



Unit Information

Unit Code: LWA329 - **Unit Title:** Vendor and Purchaser

Credit points:	10	Mode:	Internal and External Enrolments
Assumed knowledge:	The teaching in this unit will assume that you have completed <u>all</u> of the first year units in the degree course in Law (those units included in the 100 series unit codes). Students should refer to and follow the Study Plans posted on the CDU web site in this respect.	Location:	Both Casuarina campus and Online
Pre-requisite(s):	Both LWZ100A and LWZ100B or LWZ001	Learning method:	Lectures and Tutorials
Year:	2012	Lecturer:	Mr Geoff James
Semester:	Semester 1	Unit coordinator:	Mr Geoff James
School:	Law, Business & Arts	phone:	61 8 8946 6791
		email:	Learnline Unit Discussion Board

Unit Description

This unit is a study of the principles of, and general practices followed in, the sale and purchase of real property. The emphasis will be on those principles of the law of vendor and purchaser that are generally common to all Australian jurisdictions. New South Wales is the jurisdiction of the prescribed text and is rich in relevant case law. It is therefore the jurisdiction on which the unit mainly focuses. Specific references will be made to Northern Territory legislation and to the recommended standard form of contract that is commonly used in the NT for most residential land sales and purchases. Students will need to familiarize themselves with the parallel legislation relevant to the jurisdictions in which they reside or intend to practice.

Learning Outcomes

At the end of this unit students should be able to: -

- (a) Describe and explain the general practice and main principles of the sale and purchase of real property;
- (b) Analyse the rights and obligations of buyers and sellers under contracts for the sale of real property;
- (c) Describe and explain the common law, statutory and equitable remedies available to enforce contracts in such transactions; and
- (d) Analyse legal problems involving the subjects covered by this unit and apply the relevant principles so as to formulate legally supportable arguments for their resolution.

Teaching and Learning Strategies:

Contact Hours A single 2 hour lecture for each week of the semester; plus

 A tutorial of 1 hour each week for internal students (commencing in week 2); or

 For external students, 1 on line tutorial each week (commencing in week 2) of 1.5 hours.

Lecture times	Thursdays from 3 pm to 5 pm.
Lecture venue	Room Red 6.1.01
Tutorials:	Internal Students Thursdays 17:00 to 18:00 in Room Red 6.1.09; and External students Thursdays 18:00 to 19:30 on line (in the On-line Live Classroom accessible on the unit web site);

LECTURES

Lectures will be supplemented by notes which will be made available on the CDU Learnline site. The lectures delivered at Casuarina campus will be digitally recorded in MP3 format and made available as lecture audios on the unit web site.

In the main, this unit will be presented via the Internet, through the University's online learning system. Wherever possible a digital means will be used to distribute material to students. Lecture study guides, background study material, lecture notes, lecture audios, tutorial questions, notes to tutorial questions and hand outs will be posted under 'Learning Materials' and important notices under 'Announcements'.

TUTORIALS

From week 2, all students should attend weekly tutorials which provide the opportunity to learn by exchange of ideas. Attendance at tutorials is not compulsory but will be used to discuss the work of the unit and participation is therefore strongly encouraged.

APPROACH

The unit learning strategy is based on the principle that the student is responsible for managing his or her own learning. The lectures, tutorials and other assistance will be provided to assist that process but it is necessary for the student to make use of those resources to learn all aspects of the unit.

The key to success is effort and commitment. To enjoy a prospect of success the student must be prepared to devote at least eight hours per week to study in order to achieve the required level of understanding and competence in the subject.

Assessment Criteria

Assessment for a Pass (or better) in this unit will be based on two (2) criteria. They will be:

1. Assignment – 50% of total assessment marks;
2. End of Semester Examination – 50% of total assessment marks.

Final unit assessment will be arrived at by the combination of the percentage proportions of the individual candidate's personal assignment marks combined with his or her examination score expressed as a marks value out of 100%.

Assignment: 50% of Total Marks

During the semester there will be a required assignment to be completed and submitted by students. The assignment will be attributed with an assessment proportion of 50% of total marks. Students are required to ascertain the nature, content, date available and date due of the assignments from the Assessments page of the unit web site on Learnline.

That information will be posted on 18 March 2012.

The due date for submission of the assignment will be 14 May 2012.

Examination: 50 % of Total Marks

A centrally organised invigilated final examination will be arranged by the university administration for a date during the examinations period at the end of the semester. The final examination will be account for a potential 50% of total assessment marks and will be of open book format.

Examination questions may be of any format including, analysis of and advice on hypothetical problems, essays on specified topics, policy discussions, case-notes or a quiz.

The examination subjects will be included in the material presented in lectures, tutorials, the prescribed text, any suggested further reading, and any lecture notes and audios or any additional audios. Examinable material may be found in all or any one of these sources. In particular, material may appear in the tutorial programme or the other sources on which there may be no formal lecture but students may be expected to have knowledge of the cases or references appearing in these sources.

The examination date will be notified on the University website when fixed by the university administration.

GENERAL ASSESSMENT INFORMATION

Satisfactory performance in each section of assessment is essential to obtain a pass grade (or greater) in this unit.

Assignments and Examinations Delivery and Submission

Students are to submit their assessable assignments in digital form via the submission link provided for it on the Assessments page of unit web site (and not otherwise – hard copy and e-mail submission will not be accepted).

Extensions and late submission

Late submission of assignments will not be accepted unless accompanied by adequate documentation e.g. doctors certificate detailing nature of illness.

University Plagiarism policy

Plagiarism is the unacknowledged use of material written or produced by others presented as your own (or a rework of your own material). All sources of information and ideas used in assignments must be referenced. This applies whether the information is from a book, journal article, the internet, or a previous essay you wrote or the assignment of a friend.

The University plagiarism policy is available on the CDU Website.

Required Textbook

The prescribed text for this unit is:

“Sale of Land in New South Wales: Commentary and Materials”, Skapinker D and Lane P, 5th Edition Thomson Reuters, Sydney ISBN 9780455226378

Learning Schedule

The following is the program for learning in the unit throughout the semester:

WEEK 1

Formulation of a contract between vendor and purchaser for the sale of real property.

Skapinker and Lane Chapter pp. 1 - 55

WEEK 2

The contractual instrument – deeds, memoranda, etc.

Skapinker and Lane Chapter 2 pp 57 - 100

WEEK 3

The contractual significance of the asset's character (including GST implications).

Skapinker and Lane Chapter 3 pp 101 – 127.

The Vendor's obligations with respect to disclosure.

Skapinker and Lane Chapter 4 pp. 129 - 153

WEEK 4

The concept and implications of a defect in title.

Skapinker and Lane Chapter 5 pp. 155 – 170.

The implications of legal regimes applicable to structures on and uses of the subject property.

Skapinker and Lane Chapter 6 pp. 171 – 211.

WEEK 5

The nature, purpose and regulation of the deposit.

Skapinker and Lane Chapter 7 pp. 213 – 243.

Rights and duties with respect to the property between formation of contract and its completion.

Skapinker and Lane Chapter 8 pp. 245 – 278.

WEEK 6

The title to the property sold.

Skapinker and Lane Chapter 9 pp. 279 – 289.

Requisitions, objections and rescission.

Skapinker and Lane Chapter 10 pp. 291 – 322.

WEEK 7

Errors, misdescriptions and claims for compensation.

Skapinker and Lane Chapter 11 pp. 323 – 366.

WEEK 8**Inquiries, warranties and affectations.**

Skapinker and Lane Chapter 12 pp. 367 – 434.

WEEK 9**Issues arising from the right to possession.**

Skapinker and Lane Chapter 13 pp. 435 – 456.

Preparing to complete.

Skapinker and Lane Chapter 14 pp. 457 – 480.

WEEK 10**Significance and enforcement of stipulations as to time.**

Skapinker and Lane Chapter 15 481 – 524.

WEEK 11**Breach of contract and remedies.**

Skapinker and Lane Chapter 16 pp. 525 – 578.

WEEK 12**Equitable remedies.**

Skapinker and Lane Chapter 17 pp. 579 – 622..

Assignment Cover Sheet

Assignment Cover Sheets need to be used for authentication of your Course Work assignments. They can be downloaded from the CDU web site.

CDU Graduate attributes

CDU graduate attributes refer to those skills, qualities and understandings that should be acquired by students during their time at the University regardless of their discipline of study. (For a more detailed explanation go to the CDU web site item on this subject).

In this unit, the following graduate attributes are developed:

Attribute	Description	Learning outcomes
Acquisition	Can identify, retrieve, evaluate and use relevant information and current technologies to advance learning and execute work tasks.	1 and 2
Application	Is an efficient and innovative project planner and problem solver, capable of applying logical and critical thinking to problems across a range of disciplinary settings and has self-management skills that contribute to personal satisfaction and growth.	2 and 3
Knowledge base	Has an understanding of the broad theoretical and technical concepts related to their discipline area, with relevant connections to industry, professional, and regional knowledge.	1, 2 and 3
Communication	Demonstrates oral, written, and effective listening skills as well as numerical, technical and graphic communication skills in a cross generational environment.	1 and 3
Social Responsibility	Is able to apply equity values, and has a sense of social responsibility, sustainability, and sensitivity to other peoples, cultures and the environment.	1, 2 and 3

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