



The Hon Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

Your ref A481057
Our refs CTS 20720/19

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16 SEP 2019

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 22 August 2019, concerning petition No. 3085-19 received by the House on 20 August 2019, regarding the review of decisions made by the Valuers Registration Board of Queensland.

In response to the petition I advise that the Board was established under the *Valuers Registration Act 1965* and continues under section 5 of the *Valuers Registration Act 1992* (VR Act) as an independent body. The Board's main functions are to:

- protect the public through the registration of valuers;
- maintain a register of valuers and register of specialist retail valuers;
- authorise investigators to investigate complaints about the conduct of registered valuers, and report back to the Board;
- determine after considering an investigator's report, whether a valuer's conduct involves professional misconduct, incompetence or negligence; and
- take disciplinary action, commence proceedings for an offence under the VR Act and/or refer the matter to the Queensland Civil and Administrative Tribunal (QCAT) as considered appropriate by the Board.

I have been advised that the Board's formal procedures require members to declare any potential conflicts of interest. Members are provided with a draft agenda in the week before meeting which enables this declaration of conflicts to occur. I have been advised that the Valuer-General excuses himself from any discussions and decisions involving valuers employed by the State Valuation Service and that he therefore has no influence on Board deliberations associated with those matters. This procedure also applies to other Board members whenever they have been associated with a valuer who has been the subject of a complaint.

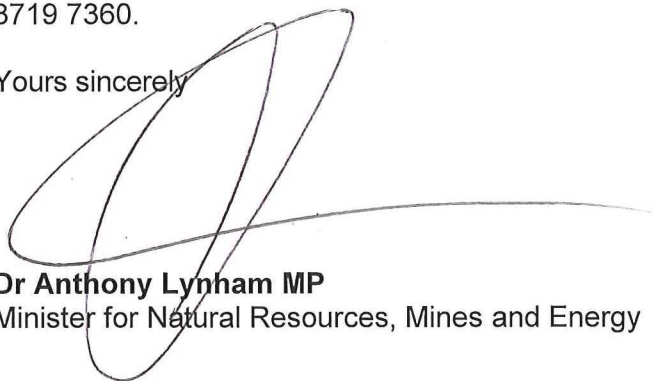
The VR Act provides that certain decisions made by the Board are subject to review by QCAT (e.g. a decision to cancel a valuer's registration).

As well as those specific provisions in the VR Act, the Board's decisions and conduct are subject to legislation which applies generally to statutory bodies. For example, the Crime and Corruption Commission has jurisdiction to investigate reports of corrupt conduct by the Board under the *Crime and Corruption Act 2001*. Also, decisions of the Board are administrative in nature and the Board is required to provide procedural fairness in its decision making processes. The decisions of the Board are subject to administrative law review under the *Judicial Review Act 1991*.

Finally, the Ombudsman's broad powers under the *Ombudsman Act 2001* apply in relation to decisions of the Board. The strictly independent Ombudsman has significant expertise in investigating complaints about the actions and decisions of departments, agencies and statutory bodies and is well placed to investigate allegations concerning the Board's decision making.

I provide you with this response for tabling pursuant to Standing Order 125(3). Any enquiries regarding this response can be referred to Mr Simon Zanatta, Chief of Staff, on telephone 3719 7360.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Dr Anthony Lynham MP
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