

Suspension of API Complaint Matters

The Australian Property Institute (**API**) handles complaints made about its members in accordance with its Complaints Policy.

In accordance with section 9.5 of the [Complaints Policy](#), the **API** must suspend an investigation if the conduct complained about is subject to current proceedings before a Court or State licensing body, pending the outcome of those proceedings and any appeals.

When is a complaint suspended?

A complaint about an API Member must be suspended if the alleged misconduct of the Member is subject to current proceedings before a Court (including Tribunal) or State licensing body.

For the avoidance of doubt, this extends to:

- (a) a complaint that has been made to API and the conduct that is being complained about has been brought before a Court or State licensing body . For example, where a State licensing body is investigating the Member's conduct.
- (b) a complaint that has been made about a Member's conduct in the course of being involved in another proceeding. For example, where a valuer is an expert witness submitting their valuation as part of family court proceedings, where the proceedings are also considering the member's conduct and involvement in the proceedings.

API's investigation of the complaint will be suspended for the period of time the Court, State licensing body or other statutory body has proceedings on foot.



Why is a complaint suspended?

Broader Complaints Handling Framework

When a complaint is made to API about a member, API will consider whether there are any proceedings on foot with a Court or State licensing body. API will consider whether a complaint about the same conduct has been made and is subject to a Court proceeding, or before a Tribunal, State licensing body, or statutory body like the Australian Federal Police.

API's investigation may otherwise prejudice the investigation of a law enforcement body or court proceeding, and ensures it respects these external processes.

The API is a membership organisation for property professionals. API handles complaints in accordance with its Complaints Policy and the purpose of investigation complaints is to assess a member's compliance with API's policies and the standards set by API for its members.

Potentially Prejudice Proceedings

API may suspend an investigation in certain circumstances where to continue may interfere with or unfairly prejudice a police investigation, proceedings before the Court or State licensing body.

API also seeks to ensure that its handling of complaints is not used to undermine experts, or to pre-judge an issue otherwise before a body with the ability to enforce the laws or otherwise make findings.

Determinations by law enforcement organisations

Following the conclusion of the proceedings before the Court or State licensing body, API may recommence its investigation into the member.

API may, but is not required to, consider the outcome of the proceedings as part of its investigation. API's Complaints Policy allows the Complaints Committee to receive as evidence any transcript or evidence in proceedings before a Court and draw conclusions from these as it considers appropriate, if any.