

25 August 2021

To whom it may concern

GUIDANCE ON ESSENTIAL WORKERS DURING LOCKDOWN – VALUERS

We have been instructed by the Australian Property Institute Limited (**API**) to provide our view and interpretation of the State/Territory restrictions in place around Australia due to the current COVID-19 outbreak with reference to “valuers”.

What is a valuer?

A valuer is someone who assesses or estimates values of real property, or other property such as plant, machinery or equipment.

A valuer might be engaged to:

- Produce a report to confirm the assessed value of a property. These valuation reports are essential to banks, credit unions and other financial institutions to determine a property value for the purposes of granting loans for both residential and commercial property purchases.
- Valuation reports are also conducted for re-financing through a financial institution.
- Provide valuations to land titles departments of States/Territories to determine the land value of properties to assist with the calculation of rates and land tax.
- Conduct valuations for court cases, for example in Family Court proceedings.

The API has developed guidance for members on how valuations may be conducted utilising technology and conducting part of the valuation virtually. However, this does not remove the requirement for valuers to at the very least physically inspect the outside of the property – known as a kerb-side valuation.

The enclosed Attachment sets out an explanation of the circumstances in which a valuer may be an “authorised worker” or “essential worker”.

For more information please see guidance published by API from time to time available at: [COVID-19 Update and Working Restrictions per State / Territory - Australian Property Institute \(api.org.au\)](https://www.api.org.au/COVID-19-Update-and-Working-Restrictions-per-State-Territory-Australian-Property-Institute) or contact our office on 02 6198 3100.

Yours faithfully

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RESTRICTIONS STATE BY STATE

The following table sets out our interpretation and explanation of the reason a valuer is an “Authorised Worker” or “Essential Worker” against each of the State/Territory criteria in those jurisdictions which there is presently a lockdown.

STATE/ TERRITORY	EXPLANATION OF RESTRICTIONS	SUMMARY
Victoria	<p>The Victorian restrictions state that an “authorised provider” is one who provides services that operates solely outdoors where physical distancing can be maintained at all times.</p> <p>A type of business that can open under restrictions is a “financial institution”.</p> <p>Any person who performs work that is essential for the continued operation of a financial institution (or other Authorised Provider) is considered an “Authorised Worker”.</p> <p>The continued operations of a financial institution include the ability to write loans, which is conditional upon a valuation being conducted for a property. A valuation is therefore arguably essential for a financial institution’s continued operation. This could include undertaking valuations for re-financing.</p> <p>An authorised worker also extends to any person who performs work that is essential for the continued operation of “services related to property settlement”. Again, a valuation is necessary for a property settlement to occur.</p>	<p>A valuer is an “Authorised Worker” if they are engaged to:</p> <ul style="list-style-type: none"> • Undertake a valuation operating solely outdoors and maintaining physical distancing at all time – i.e. a kerbside valuation • Undertake a valuation for a: <ul style="list-style-type: none"> ○ financial institution ○ court, tribunal or commission service ○ electorate office ○ Victoria parliament • Undertake a valuation for a property which is the subject of sale, and the valuation is required for the settlement of the property <p>*Authorised providers and workers in Victoria must hold a permit</p>
New South Wales	<p>Persons living outside of the twelve (12) NSW local government areas of concern (i.e. rural New South Wales or Greater Sydney) may leave their home to work if they cannot reasonably work from home and the relevant business they work for is permitted to remain open. Workers must wear a mask and follow the mandatory requirements of “checking-in” using QR codes and COVID-19 safety plans are in force at their workplace.</p> <p>Presently, any persons living in any of the twelve (12) NSW local government areas (LGA) of concern, may only leave their local government area to work if:</p>	<p>A valuer is an “authorised worker” if they are engaged to:</p> <ul style="list-style-type: none"> • Undertake and prepare a valuation report for: <ul style="list-style-type: none"> ○ A financial institution ○ Court or tribunal

	<ol style="list-style-type: none"> 1. they cannot reasonably work from home; 2. their business is allowed to remain open; and 3. they are deemed to be an “authorised worker”. <p>A type of business which can remain open under the NSW restrictions is “financial services”, services for “the administration of justice, including in relation to the operation of courts and tribunals” and “services by a person employed or engaged by Service NSW”.</p> <p>Any person who performs work that is essential for the provision of “critical financial services and infrastructure” is considered an “authorised worker”.</p> <p>Arguably, a valuers role of producing reports for banks, credit unions and other financial institutions is critical to the continued operation of financial services. Noting that valuers are commonly engaged by lawyers to prepare reports for court matters such as Family Court proceedings, the work of a valuer may be classified as essential for the continued “operation of courts and tribunals”.</p> <p>Further, noting that valuers are engaged by other public sectors such as the land titles departments of States and Territories to determine the land value of properties to assist with the calculation of rates and land tax, arguably a valuers work is essential.</p>	<ul style="list-style-type: none"> ○ Service NSW <p>*You require a permit issued by Service NSW in order to move between residences, relocate or inspect a residence outside of Greater Sydney</p> <p>**From 28 August 2021, you will require a permit from Service NSW to enter an area of concern</p> <p>*** Some workers in NSW will be required to undergo regular COVID-19 testing.</p>
<p>Australian Capital Territory</p>	<p>Persons in the ACT may only leave their home to carry out work for an “essential business, activity or undertaking” that cannot reasonably be performed from the person’s residence.</p> <p>A type of business which may continue to operate despite the current lockdown in place in ACT is “a bank or financial institution”. No definition is provided by the ACT Government as to what the services of “a bank or financial institution” entail.</p> <p>Further, the ACT Government provides that persons performing work “to comply with or give effect to the exercise of a power or function of a government agency or entity under a law” may continue to operate outside of their home.</p> <p>Arguably, the determination of land values for land titles offices or Government administrative divisions such as ACT Revenue may align with the essential “services related to the administration of justice”.</p>	<p>A valuer is considered an “essential worker” in the ACT if they:</p> <ul style="list-style-type: none"> • are carrying out their valuation for “essential services”, namely: <ul style="list-style-type: none"> ○ Revenue ACT ○ ACT land titles office ○ A bank or financial institution <p>A person must practice social distancing while outside their residence, to the extent that is reasonably practicable to do so.</p>