

Authorised Version
Conveyancers (Qualifications and Experience)
Regulations 2018
S.R. No. 60/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 60/2018

Conveyancers Act 2006

**Conveyancers (Qualifications and Experience)
Regulations 2018**

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, makes the following Regulations:

Dated: 22 May 2018

Responsible Minister:

MARLENE KAIROUZ

Minister for Consumer Affairs, Gaming and Liquor
Regulation

ANDREW ROBINSON
Clerk of the Executive Council

Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe the qualifications and experience for the licensing of conveyancers for the purposes of the **Conveyancers Act 2006**.

2 Authorising provision

These Regulations are made under section 188 of the **Conveyancers Act 2006**.

3 Revocation

The following regulations are **revoked**—

- (a) Conveyancers (Qualifications, Experience and Fees) Regulations 2008¹;
- (b) Conveyancers (Qualifications, Experience and Fees) Amendment Regulations 2012²;
- (c) Conveyancers (Qualifications, Experience and Fees) Amendment Regulations 2016³.

4 Commencement

These Regulations come into operation on 26 May 2018.

5 Definitions

In these Regulations—

Australian practising certificate has the same meaning as in the Legal Profession Uniform Law (Victoria);

registered education and training organisation has the same meaning as in the **Education and Training Reform Act 2006**;

specified academic qualifications prerequisite has the same meaning as in section 17(1)(a) of the Legal Profession Uniform Law (Victoria);

specified practical legal training prerequisite has the same meaning as in section 17(1)(b) of the Legal Profession Uniform Law (Victoria);

the Act means the **Conveyancers Act 2006**.

Part 2—Competency qualifications and experience

6 Prescribed qualifications for conveyancers

For the purposes of section 12 of the Act, the prescribed competency qualifications are any one of the following—

- (a) successful completion of the competency qualification for the award of BSB61115 Advanced Diploma of Conveyancing from the BSB – Business Services Training Package published on the Internet site <https://training.gov.au> maintained by the Commonwealth as in force from time to time, and comprising the following 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;
 - (x) FNSACC403 Make decisions in a legal context;
 - (xi) FNSORG601 Negotiate to achieve goals and manage disputes;
 - (xii) FNSPRM601 Establish, supervise and monitor practice systems to conform with legislation and regulations;
 - (xiii) BSBCOM603 Plan and establish compliance management systems;
 - (xiv) BSBLEG413 Identify and apply the legal framework;
 - (xv) BSBLEG512 Apply legal principles in property law matters;
 - (xvi) BSBLEG513 Apply legal principles in corporation law matters;
 - (xvii) BSBSMB401 Establish legal and risk management requirements of small business;
 - (xviii) BSBWOR501 Manage personal work priorities and professional development;
- (b) successful completion, by 31 December 2018, of each of the following units of competency set out in the BSB – Business Services Training Package published on the Internet site <https://training.gov.au> maintained by the Commonwealth as in force from time to time—

Part 2—Competency qualifications and experience

- (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) FNSORG601 Negotiate to achieve goals and manage disputes;
- (c) successful completion, by 20 July 2016, of each of the following units of competency set out in the FNS10 Financial Services Training Package published on the Internet site <https://training.gov.au> maintained by the Commonwealth as in force from time to time—
- (i) FNSCNV501A Take instructions in relation to a transaction;
 - (ii) FNSCNV502A Read and interpret a legal document and provide advice;
 - (iii) FNSCNV503A Analyse and interpret legal requirements for a transaction;

- (iv) FNSCNV504A Prepare legal documents;
 - (v) FNSCNV505A Finalise the conveyancing transaction;
 - (vi) FNSCNV506A Establish and manage a trust account;
 - (vii) FNSCNV601A Identify and conduct searches;
 - (viii) FNSORG601A Negotiate to achieve goals and manage disputes;
- (d) successful completion, by 31 December 2012, of each of the following units of competency set out in the FNS04 Financial Services Training Package published on the Internet site <https://training.gov.au> maintained by the Commonwealth as in force from time to time—
- (i) FNSCONV501B Take instructions in relation to a transaction;
 - (ii) FNSCONV502B Prepare and/or analyse and execute documents;
 - (iii) FNSCONV503B Establish, manage and administer trust accounts;
 - (iv) FNSCONV504B Finalise conveyancing transactions;
 - (v) FNSCONV601B Obtain and analyse all information for the transaction;
 - (vi) FNSICORG603B Negotiate to achieve goals and manage disputes;

- (e) the successful completion of a recognised law degree if—
 - (i) study for the degree commenced before 1 July 2008; and
 - (ii) at the date of completion, the qualification was approved, under the rules governing admission at that time, for admission to the legal profession in Victoria, or in another State or a Territory—together with the demonstrated competency referred to in paragraph (a)(vi), (b)(vi), (c)(vi) or (d)(iii);
- (f) the successful completion of a Diploma of Financial Services (Conveyancing) conducted by the Royal Melbourne Institute of Technology or Victoria University if study for the diploma commenced before 1 July 2008;
- (g) the successful completion of an Associate Diploma of Business (Legal Practice) or Advanced Diploma of Business (Legal Practice) conducted by a registered education and training organisation if study for the diploma commenced before 1 July 2008, together with the demonstrated competency referred to in paragraph (a)(vi), (b)(vi), (c)(vi) or (d)(iii).

Note

Conditions may be imposed on a licence to carry out a conveyancing business under section 23 of the Act, including by reason of the licensee's competency qualifications and work experience, and conditions may restrict the conveyancing transactions carried out in the course of a licensee's business.

7 Prescribed work experience for conveyancers

- (1) For the purposes of section 12 of the Act, the prescribed work experience is—
- (a) if an applicant has attained the specified academic qualifications prerequisite—
 - (i) satisfactory completion of the specified practical legal training prerequisite; or
 - (ii) at least 12 months of supervised conveyancing experience; or
 - (b) if an applicant has not attained the specified academic qualifications prerequisite, at least 12 months of supervised conveyancing experience.
- (2) In this regulation—

provisional licensee means a person who, at the time of the applicant's employment, held a provisional licence granted under clause 8 of Schedule 1 to the Act;

supervised conveyancing experience means full-time or equivalent part-time experience obtained within the period of 5 years preceding the lodgement of the applicant's application for a licence in carrying out conveyancing work in the course of employment with—

- (a) a licensee other than a provisional licensee; or
 - (b) an Australian legal practitioner with an Australian practising certificate that authorises the practitioner to supervise legal practice by others.
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Endnotes

¹ Reg. 3(a): S.R. No. 48/2008 as amended by S.R. Nos 73/2012 and 87/2016.

² Reg. 3(b): S.R. No. 73/2012.

³ Reg. 3(c): S.R. No. 87/2016.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 6(a) Prescribed qualifications for conveyancers	Business Services Training Package BSB Version 2.0 published by the Commonwealth and endorsed by the Australian Industry and Skills Committee on 12 October 2015	BSB61115 Advanced Diploma of Conveyancing
Regulation 6(b) Prescribed qualifications for conveyancers	Business Services Training Package BSB Version 2.0 published by the Commonwealth and endorsed by the Australian Industry and Skills Committee on 12 October 2015	BSBCNV501 Take instructions in relation to a transaction BSBCNV502 Read and interpret a legal document and provide advice BSBCNV503 Analyse and interpret legal requirements for a transaction

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Endnotes

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		BSBCNV504 Prepare legal documents BSBCNV505 Finalise the conveyancing transaction BSBCNV506 Establish and manage a trust account BSBCNV601 Identify and conduct searches FNSORG601 Negotiate to achieve goals and manage disputes
Regulation 6(c) Prescribed qualifications for conveyancers	Financial Services Training Package FNS10 Version 3.0 published by the Commonwealth and endorsed by the National Skills Standards Council on 24 February 2012	FNSCNV501A Take instructions in relation to a transaction FNSCNV502A Read and interpret a legal document and provide advice FNSCNV503A Analyse and interpret legal requirements for a transaction FNSCNV504A Prepare legal documents

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		<p>FNSCNV505A Finalise the conveyancing transaction</p> <p>FNSCNV506A Establish and manage a trust account</p> <p>FNSCNV601A Identify and conduct searches</p> <p>FNSORG601A Negotiate to achieve goals and manage disputes</p>
Regulation 6(d) Prescribed qualifications for conveyancers	Financial Services Training Package FNS04 Version 1.0 endorsed by the National Quality Council and published by the Commonwealth on 10 July 2004	<p>FNSCONV501B Take instructions in relation to a transaction</p> <p>FNSCONV502B Prepare and/or analyse and execute documents</p> <p>FNSCONV503B Establish, manage and administer trust accounts</p> <p>FNSCONV504B Finalise conveyancing transactions</p>

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		FNSCONV601B Obtain and analyse all information for the transaction FNSICORG603B Negotiate to achieve goals and manage disputes