



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: Prop:JWgl200721

20 July 2021

Conveyancers Licensing Regulation 2021
Policy & Strategy, Better Regulation Division
NSW Department of Customer Service
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

By email: clreg@customerservice.nsw.gov.au

Dear Sir/Madam,

Draft Conveyancers Licensing Regulation 2021

The Law Society of NSW welcomes the opportunity to comment on the draft Conveyancers Licensing Regulation 2021 ("Regulation"). The Law Society's Property Law Committee has contributed to this submission.

We broadly support the remake of the Regulation as proposed. However, we have two comments, as set out below, on the proposal to introduce penalty notices, and potential changes to the scope of what constitutes conveyancing work.

1. Introduction of Penalty Notices

We have concerns with the proposed introduction of penalty notices for breaches of the Rules of Conduct under the Regulation. In our view, the current process of investigations and sanctions under Part 9 of the *Conveyancers Licensing Act 2003* ("Act") provides an appropriately rigorous response to breaches of the Rules of Conduct. Issuing penalty notices may be perceived as being less of an administrative burden, but such notices may have the unintended consequence of diluting the impact of the existing, more formal, sanctions. Additionally, Part 9 of the Act currently permits the imposition of a monetary penalty for breaches of the Rules of Conduct under s 133(1)(d) of the Act. We are not persuaded that a penalty notice regime is necessary or appropriate.

2. The scope of 'conveyancing work' under s 4

The Law Society supports the current definition of 'conveyancing work' under s 4 of the Act. In our view the current definition appropriately describes the scope of conveyancing work.

We note that question 10 of the Regulatory Impact Statement seeks feedback on whether "any other work be expressly included in, or excluded from, 'conveyancing work' that can be carried out by licensed conveyancers". We further note that no specific proposals are suggested in the Regulatory Impact Statement, other than perhaps a clarification in relation to powers of attorney. Should any specific proposals to extend the scope of conveyancing

THE LAW SOCIETY OF NEW SOUTH WALES

170 Phillip Street, Sydney NSW 2000, DX 362 Sydney
ACN 000 000 699 ABN 98 696 304 966

lawsociety.com.au

T +61 2 9926 0333 F +61 2 9231 5809
E lawsociety@lawsociety.com.au



work be considered as a result of this consultation, we would welcome the opportunity to be included in further consultation.

Thank you for the opportunity to provide feedback on the Regulation. Any questions should be directed to Gabrielle Lea, Policy Lawyer on 9926 0375 or email: gabrielle.lea@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JW', followed by a horizontal line extending to the right.

Juliana Warner
President