

FACT SHEET

Conveyancing Amendment Bill (No. 2) 2012

The *Conveyancing Amendment Bill (No. 2) 2012* prohibits the holder of a conveyancing licence from advertising or representing to the public that he or she is a licensed conveyancer or causing or allowing another person to advertise or represent that the suspended licensee is a licensed conveyance during any period that the conveyancer's licence is suspended.

The Bill also prohibits a person who employs a person whose licence is suspended from advertising or representing to the public, or causing or allowing another person to advertise or represent to the public, that the employee is a licensed conveyancer during any period that the conveyancer's licence is suspended. The Bill provides that it is a defence to a charge under this provision if the defendant establishes that they did not know that the employee's licence was suspended at the time the advertisement or representation was made.

The Bill enables a person who has been given an undertaking by a licensed conveyancer and that has not been carried out, to apply to the Supreme Court or the Magistrates Court (Civil Division) for an enforcement order, including that the conveyancer carry out the undertaking or pay compensation for the loss arising from the failure to carry out the undertaking.

The Bill also provides that, where a body corporate commits an offence under the *Conveyancing Amendment Act 2004*, each person concerned in the management of the body corporate is taken to have also committed the offence unless the offence occurred without the person's knowledge or consent or the person used all due diligence to attempt to prevent the act or omission occurring.