

Unit Descriptions

PDCV101 Foundation Legal Knowledge

This is the first of eight units in the Conveyancing – Law and Practice course. It comprises eleven modules of a varied nature. The unit concentrates on some major areas which may be termed “commercial law” and which have some natural connection with property and conveyancing. It is intended to give students an awareness of some of the important areas of the law, an understanding of the way laws are made and some guidance for keeping up to date with the law and its application to the work of a conveyancer.

PDCV102 Contracts

Essentially, a contract is an agreement that the courts will enforce. It follows that a conveyancer must have a sound understanding of the law of contract, since virtually every conveyance will involve the creation of a contract.

In the vast majority of instances, the conveyance of property will be facilitated through the use of a standard form of contract, however such contracts are subject to the same rules of law and interpretation as any other contract. In other words the agreement must fulfil certain conditions for validity and in this unit we will look at the requirements for the creation of a valid and enforceable contract, and the vitiating factors that may deprive a contract of its efficacy or validity.

The modules in the unit include:

1. Nature of contract
2. Formalities for creation of valid contract
3. Essential elements of valid contract and vitiating factors
4. Parties to a contract
5. Contractual terms
6. Discharge of contract
7. Remedies for breach

PDCV103 Revenue Law

As a licensed conveyancer, you need a sound understanding of the tax system since in one way or another; issues relating to taxation are bound to underpin almost every transaction undertaken either by you or your clients. Although you are not permitted to give specific advice on taxation issues, you will need to be able to alert your clients to the need to consider the impact of various taxes on their property transactions and to obtain expert advice where appropriate.

On the completion of Revenue Law, it is expected that you should be equipped with the basic tools to enable you to identify in the course of your practice whether a tax problem exists when dealing with your clients. Further, it is expected that this unit will give you a better appreciation of issues that you are bound to encounter in your practice involving a tax dimension, which will require you to consult a taxation expert for advice in appropriate circumstances.

PDCV104 Vendor and Purchaser 1

The subject is divided into 9 modules. Module 1 deals with preparation of the contract for sale in conveyances of residential property. Module 2 begins by discussing the differences in conveyancing procedure when the sale is by private treaty or by auction, with emphasis placed upon the time at which a binding contract comes into existence. As it is Torrens Title land which will occupy the licensed conveyancer more so than any other, Modules 3-6 are dedicated to discussion of aspects of Torrens Title. Fraud in the Torrens system is dealt with in module 4 and module 5 deals with the remaining major exceptions to indefeasibility, particularly short-term tenancies and overriding legislation.

Module 6 deals with the status of unregistered interests in the Torrens System and how these may be protected. In Module 7 the position of volunteers under the Real Property Act is discussed. Module 8 deals with how the law allows more than one person to be entitled to the same interest in one parcel of land at the one time. Modules 9 and 10 deal 'other' forms of land holding; the administration and management of Crown lands in NSW, the common law recognition of the relationship of the indigenous peoples of this country to their traditional lands in an examination of Native Title, the basic concept of Strata title and the development of strata legislation. Module 10 completes the Vendor and Purchaser 1 unit by dealing with the requirements for the creation and valid transfer of legal and equitable interests in land under old system title.

PDCV105 Vendor and Purchaser 2

The first four modules in the unit examine the rights and remedies of the parties between the exchange of a Contract for Sale when a binding contract comes into existence and completion when the property is transferred to the purchaser. Major problems which arise in conveyancing transactions are discussed in Module 6 where we consider some of the remedies available to the parties when the matter does not proceed as planned.

Module 7 provides an overview of the mechanisms by which planning for land use is achieved in New South Wales. Guidelines are provided for the process involved in lodging development applications and we look at some of the matters which clients will need to consider when making application to the statutory authority for planning issues in their area. The final two modules examine easements and covenants from their creation to their extinguishment. We close the unit with a brief discussion on the increasing power of regulatory and statutory bodies to override private covenants and control land use.

PDCV106 Finance and Security

The unit is divided roughly into two parts. The first part (modules 1-5) looks at the financing and securing of land and chattels. Whilst there are various means by which such things as land, fixtures, chattels and business goodwill may be secured, this unit focuses on the mortgage of land and the first four modules look at mortgages of both old title and Torrens title property. The first part of the unit concludes by dealing with security over chattels and the Consumer Credit legislation. The second part of the unit (modules 6-9) deals with leasehold interests in land and the sale and purchase of business assets.

Module 6 introduces the general landlord and tenant. The statutory and common law requirements for creation of a valid lease are detailed as well as the effect of failure to comply with those requirements. Module 7 deals with leases, which are governed by the *Retail Leases Act*. Module 8 looks at some of the issues which arise in the sale and purchases of business assets. The process of buying and selling a business is considered with reference to a standard contract for sale of business. Module 9 completes the unit by looking at the law relating to residential tenancies. It examines leases which are subject to the *Residential Tenancies Act* and the *Residential tenancies (Residential Premises) Regulation*

PDCV107 Professional Skills 1

Much of what we have studied in the course so far has involved us in looking at “the law” of particular areas. What we are doing in the two *Professional Skills* units is studying how we should apply in practice what we have learned in theory. In this unit, *Professional Skills 1* we will examine various aspects of your relationship with your client and other professionals.

In the first module we will look at interviewing. Modules 2 and 3 look at methods of negotiation. Alternative dispute resolution methods, such as mediation, arbitration and independent expert advice are the subjects of Module 4.

In subsequent modules we will look at concepts of professionalism and questions of ethics. Our study will include an examination of the sources of responsibility to your client and others (such as in contract and tort) and the consequences of undertaking your work in a way which does not meet professional standards. The disciplinary regime for conveyancers is largely untested; however, it is likely to be administered in similar fashion as that for legal practitioners and so our study will concentrate on this area. In the final module we will look at some of the theory and practice of business management which will encourage you to provide your clients with a high level of service and satisfaction and, at the same time, help you to maintain an efficient, rewarding and profitable conveyancing business.

PDCV108 Professional Skills 2

This is the second of the two *Professional Skills* units in *Conveyancing Law and Practice*. In *Professional Skills 1* we explored and practiced a range of personal skills such as interviewing and negotiation. Ethical behaviour and disciplinary issues were also examined. In this unit we look at a diverse range of practical skills, which will help you to manage your business and approach the work of a licensed conveyancer with confidence and expertise.

In *Professional Skills 2* we concentrate on trust and office accounting, legal drafting, Powers of Attorney and if time allows we consider some practical conveyancing skills. The practical work in this unit allows you to become familiar with some of the legislation that applies to licensees and gives you an opportunity to test the practical skills necessary to successfully deal with clients, other conveyancers and to competently manage the accounting side of your business.

After completing *Professional Skills 2* you should:

- have a sound understanding of trust accounting requirements under the *Conveyancers Licensing Act 2003* and the *Conveyancers Licensing Regulation 2006* and have the skills necessary to comply with this legislation;
- have had experience in drafting legal communications such as documents and letters;
- understand the nature and effect of a Power of Attorney;
- be able to effectively act as a prescribed witness to an enduring power of attorney;
- have successfully completed various aspects of a conveyancing transaction.