



New South Wales

# Conveyancers Licensing Order 2006

under the

Conveyancers Licensing Act 2003

I, Diane Beamer MP, the Minister for Fair Trading, in pursuance of sections 9 (1) and 10 (4) of the *Conveyancers Licensing Act 2003*, make the following Order.

Dated, this 6th day of December 2006.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The objects of this Order are:

- (a) to approve certain qualifications as qualifications required for the issue of a licence to conduct a conveyancing business under the *Conveyancers Licensing Act 2003* (***the Act***), and
- (b) to declare certain laws of other jurisdictions to be ***corresponding laws*** for the purposes of section 10 of the Act, so that any person who is disqualified from holding a licence or other authority under such a law, or whose licence or authority under such a law is suspended, is not eligible to hold a licence to conduct a conveyancing business under the Act.

This Order is made under sections 9 (1) and 10 (4) of the *Conveyancers Licensing Act 2003*.

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## Conveyancers Licensing Order 2006

under the

Conveyancers Licensing Act 2003

### 1 Name of Order

This Order is the *Conveyancers Licensing Order 2006*.

### 2 Commencement

This Order commences on 15 December 2006.

### 3 Definitions

In this Order:

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

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

### 4 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.

## 5 Corresponding laws

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.

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Conveyancers Licensing Order 2006

Schedule 1 Qualifications for licence

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### Schedule 1 Qualifications for licence

(Clause 4)

<b>Educational qualification</b>	<b>Additional educational qualification</b>
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 Technology, Ultimo	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

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<b>Educational qualification</b>	<b>Additional educational qualification</b>
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

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