

Valuers Registration Amendment Regulation 2025

Explanatory notes for SL 2025 No. 33

made under the

Valuers Registration Act 1992

General Outline

Short title

Valuers Registration Amendment Regulation 2025

Authorising law

Section 66 of the *Valuers Registration Act 1992* (the VR Act)

Policy objectives and the reasons for them

The Valuers Registration Amendment Regulation 2025 (the Amendment Regulation) amends the Valuers Registration Regulation 2024 (the Regulation).

The Regulation is subordinate legislation to the VR Act and gives operational effect to the VR Act to enable the Valuers Registration Board of Queensland (the Board) to administer its statutory functions. It prescribes a code of professional conduct for valuers (the Code).

The Code consists of the provisions in Schedule 1 of the Regulation together with either a document approved by the Board for inclusion in the Code or the Australian Property Institute's Rules of Professional Conduct (API Rules).

The Board has not approved another document for inclusion in the Code, so all valuers must operate in accordance with the provisions in Schedule 1 and the API Rules.

The Regulation currently prescribes an effective date for the API Rules to identify which version of the API Rules applies. The effective date in the Regulation is currently 31 March 2024, however the latest updated API Rules has an effective date of 1 September 2024.

When the API Rules are updated, it means the effective date in the Regulation can be out of sync with the latest updated API Rules, until such time as the Regulation is

amended to reflect the latest effective date. This can create uncertainty for valuers as to which version of the API Rules is relevant at a given time.

To address this, section 5 of the Regulation is amended to streamline the process by which new versions of the API Rules may take effect. This process is the same as that currently prescribed in the Regulation, which applies if the Board were to adopt another document for inclusion in the Code.

The Amendment Regulation enables the Board to approve new versions of the API Rules for inclusion in the Code, without the need to amend the Regulation.

If the Board approves a new version of the API Rules, the Board will be required to notify valuers that a new version of the API Rules will take effect as part of the Code a minimum of five days after the notice is given. The Board will be required to publish the API Rules on the Board's website and keep copies available for inspection.

The minimum five-day notice period reflects the consultation process that the API undertakes with its members when updating the API Rules.

Transitional arrangements provide that the API Rules with an effective date of 31 March 2024 will continue to apply until the Board approves a document under the new process for inclusion in the Code.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by streamlining the process by which the Board may approve the API Rules as part of the Code. Updates to the API Rules can take effect without the need to amend the Regulation. There will no longer be delays between Regulation updates and when the API Rules take effect, and this means that valuers will have clarity about which version applies.

The notice provided by the Board must make clear the version number (or other identifying information), and the day on which the document will take effect as part of the Code.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the VR Act, which is to provide a measure of protection for the public through the registration of valuers and to improve the standard of valuers in Queensland.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The amendment to the Regulation is machinery in nature. The API Rules are periodically reviewed and updated by the Australian Property Institute, changing the date the Rules become effective each time. Amending the Regulation to update the effective date each time is inefficient. The Regulation streamlines the process to enable the Board to approve new versions of the API Rules and notify valuers when a new version takes effect as part of the Code. This is the same process that applies if the Board were to approve another document.

The Board is a self-funded statutory body responsible for the administration of the VR Act and the Regulation. There are no additional implementation costs associated with the implementation of the Amendment Regulation and there are no additional costs to valuers associated with the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to fundamental legislative principles (FLPs), as defined in section 4 of the *Legislative Standards Act 1992*.

The Amendment Regulation streamlines the process so that the Board may approve a version of the API Rules to take effect as part of the Code, instead of the Regulation having to be amended each time the API Rules are updated. This raises a potential inconsistency with the FLPs about whether the legislation has sufficient regard to the institution of Parliament, in relation to the sub-delegation of a power delegated by an Act.

The Code will continue to consist of the provisions in Schedule 1 of the Regulation and another document approved by the Board, with the provisions in Schedule 1 prevailing if there is any inconsistency. The requirements in Schedule 1 have been established as minimum professional standards for valuers. It is appropriate that the Regulation maintain minimum standards, periodically reviewed by government to ensure baseline protection to consumers.

The Board is an appropriate body to approve a version of the API Rules as part of the Code as this is directly related to their functions. The Board is established under the VR Act, which provides for the Board to register valuers who meet the qualifications for registration. The VR Act also contains disciplinary provisions that may be exercised by the Board against valuers who do not comply with appropriate standards of conduct. Section 44(1)(b) of the VR Act provides that the Board may authorise investigations in relation to suspected contraventions of a prescribed Code of Conduct.

Membership of the Board is prescribed in the VR Act and must consist of valuers, nominated by the Valuer-General and the Australian Property Institute, as well as persons nominated by other business, community or professional organisations. It is representative of the profession that it regulates.

The Board is also subject to government oversight as it reports to the Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development about its operations. Further, government bodies, such as the Board are subject to regular review under the Government Public Interest Map Policy, to ensure they are operating effectively against their terms of reference and functions.

Finally, the scope of the power delegated to the Board is limited. It only applies to the approval of documents that are relevant to the professional conduct of valuers. Valuers will be notified if the Board approves a new version of the API Rules before it takes effect and so will be aware of any changes. The Board will also be required to publish the API Rules on the Board's website and keep copies available for inspection.

The potential inconsistency is considered justified as the Board is the appropriate body to approve a document as part of the Code.

Consultation

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development consulted with the Valuers Registration Board of Queensland, as the administrator of the VR Act.

The Australian Property Institute was consulted.

The Valuer-General was also consulted.

All parties supported the proposed change.