 - authorisation to investigate, and
 - if the investigator's findings support the complaint, lay charges (see **Appendix I** for charges format);
- the Body of the Report giving the detail of the investigation-
 - commencement and completion dates,
 - detail of evidence gathered,
 - detail of interviews conducted X, Y, and Z,
 - investigator's findings,
 - recommendations and reasons, and
 - detail of the charges to be laid.

14. Courses of action on an investigator's report

The Board has three courses of action available to it on receipt of an investigator's report.

- i) if the report indicates that no charge is to be laid because no prima facie case has been made out:

The file will be closed and a brief written advice will be sent to complainant (see **Appendix L**) and the valuer (see **Appendix M**).

- ii) if the investigator lays charges against the valuer/specialist retail valuer:

The Board will appoint a Disciplinary Committee to decide whether to take no further action or to take disciplinary action against the valuer charged.

OR

- iii) if the investigator reports a prima facie case under Sec 63 of the Act - practice of unregistered valuer.

The Chairperson, the Secretary, or a person authorised by the Chairperson would institute proceedings on behalf of the Board in a court under Sec 64 of the Act.



PART E: DISCIPLINARY COMMITTEE

15. The committee

Where the investigator lays charges against the valuer the Board will appoint a Disciplinary Committee to consider the investigator's report (Sec. 50(3) of the Act).

The committee '*will consist of at least three members or assistant members*' (Sec. 50(4) of the Act).

16. Conflict of interest

The nominated disciplinary committee members must each consider whether they have a potential conflict of interest under Sec. 50A(1) of the Act which states that:-

"The Board must not appoint a Member or Assistant Member to a committee if the Member or Assistant Member has an interest in the matters in the investigator's report to be considered by the committee."

Sec. 50A(3) of the Act provides some examples further to this:-

"(3) For subsections (1) and (2), a member has an interest in a matter to be considered or being considered by the committee if, for example, during the previous 2 years-

(a) the member was employed by the same entity as the registered valuer whose conduct is being considered; or

(b) the member was the employer of the registered valuer whose conduct is being considered."

If no conflict of interest exists the nominees accept appointment as disciplinary committee members.

17. Committee action

Under Section 50(5) A committee may:-

- (a) take disciplinary action against the person charged; or
- (b) take no further action.

Section 50(6) details the actions which the committee must take if the committee decides it is warranted to take disciplinary action against the valuer/specialist retail valuer charged.

The disciplinary committee will notify the valuer charged and the investigator of

- of the day and time;
- of the place;
- and that the person must attend the hearing.

The disciplinary committee will also inquire of the person charged whether they intend to plead guilty or to defend the charge.

If the valuer charged intends to defend the charge, the disciplinary committee will fix a timetable for the delivery of statements and submissions prior to the hearing.

If the valuer intends to plead guilty the disciplinary committee will fix a day and time for a penalty hearing.

18. Proceedings

Sections 51, 52 and 53 set out the requirements for a proceeding (S. 51), records (S. 52) and procedures (S. 53) of a committee.

A committee proceeding may be open to the public if the committee so determines, or the valuer/specialist retail valuer so requires. (Section 51).

Proceedings are conducted with as little formality as possible within the requirements of the rules of natural justice.

The committee is not bound by the rules of evidence but may inform itself as it sees fit.

19. Representation

Section 54 permits the valuer/specialist retail valuer to represent themselves or to be represented by a lawyer or agent at a hearing.

Where a valuer elects to have legal representation before a committee, the committee will consider whether the charge warrants the investigator obtaining legal assistance to present the charge.

20. Powers of committee

The powers of the committee:-

- to require a valuer/specialist retail valuer to appear before it and to inspect evidence, are detailed in Sections 55 and 56 of the Act (see **Appendix J** for a Proforma Notice of Hearing);
- to admonish or reprimand, order a valuer to give an undertaking to abstain from specified conduct, suspend or cancel a valuer's/specialist retail valuer's registration; and
- to order the valuer/specialist retail valuer to pay a specified fine and costs of the investigation and hearing;

are provided in Section 59 of the Act.

Appendix K sets out the recommended processes for a committee to conducting a hearing.



PART F: PUBLICATION BY THE BOARD

If the disciplinary committee orders that the valuer's registration be cancelled the board must publish that fact in a newspaper circulating throughout the state and on the website [sec 59(5)(b)].

The Secretary will upload the decision to the website.



Valuers Registration Board of Queensland
Valuers Registration Act 1992
 Section 43
Complaint Initial Contact Record

Appendix A

Form: Com 1

<u>FROM</u>					
Date Received: ___ / ___ / 200__.	Time:				
Complainant:					
Address:	Phone:				
.....	Mobile:				
.....	Fax:				
.....	Email:				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Call From: Registered Person <input type="checkbox"/></td> <td style="width: 50%; border: none;">Government Body <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Board Member <input type="checkbox"/></td> <td style="border: none;">Member of the Public <input type="checkbox"/></td> </tr> </table>		Call From: Registered Person <input type="checkbox"/>	Government Body <input type="checkbox"/>	Board Member <input type="checkbox"/>	Member of the Public <input type="checkbox"/>
Call From: Registered Person <input type="checkbox"/>	Government Body <input type="checkbox"/>				
Board Member <input type="checkbox"/>	Member of the Public <input type="checkbox"/>				
<u>AGAINST</u>					
1. Name:					
.....					
Address:					
.....					
Postal:					
.....					
Phone No: Fax No:					
Email:					
<i>NATURE OF COMPLAINT</i>					
•					
•					
•					
•					
<i>SECRETARY'S ADVICE TO CALLER / COMMENTS</i>					
•					
•					
•					
Received by: (Print Name) (Signature)					
Date:					

**Valuers Registration Board of Queensland
Valuers Registration Act 1992
Section 43
Complaint Form**

Form: Com 2

FROM **Date:** ___ / ___ / ____.

Complainant:
(Please Print Full Name)

Address: **Phone:**

..... **Mobile:**

..... **Fax:**

..... **Email:**

AGAINST

1. Name: **Board Registered:** Yes / No

Address:

.....

Phone No: **Fax No:**

Mobile No: **Email:**

<i>PARTICULARS OF COMPLAINT</i>	<i>Supporting Evidence Attached</i>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>
•	<input type="checkbox"/>

(If insufficient space, please attach additional sheet/s)

Complaint by: (Print Name) (Signature)

Date:

OFFICE USE ONLY

Date Received: **Complaint Reference No.:**

Please see overleaf for the 'Guidelines for Lodging a Complaint'.

Guidelines for Lodging a Complaint

Complaints against a registered valuer/specialist retail valuer or an unregistered person holding out to be a valuer/specialist retail valuer must be made to the Board, in writing, and may relate to:-

- 1) a valuer's or specialist retail valuer's -
 “(a) *misconduct in a professional respect; or*
 (b) *incompetence or negligence in the person's performance as a valuer.*”

The complaint must identify the alleged misconduct, incompetence or negligence.

OR

- 2) an unregistered person who is-
 “(a) *holding himself or herself out as being a registered valuer; or*
 (b) *carrying on or attempting to carry on the business of a registered valuer;*
 or
 (c) *take, use or exhibit a name, letter, word, title, description or symbol that, either alone or in the circumstances in which it is taken-*
 (i) *is capable of being reasonably understood to indicate; or*
 (ii) *is intended by the person to indicate;*
 that the person is a registered valuer or is entitled to carry on the business of a registered valuer.”

The written complaint must be accompanied by copies of all evidence / material which the aggrieved person has in support of their complaint.

Complaint File Cover Sheet

<u>FROM</u>	<u>Date Received:</u> ____ / ____ / ____.
<u>Complainant:</u>	
Address:	
.....	
.....	
Phone No:	Fax No:
Mobile No:	
<u>AGAINST</u>	
1. Name:	Board Registered: Yes / No
Address:	
.....	
.....	
Phone No:	Fax No:
Mobile No:	
<u>Complaint Action:</u>	
Date: ____ / ____ / ____.	
Category:	
Action: (Action: No Action OR Appoint Investigator.)	
Investigator:	
Phone:	
Fax:	
Date of Appointment: ____ / ____ / ____.	
Report Received: . ____ / ____ / ____.	
Action: (<i>No further action OR Charges laid</i>)	
<u>Disciplinary Committee:</u> If Charges laid -	
Date of Appointment: ____ / ____ / ____.	
Date of Hearing: ____ / ____ / ____.	
Committee decision:	
.....	
.....	
.....	
Cost of Action: \$	
Total Cost: \$	
Recovery: \$	
Finalisation Date: ____ / ____ / ____.	

Complaint Acknowledgement Letter

{Date}

{Title}{First Name}{Surname}

{Address}

{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint about {Name of valuer/s OR other person/s}

The Valuers Registration Board of Queensland (the Board) acknowledges receipt of your complaint about **{Name of valuer OR other person}**, a **{registered valuer / registered specialist retail valuer / an unregistered person holding out to be a 'registered valuer}** on **{Date Complaint Received}**.

The complaint will be placed on the Agenda for the next meeting of the Board.

Yours faithfully

Julia French
Secretary to the Board

Letter seeking additional information

{Date}

{Title}{First Name}{Surname}
{Address}
{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint About {Name of valuer/s OR other person/s}

The Valuers Registration Board of Queensland (the Board) refers to the complaint lodged by you in relation to **{Name of valuer OR other person}**, a **{registered valuer / registered specialist retail valuer / an unregistered person holding out to be a 'registered valuer'}**.

To assist the Board to consider your complaint and to make an informed decision as to the appropriate course of action, the Board requests that you provide the additional information and/or material set out below:

.....
.....
.....
.....
.....
.....

The additional information and/or material should be received by the Board by no later than **{Date}**. No further action will be taken by the Board on your complaint, until the additional information and/or material has been received.

Yours faithfully

Julia French
Secretary to the Board

Letter of Appointment of an Investigator

{Date}

{Title}{First Name}{Surname}
{Address}
{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint About {Name of valuer/s OR other person/s}

The Valuers Registration Board of Queensland (the Board) has received a complaint about **{Name of valuer OR other person}**, a **{registered valuer / registered specialist retail valuer}**.

The Board has resolved to appoint you under Section 44 to investigate the matter and to report on your findings. If you lay a charge/s as a result of your investigation, you will need to set out the basis of the charge/s in your report. Copies of Sections 44 to 50 of the *Valuers Registration Act 1992* are attached.

Any communication which you may have with the Board in relation to any area of the matter during the course of your investigation should be addressed to the Secretary.

The Board has established that an investigator will be remunerated at the rate of **#{hourly rate}** and anticipates that your account should not exceed **#{maximum total}**.

As required under Section 44(2) you are required to furnish the Board with a detailed written report at the completion of your investigation. Your Report should be presented to the Board by no later than **{report due date}**.

Yours faithfully

Julia French
Secretary to the Board

Letter to Complainant Advising of Appointment of an Investigator

{Date}

{Title}{First Name}{Surname}

{Address}

{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint About {Name of valuer/s OR other person/s}

The Valuers Registration Board of Queensland (the Board) refers to the complaint lodged by you about **{Name of valuer OR other person}**, a **{registered valuer / approved specialist retail valuer / an unregistered person holding out to be a 'registered valuer'}**.

Under Section 44 of the *Valuers Registration Act 1992*, the Board has appointed **{Name of Appointed investigator}** to conduct a formal investigation of the matter.

{Name of Appointed investigator} may contact you to discuss the matter. Please provide **{Name of Appointed investigator}** with every assistance to facilitate the conduct of his/her investigation.

Yours faithfully

Julia French
Secretary to the Board

Letter to valuer / Other Person Advising of Appointment of an investigator

{Date}

{Title}{First Name}{Surname}
{Address}
{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint under the *Valuers Registration Act 1992*

The Valuers Registration Board of Queensland (the Board) has received a complaint about you under Section **{Section of the Act}** of the *Valuers Registration Act 1992*.

The Board has appointed **{Name of Appointed investigator}** to conduct a formal investigation of the matter.

{Name of Appointed investigator} may contact you to discuss the matter. Please provide **{Name of Appointed investigator}** with every assistance to facilitate the conduct of his/her investigation.

Please find enclosed a copy of Sections 45 to 49 of the *Act* which sets out the powers of the investigator.

Upon receipt of the investigator's report of the findings of the investigation, the Board will decide on the appropriate course of action.

Yours faithfully

Julia French
Secretary to the Board

Valuers Registration Act 1992
Sec. 50 of the Valuers Registration Act 1992

{Date}

The Charge

Pursuant to Section 50 of the *Valuers Registration Act 1992* **{insert name of registered valuer}** is hereby charged with:

(1) misconduct in a professional respect.

OR

(2) incompetence in the person's performance as a valuer.

OR

(3) negligence in the person's performance as a valuer.

[A separate charge should be laid for each of the above (1), (2) or (3). A valuer can have three separate charges laid against them.]

The Particulars

Contravened Section ___ of the *Valuers Registration Act 1992* in that **{insert name of registered valuer}** did _____.

Contravened Section ___ of the *Valuers Registration Act 1992* in that **{insert name of registered valuer}** did not _____.

Contravened Section ___ of the *Valuers Registration Act 1992* in that **{insert name of registered valuer}** failed to _____.

Notice of Hearing of Valuers Disciplinary Committee
Section 55(1)(a) of the *Valuers Registration Act 1992*

{Date}

{Title}{First Name/s}{Surname}
{Address}
{City/Town} {State} {Post Code}

Under Section 55(1)(a) of the *Valuers Registration Act 1992* you are hereby given notice that you are to appear before the Valuers Disciplinary Committee

at **{insert time}**

on **{insert day and date}**

at **{insert place}**

to:

Answer the Charge / Charges laid against you by **{insert name of investigator}** on **{insert date charges laid}** in that you **{insert detail of the charge / charges}**.

OR

give evidence in the hearing of the Charge / Charges laid against **{insert name of investigator}**.

OR

produce a specified document or thing in relation to the Charge / Charges laid against **{insert name of investigator}**.

{insert name of chairperson of the Valuers Disciplinary Committee}

Chairperson
Valuers Disciplinary Committee

Procedures for a Hearing before a Disciplinary Committee

1. The investigator has laid charges (see Appendix I for charges format) against the valuer.
2. The Board has appointed a disciplinary committee to hear the charges.
3. Each member of the committee considers whether they have any conflict of interest.
4. The committee appoints a chairperson.
5. The committee considers whether to take disciplinary action, or to take no further action.
6. If no further action is to be taken, the committee must order the board to take no further action in respect of the matter and notify the person charged of the committee's decision.
7. If the committee decides to start proceedings, it will set the date and time for a directions hearing. (Setting the directions hearing at 3pm on the day of the next board meeting is usually convenient for the disciplinary committee and should give the valuer at least 3 weeks notice.) The Secretary will send notice of the directions hearing to the valuer.
8. At the directions hearing the chairperson of the disciplinary committee will
 - a) identify those present in the hearing room (ie the committee and secretary);
 - b) ask the valuer to identify themselves for the record;
 - c) record the name of anyone else present and explain the reason for their presence (eg trainee secretary, etc);
 - d) explain that a record of the proceedings is being kept (as required by sec 52);
 - e) ask the valuer:
 - (i) whether they intend to be represented by a lawyer or agent (sometimes the lawyer or agent will attend the directions hearing with the valuer);
 - (ii) whether they intend to defend the charge or to plead guilty;
 - (iii) if they intend to plead guilty, whether they wish to proceed immediately to make submissions about penalty, or whether they would like to prepare for and attend a penalty hearing at a later date (and if so, fix a mutually convenient date and time).
9. If the valuer intends to defend the charge, the chairperson will fix a timetable which will be along the following lines:
 - a) 21 days (can be more or less depending on particular circumstances) for the valuer to prepare and deliver 5 copies of all material they want to rely on at the hearing (secretary will send a copy to the investigator immediately);
 - b) 21 days (usually the same time as for the valuer's material but can be less) for the investigator to prepare and deliver copies of any further material they want to rely on at the hearing (secretary to send a copy to the charged valuer immediately);
 - c) the hearing date and time (usually 14 days after the investigator's further material).
10. If the valuer intends to defend the charge and be represented by a lawyer, the committee should consider whether the board should engage a lawyer to assist the investigator present the case.
11. The secretary will distribute a hearing bundle consisting of a copy of the charge, investigator's report, valuer's material and investigator's material to each member of the committee in sufficient time for them to prepare for the hearing.
12. Before the hearing all members of the committee should read and be familiar with all material to be relied on by either the investigator or the valuer (the material will be distributed by the secretariat least 7 days before the hearing).
13. At the hearing (penalty or full hearing), the chairperson of the committee will:

- a) identify those present in the hearing room (ie the committee and secretary);
- b) ask the valuer to identify themselves for the record;
- c) ask the valuer's lawyer or agent to identify themselves for the record;
- d) record the name of anyone else present and explain the reason for their presence (eg the investigator, the investigator's legal assistant, trainee secretary, etc);
- e) explain that a record of the proceedings is being kept (as required by sec 52);
- f) explain that the process will be conducted with as little formality as possible, but in accordance with the rules of natural justice;
- g) explain the procedures that will follow (including timing of breaks);
- h) ask the valuer to confirm that they have had the opportunity to consider the investigator's report, the charges and the particulars of the charges laid against them.

14. If it is a full hearing, the chairperson of the committee will invite the investigator to present the case against the valuer. That might involve the investigator tabling their report, statutory declarations made by them or other witnesses and any documentation they rely on to prove the charge. The valuer charged should then be offered the opportunity to ask questions of the investigator and witnesses.

15. If it is a full hearing, the valuer will then be invited to present their case in defence of the charges, and the particulars associated with the charges. That might involve the valuer tabling a statement or orally making a statement, tabling statutory declarations made by other witnesses and any documentation they rely on to defend the charge.

16. The committee can ask either the investigator or the valuer (or any witness called by either party) questions but must not engage in debate.

17. The investigator and the valuer should then be offered the opportunity to make any final submissions – if they have not done so, the valuer should be asked to make submissions as to what penalty should be imposed – or why any particular penalty should not be imposed. The valuer should also be asked to comment on what costs order, if any, should be made. The valuer should be asked, in the event a penalty is imposed or a costs order is made, how long they would need to pay.

18. The hearing is then concluded. The chairperson should advise the valuer that the disciplinary committee will deliberate on the matter and that a written decision will be provided (within a week).

19. On completion of the hearing, the committee will consider all of the information before it, and make its determination.

20. First the committee must decide if the valuer is guilty of the charge laid; ie has the valuer misconducted themselves in the respect charged or has the valuer been incompetent or negligent in the performance of their function as a valuer?

21. Second, if the committee decides that the valuer is guilty, the committee must decide what penalty/ies to impose. The options are to impose one or more of the following penalties:

- (a) *admonish or reprimand the valuer;*
- (b) *order the valuer to give an undertaking to abstain from specified conduct;*
- (c) *order the valuer to pay to the board a penalty of an amount equal to not more than 100 penalty units;*
- (d) *order that the valuer's registration be suspended for up to 12 months;*
- (e) *order that the valuer's registration be cancelled.*

22. Third, the committee must decide whether the valuer should pay the costs of the disciplinary proceedings and investigation.

23. Having made these decisions, the disciplinary committee needs to prepare an order and a reasoned decision.

24. If the order includes that the valuer pay a penalty and/or costs, it should also state that if the valuer does not pay within a prescribed time (the time will depend on the amount and the valuer's

submissions re time to pay) their registration will be suspended until they pay, or cancelled if they do not pay by a nominated date (say double the time by which the payment is ordered).

25. If the order is that the valuer's registration be cancelled the order must be published in a newspaper circulating throughout the state and on the website.

26. The order should contain a notice advising the valuer of their rights of appeal (see section 61).

27. If it is a hearing about penalty only, the chairperson will invite the valuer (or their lawyer or agent) to make any submissions they would care to make about the penalty, costs and time to pay (see item 17 above).

28. The committee will then decide what penalty/ies to impose. The options are to impose one or more of the following penalties:

- (a) admonish or reprimand the valuer;*
- (b) order the valuer to give an undertaking to abstain from specified conduct;*
- (c) order the valuer to pay to the board a penalty of an amount equal to not more than 100 penalty units;*
- (d) order that the valuer's registration be suspended for up to 12 months;*
- (e) order that the valuer's registration be cancelled.*

29. The committee must decide whether the valuer should pay the costs of the disciplinary proceedings and investigation.

30. Having made these decisions, the disciplinary committee needs to prepare an order and a reasoned decision. The order will include an acknowledgement of the plea of guilty.

31. If the order includes that the valuer pay a penalty and/or costs, it should also state that if the valuer does not pay within a prescribed time (the time will depend on the amount and the valuer's submissions re time to pay) their registration will be suspended until they pay, or cancelled if they do not pay by a nominated date (say double the time by which the payment is ordered).

32. If the order is that the valuer's registration be cancelled the order must be published in a newspaper circulating throughout the state and on the website.

33. The order should contain a notice advising the valuer of their rights of appeal (see section 61).

Letter to complainant – complaint is frivolous/vexatious – file closed

{Date}

{Title}{First Name}{Surname}
{Address}
{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint About {Name of valuer/s OR other person/s}

The Valuers Registration Board of Queensland (the Board) has considered the complaint lodged by you in relation to **{Name of valuer OR other person}**, in conjunction with all of the information provided by you in support of the complaint.

After due consideration and discussion, the Board has decided that your complaint is frivolous or vexatious as prescribed under Section 44(3) of the *Valuers Registration Act 1992* and your complaint has been dismissed.

The Board's file on your complaint has been closed.

Yours faithfully

Julia French
Secretary to the Board

Letter to valuer – complaint is frivolous/vexatious – file closed

{Date}

{Title}{First Name}{Surname}
{Address}
{City/Town} {State} {Post Code}

Dear **{Title}{Surname}**,

Re: Complaint About You

The Valuers Registration Board of Queensland (the Board) has considered a complaint about you which was received on **{Date of receipt of complaint}**.

After due consideration and discussion, the Board has decided that the complaint is frivolous or vexatious as prescribed under Section 44(3) of the *Valuers Registration Act 1992* and the complaint has been dismissed.

As the complaint has been dismissed, details of the complainant remain confidential to the Board under the Information Privacy Principles adopted by the Queensland Government.

The Board's file on the complaint has been closed.

Yours faithfully

Julia French
Secretary to the Board