

**FURTHER SUBMISSION BY THE
AUSTRALIAN INSTITUTE OF CONVEYANCERS
TO THE
AUSTRALIAN GOVERNMENT PRODUCTIVITY COMMISSION
REVIEW OF MUTUAL RECOGNITION**

The previous submission lodged on behalf of the Australian Institute of Conveyancers set out the main problems associated with attempting to recognize the occupation of Conveyancer through mutual recognition. The Draft Research Report recently issued does not suggest any proposal that would address the Institute's concerns.

The Governments of Queensland and ACT remain the two jurisdictions in Australia who refuse to open up competition in the Conveyancing area and to allow Conveyancers who meet the high standards set for licensing/registration in other jurisdictions, to operate in those markets. The artificial barriers that currently exist to protect legal practitioners in Queensland and ACT from competition should be removed.

It is also noted that there is much variance in educational qualifications and the scope of work that can be undertaken in the different jurisdictions. It is our request that there should be national consistency in legislation and any barriers to same should be removed. It is evident from the Ministerial Declaration Matrices that further work is required by the jurisdictions to bring about the nature and scope of work that a Conveyancer can undertake. The Ministerial declarations for Victoria need updating in view of the enactment of the Conveyancers Act 2006.

I note in the Overview to the Draft Report the "Commission acknowledges the advantages of national licensing over mutual recognition in terms of labour mobility. By removing differences in standards and scope of activities, a single national licence avoids many sources of friction under mutual recognition". The Commission also observes that "it will be some time before national licensing is implemented and, because it will not have universal coverage of occupations, mutual recognition will still be needed." This being the case there needs to be certainty that mutual recognition can be effectively relied upon for the mobility of a Conveyancer's trade.

It appears therefore that neither mutual recognition nor National Licensing will address the issues put forward by the Institute and that is a great pity. It appears that the policy makers are just not willing to bite the bullet and address the problem.

**J. Ludwell
National Secretary
Australian Institute of Conveyancers**

16th December 2008