



## Licence Application Guidelines

### *Conveyancers Licensing Act 2003*

#### Table of Contents

Disclaimer.....	1
Definition of <i>conveyancing business</i> .....	2
What is <i>conveyancing work</i> ? .....	2
Licensing requirements.....	2
Disqualified persons .....	3
Conveyancers Licensing Order 2006 - Qualifications.....	5
Qualifications for a licence .....	6
Schedule 1 – Educational Qualifications for licence .....	7
Professional Indemnity Insurance .....	9
Conveyancer licensee employed by interstate law practice .....	9
Duration of a licence.....	9
Business names .....	9
Place of business .....	10
Licensee-in-charge (LIC) .....	10
Sharing of receipts.....	10
Partnerships .....	10
Licence application fee .....	11
Lodging an application for a licence.....	11
Application processing times .....	11
Legislation .....	11
Declaration by principal of interstate law practice .....	12

#### Disclaimer

This document is a guide to applying for a licence under the *Conveyancers Licensing Act 2003*. It must not be relied on as legal advice. For more information please refer to the appropriate legislation or seek independent legal advice.

## Definition of conveyancing business

The Act defines a conveyancing business as any business in the course of which conveyancing work is carried out for fee or reward, whether or not the carrying out of conveyancing work is the sole or dominant purpose of the business.

## What is conveyancing work?

Section 4 of the *Conveyancers Licensing Act 2003* (the Act) defines conveyancing work as follows:

### 4 Conveyancing work

- (1) For the purposes of this Act, **conveyancing work** is legal work carried out in connection with any transaction that creates, varies, transfers or extinguishes a legal or equitable interest in any real or personal property, such as (for example) any of the following transactions:
  - (a) a sale or lease of land,
  - (b) the sale of a business (including the sale of goodwill and stock-in-trade), whether or not a sale or lease of land or any other transaction involving land is involved,
  - (c) the grant of a mortgage or other charge.
- (2) Without limiting subsection (1), **conveyancing work** includes:
  - (a) legal work involved in preparing any document (such as an agreement, conveyance, transfer, lease or mortgage) that is necessary to give effect to any such transaction, and
  - (b) legal work (such as the giving of advice or the preparation, perusal, exchange or registration of documents) that is consequential or ancillary to any such transaction, and
  - (c) any other legal work that is prescribed by the regulations as constituting conveyancing work for the purposes of this Act.
- (3) However, **conveyancing work** does not include the carrying out of any work for the purpose of:
  - (a) a mortgage on non-residential property where the amount secured by the mortgage exceeds 7 million dollars (with non-residential property being any property that is not residential property for the purposes of Division 8 of Part 4 of the *Conveyancing Act 1919*), or
  - (b) commencing or maintaining legal proceedings, or
  - (c) establishing a corporation or varying the memorandum or articles of association of a corporation, or
  - (d) creating, varying or extinguishing a trust, or
  - (e) preparing a testamentary instrument, or
  - (f) giving investment or financial advice, or
  - (g) investing money otherwise than as provided for by Division 2 of Part 5, and does not include any work that is prescribed by the regulations as not constituting conveyancing work for the purposes of this Act.
- (4) In this section:  
**legal work** means work that, if done for fee or reward by a person who is not an Australian legal practitioner, would give rise to an offence under Part 2.1 of the *Legal Profession Uniform Law (NSW)*.

## Licensing requirements

The Act provides for the licensing and regulation of conveyancers.

A person must not conduct a conveyancing business for fee or reward unless the person is the holder of a conveyancers licence. This does not apply to a person who is a solicitor or a barrister, or who is an incorporated legal practice if the conveyancing business is carried on, on its behalf by a barrister or solicitor.

Section 8 of the Act provides that a natural person is eligible to hold a licence only if the Commissioner is satisfied that the person:

- is at least 18 years of age, and
- is a fit and proper person to hold a licence, and
- each person with whom the person is in partnership in connection with the business concerned is a fit and proper person to hold a licence, and

- has the qualifications required for the issue of the licence, and
- is not a disqualified person, and
- has paid such part of any contribution or levy payable under section 12 as is due and payable on the granting of the licence.

A corporation may apply for a corporation licence under the Act. A corporation is eligible to hold a corporation licence only if the Commissioner is satisfied that:

- the corporation is a fit and proper person to hold a licence, and
- each director of the corporation is a fit and proper person to hold a licence, and
- no director or executive officer (within the meaning of the Corporations Act) of the corporation is a disqualified person, and
- the corporation is not a disqualified person, and
- at least one of the directors of the corporation holds a licence that a natural person is required to hold to carry on the business that the corporation carries on or proposes to carry on, and
- the corporation has paid such part of any contribution or levy payable under section 12 as is due and payable on the granting of the licence.

### **Disqualified persons**

Section 10 of the *Conveyancers Licensing Act 2003* states:

“(1) A person is a disqualified person for the purposes of this Act if the person:

(a) has a conviction in New South Wales or elsewhere for an offence involving dishonesty that was recorded in the last 10 years, unless the Commissioner has determined under subsection (3) that the offence should be ignored, or

(b)–(d) (Repealed)

(e) is a mentally incapacitated person, or

(f) is disqualified from holding a licence or other authority under a corresponding law or is the holder of such a licence or authority that is suspended, or

(g) is the holder of a licence, permit or other authority that is suspended under legislation administered by the Minister or is disqualified from holding a licence, permit or other authority under legislation administered by the Minister, or

(h) is in partnership with a person who is a disqualified person, or

(i) is for the time being declared to be a disqualified person under Part 9 (Complaints and disciplinary action), or

(j) is a corporation that is the subject of a winding up order or for which a controller or administrator has been appointed, or

(k) has failed to pay a contribution or levy payable by the person under section 89 and the failure continues, or

(l) has failed to pay an amount due as a debt to the Crown by way of recovery of an amount paid out of the Compensation Fund and the failure continues, or

(m) has failed to pay any monetary penalty payable by the person under Part 9 (Complaints and disciplinary action) or has failed to comply with any direction given by the Commissioner under that Part, and the failure continues, or

(n) has failed to provide the Commissioner with an auditor's report that the person is required to provide under this Act on the audit of the records and documents relating to any trust money held by the person under this Act, unless the Commissioner determines that in the circumstances that failure should not disqualify the person, or

(o) has been removed (otherwise than at his or her own request) from the roll of lawyers kept by the Supreme Court or from a corresponding roll of lawyers kept by a superior court of another State or Territory, or

(p) is disqualified from being employed in a law practice by virtue of an order made under Division 1 of Part 3.9 of the Legal Profession Uniform Law (NSW), or

(p1) is an Australian legal practitioner, incorporated legal practice or solicitor corporation, or

(q) is a disqualified person under the Property, Stock and Business Agents Act 2002, or

(q1) is the holder of a licence or certificate of registration under the Property, Stock and Business Agents Act 2002, or

(r) is in breach of any provision of this Act or the regulations that is prescribed by the regulations as a disqualifying breach.

(2) A person is also a disqualified person for the purposes of this Act (except for the purposes of section 29) if the person:

(a) is an undischarged bankrupt, or

(b) at any time in the last 3 years was an undischarged bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment of his or her remuneration for their benefit, or

(c) is, or was at any time in the last 3 years, a director or person concerned in the management of an externally-administered body corporate (within the meaning of the Corporations Act) except in a case of the voluntary winding up of the body corporate, or

(d) is a person:

(i) who at any time in the last 3 years, was a director or person concerned in the management of a body corporate that, within 12 months of the person ceasing to be such a director or person, became an externally-administered body corporate (within the meaning of the Corporations Act) except in the case of a voluntary winding up of the body corporate, and

(ii) who failed (while a director or person concerned in the management of that body corporate) to take all reasonable steps to avoid the body corporate becoming an externally-administered body corporate.

(3) The Commissioner may determine that an offence committed by a person should be ignored for the purposes of this section because of the time that has passed since the offence was committed or because of the triviality of the acts or omissions giving rise to the offence.

(3A) The Commissioner may, in any case that the Commissioner thinks it appropriate to do so, determine that a suspension or disqualification from holding a licence, permit or other authority under legislation administered by the Minister (as referred to in subsection (1) (g)) is to be ignored for the purposes of this section.

(3B) The Commissioner may exempt a person from the operation of subsection (2) (a), (b) or (c) by:

(a) certifying, in the case of exemption from subsection (2) (a), that the Commissioner is satisfied that the person took all reasonable steps to avoid the bankruptcy concerned, or

(b) certifying, in the case of exemption from subsection (2) (b), that the Commissioner is satisfied that the person took all reasonable steps to avoid the bankruptcy or other financial difficulties concerned, or

(c) certifying, in the case of exemption from subsection (2) (c), that the Commissioner is satisfied that the person took all reasonable steps (while a director or person concerned in the management of the body corporate) to avoid the body corporate becoming an externally-administered body corporate.

(3C) Subsection (2) (d) does not operate to make a person a disqualified person unless the Commissioner has served a notice on the person giving the person the opportunity to make oral or written submissions to the Commissioner within a period (being not less than 14 days) specified in the notice with respect to the grounds on which the person believes he or she took all reasonable steps to avoid the body corporate becoming an externally-administered body corporate and the Commissioner is satisfied that the person failed to take all such steps.

(3D) In determining for the purposes of subsection (3B) or (3C) what reasonable steps could have been taken by a person to avoid a particular outcome, the Commissioner is to have regard to the steps that could have been taken by the person from the time that the financial difficulties that gave rise to the outcome first arose.

(4) In this section:

**corresponding law** means a law of another Australian jurisdiction that is declared by the Minister from time to time by order published in the Gazette to be a law that corresponds to this Act”.

The *Conveyancers Licensing Order 2006* provides that for the purposes of the definition of **corresponding law** in section 10 (4) of the Act, the following laws are declared to be laws that correspond to the Act:

- (a) the *Conveyancers Act 1994* of South Australia and any regulations in force under that Act,
- (b) the *Settlement Agents Act 1981* of Western Australia and any regulations in force under that Act,
- (c) the *Agents Licensing Act* of the Northern Territory and any regulations in force under that Act.

### **Conveyancers Licensing Order 2006 - Qualifications**

The qualifications approved for the issue of a conveyancers licence are set out in the *Conveyancers Licensing Order 2006* and are reproduced below.

In the *Conveyancers Licensing Order 2006*:

**approved bridging course** means any of the following courses:

- (a) the Conveyancers Licensing Bridging Course conducted by the University of Western Sydney—Centre for Agency Licensing Education,
- (b) the Conveyancing-Law and Practice—Bridging Course for Conveyancers conducted by Macquarie University,
- (c) the Conveyancing Bridging Course conducted by the Sydney Institute of Technology.

**full licence** means a licence that is not a restricted licence.

**recognised law degree or diploma** means any of the following degrees, diplomas or qualifications:

- (a) a law degree conferred by a tertiary institution in Australia,
- (b) a law diploma conferred by the Legal Profession Admission Board,
- (c) any corresponding academic qualification within the meaning of section 24 of the *Legal Profession Act 2004*.

**restricted licence** means a licence that is subject to a condition prohibiting the licensee from carrying out conveyancing work otherwise than under the supervision of:

- (a) a licensee who is the holder of a full licence, or
- (b) an Australian legal practitioner whose practising certificate is an unrestricted practising certificate.

**the Act** means the *Conveyancers Licensing Act 2003*.

**unrestricted practising certificate** has the same meaning as in the *Legal Profession Act 2004*.

### **Qualifications for a licence**

1. For the purposes of section 9 (1) of the Act, the following are approved qualifications for the issue of a full licence:

(a) **Conveyancing qualifications**

The combination of the following qualifications:

- (i) the educational qualifications, and any additional educational qualifications, set out in Schedule 1,
- (ii) at least 2 years' practical experience in conveyancing work, at least one year of which was obtained while employed or otherwise engaged on a full-time basis under the supervision of a licensee whose licence was not a restricted licence or an Australian legal practitioner with an unrestricted practising certificate,

(b) **Legal qualifications**

The combination of the following qualifications:

- (i) a recognised law degree or diploma,
- (ii) practical experience, being either:
  - (A) practical experience (including experience in conveyancing work) that confers eligibility to receive a practising certificate authorising practice as an Australian legal practitioner without supervision, or
  - (B) at least 2 years' practical experience in conveyancing work, at least one year of which was obtained while employed or otherwise engaged on a full-time basis under the supervision of a licensee whose licence was not a restricted licence or an Australian legal practitioner with an unrestricted practising certificate,

(c) **Licensee under 1995 Act**

Having held a full licence under the *Conveyancers Licensing Act 1995*,

(d) **Licensee under 1992 Act**

Having held a licence under the *Conveyancers Licensing Act 1992* and having completed an approved bridging course.

2. For the purposes of section 9 (1) of the Act, the following are approved qualifications for the issue of a restricted licence:

(a) **Conveyancing qualifications**

The combination of the following qualifications:

- (i) the educational qualifications, and any additional educational qualifications, set out in Schedule 1,
- (ii) at least 1 year's practical experience in conveyancing work that was obtained while employed or otherwise engaged on a full-time basis under the supervision of a licensee whose licence was not a restricted licence or an Australian legal practitioner with an unrestricted practising certificate,

(b) **Legal qualifications**

The combination of the following qualifications:

- (i) a recognised law degree or diploma,
- (ii) practical experience, being either:
  - (A) practical experience (including experience in conveyancing work) that confers eligibility to receive a practising certificate authorising practice as a legal practitioner without supervision, or
  - (B) at least 1 year's practical conveyancing experience that was obtained while employed or otherwise engaged on a full-time basis under the supervision of a licensee whose licence was not a restricted licence or an Australian legal practitioner with an unrestricted practising certificate.

**Schedule 1 – Educational Qualifications for licence**

Educational qualification	Additional educational qualification
Conveyancing–Law and Practice course (amended course effective from August 1996) conducted by Macquarie University	Nil
Conveyancing–Law and Practice course conducted by Macquarie University and completed before December 1997	Completion of an approved bridging course
<p>Advanced Diploma of Conveyancing BSB61115, which includes all of the following:</p> <p><b>(a) the following core units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBCNV501 Take instructions in relation to a transaction</li> <li>(ii) BSBCNV502 Read and interpret a legal document and provide advice</li> <li>(iii) BSBCNV503 Analyse and interpret legal requirements for a transaction</li> <li>(iv) BSBCNV504 Prepare legal documents</li> <li>(v) BSBCNV505 Finalise the conveyancing transaction</li> <li>(vi) BSBCNV506 Establish and manage a trust account</li> <li>(vii) BSBCNV601 Identify and conduct searches</li> <li>(viii) BSBLEG415 Apply the principles of contract law</li> <li>(ix) FNSINC401 Apply principles of professional practice to work in the financial services industry</li> </ul> <p><b>(b) the following elective units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBLDR402 Lead effective workplace relationships</li> <li>(ii) BSBITS401 Maintain business technology</li> <li>(iii) BSBWHS404 Contribute to WHS hazard identification, risk assessment and risk control</li> <li>(iv) BSBLEG413 Identify and apply the legal framework</li> <li>(v) FNSACC403 Make decisions in a legal context</li> <li>(vi) BSBLEG416 Apply the principles of the law of torts</li> <li>(vii) BSBLEG512 Apply legal principles in property law matters</li> <li>(viii) BSBSMB401 Establish legal and risk management requirements of small business</li> <li>(ix) FNSORG602 Develop and manage financial system</li> </ul>	Nil
<p>Advanced Diploma of Conveyancing FNS60310, which includes all of the following:</p> <p><b>(a) the following core units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBWOR401A Establish effective workplace relationships</li> <li>(ii) BSBITS401A Maintain business technology</li> <li>(iii) BSBOHS303B Contribute to OHS hazard identification and risk assessment</li> <li>(iv) FNSINC401A Apply principles of professional practice to work in the financial services industry</li> <li>(v) FNSCNV501A Take instructions in relation to a transaction</li> <li>(vi) FNSCNV502A Read and interpret a legal document and provide advice</li> <li>(vii) FNSCNV503A Analyse and interpret legal requirements for a transaction</li> <li>(viii) FNSCNV601A Identify and conduct searches</li> <li>(ix) FNSCNV504A Prepare legal documents</li> <li>(x) FNSCNV505A Finalise the conveyancing transaction</li> <li>(xi) FNSCNV506A Establish and manage a trust account</li> </ul> <p><b>(b) the following elective units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBLEG413A Identify and apply the legal framework</li> <li>(ii) FNSACC403A Make decisions in a legal context</li> <li>(iii) BSBLEG415A Apply the principles of contract law</li> <li>(iv) BSBLEG416A Apply the principles of the law of torts</li> <li>(v) BSBLEG512A Apply legal principles in property law matters</li> <li>(vi) BSBSMB401A Establish legal and risk management requirements of a small business</li> <li>(vii) FNSORG602A Develop and manage financial systems</li> </ul>	Nil



Educational qualification	Additional educational qualification
<p>Advanced Diploma in Conveyancing FNS60311, which includes all of the following:</p> <p><b>(a) the following core units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBLEG415A Apply the principles of contract law</li> <li>(ii) FNSINC401A Apply principles of professional practice to work in the financial services industry</li> <li>(iii) FNSCNV501A Take instructions in relation to a transaction</li> <li>(iv) FNSCNV502A Read and interpret a legal document and provide advice</li> <li>(v) FNSCNV503A Analyse and interpret legal requirements for a transaction</li> <li>(vi) FNSCNV601A Identify and conduct searches</li> <li>(vii) FNSCNV504A Prepare legal documents</li> <li>(viii) FNSCNV505A Finalise the conveyancing transaction</li> <li>(ix) FNSCNV506A Establish and manage a trust account</li> </ul> <p><b>(b) the following elective units of competency:</b></p> <ul style="list-style-type: none"> <li>(i) BSBWOR401A Establish effective workplace relationships</li> <li>(ii) BSBITS401A Maintain business technology</li> <li>(iii) BSBOHS303B Contribute to OHS hazard identification and risk assessment</li> <li>(iv) BSBLEG413A Identify and apply the legal framework</li> <li>(v) FNSACC403A Make decisions in a legal context</li> <li>(vi) BSBLEG416A Apply the principles of the law of torts</li> <li>(vii) BSBLEG512A Apply legal principles in property law matters</li> <li>(viii) BSBSMB401A Establish legal and risk management requirements of a small business</li> <li>(ix) FNSORG602A Develop and manage financial systems</li> </ul>	Nil
Advanced Diploma in Conveyancing (amended course effective from February 1997) conducted by the Sydney Institute of Technology, Ultimo, and completed before 30 June 2015	Nil
Advanced Diploma in Conveyancing conducted by the Sydney Institute of Technology, Ultimo and completed before February 1997	Completion of an approved bridging course
Associate Degree in Law (Paralegal Studies) (amended course effective from February 1996) conducted by Southern Cross University, Lismore	Nil
Associate Degree in Law (Paralegal Studies) conducted by Southern Cross University, Lismore and completed before February 1996	Completion of approved bridging course
Bachelor of Arts Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed in or after February 1996	Nil
Bachelor of Arts Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed before February 1996	Completion of an approved bridging course
Bachelor of Business Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed in or after February 1996	Nil
Bachelor of Business Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed before February 1996	Completion of an approved bridging course
Bachelor of Legal and Justice Studies Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed in or after February 1996	Nil
Bachelor of Legal and Justice Studies Degree conducted by Southern Cross University, Lismore (if the conveyancing option has been completed) and completed before February 1996	Completion of an approved bridging course



## Professional Indemnity Insurance

The holder of a licence must, when carrying out conveyancing work, be insured under a policy of professional indemnity as provided in clause 6(2) of the Regulation.

Clause 6(2) provides that a licence holder is insured as required if:

- (a) the licensee is insured under a policy of professional indemnity insurance in force with respect to the licensee or his or her employer, being a policy, or a policy of a kind, that is approved by the Commissioner for the time being by order published on the NSW legislation website, or
- (b) the licensee carries out conveyancing work only in the licensee's capacity as an employee of a complying law practice.

Clause 6(3) of the Regulation states "**complying law practice** means a law practice within the meaning of the *Legal Profession Uniform Law (NSW)* that complies with the requirements of Part 4.4 (Professional indemnity insurance) of that Act".

For the purposes of clause 6(2)(a), the Commissioner for Fair Trading publishes an order on the NSW legislation website prior to 1 July each year setting out particulars of the approved policy or policies of professional indemnity insurance. For further information about the approved policy, contact the **Australian Institute of Conveyancers NSW Division on 02 9633 1355**.

It is a condition of a licence that the holder of the licence be insured as required by the regulations. Disciplinary action can be taken against a person who has contravened a condition of the licence.

### Conveyancer licensee employed by interstate law practice

If a licensed conveyancer intends to be employed by an interstate law practice, the conveyancer must still be covered by an approved policy of professional indemnity insurance. A person applying for a conveyancer's licence who intends to be employed by an interstate law practice, will be required to obtain a declaration signed by the principal of the law practice certifying that the law practice is a law practice within the meaning of the *Legal Profession Uniform Law (NSW)* that complies with the requirements of Part 4.4 (Professional indemnity insurance) of that Act. The declaration that must be provided is attached at the end of these Guidelines.

### Duration of a licence

A licence takes effect on the date on which it is granted or on such later date as may be specified and (unless it is sooner suspended, cancelled or surrendered) remains in force for 1 year.

### Business names

Generally, you will need to register a business name with the Australian Securities and Investments Commission (ASIC) if you carry on a business or trade within Australia and you are not trading under your own name.

Exceptions to this include:

- if you are operating as an individual and your operating name is the same as your first name and surname
- if you are in a partnership and your operating name is the same as all of the partners' names, or
- if you are an already registered Australian company and your operating name is the same as your company's name.

The Business Names Registration Act 2011 (Commonwealth) does not allow any changes from the business holder's name if you wish to rely on the above exemptions. For example, if your name is John Smith, and the name of your business is 'John Smith & Co', you will need to register the business name 'John Smith & Co'.

A conveyancer licensee must not enter into any arrangement under which some other person, whether or not a licensee, is authorised by the licensee to conduct a conveyancing business under the same business name, or under a substantially similar business name, as that under which the licensee conducts a conveyancing business.

For information about registering a business name under the *Business Names Registration Act 2011 (Commonwealth)* contact ASIC on 1300 300 630.

## Place of business

An applicant for a conveyancer's licence who proposes to carry on a conveyancing business within New South Wales must provide a business address in New South Wales.

## Licensee-in-charge (LIC)

There must be a Licensee-in-Charge (LIC) at each place of business. An individual licensee may themselves be the LIC at one place of business but must employ other individual licensed conveyancers to be the LIC at any additional places of business.

A corporation that conducts a conveyancing business under a licence must employ an individual licensee as the LIC at each place of business.

A person employed as the person in charge of business at a place of business of a licensee must not exercise functions or provide services on behalf of 2 or more licensees at that place (whether corporations or individuals) unless those licensees are in partnership.

The Commissioner may grant a person an exemption from a provision of this section. The exemption may be granted unconditionally or subject to conditions. The Commissioner may at any time by notice in writing to a person granted an exemption revoke the exemption or vary the conditions of the exemption.

## Sharing of receipts

A licensee must not share the receipts of a conveyancing business with another person unless the other person is a licensee, or the sharing of those receipts with that other person is approved by the Commissioner. An approval will not be given unless the Commissioner is satisfied that the sharing of the receipts of the conveyancing business in accordance with the approval:

- (a) will not result in a person other than a licensee gaining control of the business, and
- (b) will not adversely affect the independent conduct of the licensee's business or give rise to a conflict between the interests of the licensee and the interests of any of the licensee's clients.

## Partnerships

A licensee must not be in partnership with another person unless the other person is a licensee, or the partnership with that other person is approved by the Commissioner. An approval for a partnership will not be given under this section unless the Commissioner is satisfied that the business of the partnership concerned will include conveyancing business.

An approval will not be given for a partnership with a person who is the holder of a licence or certificate of registration under the *Property, Stock and Business Agents Act 2002*.

The following provisions apply in respect of a partnership in which a licensee is a member:

- (a) a partner who is not a licensee is not guilty of an offence under Part 2.1 of the *Legal Profession Uniform Law (NSW)* merely because the partner conducts business of the partnership that is conveyancing business,
- (b) a partner who is not a licensee is not guilty of an offence under Part 2.1 of the *Legal Profession Uniform Law (NSW)* merely because the partner receives any fee, gain or reward for business of the partnership that is conveyancing business,
- (c) a partner who is not a licensee is not guilty of an offence under Part 2.1 of the *Legal Profession Uniform Law (NSW)* merely because the partner holds out, advertises or represents himself or herself as a member of a partnership conducting conveyancing business,
- (d) a partner who is a licensee does not contravene this Part merely because the partner shares with any other partner the receipts of business of the partnership that is conveyancing business,
- (e) Division 2 of Part 5 (Trust money), Part 7 (Claims arising from failure to account) and Part 8 (Management and receivership) of the *Conveyancers Licensing Act 2003* apply, subject to the regulations, as if each partner who is

not a licensee were a licensee. Those provisions so apply in connection with any business of the partnership (whether or not it is conveyancing business).

### Licence application fee

The fee payable for a licence consists of several components

- (i). a non-refundable processing component
- (ii). a proportionate component
- (iii) a compensation fund component.

### Lodging an application for a licence

Applications may be lodged online at [www.onegov.nsw.gov.au](http://www.onegov.nsw.gov.au). Alternatively, licence application forms may be obtained by calling Property Licensing on (02) 9619 8799 or you may download a form from the Fair Trading website using the link below.

[http://www.fairtrading.nsw.gov.au/ftw/About\\_us/Our\\_services/Forms/Property\\_services\\_forms.page](http://www.fairtrading.nsw.gov.au/ftw/About_us/Our_services/Forms/Property_services_forms.page)

How to lodge an application for a licence:

#### Online

[www.onegov.nsw.gov.au](http://www.onegov.nsw.gov.au)  
and receive a discount

#### Mail

Send to:  
**Property Licensing**  
**Locked Bag 5104**  
**PARRAMATTA NSW 2124**

#### Service NSW Service Centre

For the location of your nearest Service NSW Service Centre, go to [www.service.nsw.gov.au](http://www.service.nsw.gov.au) or telephone 13 77 88.

### Application processing times

Fair Trading's Customer Service Standards specify that a licence application will be determined within 30 working days after receiving all relevant information from the applicant and other agencies.

For any enquiries regarding your application contact Property Licensing:

**Email:** [LB@finance.nsw.gov.au](mailto:LB@finance.nsw.gov.au)

**Tel:** (02) 9619 8799

**TTY:** (02) 9619 8673

### Legislation

A copy of the *Conveyancers Licensing Act 2003*, the *Conveyancers Licensing Regulation 2015* and the *Conveyancers Licensing Order 2006* may be viewed or downloaded from the NSW Legislation Website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).



Declaration by principal of interstate law practice

This declaration is to be completed by a principal of the interstate law practice employing an applicant for a conveyancers licence under the Conveyancers Licensing Act 2003 (NSW).

I certify that ..... is/will be employed by

Name of Applicant

.....

Name of law practice

at .....

Street address of law practice

and that the law practice referred to above is a law practice within the meaning of the Legal Profession Uniform Law (NSW) that complies with the requirements of Part 4.4 (Professional indemnity insurance) of that Law.

I further certify that the particulars specified above are, to the best of my knowledge, true and correct in every detail.

Name of Principal: .....

Signature of Principal: ..... Date: .....

Notes:

The Legal Profession Uniform Law (NSW) specifies:

For the purposes of the Legal Profession Uniform Law (NSW), a principal of a law practice is an Australian legal practitioner who is:

law practice means:

(a) a sole practitioner; or

(b) a law firm; or

(c) a community legal service; or

(d) an incorporated legal practice; or

(e) an unincorporated legal practice;

(a) in the case of a sole practitioner—is the sole practitioner; or

(b) in the case of a law firm—is a partner in the firm; or

(c) in the case of a community legal service—is a supervising legal practitioner of the service referred to in section 117; or

(d) in the case of an incorporated legal practice or an unincorporated legal practice—

(i) holds an Australian practising certificate authorising the holder to engage in legal practice as a principal of a law practice; and

(ii) is—

(A) if the law practice is a company within the meaning of the Corporations Act—a validly appointed director of the company; or

(B) if the law practice is a partnership—a partner in the partnership; or

(C) if the law practice is neither—in a relationship with the law practice that is of a kind approved by the Council under section 40 or specified in the Uniform Rules for the purposes of this definition;