

Conveyancers Licensing (Qualifications) Order 2006

[2006-715]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Conveyancers Licensing (General) Order 2006
Conveyancers Licensing Order 2006

Authorisation

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New South Wales

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Conveyancers Licensing (Qualifications) Order 2006



New South Wales

1 Name of Order

This Order is the *Conveyancers Licensing (Qualifications) Order 2006*.

2 Commencement

This Order commences on 15 December 2006.

3 Definitions

In this Order—

accredited Advanced Diploma of Conveyancing means an Advanced Diploma of Conveyancing that is accredited by the National VET Regulator.

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.

National VET Regulator has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

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.

required elective units of competency means the following elective units of competency, or elective units of competency that supersede those units of competency—

- (a) BSBLEG421 Apply understanding of the Australian legal system,
- (b) FNSACC413 Make decisions in a legal context,
- (c) BSBLEG523 Apply legal principles in tort law matters,
- (d) BSBLEG528 Apply legal principles in property law matters,
- (e) BSBESB402 Establish legal and risk management requirements of new business ventures,
- (f) FNSORG602 Develop and manage financial systems.

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.

superseded Advanced Diploma of Conveyancing means an Advanced Diploma of Conveyancing that—

- (a) was, at the time the Advanced Diploma of Conveyancing was started, the current accredited Advanced Diploma of Conveyancing that includes the required elective units of competency, and
- (b) has been superseded by an equivalent accredited Advanced Diploma of Conveyancing that—
 - (i) includes the required elective units of competency, and
 - (ii) is, at the time of superseding, the current accredited Advanced Diploma of Conveyancing.

the Act means the *Conveyancers Licensing Act 2003*.

transition period, in relation to a superseded Advanced Diploma of Conveyancing, means the time period approved by the National VET Regulator, by which an enrolled person must complete the superseded Advanced Diploma of Conveyancing.

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.

6 (Repealed)

Schedule 1 Qualifications for licence

(Clause 4)

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
Diploma of Conveyancing (Law and Practice) conducted by Southern Cross University	Nil
An accredited Advanced Diploma of Conveyancing that includes the required elective units of competency	Nil
A superseded Advanced Diploma of Conveyancing that was completed before the last day of the transition period for the superseded Advanced Diploma of Conveyancing	Nil
Advanced Diploma of Conveyancing BSB60220, which includes the required elective units of competency	Nil

Advanced Diploma of Conveyancing BSB61115, which includes all of the following units of competency and, if the Advanced Diploma of Conveyancing is a superseded Advanced Diploma of Conveyancing, was completed within the transition period for the Advanced Diploma of Conveyancing—

- (a) the following core units of competency—
 - (i) BSBCNV501 Take instructions in relation to a transaction
 - (ii) BSBCNV502 Read and interpret a legal document and provide advice
 - (iii) BSBCNV503 Analyse and interpret legal requirements for a transaction
 - (iv) BSBCNV504 Prepare legal documents
 - (v) BSBCNV505 Finalise the conveyancing transaction
 - (vi) BSBCNV506 Establish and manage a trust account
 - (vii) BSBCNV601 Identify and conduct searches
 - (viii) BSBLEG415 Apply the principles of contract law
 - (ix) FNSINC401 Apply principles of professional practice to work in the financial services industry Nil
- (b) the following elective units of competency—
 - (i) BSBLDR402 Lead effective workplace relationships
 - (ii) BSBITS401 Maintain business technology
 - (iii) BSBWHS404 Contribute to WHS hazard identification, risk assessment and risk control
 - (iv) BSBLEG413 Identify and apply the legal framework
 - (v) FNSACC403 Make decisions in a legal context
 - (vi) BSBLEG416 Apply the principles of the law of torts
 - (vii) BSBLEG512 Apply legal principles in property law matters
 - (viii) BSBSMB401 Establish legal and risk management requirements of small business
 - (ix) FNSORG602 Develop and manage financial systems

Advanced Diploma of Conveyancing FNS60310, which includes all of the following units of competency and, if the Advanced Diploma of Conveyancing is a superseded Advanced Diploma of Conveyancing, was completed within the transition period for the Advanced Diploma of Conveyancing—

(a) the following core units of competency—

- (i) BSBWOR401A Establish effective workplace relationships
- (ii) BSBITS401A Maintain business technology
- (iii) BSBOHS303B Contribute to OHS hazard identification and risk assessment
- (iv) FNSINC401A Apply principles of professional practice to work in the financial services industry
- (v) FNSCNV501A Take instructions in relation to a transaction
- (vi) FNSCNV502A Read and interpret a legal document and provide advice
- (vii) FNSCNV503A Analyse and interpret legal requirements for a transaction
- (viii) FNSCNV601A Identify and conduct searches
- (ix) FNSCNV504A Prepare legal documents
- (x) FNSCNV505A Finalise the conveyancing transaction
- (xi) FNSCNV506A Establish and manage a trust account

Nil

(b) the following elective units of competency—

- (i) BSBLEG413A Identify and apply the legal framework
- (ii) FNSACC403A Make decisions in a legal context
- (iii) BSBLEG415A Apply the principles of contract law
- (iv) BSBLEG416A Apply the principles of the law of torts
- (v) BSBLEG512A Apply legal principles in property law matters
- (vi) BSBSMB401A Establish legal and risk management requirements of a small business
- (vii) FNSORG602A Develop and manage financial systems

Advanced Diploma in Conveyancing FNS60311, which includes all of the following units of competency and, if the Advanced Diploma of Conveyancing is a superseded Advanced Diploma of Conveyancing, was completed within the transition period for the Advanced Diploma of Conveyancing—

(a) the following core units of competency—

- (i) BSBLEG415A Apply the principles of contract law
- (ii) FNSINC401A Apply principles of professional practice to work in the financial services industry
- (iii) FNSCNV501A Take instructions in relation to a transaction
- (iv) FNSCNV502A Read and interpret a legal document and provide advice
- (v) FNSCNV503A Analyse and interpret legal requirements for a transaction
- (vi) FNSCNV601A Identify and conduct searches
- (vii) FNSCNV504A Prepare legal documents
- (viii) FNSCNV505A Finalise the conveyancing transaction
- (ix) FNSCNV506A Establish and manage a trust account

Nil

(b) the following elective units of competency—

- (i) BSBWOR401A Establish effective workplace relationships
- (ii) BSBITS401A Maintain business technology
- (iii) BSBOHS303B Contribute to OHS hazard identification and risk assessment
- (iv) BSBLEG413A Identify and apply the legal framework
- (v) FNSACC403A Make decisions in a legal context
- (vi) BSBLEG416A Apply the principles of the law of torts
- (vii) BSBLEG512A Apply legal principles in property law matters
- (viii) BSBSMB401A Establish legal and risk management requirements of a small business
- (ix) FNSORG602A Develop and manage financial systems

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

Nil

Associate Degree in Law (Paralegal Studies) conducted by Southern Cross University and completed before February 1996	Completion of approved bridging course
Bachelor of Arts Degree conducted by Southern Cross University (if the conveyancing option has been completed) and completed in or after February 1996	Nil
Bachelor of Arts Degree conducted by Southern Cross University (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 (if the conveyancing option has been completed) and completed in or after February 1996	Nil
Bachelor of Business Degree conducted by Southern Cross University (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 (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 (if the conveyancing option has been completed) and completed before February 1996	Completion of an approved bridging course