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CONVEYANCING MANUAL
NEW SOUTH WALES

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Currently updated by
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Highlights

- Chapter 1 “Standard contract” has been reviewed and updated by Pamela Morgan
- Chapter 9 “E-Conveyancing”: the Electronic Conveyancing (Adoption of National Law) Act 2012 commenced
- Current Developments, Recommended Readings and Case Digests have been updated
Chapter 1: Standard contract

Pamela Morgan has made amendments to the “Contract amendments and special conditions” section of this chapter at:

- Amendment of the standard form contract, at [1.3000];
- Drafting special conditions, at [1.3010];
- Consideration of clients’ requirements before amending contract, at [1.3020];
- Sample special conditions and contract amendments, at [1.3030];
- Company title sale, at [1.3040];
- Issues relating to off the plan contracts, at [1.3050];
- Off the plan cases, at [1.3060];
- Construction warranty, at [1.4000];
- Minor adjustments finishes, fittings, lot, at [1.4010];
- Depreciation, at [1.4040]; and
- Outgoings, at [1.4050].

Chapter 7: Stamp duty and transfer

The “Stamping and Marking Documents before Lodging at Land and Property Information” guidelines have been inserted, at [7.1260].

Chapter 9: E-Conveyancing

Electronic Conveyancing (Adoption of National Law) Act 2012

The Electronic Conveyancing (Adoption of National Law) Act 2012 (NSW), Act 88 of 2012 commenced 1 January 2013. It will form “a sound statutory basis for documents in electronic form to be electronically lodged and processed under NSW’s land titles legislation”.

The Act has been included in Chapter 9: “E-Conveyancing” after the commentary of [9.100].

Legislative amendments

The Conveyancing (Sale of Land) Regulation 2010 has been amended by the Coastal Protection Amendment Act 2012, Act 71 of 2012, which commenced 21 January 2013. It amends cl 22.
Current developments

The current developments section has been updated to include:
- Land Tax threshold for 2013, at [AA.651];
- Changes to the prescribed warranty and content of s 149 certificate, at [AA.701]; and
- Electronic Conveyancing National Law – passed, at [AA.751].

Recommended Reading

The recommended reading section has been updated to include:
- Christensen S and Duncan WD “Unlocking risk allocation and equitable conversion: reform of the passing of risk in the sale of land.” (2012) 2 Prop L Rev 3; Lark A “Legislative impact on the mortgagee’s exercise of power of sale: the need for rationalisation.” (2012) 20 APLJ 145; and “Selling mortgagee under no statutory duty to pay surplus proceeds to subsequent unregistered mortgagee.” (2011) 85 ALJ 467 at [AB.301];
- Weir M, “Westfield 5 years on” (2012) 21 APLJ 166, at [AB.701]; and

Case Digests

The Case digests section has been updated to include:
- Foster v Hall [2012] NSWCA 122, at [AC.321];
- Pantlin v King [2012] NSWSC 37, at [AC.331];
- Bone v Wallalong Investments (No 2) [2012] NSWSC 203, at [AC.341];
- Carrapetta v Rado [2012] NSWCA 202, at [AC.351];
- Spencer v Bamber [2012] NSWCA 274, at [AC.361];
- Broadcast Australia Pty Ltd v Noonan [2011] NSWSC 1524, at [AC.1081];
- Dixon v Barton [2011] NSWSC 1525, at [AC.1091];
- Burrell Solicitors Pty Ltd v Reavill Farm Pty Ltd (No 2) [2011] NSWSC 1615, at [AC.1101];
- The Owners – Strata Plan 44999 v Premier Holdings Corp Pty Ltd [2012] NSWSC 171, at [AC.1111];
- Agusta Pty Ltd v Provident Capital Ltd [2012] NSWCA 26, at [AC.1121];
- Fligg v The Owners of Strata Plan 53457 [2012] NSWSC 230, at [AC.1131];
- Khalid v Perpetual Ltd [2012] NSWCA 153, at [AC.1141];
- Eastmark Holdings Pty Ltd v Kabraji [2012] NSWSC 802, at [AC.1151];
- Thoo v The Owners Strata Plan No 50276 (No 2) [2012] NSWSC 1313, at [AC.1161];
- Registrar-General (NSW) v Cihan [2012] NSWCA 297, at [AC.1171];
- *Barel v Segal (No 2) [2012] NSWSC 1054*, at [AC.1181];
- *Valuer-General (NSW) v New South Wales Golf Club* [2012] NSWCA 355, at [AC.1191];
- *Permanent Custodians Ltd v Tong* [2012] NSWSC 1373, at [AC.1201]; and
- *Brock v Roads and Maritime Services* [2012] NSWCA 404, at [AC.1211].