

# Conveyancers (company)

## Guidelines for applicants

### Does your company need to be registered?

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.

### Is the company eligible to obtain a registration?

The company is entitled to be registered as a conveyancer if it meets the following criteria:

- The company and each of its directors are not suspended or disqualified from practising or carrying on an occupation, trade or business under Australian law
- It is not being wound up and is not under official management or receivership
- During the last 5 years no director has been a director of a body corporate wound up for the benefit of creditors when it was being wound up or within 6 months before it commenced winding up
- No director of the company has been convicted of an indictable offence of dishonesty
- No director of the company has, within the period of 10 years preceding this application, been convicted of a summary offence of dishonesty
- Each director is a fit and proper person
- The company's constitution contains the stipulations required under section 7 of the Act (see below)
- No director is a prescribed person (as defined in section 7(4) of the *Conveyancers Act 1994*)

### Constitution Requirements

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 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.

### How do I apply?

Visit our website [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au) and apply on line, or come in to our customer service centre at 91 Grenfell Street Adelaide.

All applications need to be printed, signed and submitted with the appropriate supporting documentation.

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

#### Fees

The application and pre-grant fees specified in the fee schedule.

## ❑ National Police Certificate (NPC)

A NPC is required for all directors, except where one of the following applies:

- The applicant company is listed on the Australian Stock Exchange
- The director is a director of another company listed on the Australian Stock Exchange
- The applicant is a body established by statute (eg a council or Government authority)
- The director has lodged a NPC with Consumer & Business Services within the previous 12 months
- The director is an overseas resident who has never resided in Australia.
- The applicant company held a conveyancer registration within the last 12 months and the director was recorded as a director at the time the company was last registered
- The applicant or director already holds or is associated with another registration issued under this Act for which a NPC has already been supplied

The certificates must be no more than twelve months old at the time of lodging your application. A NPC can be obtained through state and territory police departments and the Australian Federal Police. Alternatively, you can obtain National Criminal History/Record Checks from CV Check Pty Ltd ([www.cvcheck.biz](http://www.cvcheck.biz)) or an Australian Criminal Intelligence Commission Accredited Organisation ([www.acic.gov.au](http://www.acic.gov.au) for further information).

**Important note:** Checks that simply verify you are able to work with particular persons (e.g. children) without specifying your criminal history are **not** sufficient.

## ❑ Company's Constitution

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

## ❑ Trust Account Details

If you have opened a trust account for the purpose of holding monies for clients, you will need to supply the following information to the Commissioner; account name, BSB, account number and name of financial institution.

## Fee schedule

Fees and charges effective 1 July 2016

No GST is applicable - our ABN is 15 088 976 178

Application and pre-grant fees	Application Fee	Pre-Grant Fee	Total
Body Corporate	\$278.00	\$512.00	\$790.00

## Periodic Fees

Body Corporate	\$512.00
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## Other Fees

Default penalty for periodic returns - individual	\$170.00
Default penalty for audits	\$354.00
Replacement certificate	\$26.00

## Payment options

Credit cards accepted are Visa and MasterCard.

Annual renewal fees can be made online at [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au) or by phone on 1300 668 531.

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

Eftpos facilities are available at our Customer Service Centre in Adelaide.

Information regarding BPAY is provided on annual renewal notices.

Partial or instalment payment options are not available.

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

## For more information

Email	Website	Phone	In person
<a href="mailto:occupational@sa.gov.au">occupational@sa.gov.au</a>	<a href="http://www.cbs.sa.gov.au">www.cbs.sa.gov.au</a>	Ph: 131 882	Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000

