

Media Release



Government of South Australia

Office of Consumer and
Business Affairs

Thursday 29 July 2010

UNLICENSED CONVEYANCERS CONVICTED

The Office of Consumer and Business Affairs (OCBA) says an unlicensed conveyancing business has been busted after an investigation and court action.

Today in the Port Adelaide Magistrates Court, **DG Professional Financial Services Pty Ltd**, and its directors **Thanh Kim Duong** and **Nicholas Ginever** were convicted and fined a total of \$23,000 plus costs, after pleading guilty to a total of nine breaches of the *Conveyancers Act 1994* (SA) in that they conducted conveyancing and passed themselves off as conveyancers despite not being registered to do so.

The court was told that the two men ran a mortgage broking business at Rosewater, where they also did property conveyancing and advertised this through signage on the business and in advertisements with a local Vietnamese-language newspaper.

OCBA was alerted by the Lands Titles Office, which had concerns about documents lodged with it by the defendants. OCBA confirmed the offending through a check of business and banking records along with witness statements.

It was found that the defendants had obtained 'agent codes' from the Lands Titles Office which only allowed for the tracking of documents and payments. The court was told the defendants assumed that having 'agent codes' meant they were registered conveyancers.

Legal counsel for OCBA also told the magistrate that the defendants took no steps whatsoever to ascertain the correct meaning of the term 'registered conveyancer' nor did they take any steps to ensure they were legally entitled to call themselves 'registered conveyancers' and to conduct conveyancing business.

In determining penalty, Magistrate Stefan Metanovski said that while the offences were "of ignorance rather than intent", it was nevertheless necessary to send a general warning that such offences are "of a serious nature".

He said there was a risk of a consumer sustaining a "significant loss when services are provided by people who are not appropriately registered".

The Consumer Affairs Commissioner, David Green said that while there was no evidence that any clients suffered loss or damage in this case, there was clearly a significant risk of it occurring.

"Although consumers are always encouraged to check the licensing status of conveyancers, people are entitled to expect that those openly advertising and dealing with the Lands Titles Office are in fact legally entitled to do so.

"Left unchecked, unlicensed operators can undermine public confidence in the industry and the state's land ownership system as a whole," the Commissioner said.

Details on the obligations of registered conveyancers in South Australia can be found on the OCBA website (www.ocba.sa.gov.au) and the Australian Institute of Conveyancers SA Division (www.aicsa.com.au) has a list of registered practitioners who are also members of that organisation.

To report concerns about suspect conveyancers, people can call OCBA on 8204 9777 or 131 882 for regional callers.

Further information from the Strategic Communications Group,
Attorney-General's Department & Department of Justice ph: **0422 007 069**