



Certified Practicing Conveyancer Rules

Approved by AICWA Council in April 2017

1. Definitions

“Accredited Certified Practicing Conveyancer” (CPC) means an applicant as defined in paragraph 3 of these rules that meets all the requirements of the Standard and is accredited in accordance with paragraph 4.

“AICWA” means the Australian Institute of Conveyancers WA Division Inc.

“Allocated Calendar Year” means the period from 1 January to 31 December of the same year.

“Auditor” means the auditor appointed by the Committee from time to time to carry out audits in accordance with Clause 2.4(d) of these rules.

“Body Corporate” means a corporation that holds a Settlement Agents license in WA.

“Business Name” means the trading entity of a licensed individual, sole trader, firm or body corporate.

“Business Entity” means the corporate identity of a licensed Settlement Agent in WA regardless of the corporate structure.

“Committee” means the Certified Practicing Conveyancers Governing Committee (CPCGC) of the Australian Institute of Conveyancers WA Division Inc.

“CPCGC” means the Certified Practicing Conveyancers Governing Committee.

“Council” means the Council from time to time of the Australian Institute of Conveyancers WA Division Inc.

“Councillor” means a member of the Council from time to time of the Australian Institute of Conveyancers WA Division Inc.

“Executive Officer” or **“Chief Executive Officer”** means the Executive Officer or Chief Executive Officer from time to time of the Australian Institute of Conveyancers WA Division Inc.

“Experienced Settlement Agent” means an individual licensed under the *Settlement Agents Act of WA 1981* and practicing for more than 5 years.

“Individual” means a natural person.

“Logo” means the logo approved by the Committee for use by an accredited Certified Practicing Conveyancer.



“Settlement Agent” means an individual licensed under the Settlement Agents Act of WA 1981 and practicing for less than 5 years.

“Standard” means the accredited Certified Practicing Conveyancer Standard of Practice and approved by the Australian Institute of Conveyancers WA Division Inc. On September 2009 and as amended from time to time.

2. The Committee

2.1 The Committee will compromise from time to time of:

Eight full members of the AICWA including but not less than

- Three Experienced Settlement Agents
- Two Settlement Agents
- One Councillor
- A Quorum will comprise the Councillor and 3 others comprising of a combination of either; Experienced Settlement Agents and Settlement Agents.
- All must have CPC Membership or in the process of obtaining.

2.2 Election of Committee

Full members who wish to nominate for the Committee shall self nominate for the position of committee person and shall be elected on a secret ballot of the Council of AICWA.

2.3 The Term of Committee

A Committee Members term shall be for a period of two years from 1st January until 31st December the following year, i.e. 1/01/2015 – 31/12/2016

An immediate past Committee member can renominate after the expiry of their original Term.

- (a) The Committee can fill any casual vacancy caused by the retirement of a committee person prior to the expiration of his/her term.
- (b) The term of such replacement under 2.3(a) of these rules shall be deemed to finish at the time that the original committee member’s term would naturally have concluded.
- (c) A committee member, after one year of service on the CPCGC council, may be allocated the maximum annual honorarium of the membership paid less GST at the discretion of the CPC Governing Committee.



- 2.4 The purpose of the Committee is to:
 - 2.4(a) Review the Standard from time to time.
 - 2.4(b) Administer the implementation of the Standard.
 - 2.4(c) Promote the Standard and encourage applicants to seek accreditation
 - 2.4(d) Instigate audit of applicant's business premises, practices, advertising, and website and after being satisfied that the applicant is complying with the Standard of a Certified Practicing Conveyancer (CPC) accept or renew the application for a further 12 month term.
 - 2.4(e) Such other functions as the AICWA may delegate to the Committee or Committee may seek and obtain approval for from the AICWA.
 - 2.4 (f) Arrange, promote and run Education Seminars and webinars.
 - 2.4 (g) Determine the cost of attendance at seminars for CPC members, other AICWA members, members of related Associations (such as REIWA and SCAWA) and non-members and staff of members.
 - 2.5 The Committee may delegate the auditing functions to the Executive Officer of the AICWA.
3. Application for membership as an accredited Certified Practicing Conveyancer
- 3.1 The following financial members of AICWA may apply to the Committee to be accredited as a Certified Practicing Conveyancer:
 - (a) An Individual licensed as a Settlement Agent having 3 years continuous experience as a practicing Licensed Settlement Agent in WA.
 - (b) A Body Corporate practicing as a Licensed Settlement Agent having 3 years continuous experience as a practicing Licensed Settlement Agent in WA.
 - 3.2 The Committee may levy such fees as it determines from time to time on an applicant attaining or renewing accreditation after approval of such fee by the Council of the AICWA.
 - 3.3 The fee charged for the 2015 year, under 3.2 will be \$120 + GST or as determined by the CPCGC from time to time going forward.
 - 3.4 The Committee may conduct audits subject to 2.4(d) or delegate such duty subject to 2.5.



4. Accreditation as a Certified Practicing Conveyancer

4.1 Should an applicant being approved by the auditor/CPCGC as being compliant with the Standard of a Certified Practicing Conveyancer, then subject to the payment of (The Prescribed Fees under 3.2) any fees and the Committee being satisfied that the applicant should be accredited as a Certified Practicing Conveyancer, the Committee may grant accreditation to an applicant up to the 31st day of January of the calendar year following the year that the Certified Practicing Conveyancer certification was last issued to the applicant by the Committee subject to the applicant being :

- (a) An Individual licensed as a practicing Settlement Agent in WA.
- (b) A (Body Corporate) corporate body having one director being an accredited Certified Practicing Conveyancer.
- (c) Having obtained 100 CPC Points in the Nominated Calendar Year preceding their application being from 1st January to 30th November in the same calendar year.
- (d) An Application Form must be completed and submitted to the CPCGC by no later than 15th December in the year the 100 points are accrued.
- (e) Certificates of CPC Accreditation to be issued by no later than 31st January in year of appointment and be valid until 31st December in the same calendar year.

4.2 CPC Points are allocated on the following basis:

- (a) 15 points are allocated for each hour of attendance at a CPCGC nominated Education Seminar in an allocated Calendar Year.
- (b) Points will not be allocated for CPC accreditation if the applicant repeats their attendance, in the allocated Calendar Year, for the same Seminar, Education Topic in that accreditation year.
- (c) The CPCGC may allocate additional points in an allocated Calendar Year for attendance at accredited State and National Conferences.
- (d) The CPCGC will recognise membership and service on either the AIC Council or the CPCGC and allocate 20 CPC points in an allocated Calendar Year in recognition of such service to count towards the Applicants 100 point qualification.
- (e) The CPCGC may allocate points from time to time and as it so determines, in recognition of one off or special contributions to the CPC or Conveyancing Industry by an individual.



4.3 Accredited Applicants to receive...No Later than 31st January in year of appointment

- (a) Certificate of Accreditation – Printed CPC A4 Certificate Card
- (b) CPC Folder File (if available)
- (c) Nomination Form for CPCGC
- (d) CPC Badge (To new CPC members)
- (e) A CPC Logo (hardcopy)
- (f) A CPC Bumper Sticker
- (g) Copy of the CPC Rules
- (h) Such other material as from time to time may be available.

5. Logo

5.1 An accredited Certified Practicing Conveyancer may use the logo on its stationery and promotional material and the Committee will make available for use by an accredited Certified Practicing Conveyancer a digital file depicting the form of the logo, not infringing on 5.3.

5.2 The size of the logo must not be less than any affiliated or accredited logo nor more than the logo of the business entity unless otherwise approved by the Committee.

5.3 An accredited Certified Practicing Conveyancer may refer to their Business Name as a Certified Practicing Conveyancer on its stationery and other written promotional material only if:

- (a) Such business entity employing 10 staff or less and, the licensee in bona fide control is an accredited Certified Practicing Conveyancer.
- (b) Such business entity employing 11 or more staff, the licensee in bona fide control is an accredited Certified Practicing Conveyancer and one other member of staff per additional five (5) employees, having attained and maintained the annual accreditation points required of the Certified Practicing Conveyancer Standard from time to time.

5.4 An accredited Certified Practicing Conveyancer may refer to itself as a Certified Practicing Conveyancer on its stationery, promotional material, on its website, in broadcast advertisements by indicating that the Business Entity is a Certified Practicing Conveyancer and use the post nominal CPC where that is done in a way or context that is not misleading or deceptive and does not in any way infringe on rules 5.2, 5.3 and 5.5.



- 5.5 In any stationery, promotional material, on its website and in broadcast advertisement an accredited Certified Practicing Conveyancer **may not:**
- (a) Make comparison with any other Settlement Agents practice that is a member of the AICWA.
 - (b) Make any reference to or comparison of fees of any other Settlement Agent whatsoever.
 - (c) Make any reference or statement that may suggest an alignment with any other business not being a Settlement Agent.
 - (i) Make any reference or statement that may suggest the provision of any other service by that Settlement Agent that is not generally accepted as a service of licensed Settlement Agent in Western Australia.
- 5.6 Any advertising or promotional material indicating that a business entity is an accredited Certified Practicing Conveyancer that is to be placed on any shop front or business premises that has not been supplied by the Committee must have approval of the Committee. Such authority for approval may be delegated to the Executive Officer from time to time.
- 5.7 An accredited Certified Practicing Conveyancer who in the opinion of the Committee at the Committees sole discretion fails to observe the rules in paragraphs 5.2, 5.3, 5.4, 5.5 and 5.6 may have its accreditation suspended or removed by the Committee on such terms as the Committee considers appropriate.
- 5.8 An accredited Certified Practicing Conveyancer may refer the terms of its proposed advertising to the Committee and the Committee may without being bound by that opinion, indicate whether it is of the opinion that the proposed advertisement would breach these rules.
- 5.9 The CPCGC reserves the right to promote and advertise to the public at large (Via the funds held in the CPC Bank A/c on behalf of the CPC members) the benefits of utilising the services of a suitably qualified CPC. Such advertising is to be first sanctioned by the AICWA Council.
6. Discontinuance and amalgamations
- 6.1 Should an accredited Certified Practicing Conveyancer cease to provide settlement services in Western Australia it will cease to be an accredited Certified Practicing Conveyancer.
- 6.2 Should the Business Entity of an accredited Certified Practicing Conveyancer change its composition then such Business Entity will immediately notify the Committee.



- 6.3 On a business entity ceasing to be an accredited Certified Practicing Conveyancer it must:
- (a) Immediately return to the Committee all digital files, certificates and promotional material provided to it by the Committee.
 - (b) Discontinue using or promoting the Certified Practicing Conveyancer logo.
 - (c) Cease using the term Certified Practicing Conveyancer and post nominal CPC.
 - (d) Cease in any way promoting itself as a Certified Practicing Conveyancer.
 - (e) Should a past CPC Accredited Member not continue with their membership or fail to meet their required accreditation as set out above that CPC Past Member of Entity must desist immediately from using the CPC logo or Accreditation in any way on their Letterheads, Promotional Material or Web Page etc.
 - (f) Should the Past Member or Applicant refuse or not abide by the CPGC request in regard to the matters raised at 6.3(e) will be referred to the AIC for consideration.
- 6.4 Should an accredited Certified Practicing Conveyancer's Business Entity dissolve and an accredited applicant wish to retain the accreditation for a new identity the accredited applicant may apply to the Committee for a transfer of accreditation of a Certified Practicing Conveyancer.
- 6.5 For the purposes of paragraphs 6.2 to 6.4 the Committee may:
- (a) Require an audit as to matters identified in paragraph 4 in order to determine if the new Business Entity or body corporate will comply with the Standard.
 - (b) Levy the new Business Entity or body corporate the costs of the determination of the expected compliance of the Standard.
 - (c) Enforce time restrictions on the new Business Entity or body corporate to return the entity to a situation compliant with the Standard.



7. Disputes

- 7.1 Any applicant aggrieved by a determination of the Committee may write to the Committee stating its reasons for dissatisfaction (complaint) seeking a review of any decision made by the Committee.
- 7.2 The Committee will on receipt of a complaint review its decision and invite the applicant (complainant) to make submissions to the Committee before the Committee makes its ruling on the complaint.
- 7.3 Any applicant aggrieved by a decision of the Committee under paragraph 7.2 may refer the complaint to the Council of the AICWA. The Council will consider the complaint as if it were the body making the decision. The Council's decision will be final.