



Guidelines for Registration Applicants Body Corporate

Licensing and Registration

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If a company wishes to carry on a business as a conveyancer, the company must be a registered Conveyancer under the *Conveyancers Act 1994*.

Holding a **Conveyancer Registration** will allow the company to carry on a business that consists of or involves the preparation of conveyancing instruments for fee or reward in South Australia.

A company that is a registered conveyancer must ensure that the company's business as a conveyancer is properly managed and supervised by a registered conveyancer who is a natural person.

How do I register?

To register as a Conveyancer, you can contact Consumer and Business Services (CBS), Commercial Licensing Section, on phone 131 882, or visit CBS (details above) for our service.

What information do I need to provide to complete an application?

Fees

The correct **application and pre-grant fee**. Please refer to the fee schedule.

National Police Certificate

A National Police Certificate (NPC) for each director. It must be an original or certified copy and must be no more than three (3) months old preceding the date of lodgement of the registration application. To obtain this certificate you will need to apply direct to the South Australia Police.

Company's Constitution

A copy of the company's **constitution** (must contain certain stipulations).

See Section 7 of *Conveyancers Act 1994* over the page.

Please note: Only original copies of qualifications and documents, or copies certified by a Justice of the Peace, will be accepted.

How do I finalise my application?

Your application will contain all your details. Once you receive the application form, please do the following and return the documents to our office:

- Check your **name, address** and **date of birth** are correct and make any corrections (your name must be your full and legal name, i.e. what is on your birth certificate).
- Check you have **signed** and **dated** the application form.
- Attach any other documents requested by the Licensing Officer to complete your application.

How long will it take to approve my application?

It will take up to 6-8 weeks to process your application.

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Company's Constitution - Section 7

Conveyancers Act 1994

7 - Entitlement to be registered

(3) A company is not entitled to be registered as a conveyancer unless the constitution of the company contains stipulations so that—

- (a) the sole object of the company must be to carry on business as a conveyancer; and
- (b) the majority of the directors of the company must be natural persons who are registered conveyancers (but where there are only 2 directors 1 may be a registered conveyancer and the other may be a person who is not a registered conveyancer and nothing in this paragraph prevents a constitution providing that all directors of a company must be registered conveyancers); and
- (c) no director of the company may be a prescribed person; and
- (d) the majority of the voting rights exercisable at a meeting of the members of the company must be held by registered conveyancers who are directors or employees of the company (but nothing in this paragraph prevents a constitution providing that all such rights must be held by registered conveyancers); and
- (e) no share in the capital of the company, and no rights to participate in distribution of profits of the company, may be owned beneficially by a prescribed person.

(4) For the purposes of this section, a person is a **prescribed person** if the person is—

- (a) a land agent; or
- (b) a financier; or
- (c) a close associate of a land agent or financier,

other than where the land agent, financier or close associate is also—

- (d) a registered conveyancer; or
- (e) a prescribed relative of a registered conveyancer who is a director of the particular company seeking registration under this section.

(5) In this section—

financier means a person who carries on a business that consist of or involves—

- (a) mortgage financing; or
- (b) lending money for the purchase of land;

land agent means an agent or sales representative within the meaning of the *Land Agents Act 1994*.

Notes

s 3 **Prescribed relative**, in relation to a person, means a spouse, parent, child or grandchild of the person.

s 3 (2) Subject to subsection (3), 2 persons are **close associates** if—

- (a) they are in partnership; or
- (b) they are related bodies corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth); or
- (c) one is a body corporate and the other is a director, manager, secretary or public officer of the body corporate; or
- (d) one is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or

- (e) one is a body corporate whose shares are quoted on a prescribed financial market and the other is a substantial shareholder (within the meaning of the *Corporations Act 2001* of the Commonwealth) in the body corporate; or
 - (f) one has a right to participate (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or
 - (g) one is in a position to exercise control or significant influence over the conduct of the other; or
 - (h) they fall within a class of persons prescribed by the regulations for the purposes of this subsection; or
 - (i) a chain of relationships can be traced between them under any one or more of the above paragraphs.
- (3) The Governor may, by regulation, exclude classes of persons from the ambit of subsection (2).
- (4) In subsection (2) —

prescribed financial market means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

Fee schedule

Conveyancers Act 1994

Fees and charges effective 1 July 2011
No GST is applicable - our ABN is 15 088 976 178

Application and pre-grant fees

	Application Fee	Pre-grant Fee	Total
Application for registration for a body corporate	\$244.00	\$449.00	\$693.00

Please note: In the event of the application being refused or withdrawn before being finalised, the pre-grant fee will be refunded. Application fees are generally non-refundable.

Annual registration fee

For a body corporate \$449.00

Other fees

Default penalty for annual returns	\$149.00
Default penalty for audit reports	\$311.00
Replacement registration certificate fee	\$ 22.90

Cheques should be made payable to the Commissioner for Consumer Affairs.

Credit cards accepted are: Visa and MasterCard.

Eftpos facilities are available at our Adelaide Office.

Please note:

All fees and charges are subject to change without notice and are usually adjusted each financial year.

If you would like any further information, please contact the Licensing and Registration Branch Commercial Licensing on 131 882.
