

Legal Profession Admission Board
September 2008
Conveyancing
Examiner's Comments

75 examination scripts were received of which:-

1. 9 achieved a mark of 75-100 (Pass with Distinction) (12%);
2. 19 achieved a mark of 65-74 (Pass with Merit) (25%);
3. 43 achieved a mark of 50-64 (Pass) (57%); and
4. 4 received a mark below 50 (Fail) (6.3%).

75

Question 1

Answers to special conditions 4 & 5, generally, could have been more comprehensive (for example, *Duddell v Simpson*, *De Lellis v Tinyow* re special conditions 4.2&4.3, and clause 1 Schedule 2, Conveyancing (Sale of Land) Regulation 2005 (Regulation), re special condition 5, were only sparsely mentioned).

Question 2

- (a) a number of students discussed *procedural* aspects (notifying discharging mortgagee, replying to requisitions etc) rather than the issue of trusteeship, and duty of care;
- (b) insurance for a non-residential property was often overlooked, most mentioning only lodgement of a caveat.

Question 3

- (1) & (6) not well answered by many, reflecting limited knowledge/understanding of Schedule 3, Regulation.
- (3),(4)&(5) only average answers by most, surprising in view of the Lecture materials on the LEC website.

Question 4

Although *Luxford v Sidhu* (on which this question was largely based) was discussed with evening students and at the weekend school, issues etc were not as well discussed as expected. Not all noted that the purchasers here obtained their own valuation.

Question 5

(a)(2) not clearly understood by a number of students.

(b)(2) most knew the relevant law (*Luong Dinh Luu v Sovereign Developments P/L & Ors*, and *Ianello v Sharpe*) but failed to demonstrate the method (eg leave 10% on front page, special condition etc).

Answers to the remaining questions were, otherwise, generally of a satisfactory standard.

Students who achieved marks 75 to 100 showed work of superior quality evidenced by sound coverage of pertinent issues supported, in turn, by relevant law.

Presentation, legibility, spelling, and length of answers, in some cases, left much to be desired.