



The College of Law

SEMINARS WITH TONY CAHILL IN FEBRUARY & MARCH 2010

Popular presenter **Tony Cahill** will bring you up to date on a range of property issues.

CONVEYANCING UPDATE: REQUISITIONS

Monday 8 February 2010: 9am-10.30am (10002.1)
College of Law City, Level 7, 111 Elizabeth St, Sydney

Requisitions have been curtailed or abolished in several jurisdictions, but still have an important role to play in the NSW conveyancing process.

- ▶ The traditional categories of requisitions
- ▶ The contractual provisions
- ▶ What to do about requisitions made out of time
- ▶ Requisitions answered late (or not at all)
- ▶ Liability of Vendors for incorrect replies

CONVEYANCING UPDATE: IS IT A FIXTURE?

Monday 8 February 2010: 11am-12.30pm (10002.2)
College of Law City, Level 7, 111 Elizabeth St, Sydney

An indepth look at the topic of fixtures, covering:

- ▶ Fixtures chattels at common law
- ▶ Statutory intervention
- ▶ Why the contract for sale nominates the twelve items it does
- ▶ Disputes involving sales, loans, leases and inheritances
- ▶ Some "modern" problematic items
- ▶ Professional Liability implications
- ▶ An analysis of the distinction between landlords' fixtures and tenants' fixtures

THE ESSENTIAL PROPERTY TAXES UPDATE

Monday 15 February 2010: 9am-12.30pm (10002.3)
College of Law City, Level 7, 111 Elizabeth St, Sydney

Another instalment in our regular property taxes update, including:

- ▶ Foreshadowed changes to the margin scheme
- ▶ GST treatment of farmland and going concerns
- ▶ The latest GST rulings and draft rulings
- ▶ From land-rich to landholder duty
- ▶ Chapter 11A of the Duties Act

AVOIDING PITFALLS IN BUYING OFF THE PLAN

Monday 1 March 2010: 9am-12.30pm (10002.4)
College of Law City, Level 7, 111 Elizabeth St, Sydney

Joined by **Tony D'Agostino** (Herbert Geer) Tony Cahill will discuss some of the practical problems associated with "off the plan" transactions, looking at the following:

- ▶ issues arising when purchasing "off the plan";
- ▶ the developer's viewpoint;
- ▶ contractual issues including the new Federal provisions regulating unfair contracts;
- ▶ changes to the strata development legislation;
- ▶ *Foreign Acquisitions and Takeovers Act 1975*;
- ▶ the use of deposit bonds or guarantees and recent cases.

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<input type="checkbox"/>	10002.1 Conveyancing Update: Requisitions (1.5 MCLE units) Monday 8 February 2010: 9am-10.30am, College of Law City	M \$117.00 (incl \$11.00 GST)	NM \$144.00 (incl. \$13.09 GST)
<input type="checkbox"/>	10002.2 Conveyancing Update: Is it a Fixture? (1.5 MCLE units) Monday 8 February 2010: 9am-12.30pm, College of Law City	M \$117.00 (incl \$11.00 GST)	NM \$144.00 (incl. \$13.09 GST)
<input type="checkbox"/>	10002.3 Property Taxes Update (3.25 MCLE units) Monday 15 February 2010: 11am-12.30pm, College of Law City	M \$249.00 (incl \$27.60 GST)	NM \$299.00 (incl. \$27.27 GST)
<input type="checkbox"/>	10002.4 Buying off the Plan (3.25 MCLE units) Monday 1 March 2010: 9am-12.30pm, College of Law City	M \$249.00 (incl \$27.60 GST)	NM \$299.00 (incl. \$27.27 GST)

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SEMINARS WITH TONY CAHILL IN FEBRUARY & MARCH 2010 CONTD

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Popular presenter **Tony Cahill** will bring you up to date on a range of property issues.

PRACTICAL PROBLEMS IN RETAIL AND COMMERCIAL LEASES

Monday 8 March 2010: 9am-12.30pm (10002.5)
College of Law City, Level 7, 111 Elizabeth St, Sydney

The purpose of this practical session is to look at aspects of commercial leases, including a sizeable session on retail leases and new developments, focusing on:

- ▶ Response to the April 2008 Government discussion paper
- ▶ Changes to the legislation regulating shop trading hours
- ▶ Options for renewal
- ▶ Assignment
- ▶ Damages for breach
- ▶ Landlord's and tenant's fixtures
- ▶ Issues realting to user

THE ESSENTIAL SALE OF LAND UPDATE

Monday 22 March 2010: 9am-12.30pm (10002.7)
College of Law City, Level 7, 111 Elizabeth St, Sydney

Once again, popular presenter Tony Cahill brings us this comprehensive seminar which will review a range of issues arising during the sale of land.

The program will also look at the anticipated new edition of the contract for land recommended for all practitioners in property law, this program will address:

- ▶ Towards a 2010 edition of the Contract for Sale of Land
- ▶ Changes to the content of section 149 certificates
- ▶ *Real Property & Conveyancing Legislation Amendment Act 2009*
- ▶ Attempts to "top up" deposits on default
- ▶ Misleading or deceptive conduct in sale transactions

PROPERTY AND COMMERCIAL LAWYERS: TRADE PRACTICES - PROPERTY - UNFAIR CONTRACTS

Monday 15 March 2010: 9am-12.30pm (10002.6)
College of Law City, Level 7, 111 Elizabeth St, Sydney

This session is designed to provide an overview of the applicability of the consumer protection provisions of *Trade Practices Act 1974* to real estate transactions. The seminar will also address the implications of the Unfair Terms Bill (*Trade Practices Amendment (Australian Consumer Law) Bill 2009*) for property transactions. Topics will include:

- ▶ Review of recent case law incl. retail leases and unconscionable conduct
- ▶ Unconscionable conduct in property transactions – comparing the position at general law with the statutory regime
- ▶ Misleading or deceptive conduct in real estate transactions
- ▶ False representations about land and its features
- ▶ Relevance of contractual exclusion clauses
- ▶ Liability of an agent for misleading or deceptive conduct of their principal (and vice versa)

presented by: **Tony Cahill** Legal Author, and **Ian Wylie** Blackstone Chambers

USING THE CONTRACT FOR SALE OF LAND IN 2010

Monday 29 March 2010: 5pm-7pm (10002.8)
College of Law City, Level 7, 111 Elizabeth St, Sydney

It is likely that a new edition of the joint copyright contract for sale of land will issue in the course of 2010. This session will look at:

- ▶ The increasing use of deposit bonds and guarantees, and some of the "traps" associated with them;
- ▶ The declining role of post-contractual requisitions;
- ▶ Changes to the provisions of the GST law affecting property transactions;
- ▶ Variations to the list of documents which might be considered as attachments to the contract.

Tony will consider how those (and other) issues might be addressed until a new edition of the contract becomes available (or until your existing stocks of the 2005 edition are exhausted!).

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<input type="checkbox"/>	10002.5 Retail and Commercial Leases (3.25 MCLE units) Monday 8 March 2010: 9am-12.30pm, College of Law City	M \$249.00 (incl \$27.60 GST)	NM \$299.00 (incl. \$27.27 GST)
<input type="checkbox"/>	10002.6 Trade Practices-Property-Unfair Contracts (3.25 MCLE units) Monday 15 March 2010: 9am-12.30pm, College of Law City	M \$249.00 (incl \$27.60 GST)	NM \$299.00 (incl. \$27.27 GST)
<input type="checkbox"/>	10002.7 Sale of Land Update (3.25 MCLE units) Monday 22 March 2010: 9am-12.30pm, College of Law City	M \$249.00 (incl \$27.60 GST)	NM \$299.00 (incl. \$27.27 GST)
<input type="checkbox"/>	10002.8 Using the Contract for Sale of Land in 2010 (2 MCLE units) Monday 29 March 2010: 5pm-7pm, College of Law City	M \$160.00 (incl \$14.54 GST)	NM \$196.00 (incl. \$17.80 GST)

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SEMINARS WITH TONY CAHILL IN FEBRUARY & MARCH 2010 CONTD

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AUTUMN INTENSIVE SESSIONS - TUESDAY 30 MARCH 2010

held at Tattersalls Club, 181 Elizabeth Street, Sydney (Note Tattersalls Club dress code)

SALE OF LAND UPDATE 9.00am to 10.00am (10116)

- Towards a 2010 edition of the Contract for Sale of Land
- Changes to the content of s149 certificates
- Real Property and Conveyancing Legislation Amendment Act 2009
- Attempts to "top up" deposits on default
- Misleading or deceptive conduct in sale transactions

MORTGAGES UPDATE 10.30am to 11.30am (10117)

- Changes to the mortgagee's duty when exercising power of sale
- Identity verification for Torrens mortgages
- Execution of loan documents under power of attorney
- Changes to assessment of mortgage duty
- Recent cases on "indefeasibility as to what?" in mortgage-related transactions

PROPERTY TAXES UPDATE 12.00pm to 1.00pm (10118)

- Foreshadowed changes to the margin scheme
- GST treatment of farmland and going concerns
- The latest GST rulings and draft rulings, including partitions, change of use of residential premises and general law partnerships
- From land-rich to landholder duty
- Chapter 11A of the Duties Act

DRAFTING SKILLS FOR PROPERTY LAWYERS 2.00pm to 3.00pm (10119) (Complies with Mandatory Rule 42.1.6.3: Professional Skills)

- Defining plain English (or plain language?)
- Why does it matter?
- Some general drafting tips
- Some specific issues in property transactions
- Lessons from the cases

ETHICAL ISSUES FOR PROPERTY PRACTITIONERS 3.30pm to 4.30pm (10120) (Complies with Mandatory Rule 42.1.6.1: Ethics & PR)

Tony Cahill steps through a number of hypothetical scenarios to illustrate the ethical dilemmas and conflicts that property practitioners face on a daily basis.

- Rebates
- Acting for both parties in a strata 'off the plan' transaction
- Auction contracts
- Negotiating draft contracts
- Defective properties and stigmatised properties

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Autumn Intensive sessions on Tuesday 30 March 2010 at Tattersalls Club, 181 Elizabeth St, Sydney

<input type="checkbox"/>	10116 Sale of Land Update 9.00am to 10.00am (1 MCLE unit)	M \$82.00 (incl \$7.45 GST)	NM \$100.00 (incl. \$9.09 GST)
<input type="checkbox"/>	10117 Mortgages Update 10.30am to 11.30am (1 MCLE unit)	M \$82.00 (incl \$7.45 GST)	NM \$100.00 (incl. \$9.09 GST)
<input type="checkbox"/>	10118 Property Taxes Update 12.00pm to 1.00pm (1 MCLE unit)	M \$82.00 (incl \$7.45 GST)	NM \$100.00 (incl. \$9.09 GST)
<input type="checkbox"/>	10119 Drafting Skills for Property Lawyers 2.00pm to 3.00pm (1 MCLE unit)	M \$82.00 (incl \$7.45 GST)	NM \$100.00 (incl. \$9.09 GST)
<input type="checkbox"/>	10120 Ethical Issues for Property Practitioners 3.30pm to 4.30pm (1 MCLE unit)	M \$82.00 (incl \$7.45 GST)	NM \$100.00 (incl. \$9.09 GST)

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