

Draft Complaints and Disciplinary Proceedings Policy

POL-01

1. Background

- 1.1 The Valuers Registration Board of Queensland is established under the *Valuers Registration Act 1965* (Qld) and is continued in existence under section 5 of the *Valuers Registration Act 1992* (Qld).
- 1.2 The Board is Queensland's property valuation regulator. It is responsible for affording protection to the public, maintaining professionalism within the valuation profession and upholding professional standards of practice. The Board's jurisdiction to receive Complaints and initiate disciplinary action is an imperative function in protecting public interests and maintaining public confidence in the valuation profession.
- 1.3 In administering to its statutory functions under the Act, the Board also has regard to the *Valuers Registration Regulation 2024* (Qld).

2. Purpose

2.1 This Policy:

- (a) sets out the principles used by the Board in dealing with Complaints made against Registered Valuers (including Specialist Retail Valuers) or persons holding themselves out to be Registered Valuers in Queensland pursuant to the Act and the Regulation;
- (b) provides guidance to the Board, Registered Valuers, and the public on how Complaints and Investigations will be managed, and disciplinary proceedings will be conducted; and
- (c) provides for procedural fairness and consistency in relation to Complaints, Investigations and disciplinary proceedings.

3. Scope

3.1 The Board may authorise an Investigation under section 44 of the Act in the following circumstances:

- (a) on a Complaint about the Conduct of a Registered Valuer;
- (b) on the Board's own initiative about the Conduct of a Registered Valuer;
- (c) if the Board suspects on reasonable grounds that a Registered Valuer has contravened the Code of Professional Conduct; or
- (d) if the Board suspects on reasonable grounds that a person has contravened section 63 of the Act.

3.2 The Board must not authorise the investigation of a Complaint that it considers is frivolous or vexatious.

3.3 The types of Complaints the Board may decide to investigate are those relating to allegations that:

- (a) a Registered Valuer may have:
 - i. engaged in professional misconduct; or
 - ii. engaged in incompetence or negligence in the person's performance as a Valuer; or
 - iii. contravened a prescribed code of professional conduct.
- (b) a Specialist Retail Valuer may have:
 - i. knowingly contravened section 28(3) of the Retail Shop Leases Act; or
 - ii. contravened section 29 or 32 of the Retail Shop Leases Act; or
- (c) an Unregistered Person may have contravened the prohibition to practice as a Registered Valuer whilst unregistered.

3.4 The Board generally does not investigate disagreements over the quantum of a valuation. The Board investigates matters that may lead to disciplinary action or offence proceedings under the Act.

3.5 Some types of Complaints are outside the scope of this Policy, including:

(a) High risk Complaints

Complaints which are considered to be high risk (including but not limited to matters where there is a serious and immediate threat to any person, the Board, staff employed by the Board, the profession or government) may be dealt with in a manner outside the scope of this Policy.

(b) Commercial disputes.

The Board does not have jurisdiction to settle commercial disputes, to act as an arbitrator or mediator of a dispute between parties to a valuation, to order a valuation be set aside or re-determined or to award damages.

(c) Complaints previously resolved

Complaints subject to previous review and determination by the Board may be dismissed if the Complaint has previously been resolved.

(d) Complaints impacted by legal proceedings

Where there are Complaints involving existing or potential legal proceedings which, in the reasonable opinion of the Board, could implicate the credibility of the Valuer or the valuation subject of the Complaint, then, the Board has the discretion to place the Complaint on hold until the finalisation of those proceedings.

4. Principles

4.1 The Board recognises that receiving Complaints is an imperative function in protecting the public interest and maintaining public confidence in the valuation profession and seeks to ensure that the Complaints process is transparent and accessible.

4.2 The Board acknowledges its obligations under *the Human Rights Act 2019* (Qld) and is committed to ensuring that Complaints are managed in a way that is compatible with human rights and respects the dignity and rights of all individuals.

4.3 Processes for managing Complaints will, where appropriate and consistent with the Board's statutory authority, comply with guidelines for complaints management from the Queensland Ombudsman as published from time to time.

4.4 Without limiting its adoption of the Queensland Ombudsman guidelines, when managing complaints, the Board will:

- (a) Apply the principles of natural justice and objectivity throughout the complaints process;
- (b) Ensure the complaints process is easily accessible to all individuals, regardless of their background or circumstances;
- (c) Making clear information available on how and where Complaints can be lodged;
- (d) Explain the complaints process, including what the Board can and cannot do;
- (e) Respond to Complaints promptly and keeping parties informed about the progress of the matter to the extent permitted by law;
- (f) Assess each Complaint on its merits, including consideration of any relevant human rights;
- (g) Refer matters to external investigators where appropriate;
- (h) Ensure that the level of investigation is commensurate with the nature of the Complaint;
- (i) Provide timely and clear feedback to Complainants; and
- (j) Maintain privacy and confidentiality in the handling of Complaints and ensure that personal information contained in Complaints will be managed in accordance with the *Information Privacy Act 2009* (Qld) and only used for the purposes of addressing the Complaint and any follow up action required; and
- (k) where appropriate, refer Complaints and/or Complainants to alternate legislation or agencies; and
- (l) inform the Complainant or the person who is the subject of a Complaint to any available avenue of appeal.

4.5 The Board also recognises the Model Litigant Principles issued at the direction of Cabinet. The Board will be mindful of the Model Litigant Principles when considering whether a disciplinary matter should be referred to QCAT and when conducting proceedings in QCAT.

4.6 The Board will record and report Complaint information to identify Complaint trends. Where trends are identified this will be used as an educational opportunity to inform appropriate stakeholders. The Board will review the operation of this Policy and its Complaint handling processes annually.

5. Definitions

Term	Definition
Act	means the <i>Valuers Registration Act 1992</i> (Qld)
Adversely Affected	means that an interest is adversely affected by a Valuer's Conduct, and that there is a sufficiently close relationship between the Conduct and the adverse effect.
Board	means the Valuers Registration Board of Queensland.
Code of Professional Conduct	means the code of professional conduct outlined in Schedule 1 of the <i>Valuers Registration Regulation 2024</i> (Qld) and includes any document approved by the Board for inclusion in the code under section 5(1)(b) of the Regulation.
Complainant	means the person lodging the Complaint.
Complaint	means a written expression of dissatisfaction or concern made to the Board by an aggrieved person regarding the conduct, performance, or professional standards of a Valuer.
Complaint Register	means the central record maintained by the Board for logging and tracking all Complaints received, including details of the Complainant and Respondent, the nature of the Complaint, and outcomes.
Conduct	refers to a Valuer's behaviour, actions, or professional practices in carrying out their duties.
Disciplinary Ground	means a disciplinary ground under section 50(1) of the Act, being: (a) professional misconduct; or (b) incompetence or negligence in performance as a valuer.
Investigation	means an investigation authorised by the Board and conducted by an Investigator under section 44 of the Act.
Investigation Report	means a written report prepared at the conclusion of an investigation, setting out the findings, relevant evidence, and any recommendations in relation to a Complaint.
Investigator	means a person appointed to investigate a Complaint on behalf of the Board. An investigator must not be a member or an assistant member of the Board.
Model Litigant Principles	Means the Model Litigant Principles issued at the direction of the Queensland Cabinet and published by the Queensland Government Department of Justice.
Offence	means a contravention of section 63 of the Act.
Policy	means this Complaints and Disciplinary Proceedings Policy.
QCAT	means the Queensland Civil and Administrative Tribunal or its successors.
Registered Valuer	means a Valuer registered under the Act.
Regulations	mean the <i>Valuers Registration Regulation 2024</i> (Qld).

Representative	means person who has been formally authorised to act on behalf of a Vulnerable Complainant.
Respondent	means the person against whom a Complaint is brought.
Retail Shop Leases Act	means the <i>Retail Shop Leases Act 1994</i> (Qld).
Secretary	means the person responsible for the Board's day-to-day management and in implementing the Board's strategic and operational objectives.
Special Interest	means a personal, financial, professional, or other interest held by a person that is uniquely or specifically impacted by a Valuer's Conduct. It must be more than a mere intellectual or emotional concern, and beyond the interests shared by the general public.
Specialist Retail Valuer	means a person whose name is recorded on the list of specialist retail valuers kept under s42A of the Act.
Support Person	means an individual nominated by a Complainant to provide emotional, practical, or communication assistance throughout the complaints process.
Unregistered Person	means an individual who is not listed on the Register of Valuers under the <i>Valuers Registration Act 1992 (Qld)</i> . This includes any person who holds themselves out as being a Registered Valuer, carries on or attempts to carry on the business of a Registered Valuer, or uses any name, title, description, or symbol that implies or is intended to imply that they are a Registered Valuer or entitled to act as one.
Vulnerable Complainant	means an individual Complainant who, by reason of age, disability, mental health, language, cultural background, trauma, or any other relevant factor, may require additional support or consideration throughout the complaints process.
Valuer	means a person who, in any capacity, holds themselves out as ready to make a valuation of land.

PROCEDURES

Part A: Complaints

1. Persons who may lodge a Complaint

- 1.1 A person who is aggrieved by the conduct of a registered valuer may complain to the Board under section 43(1) of the Act.
- 1.2 The Complaint must be more than a disagreement over the quantum of the valuation. The Board will usually only authorise an Investigation where the Complaint relates to Conduct that may constitute a Disciplinary Ground or an Offence.
- 1.3 A Complainant must address each of the following elements in their Complaint:
 - a) Aggrieved person - a Complainant must demonstrate a “Special Interest” in the subject matter of the Complaint which is beyond the interests shared by the population at large. For example, a legal or equitable interest in the property the subject of the valuation would amount to a “Special Interest”.
 - b) Adversely Affected - a Complainant must demonstrate their “Special Interest” was Adversely Affected by the Conduct of the Valuer. The Complainant must demonstrate a sufficiently close relationship between the Conduct and the adverse effect. For example:
 - i. where, a purchaser under a contract to buy property is refused finance by their bank, evidence as to the Valuer’s Conduct and how it Adversely Affected the purchaser’s Special Interest must be provided; and
 - ii. following settlement of a contract to buy property, a purchaser who experiences “buyer’s remorse” would have to provide evidence of Conduct on the part of the Valuer which lead to the purchaser’s interest in the property being Adversely Affected.
 - c) Valuers Conduct - a Complaint may only be made about the Conduct of a Registered Valuer (i.e. their behaviour or action in a professional capacity). A Complainant must address the manner in which the Valuer’s Conducted themselves and how that Conduct may constitute Professional Misconduct, incompetence, negligence or an Offence. A disagreement about quantum is not, by itself, sufficient.
- 1.4 The issue of whether a Complainant has standing to make a Complaint is a complex one and will turn on the facts of each case. Whether or not a Complainant has standing will be assessed on an individual basis having regard to the evidence and allegations made against the Registered Valuer in each Complaint.
- 1.5 Section 43(2) of the Act requires Complaints to be made to the Board in writing. Complaints should be submitted using FORM-1 (Complaint against Registered Valuer), FORM-2 (Complaint against Specialist Retail Valuer) or FORM-3 (Complaint against Unregistered Person).
- 1.6 Where a Complainant is unable to demonstrate the elements in section 1.3, it will be communicated to the Complainant in writing.
- 1.7 The Board retains the discretion to initiate or continue an Investigation on its own initiative where it considers it in the public interest or necessary to uphold the objectives of the Act.

2. Support for Complainants and Representation

- 2.1 The Board can accept Complaints made by a Representative.
- 2.2 The Board recognises that certain Complainants may suffer detriment due to their personal circumstances, including but not limited to disability, age, low literacy, trauma, or stress.
- 2.3 The Board also acknowledges the role of Support Persons, who may assist Vulnerable Complainants by providing emotional, practical, or communication support. A Support Person is not authorised to act on behalf of the Vulnerable Complainant or make decisions for them and does not submit or manage the Complaint unless also formally authorised as a Representative.
- 2.4 A Complainant must provide the name and contact details of their Representative (as well as the name and contact details of their Support Person if applicable) and must provide appropriate authorisation for the Board to liaise directly with that person.

3. Against whom can a Complaint be made?

- 3.1 The Board has jurisdiction to investigate Complaints against Registered Valuers, Specialist Retail Valuers and Unregistered Persons (together known as “Valuers”).
- 3.2 In cases where a Respondent was registered at the time of alleged Conduct but at the time of the Complaint is unregistered, the Respondent is taken to be registered for the purposes of considering the Complaint.
- 3.3 In cases where the Respondent was unregistered at the time of the alleged Conduct but at the time of the Complaint is registered, the Respondent is taken to be unregistered for the purposes of considering the Complaint.
- 3.4 In situations where a Complaint is lodged against a valuation firm or body corporate, consideration will be given as to whether the Board has jurisdiction to receive and consider the Complaint but it is the responsibility of the Complainant to provide sufficient information to the Board to allow the Board to consider whether the Complaint comes within the provisions of the Act.

4. Complaints about historic Conduct

- 4.1 The Board imposes no time limit for making a Complaint, however, it is unlikely to exercise its discretion under the Act to authorise an Investigation where the Conduct occurred more than two years before the date a Complaint is lodged with the Board.
- 4.2 In situations where the Board receives a Complaint where the alleged Conduct arose more than two years ago, it will consider:
 - (a) when the Conduct that is the subject of Complaint first came to the knowledge of the Complainant;
 - (b) the explanation for the delay in making the Complaint;
 - (c) whether, and the extent to which, the parties might be prejudiced by the effluxion of time;
 - (d) whether the Complaint is subject, or has been subject, to previous court action (refer section 6).
- 4.3 Complaints against Unregistered Persons who have allegedly contravened section 63 of the Act are treated differently because the offence is under the jurisdiction of the Magistrates Court.
- 4.4 The *Justices Act 1886* (Qld) requires that court proceedings by the Board in relation to an Offence be initiated within one year from the time when the Offence occurred. Accordingly, the Board may exercise its discretion to abstain from authorising an Investigation where the alleged Offence occurred more than 12 months ago.

5. Frivolous or vexatious Complaints

- 5.1 The Board must refuse to investigate a Complaint if it is considered to be frivolous or vexatious.¹
- 5.2 A Complaint will be considered frivolous if it appears to be of little substance or merit.
- 5.3 A Complaint will be considered vexatious if the Complainant is not acting in good faith and is seeking to cause inconvenience, harassment, distress, or expense to the Board or the Respondent.

6. Complaints subject to Court proceedings

- 6.1 Where a Complaint relates to matters that are the subject of current or contemplated court proceedings, the Complainant must disclose this to the Board.
- 6.2 If such proceedings are confirmed, the Board may, at its discretion, suspend the handling of the Complaint until the legal proceedings have been finalised.
- 6.3 In making a determination to place a matter on hold, the Board should consider potential implications this may have on the requirements relating to the time restrictions to make a Complaint.

7. Receiving a Complaint

- 7.1 Following receipt of a Complaint, the Secretary will advise the Complainant that the Complaint

has been received.

- 7.2 The progress of the Complaint, the resolution and response to the Complaint will be monitored by the Secretary. Complainants and, if applicable, Respondents will be kept informed of progress and the outcome of the Complaint.
- 7.3 A Complainant is not entitled to be a party to any proceedings or steps that the Board may determine necessary to initiate as a result of the Complaint.

8. Initial Complaint assessment

- 8.1 The Board will assess a new Complaint at its appropriate meeting following the date on which a Complaint is received. Consideration by the Board will include, but is not limited to:
- (a) assessing whether the Complainant has standing to complain;
 - (b) assessing whether the Complaint is frivolous or vexatious;
 - (c) assessing what the Complaint is about (i.e. a Disciplinary Ground or an Offence);
 - (d) evaluating whether the Board has jurisdiction to consider the Complaint;
 - (e) considering Human Rights,
 - (f) determining whether there is sufficient information and identifying potential avenues of enquiry;
 - (g) classifying matters that must be proven if issues/allegations are to be substantiated;
 - (h) determining limitation periods which may apply.
- 8.2 The Board may decide not to take any further action if the outcome of the initial assessment is that the Complaint is not within its jurisdiction or it otherwise does not consider an Investigation is warranted.

9. Right of reply from Respondent

- 9.1 In most instances, following the initial Complaint assessment by the Board, the Secretary will issue a notice to the Respondent inviting a reply in response to the Complaint. The Board will do so by providing a copy of the Complaint and its supporting documents to the Respondent for the purposes of addressing the Complaint and any follow up action required.
- 9.2 A Respondent will be given sufficient opportunity to present their position and to comment on any adverse allegations.
- 9.3 To comply with the *Information Privacy Act 2009* (Qld), any information that may identify the Complainant (including name, contact details or address of the property) should be redacted in the information provided to the Respondent.
- 9.4 In the event that redaction of the Complainant's name or other personal information would result in the Respondent being substantially deprived of a meaningful opportunity to respond to the Complaint, the Board must assess whether it is able to progress the Complaint.
- 9.5 Best practice would see the Board providing the Complainant with a copy of the information to be provided to the Respondent and obtaining the Complainant's consent to release this information. If consent is not provided, the Board may be unable to progress the Complaint any further and the matter will be closed.

10. Subsequent Complaint assessment

- 10.1 On receipt of the reply from the Respondent which addresses each of the allegations made out in the Complaint, at the next available meeting, the Board will consider whether there is sufficient information to support an allegation that a Disciplinary Ground exists or an Offence has occurred.

11. Decision to Dismiss

- 11.1 After considering the relevant evidence from both parties, the Board may be of the view that the complaint is frivolous or vexatious and dismiss the Complaint.
- 11.2 The Board may believe that a Registered Valuer has contravened the Code of Professional Conduct, however, it does not consider that this would amount to a serious breach or reach the high legal standard required to be considered professional misconduct, incompetence or negligence. In these instances, the Board may determine not to refer to the matter to an

Investigator and dismiss the Complaint. The Board may also determine to undertake an education process with the Registered Valuer concerned to improve standards.

Part B: Investigations

12. Decision to Investigate

- 12.1 The Board may decide to authorise an Investigation in the following circumstances:
- (a) in response to a Complaint about the Conduct of a Registered Valuer;
 - (b) on the Board's own initiative about the Conduct of a Registered Valuer;
 - (c) if the Board suspects on reasonable grounds that a Registered Valuer has:
 - i. contravened the Code of Professional Conduct;
 - ii. knowingly contravened section 28(3) of the Retail Shop Leases Act; or
 - iii. contravened section 29 or 32 of the Retail Shop Leases Act ; and
 - (d) if the Board suspects on reasonable grounds that a person has contravened section 63 of the Act.
- 12.2 Where the Board must form a suspicion on reasonable grounds – the Board need not have a belief about the matter but merely information that would be sufficient for a reasonable person in all the circumstances to form a suspicion.
- 12.3 Where the Board decides to appoint an Investigator, the Secretary will inform both the Complainant (if relevant) and the Respondent. The powers and proceedings of the Investigator are set out in Part 4 of the Act.
- 12.4 The Board must ensure that the selected Investigator is impartial and has no actual or perceived conflict of interest in relation to the Complaint or the parties involved.

13. Role of the Investigator

- 13.1 The Investigator should be provided with correspondence confirming their appointment to investigate the matter at hand and a brief incorporating the details of the Complaint (if relevant) and the parameters of the Investigation.
- 13.2 Important elements of the parameters of the Investigation include:
- (a) The Investigator must conduct the investigation in accordance with any terms of references specified by the Board, including in relation to an agreed budget for the Investigation.
 - (b) 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 matter. To support the independence of the Investigator the Board should refrain from expressing an opinion on the Respondent's Conduct. The Board will not provide advice or guidance to the Investigator about the conduct or outcome of the Investigation.
 - (c) The Investigator must give the Board a written Investigation Report in accordance with section 44(2) of the Act.
 - (d) The Investigation Report should set out the Investigator's findings and the facts and circumstances forming the basis for the findings, including if any Disciplinary Grounds exist or an Offence has been committed.
 - (e) The Investigation Report should not make recommendations or advise the Board as to the decision to be made under section 50(1) or 50(2) of the Act, as this is a matter to be considered solely by the Board as part of its statutory function. For the same reason, the Investigation Report should not make any reference to what the Investigator thinks might be an appropriate disciplinary action.
 - (f) Nothing in this Policy purports to limit the powers of the Investigator under the Act.

14. Courses of action following an Investigation

14.1 The Board may take the following action on receipt of an Investigation Report:

- (a) if the Board accepts that the report indicates no prima facie case has been made out, the file will be closed and a written notification will be sent to the Complainant and the Respondent.
- (b) If, after considering the report, the Board reasonably considers that a Disciplinary Ground exists, the Board may:
 - i. take no further action;
 - ii. take disciplinary action against the Valuer under section 51 of the Act; or
 - iii. refer the matter to QCAT to decide.
- (c) If, after considering the report, the Board reasonably considers that an Unregistered Person has contravened section 63 of the Act, the Board may initiate proceedings in the Magistrates Court.

14.2 A determination to take a course of action outlined in section 14.1 will be made by the Board within a reasonable time of receiving the Investigation Report, however such determination will be delayed if the Board requires further information pertaining to the matter or if the Investigation Report is inconclusive.

14.3 The Board may consider that, despite an adverse finding being made in the Investigation Report, no further action is warranted. This allows the Board to tailor its approach to account for the circumstances of each individual matter. For example, the Board may decide to adopt an educational approach with a Registered Valuer without a formal admonishment. This may provide a more just and effective outcome rather than issuing an admonishment.

14.4 The handling of personal information in this process will be managed in accordance with the Board's obligations under the *Information Privacy Act 2009* (Qld).

15. Unreasonable Complaint Conduct

15.1 It is expected that all parties to a Complaint will remain cooperative and respectful throughout the complaint process.

15.2 Where a Complainant or Respondent engages in unreasonable conduct, including abusive, aggressive or disruptive behaviour, the Board and/or Investigator may take appropriate action to manage the conduct.

16. Notice of intention to take disciplinary action

16.1 Before taking disciplinary action against a Registered Valuer under section 51, the Board must give to the Registered Valuer written notice of its intention to take the action under section 52 of the Act.

16.2 The notice must state:

- (a) the professional misconduct, incompetence or negligence alleged against the Registered Valuer;
- (b) the facts and circumstances forming the basis for the allegations; and
- (c) a day, at least 14 days after the day the notice is given, by which the Registered Valuer may, in relation to the allegations stated in the notice:
 - i. make written representations to the Board;
 - ii. request the Board to hear him or her; or
 - iii. require the Board to refer the matter to QCAT.

16.3 To ensure a Registered Valuer is afforded natural justice, they must be provided with sufficient information regarding the allegations against them, to enable them to provide a response in relation to those allegations.

16.4 Accordingly, when providing notice of the facts and circumstances forming the basis for the allegations, the Board should be mindful of providing the specific findings of fact arising from the

Investigation Report that forms the basis for its conclusion that the Registered Valuer has engaged in professional misconduct, incompetence or negligence.

- 16.5 When deciding the disciplinary action to be taken against a Registered Valuer under section 51 of the Act, the Board must consider any representations made by the Registered Valuer about the allegations in accordance with natural justice requirements.
- 16.6 If the Registered Valuer requires the Board to refer the matter to QCAT, the Board cannot proceed to take action against the Valuer under section 51 of the Act.

17. Referral to QCAT

- 17.1 The Board is not obliged to make the referral to QCAT upon receiving the request by a valuer pursuant to s 52(2)(c)(iii). The Board may consider the following courses of action: -
- (a) refer the matter to QCAT in accordance with the request;
 - (b) decide to reconsider the decision regarding the Disciplinary Ground and the disciplinary action that was notified to the Respondent (the original decision) and then either:
 - i. affirm the original decision and refer the matter to QCAT in accordance with the request;
 - ii. repeal the original decision and find there is no Disciplinary Ground;
 - iii. amend the original decision and find there is a Disciplinary Ground and decide pursuant to s 50(2)(b)(ii) of the Act to take no further action; or
 - iv. amend the original decision and find there is a Disciplinary Ground and decide to take disciplinary action pursuant to s 51(1) of the Act that was different to the original decision (the amended decision) and give notice of the amended decision to the respondent.
- 17.2 The Board may, in special circumstances (including but not limited to situations where the Board has initiated the Investigation) refer determination of the matter to QCAT.
- 17.3 When considering whether it will refer a matter to QCAT, the Board will have regard to the Model Litigant Principles, including by:
- (a) acting consistently in the handling of complaints and potential litigation;
 - (b) dealing with referrals to QCAT promptly and without causing unnecessary delay;
 - (c) endeavouring to avoid, prevent and limit the scope of legal proceedings wherever possible including by giving consideration to alternatives to alternative routes before initiating legal proceedings;
 - (d) where it is not possible to avoid litigation, keeping the costs of litigation to a minimum; and
 - (e) not contesting matters which it accepts as correct.
- 17.4 If QCAT finds that a Registered Valuer has engaged in professional misconduct, incompetence or negligence, then it may do one or more of the following:
- a) admonish or reprimand the Registered Valuer;
 - b) order the Registered Valuer to give an undertaking to abstain from specified conduct;
 - c) order the Registered Valuer to pay to the Board a penalty of an amount equal to not more than 100 penalty units;
 - d) order that the Registered Valuer's registration be suspended for up to 12 months; and
 - e) order that the Registered Valuer's registration be cancelled.
- 17.5 QCAT may also order the Registered Valuer to pay the Board's costs of the proceeding and any Investigation that led to the proceeding.

18. Disciplinary action by the Board

- 18.1 Where the Board determines to take disciplinary action against a Registered Valuer under section 51 of the Act, then the Board may, subject to section 52, do 1 or more of the following:
- (a) admonish or reprimand the Registered Valuer;
 - (b) order the Registered Valuer to give an undertaking to abstain from particular Conduct;
 - (c) order the Registered Valuer to pay to the Board a penalty of an amount equal to not more than 20 penalty units.
- 18.2 Each matter will be considered on the circumstances surrounding it. When determining the disciplinary action, the Board will be guided by:
- (a) public interest considerations;
 - (b) disciplinary action previously determined appropriate for similar conduct and circumstances;
 - (c) the Registered Valuer's Conduct during the Complaint (if relevant) and Investigation processes and all the information received during the process; and
 - (d) the following schedule—

Possible Disciplinary Action	Considerations
Admonish or reprimand the Registered Valuer ²⁰	Except in special circumstances, the Board will consider imposing this disciplinary action against a Registered Valuer who is found to have engaged in Conduct giving rise to a Disciplinary Ground under the Act. Whether special circumstances exist will be considered on a case by case basis.
Order the Registered Valuer to give an undertaking to abstain from particular Conduct ²¹	Where the Conduct appears to be the standard practice of the Registered Valuer, or have been subject to a prior Complaint or Investigation and the Registered Valuer repeated the Conduct, the Board will consider seeking the undertaking. Where, after considering the Investigation Report, the Board has formed the view that: - the actions of the Registered Valuer appeared to be a “one off” and “out of the ordinary” incident; or - the Registered Valuer has demonstrated an awareness of and a willingness to correct their procedures and processes to avoid a repeat of the Conduct; or - the Board is of the view that there is nothing to gain from requiring the Registered Valuer to provide the undertaking; or - the offence or offences which the Registered Valuer has committed cannot logically or practically be the subject of an undertaking, then, the Board may determine not to obtain this undertaking. Where the Registered Valuer has numerous Complaints leading to other disciplinary action against them, the Board will consider seeking this undertaking. Where the Board has been satisfied that the Registered Valuer has demonstrated an acknowledgement of the importance and seriousness of complying with the Act and supporting documentation the Board may determine not to obtain this undertaking.

Order the Registered Valuer to pay to the board a penalty of an amount equal to not more than 20 penalty units ²²	When considering whether to impose a monetary penalty the Board will consider: a) the seriousness of the Conduct by the Registered Valuer; and b) the Registered Valuer's circumstances; and c) whether the Registered Valuer has been the subject of a prior Complaint or Investigation and if so, whether the Registered Valuer had repeated their behavior or had no regard to the prior Complaint or Investigation; and d) whether the Registered Valuer cooperated with the investigator appointed by the Board and the Board; and e) whether the Registered Valuer has demonstrated an acknowledgement of the importance and seriousness of complying with the Act and supporting documentation; and f) the Registered Valuer's Conduct during the Complaint process.
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Take no further action ²³	In special circumstances considered on a case by case basis.
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19. Publication of a decision

Note: publication of decisions relating to cancellation of registration are dealt with in section 20.

Decisions about disciplinary action

- 19.1 The Board may publish, in a newspaper or on its website, notice of any: disciplinary action taken by the Board under section 51 of the Act against a Registered Valuer.
- 19.2 Before deciding whether to publish a notice referred to in section 19.1, the Board will consider the appropriateness of publication and any restrictions that may apply under other legislation, including human rights.
- 19.3 Where the Board resolves to publish a decision on the website, the decision will be posted as soon as practicable following the time when the Secretary becomes aware of the decision and resolution to publish.
- 19.4 Except in special circumstances, decisions posted on the website will remain on the site for the following periods of time:

Posting	Time
Publish notice of action taken under section 51(1) of the Act without the Registered Valuer's name	Where a decision is posted on the website without a Registered Valuer's name, it may remain on the website indefinitely at the discretion of the Board.
Publish notice of action taken under section 51(1) of the Act with the Registered Valuer's name	Where a decision is posted on the website with a Registered Valuer's name, except where a decision results in a Registered Valuer's registration being suspended or cancelled, it will remain on the website for a period of not less than 2 years. As soon as practicable following that time, the Registered Valuer's name will be removed from the website. Once the Registered Valuer's name is removed from the website, the decision may remain on the website indefinitely at the discretion of the Board.

QCAT decisions

- 19.5 Where a matter is referred to QCAT and QCAT finds a Registered Valuer has engaged in professional misconduct, incompetence or negligence, QCAT may make an order under section 59 the Act. The orders that QCAT may make are set out in section 17.4 of this Policy).
- 19.6 The Board may publish, in a newspaper or on its website, notice of any action taken by QCAT under section 59(1)(a) to (d) of the Act. Before deciding whether to publish a notice, the Board will consider the appropriateness of publication and any restrictions that may apply under other legislation, including human rights.
- 19.7 Where the Board resolves to publish an order made by QCAT under the Act, subject to the terms of the order that has been made, the Board's website will contain a reference or link to where the QCAT order can be located on the Queensland Courts website together with the name of the Registered Valuer. Except in special circumstances, this reference will remain on the website for the following periods of time:

Posting	Time
Where the reference to the QCAT order does not contain the Registered Valuer's name	The reference to the QCAT order may remain on the website indefinitely at the discretion of the Board.
Where the reference to the QCAT order does contain the Registered Valuer's name	The Registered Valuer's name will remain on the website: a) for the period of time specified in the QCAT order; or b) if no period of time is specified in the QCAT order, while the order contains directions which have not been satisfied or remain current; or c) if the QCAT order does not contain directions which have not been satisfied or remain current, for a period of not less than 2 years. As soon as practicable after that time, the name of the Registered Valuer will be removed from the website but the reference to the QCAT order itself may remain on the website indefinitely, at the discretion of the Board.

- 19.8 When considering whether to exercise discretion to remove a reference to a decision or a QCAT order from the website, the Board will have regard to:
- (a) whether it is in the public interest to have the reference remain in the website; and
 - (b) whether it is in the interest of the Registered Valuers profession to have the reference remain on the website; and
 - (c) any submission by the Registered Valuer.

20. Cancelled/Suspended Registrations

- 20.1 A Registered Valuer's registration may be cancelled by the Board or by QCAT.
- 20.2 Where this occurs, the person's name and other particulars will be removed from the register and the Board will publish notice of the removal in a newspaper circulating throughout the State and on the Board's website. Publication is a requirement under sections 39(4)(b) and 59(5)(a) of the Act, unless QCAT makes an order otherwise.
- 20.3 A Registered Valuer's registration may be suspended by QCAT. Where this occurs, the register will be updated to record that the person's registration has been suspended. It may also at the discretion of the Board, record the period for which the suspension applies.
- 20.4 An individual may be subject to an order where that person has been found to have committed an offence under section 63 of the Act by holding themselves out to be a Registered Valuer. Subject

to any direction from the courts, or any special circumstances:

- f) the Board may publish a reference to any order made under in relation to an Offence together with the name of the individual; and
- g) the name of the individual and the reference to the order will remain on the website indefinitely at the discretion of the Board.

Before deciding whether to publish a notice, the Board will consider the appropriateness of publication and any restrictions that may apply under other legislation, including human rights.

21. Responding to Complaints

21.1 The Board's final response to both the Complainant and Respondent will be provided in writing.

Response to Respondent

21.2 The final response to the Respondent will ordinarily include:

- (a) the Board's decision and the reasons for the decision;
- (b) contact details for the Secretary handling the Complaint; and
- (c) if applicable, information about any right of appeal.

Response to Complainant

21.3 The Board will provide a final response to the Complainant after the Complaint has reached a final outcome.

21.4 In providing a response to the Complainant, the Board must adhere to its obligations under the *Information Privacy Act 2009* (Qld) and the *Human Rights Act 2019* (Qld).

21.5 Subject to a QCAT order, court order or exceptional circumstances, the Board will notify Complainants that a Complaint has been finalised and provide a general description of the outcome of their Complaint. For example, the Board may notify a Complainant that the Complaint was:

- a) dismissed in accordance with the procedures outlined in this Policy; or
- b) investigated in accordance with this Policy, following which:
 - i. the Board decided to take no further action;
 - ii. the Board decided to take disciplinary action; or
 - iii. the matter was referred to QCAT.

21.6 The Board will not disclose detailed information relating to a Complaint or Investigation to the Complainant.

21.7 The Board may direct the Complainant to publicly available information, where relevant, such as a notice of action or QCAT decision that is published with the Registered Valuer's name.

22. Complaint appeal/review process

22.1 A Complainant who is dissatisfied with the management of their Complaint may request an internal review. An internal review will assess whether the Complaint was handled in accordance with the Board's established policies and procedures. This request should be submitted within 20 business days from the date of receiving the complaint outcome response.

22.2 If a Complainant considers that the administrative action taken by the Board is not compliant with the Act or Regulation, the Complainant may request a review of the Complaint to be undertaken by the Queensland Ombudsman.

23. Complaint reporting

23.1 The Complaint Register will be used to provide information on Complaints, the Secretary will:

- (a) each month, provide the Board with update on the number and status of Complaints received by the Board
- (b) annually, publish, via the Annual Report, the number of Complaints received by the Board, including the number completed and the number requiring further action. This data will be in de-identified format.

24. Legislation and other authorities

Valuers Registration Act 1992 (Qld)
Valuers Registration Regulation 2024 (Qld)
API Code of Professional Conduct 2015
Information Privacy Act 2009 (Qld)
Ombudsman Act 2001 (Qld)
Public Sector Ethics Act 1994 (Qld)
Retails Shop Leases Act 1994 (Qld)

25. Resources

Queensland Ombudsman Complaints Management Resource
Model Litigant Principles

26. Related policy or documents

Valuers Registration Board of Queensland Complaint Form (**FORM-1, FORM-2 and FORM-3**)

27. Document control

Complaints Management and Disciplinary Proceedings Policy	
Status	Current Approved
Version	Version 1.0
Policy Code	POL-01
Category	
Sub-Category	
Effective Date	24 October 2025
Review Date	
Approval Authority	Board
Governing Authority	Valuer's Registration Board of Queensland
Approval Date	21 October 2025
Expiry Date	
Policy Owner	Board
Policy Owner Delegate	Board
Supersedes:	Complaints and Disciplinary Proceedings Procedures Manual (February 2012) Guidelines for lodging a Complaint and Complaint Form (July 2017) Complaints subject to Court Action Policy Statement (July 2009)

Complaints and disciplinary proceedings flow chart

