# Non-licensed employee eligibility/exemption - conveyancers

***Conveyancers Act 2006***

## Before starting your application

* In accordance with the *Conveyancers Act 2006*, certain people are disqualified from carrying on business as a conveyancer. A person is disqualified if they:
* are currently insolvent under administration (bankrupt, debt agreements under Part IX or Part X)
* are a disqualified person within the meaning of the *Legal Profession Act 2004*
* within the last 10 years have been convicted or found guilty (whether or not a conviction was recorded) of any disqualifying offence involving fraud, dishonesty, drug trafficking or violence which is punishable by imprisonment for 3 months or more (whether or not a sentence of imprisonment was imposed). This may include spent convictions, for more information visit our [Spent Convictions website page](https://www.consumer.vic.gov.au/resources-and-tools/business-resources/license-or-register-a-business/spent-convictions) (consumer.vic.gov.au/resources-and-tools/business-resources/license-or-register-a-business/spent-convictions)
* have had a claim allowed against them from the Victorian Property Fund
* are currently disqualified from holding a conveyancer’s licence (or equivalent) anywhere in Australia or elsewhere, or the subject of an order by any regulatory body disqualifying them from acting as a conveyancer or equivalent
* are a represented person under the *Guardianship and Administration Act 1986* (where a guardian or administrator has been appointed).
* For a non-licensed disqualified person to be or continue to be employed to do conveyancing work, the employer or disqualified person must apply for an exemption from the BLA.
* This form asks questions about employment eligibility and if a non-licensed employee is disqualified, allows the licensee or disqualified person to apply for an exemption to be employed in a conveyancing business.
* It is an offence for a person to knowingly make an incorrect statement in relation to an exemption application. Checks will be carried out to verify the information provided in this application.
* If you need additional space to answer the questions in this form, you can attach a separate page referencing your answer to the question number or photocopy the page as needed.

## How to complete this form

* Enter text in spaces provided only. The Business Licensing Authority (BLA) will not accept your form, nor consider it lodged, if you remove or change any questions or other text.
* Mark relevant fields with an ‘X’.
* If completing this form by hand, please complete details in block letters, using a black or blue pen.
* Do not submit this form by email. We cannot accept forms with credit card numbers that are emailed to us. We will not process your application.

## Fees

The fee for 1 July 2023 to 30 June 2024 for applying for eligibility/exemption is $293.40.

The fee must accompany this form. The fee is non-refundable.

## Privacy

For privacy information, please refer to [Information and privacy - Business Licensing Authority - Consumer Affairs Victoria website](https://www.consumer.vic.gov.au/businesses/business-licensing-authority/information-and-privacy) (consumer.vic.gov.au/blaprivacy).

## After you lodge your application

* If the form is completed correctly and all the necessary documents are attached, processing time is on average 4-6 weeks. You may be required to provide further information.
* The disqualified person must not conduct conveyancing work until the exemption is granted.
* If granted, the exemption is ongoing unless otherwise specified.
* If any change occurs in the information you have provided, you must notify the BLA in writing immediately.
* You will be notified of the decision in writing.
* If your application is not successful, you can appeal the decision by applying to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

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| Employer’s details |
| Licence number |  |
| Full name of licensee |  |
| Principal office street address line 1PO Boxes cannot be accepted. |  |
| Principal office street address line 2If applicable. |  |
| City/Suburb/Town |  |
| State |  | Postcode |  |
| Daytime telephone number(Mobiles OK. If a landline, include area code). |  |
| Email address |  |
| Employee’s details (to be completed by the employee) |
| 1. Title

Mr/Ms/Mrs/Other |  |
| 1. Family name
 |  |
| 1. Given names
 |  |
| 1. Date of birthdd/mm/yyyy
 |  |
| 1. List all names previously known by (including maiden name, previous married name).
 |  |
| 1. Residential address
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| Street address line 1 |  |
| Street address line 2If applicable. |  |
| City/Suburb/Town |  |
| State |  | Postcode |  |
| 1. Are you currently insolvent under administration (bankrupt, debt agreements under Part IX or Part X)?Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Are you a disqualified person within the meaning of the *Legal Profession Act 2004*?Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Are you currently disqualified from holding a conveyancers licence (or equivalent) anywhere in Australia or elsewhere, or the subject of an order by any regulatory body disqualifying you from acting as a conveyancer or equivalent?Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Are you a represented person under the *Guardianship and Administration Act 1986* (where a guardian or administrator has been appointed)Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Have you within the last 10 years been convicted or found guilty (whether or not a conviction was recorded) of an offence involving fraud, dishonesty, drug trafficking or violence which is punishable by imprisonment for 3 months or more (whether or not a sentence of imprisonment was imposed)? This may include spent convictions, for more information visit our [Spent Convictions website page](https://www.consumer.vic.gov.au/resources-and-tools/business-resources/license-or-register-a-business/spent-convictions) (consumer.vic.gov.au/resources-and-tools/business-resources/license-or-register-a-business/spent-convictions).Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Have you had a claim allowed against the Victorian Property Fund? Mark with an ‘X’.
 | Yes |  | No |  |
| 1. Did you answer yes to any of the previous six questions?Mark with an ‘X’.
 | Yes |  | No |  |

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| 1. **Certification and authorisation of non-disqualified employee**

I certify that the information contained in this form is true and correct. I understand that the licensee with whom I am seeking employment is entitled to verify the information I have provided. I hereby authorise the employer licensee to make any enquiry considered necessary relating to any or all of the information provided in this form. |
| Signature of employee |  |
| Datedd/mm/yyyy |  |
| Please give the completed and signed form to the employer for their records. |

## Application for exemption to employ a disqualified person

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. Who is making this application?Mark with an ‘X’.
 | The licensed employer |  | The disqualified person |  |
| 1. **Provide full details of the events and conduct which led to the person being disqualified.** Please provide a full description, including all relevant dates, locations, events and conduct. If you do not provide a full description, it may delay your application. Where a claim has been allowed against the Victorian Property Fund specify what the exceptional circumstances were that led to the claim and whether the full amount has been repaid to the Fund. Attach a separate sheet if you need additional space.
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| 1. **Public interest.** To grant the exemption the BLA must be satisfied that it is not contrary to the public interest to do so. Give reasons why you believe it would not be contrary to public interest to allow the disqualified person to be employed in a conveyancing business.
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## Documents required if seeking an exemption

* All disqualified employees must complete and attach a Consent to national criminal history and other record checks form as well as provide the required identification documents. Forms are available from the [Conveyancers section of the Consumer Affairs Victoria website](https://www.consumer.vic.gov.au/conveyancers) (consumer.vic.gov.au/conveyancers).
* A copy of any relevant order issued by a Court, Tribunal or Regulatory Body.
* If found guilty or convicted of a disqualifying offence, a copy of the Summary of Charge, or any other documents already held regarding the circumstances of the offence (such as charge sheets, witness statements, transcripts of police interview, transcript of sentence).
* If insolvent under administration (bankrupt, debt agreements under Part IX or Part X), a copy of the Statement of Affairs.

## Payment

**The fee for 1 July 2023 to 30 June 2024 for applying for eligibility/exemption is $293.40.** There is no GST payable on this fee. The fee can be paid by cheque, money order or credit card. Cheques and money orders are to be made payable to ‘Business Licensing Authority’.

If paying by credit card fill in your credit card details below.

## Credit card details

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Credit card type:Mark with an ‘X’. | Visa |  | Mastercard |  |
| Amount: | **$293.40** |
| Card number: |  |
| Expiry date:mm/yy |  |
| CCV number (3 numbers): |  |
| Name of cardholder: |  |
| Signature of cardholder: |  |
| Date:dd/mm/yyyy |  |

## How to lodge your application

### Attach all documents required as part of your application and send to:

|  |  |
| --- | --- |
| **Online:** | **Assistance:** |
| **Post:** Business Licensing AuthorityGPO Box 322Melbourne VIC 3001 | Telephone: 1300 13 54 52Web: consumer.vic.gov.au/conveyancersNRS: 133 677ABN: 32 790 228 959 |