

PDCV101 Introduction to Law

This is the first of eight units in the Conveyancing – Law and Practice course. It comprises 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

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 contracts for the sale of land take a standard form and include prescribed documents. Conveyancers must be aware of the fundamentals of contract law, even when generally using a standard form. Contracts for sale of land are subject to the same rules of law and interpretation as any other contract. In other words, the contract must fulfil certain conditions for validity. 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 the nature of contract, formalities for creating a valid contract, essential elements, contractual terms, discharge of a contract and remedies for breach.

PDCV103 Revenue Law

As a licensed conveyancer, you need a sound understanding of the Australian 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 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 be equipped with the basic knowledge and understanding to enable you to utilize tax law sources to identify, in the course of your practice, whether a tax issue exists when dealing with your clients. Furthermore, the foundational knowledge learnt in this Unit should enable you to consult a taxation expert for the relevant, specific advice needed both for yourself and your client.

PDCV104 Vendor and Purchaser 1

Vendor and Purchaser 1 introduces students to some of the foundation aspects of a sale of land contract in NSW. The current edition of the NSWREI S Standard contract for sale of land is explained. These aspects as well as the nature of land is examined in modules 1 and 3. Module 2 focuses on 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 4-8 are dedicated to the discussion of aspects of the Torrens system of land title registration under the *Real Property Act 1900* (NSW). 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.

In late 2021 the NSW Office of the Registrar General abolished certificates of title to move the system to 100% electronic conveyancing. The materials in the modules make every effort to reflect the significant changes implemented as result of e-conveyancing and electronic technology generally, for e.g., the introduction of verification of identity and client authorisations under ARNECC guidelines and through amendments to the *Real Property Act 1900* (NSW) and the *Conveyancing Act 1919* (NSW).

In Module 7 the position of volunteers under the *Real Property Act 1900* (NSW) is discussed.

Module 8 deals with the status of unregistered interests in the Torrens System and how these may be protected in the context of an electronic register. The role of caveats and priority notices is considered.

Module 9 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, the idea of co-ownership.

The unit concludes with Module 10 which deals with the types of interests in land. We consider land tenure in light of the important development of Native Title, the doctrine of estates and the difference between legal and equitable interests in land. The administration and management of Crown lands in NSW under the *Crown Lands Management Act 2015* (NSW) is also considered. Module 10 also briefly considers 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 time when a Contract for Sale becomes a binding contract and up to the completion of the contract and then 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. Modules 8 and 9 examine easements and freehold covenants as rights while not conferring ownership affect and potentially restrict land use. We conclude in module 10 by considering the topic of Strata Title as an important statutory framework which combines individual and co-ownership in community living.

The discussion throughout the unit incorporates important developments and reforms in the law as well as considering the impact of electronic technology.

PDCV106 Finance and Security

The unit is divided into two parts. The first part (modules 1-5) concentrates on the financing and securing of land and chattels. There are various means by which property such as land, fixtures, chattels and business goodwill may be secured. This unit focusses upon land where the first four modules look at mortgages over land for both Old Systems Title and Torrens Title property. The fifth module then considers the National Consumer Credit legislation which deals with lender requirements for securing mortgages for domestic purposes over land and personal property.

The second part of the unit (modules 6-10) considers business assets, franchises, and leasehold interests in land. Module 6 considers the process that must be done during the sale and purchase of business assets. It also reviews the Personal Property Securities Act and focusses upon the importance of registering security interests over personal property, especially business assets. Module 7 deals with franchises as a common type of business operation that may be entered into when purchasing a business. Module 8 then introduces the common law and statutory requirements for the creation and compliance of leases over land. Modules 9 and 10 extend upon the topic of leasehold interests by examining specific statutory requirements that arise in the context of the Residential Tenancies Act and Retail Leases Act.

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. The modules in this unit include study of Interviewing, Negotiating and Alternative dispute resolution.

In subsequent modules we will look at concepts of professionalism and 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, including disciplinary measures. 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 program. In Prof Skills 2 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 modules 1-3 we review trust accounting and its regulatory requirements under the *Conveyancers Licensing Act 2003* (NSW) and the *Conveyancers Licensing Regulation 2006* (NSW). Office accounting is also considered. In module 4 we investigate Powers of Attorney. Modules 5-7 focus on the importance of good drafting and the role of plain language. In module 8 we consider the role of legal

letter writing in light of developments in electronic technology. The last 2 modules, 9 and 10 are concerned with financial management in operating a conveyancing practice as a business.

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 and other conveyancers and property law professionals.

At the completion of this unit, you will have learned how to competently manage the accounting side of your practice. You will also have the opportunity to reflect upon how these aspects are affected by the advent of electronic technology and computer software programs in both trust accounting and financial management.