

Submission No. 8

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From: Paul Sande
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To: Committee, LACA (REPS)
Subject: Review of legal systems in Australia

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BY: LACA



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Our Ref:

The Chair,

Standing Committee on Legal & Constitutional Affairs

Parliament House

Canberra

Dear Sir/Madam,

The issue of licensing of conveyancers in Queensland has been a long running battle with the Queensland government and supported by the Queensland Law Society. The cases I was involved in since 1994 seeking licensing under the principles of the Mutual Recognition legislation have well been documented.

Since 1997, when I re-located my practice into NSW, I have continued to undertake conveyancing matters for Queensland properties from within NSW utilising the provisions of the Australian Constitution relating to free trade across the borders. In most cases, Queensland solicitors recognise this right and have no difficulty in dealing with me. In fact, the Queensland government has appointed me to assess and "in house" stamp Queensland documents and pay the appropriate duty.

However, there are some solicitors that stand by their "holier than thou" policy and refuse to deal with a conveyancer and, unethically, deal direct with our clients. This causes great confusion and sometimes angst by our clients that they feel they are being bullied by these solicitors and cannot understand why every other State in Australia and New Zealand allows properly licensed and qualified conveyancers to operate. These solicitors use a fear factor and the worn out (and wrong) arguments that conveyancers cannot do legal work, do not have professional indemnity insurance, will run away with your money and do not know how to do the work. This is nothing short of a manipulation of the market power that Queensland solicitor have whilst this monopoly for conveyancing work exists in Queensland.

The Queensland government has undertaken 3 reviews with the government not accepting the findings of all reviews that there is no reason why properly licensed and qualified conveyancers should not be allowed to operate in Queensland. In fact, the review of the implementation of the National Competition Council policy guidelines has also noted the the Queensland government is currently not complying with its obligations in this regard.

I submit to the Committee that as part of your investigation that, unless conveyancing (and conveyancers) is made a true national profession by including Queensland under a licensing regime, then the differences between state (Qld) and federal laws effect the free trade and commerce in Australia.

11/04/2005

Yours faithfully.

Paul Sande

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