

Working as a conveyancer in SA

Information for interstate workers

This factsheet outlines your requirements for working as a conveyancer in South Australia.

If your principal place of residence:

- is in another state or territory, you can use the Automatic Mutual Recognition process to work in SA under your interstate registration.
- changes to SA, you must hold an SA registration – not an interstate registration. You can apply for an SA registration under the [Mutual Recognition process](#) (rather than the automatic process).

Registrations granted under mutual recognition (including via the automatic process) will appear on the [SA Licensing Register](#) so that members of the public can verify that a person is licensed or registered to work in SA.

Registration requirements

Individuals and companies running a business that prepares legal documents when property is transferred to a new owner must be registered as conveyancers.

Companies with more than one director must have a majority of directors who are registered conveyancers (at least two).

If there are only two directors in the company, one must be a conveyancer. The other director shouldn't be directly involved in real estate sales processes:

- a real estate agent
- a financier
- a close associate of either of the above (unless they are also a conveyancer or prescribed relative).

Conveyancer responsibilities

Conveyancers must follow legal procedures when preparing and processing documents for the transfer of property from one person to another.

A conveyancer may only act on behalf of both parties in certain circumstances e.g. if the two parties are related or they are in business partnership together. But a conveyancer must not act for both parties if they have a conflict of interest in relation to the transaction.

Trust accounts

You must deposit funds received from clients into a trust account. The account needs to be approved by Consumer and Business Services (CBS) and be held in a bank, building society or credit union.

Interest accrued on trust accounts is payable to the Commissioner for Consumer Affairs.

Audit requirements

In most cases the trust account will need to be audited. Use the [audit checklist](#) to make sure that you meet the requirements including: keep all records of trust money; issue detailed receipts; and arrange for accounts and records to be audited every year.

No trust account activity

If no trust money was held in the trust account or you did not maintain a trust account during a particular audit period then an audit is not required. However you must submit a declaration to CBS setting out the reasons why no money was held in the account or why the trust account was not maintained.

Professional indemnity insurance

Conveyancing businesses must have professional indemnity insurance from an insurance scheme approved by CBS.

Employees usually don't need to lodge insurance if covered by the employer.

For information about how to obtain or renew professional indemnity insurance see the [conveyancer's responsibilities](#) page on the SA.GOV website.

Legislation

- [Land and Business \(Sale and Conveyancing\) Act 1994](#)
- [Land and Business \(Sale and Conveyancing\) Regulations 2010](#)
- [Land Agents Act 1994](#)
- [Land Agents Regulations 2010](#)

Other relevant legislation

You must comply with all applicable laws while working in South Australia, including laws relating to:

- [Approved Codes of Practice in SA](#)
- [Employing people](#)
- [State taxes](#)
- [Safe Work SA](#)