

Land Valuers Licensing Board newsletter

Maximum Remuneration Notice

The *Land Valuers Licensing Act 1978* provides that the Land Valuers Licensing Board may, with the approval of the Minister, fix the maximum amounts of remuneration for the various kinds of services rendered by licensed valuers.

In June 2009, the Board reviewed the schedule of remuneration and proposed amendments to better reflect changes in the marketplace since the last review in 2007. During February 2010, a proposed schedule was provided for public comment. Based on the submissions received, the Board revised the proposed schedule and put it forward to the Minister for Commerce for approval.

The *Land Valuers Licensing (Remuneration) Notice 2010* was approved by the Minister and published in the Government Gazette on **Tuesday 28 September 2010**. The Notice includes the following amendments:

- All maximum fees and charges have been increased by 15.4% (rounded), to reflect increases in the Average Weekly Ordinary Time Earnings index since the 2007 remuneration review; and
- Section 5(5) of the Notice now permits licensed valuers, who are members or fellows of the Royal Institute of Chartered Surveyors and having held the specified qualifications for at least 10 years, to increase fees by a factor of 1.35 for specified services, with client consent.

Licensed valuers are reminded that failure to comply with the Remuneration Notice is an offence and may result in prosecution. Moreover, remuneration received in contravention of the Notice may be recovered as a civil debt.

A copy of the Notice is available on the Board's website at www.commerce.wa.gov.au/landvaluers. Hard copies of the Gazette can be purchased from the State Law Publisher, www.slp.wa.gov.au, which also provides the official version of the Gazette electronically on its website.

2009/2010 Compliance statistics

	Issues concerning valuation practices	Issues relating to fees and charges	Licensing issues	Total
Ongoing investigations as at 1 July 2009	2	1	1	4
Investigations commenced	6	0	0	6
Investigations concluded	6	1	1	8
Ongoing investigations as at 30 June 2010	2	0	0	2

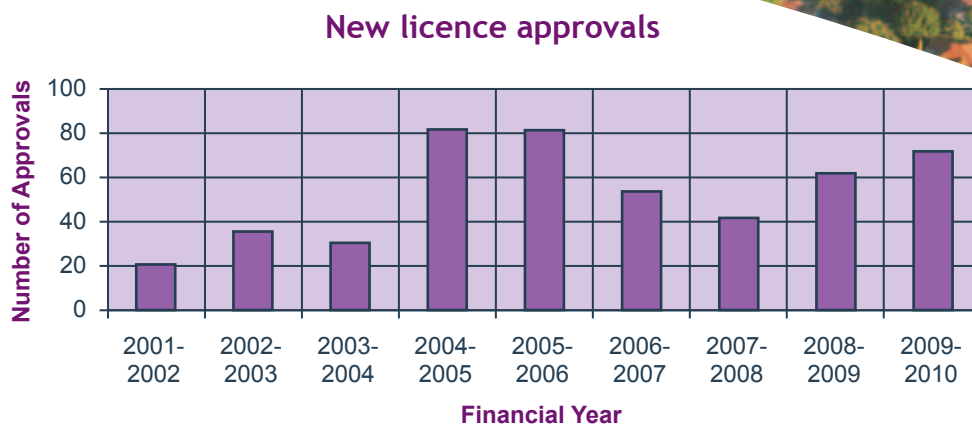
Of the investigations concluded between 1 July 2009 and 30 June 2010, six resulted in no action being taken and two prosecutions were commenced.

Licensing statistics

As at 30 October 2010, there were **757** land valuers licensed in Western Australia.

During 2009/2010 financial year, 71 applications for new licenses were granted, of which 13 were granted pursuant to *Mutual Recognition (Western Australia) Act 2001*.

The graph to the right shows the number of the new applications for a land valuer's licence in the past nine years.



Licensed Valuer Maxwell John Nevermann suspended

On 8 June 2010 the State Administrative Tribunal ordered that the licence of land valuer Maxwell John Nevermann of National Property Valuations Pty Ltd be suspended for six months from 1 July 2010. Mr Nevermann was also ordered to pay the Board's costs of \$5,000 for bringing the action against him. The orders were made after the Board applied to the Tribunal to take disciplinary against Mr Nevermann under the provisions of the *Land Valuers Licensing Act 1978*.

The Board's application stemmed from Mr Nevermann's 2007 conviction on a charge of creating a false belief. Mr Nevermann had falsely reported to the police that his two surfboards had been stolen from his home, when in fact he had lost them after they fell from his trailer while he was travelling in the South West of the State. By reporting them stolen he was able to submit a claim for reimbursement from his insurance policy.

In considering the Board's application, the Tribunal said that honesty is an essential attribute for a land valuer, and by making false statements to police in order to create a false belief, Mr Nevermann had behaved dishonestly, and he did so for financial gain. On 23 March 2010, the Tribunal found that Mr Nevermann was unfit to hold a licence, and at the subsequent hearing the penalty of six months suspension and costs was imposed.

Full details of the Tribunal's decision can be found at its website at:
www.decisions.justice.wa.gov.au/SAT/SATdcsn.nsf

Email notification

The Board reminds valuers that it is circulating electronic notices as matters of interest arise, including general licensing matters, case studies and legislative/policy changes.

Licensees and other parties interested in receiving these notices are invited to send their email address to lvlb@commerce.wa.gov.au

This document is available on request in other formats to assist people with special needs.

Failing to attach instructions to valuation reports

One of the Board's functions is to investigate complaints received from members of the public in relation to valuation work carried out by Licensed Valuers. In carrying its investigations it has not been unusual for the Board to find that the matter complained of cannot be substantiated or is not within the Board's jurisdiction. However, in examining the work of the Licensed Valuer it is also not unusual for the Board to discover breaches of the Code of Conduct. The most common of those is the failure of the Valuer to attach all instructions received from clients to the valuation report.

Consequently, the complaint is unsubstantiated but the Board is alerted to the fact that a Valuer otherwise breached the Code of Conduct, and rendered himself or herself liable to disciplinary action in the State Administrative Tribunal. Should the Board refer the Valuer to the Tribunal he or she could be cautioned or reprimanded, fined, or his or her licence could be suspended or cancelled. Even where matters are not referred to the Tribunal the breach is recorded on the investigation file and stands as mark against the Valuer's name.

To avoid such predicaments, Valuers are urged to reacquaint themselves with all aspects of the Code of Conduct and ensure they incorporate all of the requirements into their daily work practices.

A copy of the Code of Conduct can be found at:
www.commerce.wa.gov.au/ConsumerProtection/PDF/Land_valuers/LV_code_of_conduct.pdf

Contact details

This newsletter is provided by the Land Valuers Licensing Board and is intended as a guide only. For more detailed information please refer to the relevant legislation or seek legal advice.

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Feedback on the content of the Newsletter is encouraged and can be forwarded to lvlb@commerce.wa.gov.au