

1996—No. 151

CONVEYANCERS LICENSING ACT 1995—REGULATION

(Relating to fees and consequential amendments)

NEW SOUTH WALES



[Published in Gazette No. 51 of 26 April 1996]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Conveyancers Licensing Act 1995, has been pleased to make the Regulation set forth hereunder.

FAYE LO PO' MP
Minister for Fair Trading.

Commencement

1. This Regulation commences on 26 April 1996.

Amendments

2. The Conveyancers Licensing Regulation 1993 is amended:

- (a) by omitting clause 7 and by inserting instead the following clause:

Application fee for licence

7. (1) The application fee to accompany an application under section 9 of the Act for a licence of 12 months duration is \$180.

(2) The application fee to accompany an application under section 9 of the Act for a licence of less than 12 months duration is a proportionate amount of \$180, calculated on a monthly basis with part of a month being treated as a whole month.

(3) The proportion prescribed for the purposes of section 9 (6) of the Act (being the proportion of the application fees received under that section that is required to be paid to the Law Society) is 25%.

- (b) by omitting from clause 11 the matter "\$10" and by inserting instead the matter "\$20";

- (c) by omitting from clause 14C the word “Committee” wherever occurring and by inserting instead the word “Council”;
- (d) by omitting from clause 27 (1) (as amended by Schedule 1 to the Act) the matter “section 25 (3) (b)” and by inserting instead the matter “section 25 (3) (a)”;
- (e) by omitting from clause 45 (b) the words “Law Society” and by inserting instead the word “Council”;
- (f) by omitting from clause 46 the words “Chief Trust Account Inspector of the Law Society” and by inserting instead the word “Council”;
- (g) by omitting from clause 49 (1) the words “President of the Law Society” and by inserting instead the word “Council”;
- (h) by omitting clause 49 (2) and by inserting instead the following subclause:
 - (2) The Council must cause the matter to be investigated.
- (i) by omitting Division 5 (Transitional) of Part 6;
- (j) by omitting from Form 1 the words “Council of the Law Society of New South Wales” wherever occurring and by inserting instead the words “Property Services Council”;
- (k) by omitting from Form 1 the words “Chief Trust Account Inspector c/- Law Society of N.S.W.” and by inserting instead the words “Property Services Council”;
- (l) by omitting from Forms 1, 2 and 3 the words “Conveyancers Licensing Act 1992” wherever occurring and by inserting instead the words “Conveyancers Licensing Act 1995”;
- (m) by omitting Schedule 3 from Form 3 and by re-numbering Schedules 4 and 5 in that Form as Schedules 3 and 4 respectively.

EXPLANATORY NOTE

This Regulation amends the Conveyancers Licensing Regulation 1993 as a consequence of the repeal of the Conveyancers Licensing Act 1992 and its replacement with the Conveyancers Licensing Act 1995. The amendments reflect the transfer of functions under the Act from the Law Society and Committee established by the repealed Act to the Property Services Council, and a re-numbering of the sections of the Act.

The following miscellaneous changes are also made:

- (a) the fee for an application for a 12-month licence under the Act is changed from \$490 or \$325 (depending on whether the conveyancer conducts a conveyancing business or is an employee) to a flat fee of \$180; and

- (b) the proportion of the application fees received that is required to be paid to the Law Society is prescribed as 25%; and
- (c) the fee for inspection of the register kept under the Act is increased from \$10 to \$20.

This Regulation is made under the Conveyancers Licensing Act 1995, in particular section 91 (the general regulation making power) and the provisions of the Act mentioned in the Regulation.
