

LAWS 3043 LAND TRANSACTIONS LAW

Credit Points 10

Legacy Code 200021

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Description This unit gives students an in-depth treatment of various aspects of the law relating to the transfer of land and interests in land. Transactions dealing with land are examined from both a commercial and residential perspective. These matters form an integral part of the practice of law and are approached from a practical perspective. Topics include the standard agreement for sale of land, the law and practice relating to different title systems, mortgages, leases, easements and covenants.

School Law

Discipline Legal Practice

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 3082

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Distinguish the various systems of land title.
2. Analyse what constitutes a defect in title, the likely causes of a defect in title, and distinguish latent and patent defects in title.
3. Identify and apply (a). major legislative provisions contained in the Conveyancing Act, 1919 (NSW), the Real Property Act, 1900 (NSW) and other relevant enactments covered in the subject of study, (b). associated adjectival case law, and (c). the rights and obligations contained in the standard agreement for sale of land in New South Wales.
4. Apply the rights and obligations found in statute law, case law, and the standard agreement for sale of land to conveyancing/property law problems.
5. Distinguish various forms of security interests over land in New South Wales, including in particular various types of mortgage.
6. Analyse the various restrictions placed on users of land by way of easements and restrictive covenants.
7. Identify and apply relevant statutory and common law relevant to the various forms of leasehold interests in land.
8. Compare and assess the various remedies available with respect to the enforcement of the terms and conditions contained in the standard contract of sale including with respect to the impact of federal and state trade practices legislation.
9. Communicate clearly and logically
10. Draft in accordance with instructions relevant, well structured documents, in precise language.

Subject Content

- transfer of land and interests in land by Contract or otherwise
- various title systems

- Mortgages and other Securities over land
- Easements, covenants and other restrictions over The use of land
- Leasehold interests in land

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/ Group Task
Participation	Class Participation	10	N	Individual
Professional Task	Written assignment. Requires students to draft and comment on a deed of option or similar drafting exercise	30	N	Individual
Final Exam	3 hours	60	N	Individual

Teaching Periods