



## **Government of South Australia**

Office of Consumer and  
Business Affairs

### **Commercial property managers must apply for registration.**

A person, including a commercial property manager, who carries on a business that includes the leasing of land or businesses for others, or on their own behalf, must be registered as a land agent. Their employees who sell or negotiate leases for commercial property must be registered with the Office of Business and Consumer Affairs (OCBA) as sales representatives. (See below for full definitions).

Substantial penalties of up to \$20,000 can be imposed for working without the proper registration or employing an unregistered sales representative.

To apply for sales representative registration you should call OCBA on 8204 9686 or attend in person at Level 3, 91-97 Grenfell Street, Adelaide. A licensing staff member will ask a series of questions and complete an application form for you. You can then check and lodge this form, along with the supporting documentation.

Normally, in order to apply, you must be appropriately qualified to act as a sales representative. A list of required qualifications is available at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au). If you do not hold one of these qualifications, you can apply for an 'in-training' registration that is conditional upon you –

- obtaining a qualification within 12 months; and
- being supervised by a qualified sales representative or land agent who has at least 2 years experience.

### **Supporting Documentation**

Before lodging your application, you will need:

- **National Police Certificate (NPC)**  
You should apply as soon as possible for a NPC as it can take several weeks. The NPC must be no more than three months old at the time of lodging your application. To obtain this certificate, please apply directly to the South Australia Police or interstate authority if you reside in another State.
- **Evidence you meet the qualification requirements**  
You must attach a copy of your qualifications unless you are applying for an 'in-training' registration.
- **Proof of identity**  
After lodging your application your photo will be taken for your registration card. You can either attend the OCBA office or a Service SA centre to do this. You must provide 100 points of ID and bring the letter of introduction which Office of Consumer and Business Affairs (OCBA) will give you.

- **Fees**

The total fee of \$393.00 must accompany your application. This includes your first year's annual fee of \$173.00, and an application fee of \$220 that is not refundable if the application is refused or withdrawn.

For further information visit [www.ocba.sa.gov.au/Realestate/](http://www.ocba.sa.gov.au/Realestate/) or phone OCBA's real estate licensing section on 8204 9686.

## **Definitions from the *Land Agents Act 1994***

### **4—Meaning of agent**

- (1) A person is an agent for the purposes of this Act if the person carries on a business that consists of or involves—
  - (a) selling or purchasing or otherwise dealing with land or businesses on behalf of others, or conducting negotiations for that purpose; or
  - (b) selling land or businesses on his or her own behalf, or conducting negotiations for that purpose.
- (2) However, a person does not act as an agent in so far as—
  - (a) the person sells or purchases or otherwise deals with land or businesses on behalf of others, or conducts negotiations for that purpose, in the course of practice as a legal practitioner; or
  - (b) the person sells land or businesses, or conducts negotiations for that purpose, through the instrumentality of an agent; or
  - (c) the person engages in mortgage financing.

**land** includes—

- (a) an interest in land; and
- (b) an exclusive right (whether deriving from the ownership of a share or interest in a body corporate or partnership or arising in some other way) to the separate occupation of land or a building or part of a building;

**sales representative** means a person who, for or on behalf of an agent—

- (a) acquires or disposes of land or a business (including by conducting an auction); or
- (b) induces or attempts to induce, or makes representations or negotiates with a view to inducing, a person—
  - (i) to acquire or dispose of land or a business; or
  - (ii) to make an offer to acquire or dispose of land or a business; or
  - (iii) to accept an offer to acquire or dispose of land or a business; or
  - (iv) to enter into a contract for the acquisition or disposal of land or a business; or
- (c) performs a function of a kind prescribed by regulation for the purposes of this paragraph,

whether or not the agent is the owner of the land or business, but does not include a person only because—

- (d) the person does anything referred to in any of the preceding paragraphs in relation to a lease of land that is not to be used for the purposes of a business; or
- (e) the person performs a function of a kind prescribed by regulation for the purposes of this paragraph;