

Licence Application Guidelines

Conveyancers Licensing Act 2003

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.

CONVEYANCING BUSINESS

A conveyancing business is 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.

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 2.2 of the Legal Profession Act 2004.

LICENSING

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 Director General 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 Director General 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 Director General 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 Director General under that Part, and the failure continues, or
- (n) has failed to provide the Director General 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 Director General 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 3 of Part 2.2 of the Legal Profession Act 2004, 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 Director General 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 Director General may, in any case that the Director General 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 Director General 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 Director General 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 Director General 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 Director General 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 Director General has served a notice on the person giving the person the opportunity to make oral or written submissions to the Director General 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 Director General 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 Director General 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.

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 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 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
Advanced Diploma in Conveyancing (amended course effective from February 1997) conducted by the Sydney Institute of	Nil

Technology, Ultimo	
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 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 Minister for the time being by order published in the Gazette, 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 Act 2004* that complies with the requirements of Part 3.3 (Professional indemnity insurance) of that Act".

For the purposes of clause 6(2)(a), the Minister for Fair Trading publishes an order in the New South Wales Government Gazette prior to 1 July each year setting out particulars of the approved policy 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.

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 until the following 30 June.

All licences issued under the Act are due for renewal on 30 June each year.

LICENCE 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.

The proportionate component is the amount payable for the period from when your licence is granted to the following 30 June.

When lodging an application form, only the non refundable processing component is required to accompany the application. NSW Fair Trading will calculate and request the balance due prior to granting the licence.

BUSINESS NAMES

A business name is a name or title under which a person or other legal entity may conduct its business. Under the *Business Names Act 2002*, if a person or other legal entity trades under a name that is not their own, then the name must be registered with NSW Fair Trading.

A licensee must not conduct a conveyancing business under a business name that is not approved by the Director General.

The Director General will not approve a proposed business name for a conveyancing business if the name is so similar to that of another business name under which another conveyancing business is conducted as to suggest that there is a relationship between the two businesses.

For information about registering a business name contact NSW Fair Trading on 13 32 20. Application forms are available on the Fair Trading website at www.fairtrading.nsw.gov.au

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 Director General may grant a person an exemption from a provision of this section. The exemption may be granted unconditionally or subject to conditions. The Director General 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 Director General. An approval will not be given unless the Director General 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 Director General. An approval for a partnership will not be given under this section unless the Director General 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 2.2 of the *Legal Profession Act 2004* 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 2.2 of the *Legal Profession Act 2004* 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 2.2 of the *Legal Profession Act 2004* 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).

APPLICATION FORMS

Application forms for a licence may be obtained by calling the **Business Licence Information Service** (BLIS) on 13 32 20 or you may download a form from the BLIS website at www.blis.fairtrading.nsw.gov.au.

For any enquiries regarding your application contact the Property Services Licensing Unit:

Tel: (02) 9619 8799

Fax: (02) 9372 9060

TTY 02 9372 9085

Legislation

A copy of the *Conveyancers Licensing Act 2003* and the *Conveyancers Licensing Regulation 2006* may be viewed or downloaded from the NSW Legislation Website at www.legislation.nsw.gov.au.



ABN 81 913 830 179

Conveyancers Licensing Act 2003

Application for a Licence - INDIVIDUAL

Before completing this application, please read the accompanying Licence Application Guidelines.

1. LICENCE FEE

The fee payable for a conveyancers licence will vary depending on which month the licence is granted. A conveyancer's licence takes effect on the date on which it is granted and (unless sooner suspended or cancelled) remains in force until the following 30 June.

The fee payable consists of: a non refundable processing component of \$177.00, a proportionate component of up to \$195.00, and a compensation fund component of \$61.00.

The proportionate component is the amount payable for the period from when your licence is granted to the following 30 June.

When lodging this application, pay only the non refundable processing component. NSW Fair Trading will calculate and request the balance due prior to granting the licence.

Please make your cheque or money order payable to NSW Fair Trading.

Forward the completed application, required documentation and your cheque or money order to:

Property Services Licensing
NSW Fair Trading
PO Box Q164
QVB Post Shop
SYDNEY NSW 1230

or

Or lodge in person at any Fair Trading Centre.
Office hours: 8:30 am - 5:00 pm Monday - Friday
For the location of your nearest Fair Trading Centre call 13 32 20
Or log on to www.fairtrading.nsw.gov.au

For any enquiries regarding this application contact the Property Services Licensing Unit:-
Tel: (02) 9619 8799 Fax: (02) 9372 9060 TTY 02 9372 9085

OFFICE USE ONLY
Application No.
L E No.

2. APPLICANT DETAILS

Surname: Given Names:

Other names you are, or have been known by (if any, including maiden name):

Date of Birth: Place of Birth:

Postal Address:

Postcode:

Driver's Licence No: Telephone No:

Mobile Telephone No: Facsimile No:

Email Address (if any):

3. EMPLOYMENT DETAILS – If employed by a licensed conveyancer

If you intend to be employed by a licensed conveyancer or a corporation licensed under the Conveyancers Licensing Act, provide details below.

Name of Employer: _____

Australian Company Number (ACN) if applicable: _____

Business Name of Employer: _____

Employer's Licence No: _____

Name of Licensee-in-Charge: _____

Licence No. of Licensee-in-Charge: _____

Business Address of Employer: _____

_____ Postcode: _____

Employer's Telephone No: _____ Employer's Facsimile No: _____

4. EMPLOYMENT DETAILS – If employed by a solicitor

If you intend to be employed by a solicitor or an incorporated legal practice, provide details below.

Name of Employer: _____

Australian Company Number (ACN) if applicable: _____

Business Name of Employer: _____

Business Address of Employer: _____

_____ Postcode: _____

Employer's Telephone No: _____ Employer's Facsimile No: _____

5. BUSINESS DETAILS

If you intend to be self-employed or carry on your own business as a licensed conveyancer, provide details below.

Business Name (if any): _____

NSW Business Name Registration No: _____

Business Address: _____

_____ Postcode: _____

Telephone No: _____ Mobile No: _____ Facsimile No: _____

Name of Licensee-in-Charge: _____

Licence No. of Licensee-in-Charge: _____

6. PARTNERSHIP DETAILS

If you intend to perform conveyancing work in partnership with another person, provide particulars of your partner below. Provide particulars of any additional partners on a separate sheet of paper.

A partnership with an individual not licensed under the *Conveyancers Licensing Act 2003* cannot proceed unless specifically approved by the Director General.

Surname: _____ Given Names: _____

Other Names partners are, or have been known by (if any, including maiden name): _____

Date of Birth: _____ Place of Birth: _____

Conveyancer's Licence No: _____

Postal Address: _____

Postcode: _____

If you intend to perform conveyancing work in partnership with a corporation, provide details below.

Provide particulars of any additional partners on a separate sheet of paper.

A partnership with a corporation not licensed under the *Conveyancers Licensing Act 2003* cannot proceed unless specifically approved by the Director-General.

Name of Corporation: _____

Australian Company Number (A C N): _____ Corporation Licence No: _____

NOTE: Sections 26 and 27 of the *Conveyancers Licensing Act 2003* provide that a licensee must not be in partnership or share receipts with another person or corporation unless:

- (i) The other person or corporation is a licensee; or
- (ii) The partnership or the sharing of receipts with that other person or corporation is approved by the Director General.

For further information refer to the accompanying Licence Application Guidelines.

7. PROFESSIONAL INDEMNITY INSURANCE

The *Conveyancers Licensing Regulation 2006* requires the holder of a licence to be insured under an approved policy of professional indemnity insurance in force with respect to the licensee or his or her employer. It is a condition of a licence that the holder of the licence be insured as required.

Refer to the accompanying "Licence Application Guidelines" for information on what is an approved policy of professional indemnity insurance.

Prior to a licence being granted, the applicant must provide evidence that they are insured under an approved policy of professional indemnity insurance (PII). If this evidence is not provided with the application, Fair Trading will write to the applicant requesting such evidence prior to the granting of the licence. If the evidence is then not provided, the application for licence will be refused.

Required evidence is:

- In the case of a conveyancer carrying on business in their own right – copy of the currently approved PII policy in the name of the applicant.
- In the case of a conveyancer employed by another conveyancer - copy of the currently approved PII policy in the name of the employer listing the applicant as an employee.

Professional Indemnity Insurance (required evidence) cont'd

- In the case of a conveyancer employed by a solicitor - copy of current PII policy (Lawcover) in the name of the solicitor along with a letter from the solicitor confirming that the applicant is employed by them and is covered by their PII policy.

8. QUALIFICATIONS

The approved qualifications, training and experience required for the grant of a conveyancer's licence is set out in the *Conveyancers Licensing Order 2006*. More information about the qualifications is contained in the accompanying "Licence Application Guidelines".

You must provide with this application evidence of your qualifications and a letter from your supervising conveyancer(s) and / or supervising solicitor(s) stating:

- the nature of the conveyancing duties that you have undertaken while under their supervision;
- the hours per week that you received supervised practical training and experience; and
- the months / years that you received supervised practical training and experience.

9. DISCLOSURE QUESTIONS

The disclosure questions are to be completed by the applicant in respect of each person nominated on this application form eg applicant, licensee-in-charge and partners.

1	Have you been convicted in NSW or elsewhere of ANY offence that was recorded In the last 10 years?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	Are you, or have you been in the preceding 3 years an undischarged bankrupt?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3	At any time in the preceding 3 years, did you apply to take the benefit of any law for the relief of bankrupt or insolvent debtors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	At any time in the preceding 3 years, did you compound with your creditors or make an assignment of your remuneration for their benefit?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5	Are you a director or person concerned in the management of an externally-administered body corporate?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6	At any time in the preceding 3 years were you a director or person concerned in the management of an externally-administered body corporate?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	At any time in the preceding 3 years were you a director or person concerned in the management of a body corporate that, within 12 months of you ceasing to be such a director or person, became an externally-administered body corporate?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8	Are you disqualified from holding a licence, certificate, registration or other authority in NSW or elsewhere?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
9	Have you had a licence, certificate, registration or other authority cancelled in NSW or elsewhere for disciplinary reasons?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
10	Do you hold a licence, certificate, registration or other authority in NSW or elsewhere that is suspended?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
11	Have you been declared to be a disqualified person as a result of disciplinary action?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
12	Do you owe a monetary penalty payable as a result of disciplinary action in respect of being or having been a licensed conveyancer?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

9. DISCLOSURE QUESTIONS (continued)

The disclosure questions are to be completed by the applicant in respect of each person nominated on this application form e.g. applicant, licensee-in-charge and partners.

13	Do you owe an amount due as a debt to the Crown by way of an amount paid out of the Property Services Compensation Fund?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
14	Have you failed to comply with a direction given by the Director General under the Act?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
15	Have you been removed (otherwise than at your 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?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
16	Are you disqualified from being employed in a law practice by virtue of an order made under Division 3 of Part 2.2 of the <i>Legal Profession Act 2004</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
17	Are you an Australian legal practitioner?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
18	Are you a disqualified person under the <i>Property, Stock and Business Agents Act 2002</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
19	Are you the holder of a licence or certificate of registration under the <i>Property, Stock and Business Agents Act 2002</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

IF YOU ANSWERED "YES" TO ANY QUESTION, PROVIDE FULL PARTICULARS ON A SEPARATE PAGE

10. DECLARATION BY APPLICANT

I apply for the grant of a licence under the *Conveyancers Licensing Act 2003* and certify that:

1. I have read the document accompanying this application titled "Licence Application Guidelines";
2. the particulars specified in this application and all attachments are, to the best of my knowledge, true and correct in every detail.

Statement under the *Privacy and Personal Information Protection Act 1998*.

The applicant for this licence:

1. authorises NSW Fair Trading to make any inquiries and to receive and disclose any information which is relevant to the applicant's initial and ongoing eligibility to hold this licence;
2. acknowledges that information will be placed on a register open to the public in accordance with the *Conveyancers Licensing Act 2003*;
3. accepts that failure to supply information required on this application form may delay the processing of the application and;
4. has a right to seek access to and correction of information supplied.

NOTE: It is an offence under the *Crimes Act 1900* to make a false or misleading statement in this document. The maximum penalty is imprisonment for two years or a fine of \$22,000 or both.

Signature: _____ Date: _____

Full Name: _____