

Partnership / Sharing of Receipts Application / Notification
Conveyancers Licensing Act 2003

This form may be used by a licensee to:

- request approval of a partnership arrangement and/or to share receipts with an unlicensed person.
- notify of licensed partners that are commencing in a partnership arrangement;
- notify of licensed or unlicensed partners that are ceasing or continuing in a partnership arrangement;

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 and does not contravene the provisions of section 27 of the *Conveyancers Licensing Act 2003* (the Act).

Approval for a partnership with an unlicensed person will not be given:

- unless the Commissioner is satisfied that the business of the partnership concerned will include conveyancing business.
- 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) 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).

The Act also prohibits a licensee from sharing the receipt 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 and does not contravene the provisions of section 26 of the Act.


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1. Provide particulars of all <u>licensed</u> members of the partnership (commencing, ceasing or continuing)			
Full Name of each partner (individual or corporation)	Licence Number	Tick appropriate box	Effective date
		<input type="checkbox"/> commenced <input type="checkbox"/> ceased <input type="checkbox"/> continuing	
		<input type="checkbox"/> commenced <input type="checkbox"/> ceased <input type="checkbox"/> continuing	
		<input type="checkbox"/> commenced <input type="checkbox"/> ceased <input type="checkbox"/> continuing	

2. Provide particulars of all <u>unlicensed</u> members of the partnership (commencing, ceasing or continuing)			
A partnership with an unlicensed person cannot commence until approved by the Commissioner			
Full Name of each <u>unlicensed</u> partner (individual or corporation)	Date and Place of Birth - if an individual A.C.N. - if a corporation	Tick appropriate box	Effective date of cessation
		<input type="checkbox"/> proposing to commence <input type="checkbox"/> ceased <input type="checkbox"/> continuing	
		<input type="checkbox"/> Proposing to commence <input type="checkbox"/> ceased <input type="checkbox"/> continuing	
		<input type="checkbox"/> Proposing to commence <input type="checkbox"/> ceased <input type="checkbox"/> continuing	

The following questions must be answered if seeking approval to be in partnership with a person that does not hold a licence:

- | | |
|--|--|
| (a) Will the business of the partnership include conveyancing business? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| (b) Do any of the proposed unlicensed members of the partnership hold 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"/> |

 You must attach to this application legible evidence of identity, such as a copy of a driver licence, photo card, passport, birth certificate or change of name certificate, for each unlicensed person specified above.

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3. Provide particulars of unlicensed persons with whom it is proposed to share the receipts of the conveyancing business.

A licensee must not share receipts with an unlicensed person unless the sharing of receipts arrangement is approved by the Commissioner

Note: Approval is not required to share receipts with an unlicensed person if the person is a member of a partnership that has been approved by the Commissioner.

Full Name of each unlicensed persons with whom it is proposed receipts be shared (individual or corporation)	Date and Place of Birth - if an individual A.C.N. - if a corporation

The following questions must be answered if seeking approval to share receipts with a person that does not hold a licence under the *Conveyancers Licensing Act 2003*.

- | | |
|--|--|
| (a) Will a person other than a licensee under the <i>Conveyancers Licensing Act 2003</i> gain control of the conveyancing business? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| (b) Will the sharing of receipts adversely affect the independent conduct of the licensee's business? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| (c) Will the sharing of receipts give rise to a conflict between the interests of the licensee and the interests of any of the licensee's clients? | Yes <input type="checkbox"/> No <input type="checkbox"/> |



You must attach to this application legible evidence of identity, such as a copy of a driver licence, photo card, passport, birth certificate or change of name certificate, for each unlicensed person specified above.

4. Contact Person

Provide the particulars of an individual as a contact person for the purposes of the processing of this form.

Name:	
Position:	
Licence No. (if applicable):	
Email Address:	
Daytime Phone Number:	

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Declaration by all partners and / or persons seeking to share receipts

The following declaration must be made by each person specified on Pages 2 and 3 (section 1, 2 or 3) of this form.

I certify that the particulars specified in this form and all attachments, are to the best of my knowledge, true and correct in every detail **and under the *Privacy and Personal Information Protection Act 1998***:

1. authorise NSW Fair Trading to make any inquiries and to receive and disclose any information which is relevant to the licensee's ongoing eligibility to hold a licence;
2. acknowledge, that licence information will be placed on a register open to the public in accordance with the *Conveyancers Licensing Act 2003*;
3. accept that failure to supply information required on this form may delay the processing of the form and;
4. have 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.

Name of each person specified on Page 2 and 3 of this form.	If a corporation, name of director signing on its behalf	Signature certifying agreement with the above declaration	Date signed

Please retain a copy of this form for your records.

What to expect after this form has been lodged:

Fair Trading will provide a written determination concerning a request to be in partnership and/or to share receipts with an unlicensed person.


In relation to licensed partners, Fair Trading will not send confirmation that the details in this form have been recorded. Instead updated details will appear on the Conveyancer online public register.

Go to www.fairtrading.nsw.gov.au > *Check a Licence* > *Conveyancer*.

Please allow up to 6 weeks for this information to be processed. Only licensed partners will appear on the NSW online public register.

To advise Fair Trading of a **change of address**, please complete the *Change of Address – Licensed Conveyancer* form. To download a form, visit www.fairtrading.nsw.gov.au > *Forms* on the home page > *Property services forms* > *Conveyancers* or call 13 32 20.

How to Lodge this Document

 Email

lb@finance.nsw.gov.au

 Mail

Send to:
Property Licensing
Locked Bag 5104
PARRAMATTA NSW 2124

Enquiries:

Monday to Friday 8:30 am to 5:00 pm

Telephone: (02) 9619 8799

TTY: (02) 9619 8673