



ASSURANCE
Fair Trading Act 1987
Section 79

Assurance to the Commissioner for Consumer Affairs given for the purposes of section 79 of the *Fair Trading Act 1987* by:

Sonya Rae Sangster

PERSONS GIVING THIS ASSURANCE

1. This Assurance is given to the Commissioner for Consumer Affairs (**Commissioner**) by Sonya Rae Sangster in the state of South Australia for the purposes of section 79 of the *Fair Trading Act 1987* (SA).

BACKGROUND

2. Ms Sonya Rae Sangster is a natural person.
3. Ms Sangster previously held conveyancer registrations RCO192454 from 3 April 2006 until 22 June 2018 and RCO28972 from 21 December 2018 until 22 February 2020.
4. Direct Conveyancing Australia Pty Ltd (**the Company**) is a proprietary company limited by shares, and is not registered as a conveyancer under the *Conveyancers Act 1994* (**the Act**). At all relevant times, Ms Sangster was, and is the sole director of the Company.
5. Between 21 December 2018 and 4 November 2020, Ms Sangster carried on conveyancing work for the Company and the unregistered business name Direct Conveyancing.

CONVEYANCERS ACT 1994 AND CONVEYANCERS REGULATIONS 2010

6. Section 5 of the Act requires that a person must not carry on business, or hold themselves out, as a conveyancer unless registered under the Act.
7. Section 9(1) of the Act and regulation 8 of the *Conveyancers Regulation 2010* (**the Regulations**) provides that a person must have a professional indemnity insurance at all times when carrying on business as a conveyancer.
8. Section 15(1) of the Act provides that a conveyancer must, as soon as practicable after receiving trust money, deposit the money in a trust account held in the name of the conveyancer.
9. Section 24(1) of the Act provides that a conveyancer who maintains a trust account must have the accounts and records audited by an auditor in respect of each audit period specified by regulation and lodge with the Commissioner a statement relating to the audit.
10. It is an offence pursuant to section 24(3) of the Act for a conveyancer to fail to have accounts and records audited as required, or to fail to lodge an audit statement or a declaration within the time allowed by or under the regulations.

11. Section 56 of the Act provides that a person must not make a statement that is false or misleading in a material particular in any information provided, or record kept, under the Act.
12. Regulation 6 of the Regulations provides that if there is any change in the business name under which a registered conveyancer carries on business the conveyancer must within 14 days after that change, give written notice to the Commissioner of the new name.
13. Section 267 of the *Criminal Law Consolidation Act 1935* provides that a person who aids, abets, counsels or procures the commission of an offence is liable to be prosecuted and punished as a principal offender.

CONDUCT OF CONCERN

14. Between 21 December 2018 and 22 February 2020, the Company carried on business, or held itself out, as a conveyancer while not registered under the Act by lodging transfer documents with Land Services SA, holding a statutory trust account and professional indemnity insurance in its name. At all relevant times, Ms Sangster was the sole director of the Company.
15. Between 1 September 2019 and 22 February 2020 Ms Sangster, as a registered conveyancer, deposited trust money in a trust account that was not held in her name but held in the name of the Company.
16. Between 10 August 2018 and 22 February 2020, Ms Sangster, while maintaining a trust account held in the name of the Company, failed to have the accounts and records audited by an auditor, and failed to lodge the audit report with the Commissioner.
17. On or about 30 November 2019 Ms Sangster provided to the Commissioner a written declaration that she had not maintained a trust account in the course of carrying on business as a registered conveyancer. The declaration was false or misleading in that Ms Sangster, as a registered conveyancer, did in fact maintain a trust account.
18. Between 21 December 2018 and 22 February 2020 Ms Sangster traded under the unregistered business name Direct Conveyancing in the course of carrying on business as a registered conveyancer. Ms Sangster failed to notify the Commissioner that she was trading under the unregistered business name.

CONTRAVENTIONS

19. The Commissioner considers and Ms Sonya Rae Sangster acknowledges, that it is likely that Ms Sangster has:
 - 19.1. Aided, abetted, counselled or procured the company Direct Conveyancing Australia Pty Ltd to carry on business as a conveyancer whilst not being licensed to do so under the Act in contravention of section 5 of the Act and section 267 of the *Criminal Law Consolidation Act 1935*;
 - 19.2. As a registered conveyancer, deposited trust money in a trust account that was not held in her name in contravention of section 15(1) of the Act;
 - 19.3. Made a statement that was false or misleading by claiming she had not maintained a trust account in contravention of section 56 of the Act;

- 19.4. Failed to notify the Commissioner that she was trading under the name Direct Conveyancing, an unregistered business name, in contravention of regulation 6 of the Regulations.

ASSURANCE BY MS SANGSTER FOR THE PURPOSES OF SECTION 79 OF THE FAIR TRADING ACT 1987

20. In response to the concerns raised, Ms Sonya Rae Sangster hereby provides an Assurance to the Commissioner that:

- 20.1. She will not aid, abet, counsel or procure a company to carry on business as a conveyancer whilst not being licensed to do so under the Act;
- 20.2. If a conveyancer's registration is granted to Ms Sangster:
- 20.2.1. she will ensure that she has professional indemnity insurance when carrying on business as a conveyancer, unless she is an employee of a company registered as a conveyancer under the Act.
 - 20.2.2. she will only use a trust account held in her name, unless she is an employee of a company registered as a conveyancer under the Act;
 - 20.2.3. she will not make any false or misleading statements in any information provided, or record kept, under the Act; and
 - 20.2.4. she will provide written notice to the Commissioner of the registered business name she will trade as a registered conveyancer.
- 20.3. Before a conveyancer's registration is granted to Ms Sangster, she will have the trust account and records of cancelled licence RCO28972 audited and the outstanding audit reports lodged with the Commissioner.

COMMENCEMENT OF ASSURANCE

21. This Assurance comes into effect when:

- 21.1. The Assurance is executed by Ms Sonya Rae Sangster; and
- 21.2. The Commissioner for Consumer Affairs accepts the Assurance so executed.

ACKNOWLEDGMENTS

22. Ms Sonya Rae Sangster acknowledges that:

- 22.1. It is an offence to breach an Assurance, as set out in section 81 of the *Fair Trading Act 1987*.
- 22.2. CBS will make this Assurance publicly available including by publishing it on CBS' public register of assurances on its website;
- 22.3. CBS may, from time to time, make public reference to the Assurance including in news media statements and in CBS publications; and
- 22.4. This Assurance in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

22.5. This Assurance may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Fair Trading Act 1987* or a related Act.


EXECUTED BY Sonya Rae Sangster


.....

Ms Sonya Rae Sangster

Date: 20.10.2021.
.....

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to s79 of the *Fair Trading Act 1987*


.....

Commissioner for Consumer Affairs (SA)

Date: 20/10/21
.....