

Corporation Conveyancer Licence APPLICATION

Conveyancers Licensing Act 2003

Use this form to apply for a corporation conveyancer licence. This allows your company to do legal work in relation to property transactions such as a sale or lease of land, or the granting of a mortgage.

A director of the company must complete this form on behalf of the company.

Is my company eligible?

To be eligible, each director of the corporation will need to:

- be a fit and proper person to hold a licence
- not be a 'disqualified person' under the [Conveyancers Licensing Act 2003](#), including:
 - an Australian solicitor or barrister with a current practising certificate, or
 - someone licensed under the [Property and Stock Agents Act 2002](#).

The corporation will also need to:

- have at least one director who holds a current, individual conveyancer licence
- nominate a licensee in charge at each place of business who holds a current, individual conveyancer licence
- be considered fit and proper to hold a licence
- meet the mandatory insurance requirements
- pay the relevant contribution to the [Property Services Compensation Fund](#).

How much does a licence cost?

Information about the current conveyancer licensing fees is available on the [NSW Fair Trading](#) website. Fees are GST exempt and include a non-refundable processing component.

How do I apply?

Online

Complete an online form at [Service NSW](#).

In person

Complete this form and apply in person at any Service NSW centre. For your nearest Service NSW centre go to [service centre locator](#) or phone 13 77 88.

Identification

You must attach two (2) [current identity documents](#) for the director completing the application, such as a copy of your driver licence, photo card, passport or birth certificate.

If applicable, you must also attach two (2) copies of [current identity documents](#) for all company directors and company secretaries.

What happens next?

Your application and supporting documents will be assessed to ensure you meet the requirements to hold a Conveyancer Licence. We will endeavour to complete the assessment of your application within our service standards, however, please note that if we need to contact you for additional information this may increase the time we take to assess your application.

How will I know the outcome of my application?

We will let you know whether your application is granted or refused by email. If your application is refused, we will contact you in writing outlining the reason(s) and provide you with details of your options.

If you are having difficulty submitting this application, contact NSW Fair Trading on 13 32 20.

SECTION 1 – Applicant corporation details

Name of corporation

ACN or Assoc. Incorporated Number

Contact number

Email address – *Renewal notices and important information will be sent to this address*

SECTION 2 – Registered office

Registered office address where the corporation proposes to carry on business (including postcode)

SECTION 3 – Registered business names

Will the corporation be carrying on business under a registered business name at the above address?

Yes

No

If Yes, provide your registered business name

Note - If the applicant intends to carry on a conveyancing business at **more than one place** or under **more than one registered business name**, details of the additional places of business and business names **must be provided** on a separate sheet of paper and submitted with this application as an attachment.

SECTION 4 – Declaration by Licensee-in-charge

Full name of the person to be Licensee-in-charge

I declare that my licence number is:

And I am (tick appropriate box):

not currently the Licensee-in-charge of my own place of business or any other place of business for the licensee named in SECTION 1 of this form or any other corporation or individual.

OR

presently the Licensee-in-charge of a business owned by (Full name of business owner):

At the following business (business name and address, including postcode):

and undertake to resign as licensee in charge of this place of business prior to the issue of the corporation licence for which this application is being made.

I understand that the place of business specified in SECTION 2 of this form will be updated on my individual licence record as my business address when this corporation licence is granted.

Signature of new nominated Licensee-in-charge

Date

Note - A licensed corporation **must** employ an individual who holds a **current licence** to be the Licensee-in-charge at each place of business at which the corporation carries on business under the Act subject to the requirements of section 20 of the Act. **Each place of business must have a different Licensee-in-charge.**

SECTION 5 – Details of directors/secretaries

Provide the following particulars for each director (and secretary if any) of the applicant corporation. This includes the director who is completing this application.

If there is insufficient space, please provide the particulars of each additional director or secretary on a separate sheet of paper

At least one director must hold a licence under the *Conveyancer Licensing Act 2003*.

Director/Secretary 1

First name

Last name

Date of birth

Mobile number

Email address

Residential address (including postcode)

Are you a director and/or a company secretary?

Yes

No

Do you have an individual conveyancer licence?

Yes

No

If Yes, provide your licence number

Director/Secretary 2

First name

Last name

Date of birth

Mobile number

Email address

Residential address (including postcode)

Are you a director and/or a company secretary?

Yes

No

Do you have an individual conveyancer licence?

Yes

No

If Yes, provide your licence number

SECTION 6 – Partnerships and receipt sharing

If the corporation intends to undertake conveyancing work in partnership with another person whether the person is licensed or not, or the corporation intends to share receipts with an unlicensed person, the [Partnership / Sharing of Receipts Application / Notification](#) must be completed.

Do you intend to carry on business in a partnership or share receipts with another person?

Yes No

Note - If yes, you **must** complete and attach the [Partnerships Application form](#) to this application.

SECTION 7 – Disclosures

If you answer Yes to any of the following questions, please provide full details in attachments section.

Mental incapacity

1. Do any of the directors or persons concerned in the management of the applicant corporation have a mental incapacity? No Yes

A ‘mentally incapacitated person’ means a person who is an involuntary, forensic or correctional patient as defined by the Mental Health Act 2007 (NSW).

Or it also means a ‘protected person’ within the meaning of the NSW Trustee and Guardian Act 2009.

Criminal Record

2. Has any director or person concerned in the management of the applicant corporation been convicted in NSW or elsewhere of **any** offence that was recorded in the last 10 years? No Yes

This question is asking if any director or person concerned in the management of the company applying for a corporation licence has been found guilty of a criminal charge or offence that was recorded against your name. A criminal offence includes:

- recorded conviction for a criminal offence
- incarceration
- being subject to a bond
- being on parole or subject to parole conditions.

Financial

3. Is any director or person concerned in the management of the applicant corporation currently an undischarged bankrupt? No Yes

An undischarged bankrupt is an individual who is declared bankrupt. If bankruptcy has been annulled, this means it has come to an end.

4. Has any director or person concerned in the management of the applicant corporation in the preceding 3 years, been an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with their creditors or made an assignment of their remuneration for their benefit? No Yes

This question is asking if any director or person concerned in the management of the company applying for a corporation licence is, or has been, bankrupt or insolvent and:

- Have used the law to relieve debt
- Have made contractual agreements to manage debt with creditors
- Have assigned part of their salary (remuneration) to pay off debt.

Insolvency

5. Has any director or person concerned in the management of the applicant corporation in the preceding 3 years ceased to be a director or person concerned in the management of **any** corporation that became an externally-administered body corporate within 12 months of the date they ceased? No Yes

This question is asking if any director or person concerned in the management of the company applying for a corporation licence has been a manager or director of a business that was put under administration (this may be called in liquidation; winding up, or insolvent), even if they left the business before it went under administration.

6. Has any director or person concerned in the management of the applicant corporation currently, or in the preceding 3 years been a director or person concerned in the management of ANY externally-administered body corporate (within the meaning of the *Corporations Act 2001*)? No Yes

This question is asking if any director or person concerned in the management of the company applying for a corporation licence has been a manager or director of a business or association that was under administration (this may be called in liquidation, winding up, or insolvent), in the past three (3) years.

Disqualifications

7. Is the applicant corporation or any director or person concerned in the management of the corporation disqualified from holding a licence, certificate of registration, permit or other authority in NSW or elsewhere? No Yes

This question is asking if the company or any director or person concerned in the management of the company applying for a corporation licence has been disqualified from holding any type of licence issued by NSW Fair Trading or in another jurisdiction.

8. Is the applicant corporation or any director or person concerned in the management of the corporation the holder of a licence, certificate of registration, permit or other authority that is suspended or cancelled in NSW or elsewhere for disciplinary reasons? No Yes

This question is asking if any director or person concerned in the management of the company applying for a corporation licence has had a suspension placed on any type of licence issued by NSW Fair Trading or in another jurisdiction or had a licence cancelled in NSW or another jurisdiction due to disciplinary action being taken.

9. Has any director or person concerned in the management of the applicant corporation been removed (otherwise than at their 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? No Yes

10. Has any director or person concerned in the management of the applicant corporation been disqualified from being employed in a law practice by virtue of an order made under Division 1 of Part 3.9 of the Legal Profession Uniform Law (NSW)? No Yes

11. Is any director or person concerned in the management of the applicant corporation currently a legal practitioner in Australia, or is the applicant corporation a legal practice or solicitor corporation? No Yes

12. Is any director or person concerned in the management of the applicant corporation currently the holder a licence or certificate of registration under the *Property and Stock Agents Act 2002*? No Yes

Debts

- 13. Does the applicant corporation owe an amount to the Crown for the recovery of payments from the Compensation Fund? No Yes
- 14. Do you owe a monetary penalty payable in relation to disciplinary proceedings or have you failed to comply with a direction given by the Secretary under the *Conveyancers Licensing Act 2003*? No Yes
- 15. Is the applicant corporation the subject of a winding up order or the appointment of a controller or administrator? No Yes

SECTION 8 – Professional indemnity insurance

The Conveyancers Licensing Regulation 2015 requires a licence holder, when carrying out conveyancing work, to be insured under an approved policy of professional indemnity insurance in force with respect to the licensee. It is a condition of a licence that the holder of the licence be insured as required.

SECTION 12 – Declaration and consent

I certify that the particulars specified in this application 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* (PIIP Act).

- I authorise Fair Trading to make any inquiries and to receive and disclose any information which is relevant to my ongoing eligibility to hold a licence under the *Conveyancers Licensing Act 2003*.
- I acknowledge that information will be placed on the register open to the public in accordance with the *Conveyancer Licensing Act 2003*.
- I accept that failure to supply information required on this application may delay the processing of this application.
- I have a right to seek access to and correction of information supplied.
- I understand the professional indemnity insurance obligations as a licensee under the *Conveyancers Licensing Act 2003*.

Making a false or misleading statement, giving false or misleading information, or producing false or misleading documents is a serious offence which may render you liable to prosecution for offences including under the *Crimes Act 1900* which may result in penalties including a fine or imprisonment.

Full name of director completing application

Signature

Date (DD/MM/YYYY)

Full name of director/secretary 2

Signature

Date (DD/MM/YYYY)

(If insufficient space to capture consent of all directors/secretaries, please provide additional details and signatures on a separate page).

Privacy Collection Notice

NSW Fair Trading, Department of Customer Service gives priority to protecting the privacy of your personal information. We do this by handling personal information in a responsible manner and in accordance with the *Privacy and Personal Information Protection Act 1998* (PIIP Act). Service NSW acts as a shopfront for us and performs transactions for you, on our behalf.

The personal information contained in your application is collected and held by NSW Fair Trading and Service NSW will collect and hold personal information on our behalf as part of the application process.

We are collecting your personal information for the following purposes:

1. To process an application for a Corporation Conveyancer Licence in accordance with section 11 of the *Conveyancers Licensing Act 2003* and *Part 2 of the Licensing and Registration (Uniform Procedures) Act 2002*.
2. Internal administrative purposes, including liaising with you in relation to your application.
3. We may use the information to support more informed policy making, program management, evaluation, research and service planning as it can facilitate more efficient service delivery for residents and business in NSW.
4. As required by legislation to record information on a public register, parts of which will be published online.

The consequence of not providing it is that your application may not be able to be determined. We may use the personal information contained in your application to confirm your details if you make any subsequent applications in relation to any licence or authority issued by NSW Fair Trading. We may also use it to administer/update our customer database, including to send you information that we consider important such as reminders to renew licences.

We will store and manage your personal information in accordance with provisions under the PIIP Act.

If required, we may make enquiries and exchange information with other NSW government agencies (including the NSW Police Force), or other States, Territories and/or the Commonwealth for the purpose of assessing your application and for compliance purposes. We may disclose your personal information for these purposes.

We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or permitted to do so by law. [Our Privacy Statement](#) describes when this may occur. You can find this information and our [Privacy Management Plan](#) on the Department of Customer Service website.

Please see the [Fair Trading Privacy Code of Practice](#) for more information about how we handle your personal information, how you can request access to or correct the personal information we hold about you (if the information is inaccurate, incomplete, not relevant or out of date) and who to contact if you have a privacy enquiry or complaint, or email brdprivacy@customerservice.nsw.gov.au.

For more information about how Service NSW handles personal information please visit www.service.nsw.gov.au/privacy-statement.