



# Contracts for the Sale and Purchase of Land....Check them

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Australian College  
of Professionals

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# Contracts for the Sale and Purchase of Land....Check them



It is not uncommon for an agent to be provided with a Contract for the Sale and Purchase of Land and to trust that the contract provided has all of the necessary documentation contained within.

Unfortunately this may not always be the case. It is an offence for an Agent to advertise property for sale without a complete contract.

While it may pose an issue for your agency with NSW Fair Trading, it can also call into question the validity of the contract agreed to by the purchaser and could potentially lead to a rescission of that contract.

The Conveyancing Act 1919 states that it is against the law for residential land to be advertised without a contract containing the required documentation:

## 66R PREPARATION OF PROPOSED CONTRACT FOR SALE OF LAND

1. A vendor who, by a written or broadcast advertisement:
  - a. indicates that residential property is for sale or is to be auctioned at any future time, or
  - b. offers to sell residential property, or
  - c. invites an offer to purchase residential property, or
  - d. offers to grant an option to purchase residential property, or
  - e. invites an offer to take an option to purchase residential property,



2. For the purposes of this section, the required documents are:
  - a. a copy of the proposed contract for the sale of the property (excluding particulars of the purchaser and purchase price), and
  - b. the documents required by section 52A to be attached to the contract before signature by the purchaser, and
  - c. in the case of an offer or invitation relating to an option--a copy of the proposed option document (excluding particulars of the purchaser and consideration for the option), and
  - d. in the case of an off the plan contract--a copy of the proposed disclosure statement.
3. This section applies to sales by way of private treaty, auction or tender (including tender by post).

To be certain you have done all that you can to ensure the purchase and sale are a smooth and binding transaction, it pays to go through the contract prior to advertising and ensuring that all documents are where they are supposed to be.

The Conveyancing (Sale of Land) Regulations 2017, Schedule 1, sets out the documents that are required:

1. A planning certificate for the land unless the land is not within a local government area, commonly referred to as the 10.7 certificate
2. Diagrams from a recognised sewerage authority (if available from the authority in the ordinary course of administration) that purport to show the following:

**CONTINUED** >

- a. the location of any sewer lines on the land upstream of the point of connection to the authority's sewer main (including the point of connection),
  - b. the location of the authority's sewerage infrastructure for the property downstream of the point of connection to the authority's sewer main (including the point of connection).
3. If the contract relates to land:
- a. a property certificate, and
  - b. a copy of a plan for the land issued by the Registrar-General (except in the case of land that is the subject of a limited folio).
4. Copies of all deeds, dealings and other instruments that are lodged with the Registrar-General:
- a. easements,
  - b. profits à prendre,

- c. restrictions on the use of land,
- d. positive covenants imposed under Division 4 of Part 6 of the Conveyancing Act 1919 .

When dealing with land that is strata, community title or leasehold property, there are a subsequent list of documents that also need to be added to the contract. As you can see, it is not a very long list of documents that need to be added and not at all outside of the knowledge base of the agent to be able to check their inclusion.

Double checking your contracts could mean the difference between a valid sale and a valid rescission.

Rosy Sullivan  
Director | College Principal

## UPCOMING CPD WEBINARS

### 3 HOUR COMPULSORY CPD

<b>Real Estate</b>	TUE <b>18<sup>TH</sup></b> MAY
<b>Strata Management</b>	TUE <b>4<sup>TH</sup></b> MAY
<b>Real Estate</b>	TUE <b>22<sup>ND</sup></b> JUN
<b>Strata Management</b>	TUE <b>8<sup>TH</sup></b> JUN

### 3 HOUR ELECTIVE CPD

<b>Property Sales</b>	TUE <b>25<sup>TH</sup></b> MAY
<b>Residential Property Management</b>	TUE <b>27<sup>TH</sup></b> APR
<b>Strata Management</b>	TUE <b>11<sup>TH</sup></b> MAY
<b>Commercial Sales &amp; Leasing</b>	FRI <b>14<sup>TH</sup></b> MAY

*Please note: All Webinars will be held via Zoom and run from 9am - 12pm unless stated otherwise.*

## UPCOMING CPD FACE TO FACE COURSES

### COMPULSORY SALES & LEASING AND ELECTIVE CPD - NSW

<b>Property Sales</b> Sydney CBD	MON <b>26<sup>TH</sup></b> APR	<b>Property Sales</b> Liverpool	MON <b>24<sup>TH</sup></b> MAY
<b>Residential Prop Mgmt</b> Terrigal	THU <b>29<sup>TH</sup></b> APR	<b>Residential Prop Mgmt</b> Sydney CBD	FRI <b>11<sup>TH</sup></b> JUN
<b>Residential Prop Mgmt</b> Sydney CBD	FRI <b>7<sup>TH</sup></b> MAY	<b>Residential Prop Mgmt</b> Castle Hill	WED <b>23<sup>RD</sup></b> JUN
<b>Property Sales</b> Sydney CBD	WED <b>12<sup>TH</sup></b> MAY	<b>Property Sales</b> Terrigal	MON <b>28<sup>TH</sup></b> JUN
<b>Property Sales</b> Castle Hill	THU <b>13<sup>TH</sup></b> MAY	<b>Property Sales</b> Sydney CBD	MON <b>28<sup>TH</sup></b> JUN
<b>Property Sales</b> Newcastle	FRI <b>14<sup>TH</sup></b> MAY	<b>Residential Prop Mgmt</b> Sydney CBD	FRI <b>9<sup>TH</sup></b> JUL
<b>Property Sales</b> Parramatta	WED <b>19<sup>TH</sup></b> MAY	<b>Property Sales</b> Sydney CBD	MON <b>26<sup>TH</sup></b> JUL

### COMPULSORY & ELECTIVE STRATA CPD - NSW

<b>Strata Management</b> Sydney CBD	FRI <b>23<sup>RD</sup></b> APR	<b>Strata Management</b> Sydney CBD	THU <b>20<sup>TH</sup></b> MAY
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Two 3-hour sessions. 9am - 12pm then 1pm - 4pm unless stated otherwise. If you have already completed one CPD course and only need to attend either the Compulsory OR Elective component, please contact the College on 1300 88 48 10

## UPCOMING CERTIFICATE OF REGISTRATION FACE TO FACE COURSES

### ASSISTANT AGENT - CERTIFICATE OF REGISTRATION

<b>Real Estate and Stock &amp; Station</b> Sydney CBD	<b>3<sup>RD</sup></b> <b>-6<sup>TH</sup></b> MAY
<b>Real Estate and Stock &amp; Station</b> Sydney CBD	<b>7<sup>TH</sup></b> <b>-10<sup>TH</sup></b> JUN

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV in Real Estate Practice.

<b>Strata Management</b> Sydney CBD	<b>21<sup>ST</sup></b> <b>-24<sup>TH</sup></b> JUN
<b>Strata Management</b> Sydney CBD	<b>16<sup>TH</sup></b> <b>-19<sup>TH</sup></b> AUG

Units taken from nationally accredited training qualifications from the CPP40516 Certificate IV in Strata Community Management.



## From the office

So the new CPD year commenced three weeks ago, and already we have many agents undertaking their CPD requirements for the current year.

All new topics, all new requirements again....and plenty of discussions, laughter and learning going on in our classrooms. The trainers are all excited to be back in front of classes with the new topics and cutting their teeth on the new content. In addition to our CPD classes, our licensing modules have been running and Assistant Agents are definitely getting in early this year to complete their required Units of Competency in their advance towards gaining a licence. It's now a year since we commenced offering the new real estate qualification and we are getting such positive feedback from our students about the relevance of the materials and the training – this makes for very happy trainers and a very happy team when our students are so appreciative of the learning process.

To celebrate the new CPD year (and very much the end of the last CPD year), ACOP had a well-deserved company outing to Cyren Restaurant in Darling Harbour. We started early, consumed a fabulous dinner, drank cocktails in punch bowls and then a core group kicked on for dancing in the nightclub next door. It was a terrific opportunity to let our hair down, mix with our new team members and enjoy the company of our work colleagues without talking about work. It was certainly a night to be remembered.

And of course, it's ACOP so we had cake. To celebrate Rosemary's birthday, we had a marvellous carrot cake (her favourite) and was very much consumed by the whole team – not to mention the colourful decorations that the team constructed around Rosemary's desk. With our additional new team members, there is little opportunity for left-over cake these days, which is possibly a really good thing after the indulgences of Easter.

## UPCOMING LICENCE FACE TO FACE COURSES

### PROPERTY LICENSING

<b>Commercial Sales &amp; Leasing</b> SYDNEY CBD	3 <sup>RD</sup> - 4 <sup>TH</sup> JUN
<b>Property Sales</b> SYDNEY CBD	29 <sup>TH</sup> JUN - 1 <sup>ST</sup> JUL
<b>Stock &amp; Station Agency Practices</b> SYDNEY CBD	31 <sup>ST</sup> MAY - 2 <sup>ND</sup> JUN
<b>Strata Management Agency Practices</b> SYDNEY CBD	27 <sup>TH</sup> - 29 <sup>TH</sup> APR
<b>Auctioneering</b> SYDNEY CBD	15 <sup>TH</sup> - 16 <sup>TH</sup> JUL
<b>Property Mgmt Business Development &amp; NCAT</b> SYDNEY CBD	13 <sup>TH</sup> - 14 <sup>TH</sup> MAY

### PROPERTY LICENSING

<b>Financial Management (Strata)</b> SYDNEY CBD	13 <sup>TH</sup> - 14 <sup>TH</sup> JUL
<b>Trust Accounting + Insurance</b> SYDNEY CBD	FRI 30 <sup>TH</sup> APR
<b>Trust Accounting</b> SYDNEY CBD	24 <sup>TH</sup> - 25 <sup>TH</sup> MAY
<b>Property Management</b> SYDNEY CBD	26 <sup>TH</sup> - 28 <sup>TH</sup> MAY
<b>Business Broking</b> SYDNEY CBD	10 <sup>TH</sup> - 11 <sup>TH</sup> MAY

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV Real Estate Practice and CPP40516 Certificate IV in Strata Community Management.

## UPCOMING FINANCE & MORTGAGE BROKING FACE TO FACE COURSES

<b>Certificate IV in Finance &amp; Mortgage Broking</b> SYDNEY CBD	17 <sup>TH</sup> - 19 <sup>TH</sup> MAY
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<b>Diploma of Finance &amp; Mortgage Broking Management</b> <i>(Upgrade Program - Must hold Certificate IV in Finance &amp; Mortgage Broking)</i> SYDNEY CBD	20 <sup>TH</sup> - 21 <sup>ST</sup> MAY
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Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

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