

Sale Of Land Act Victoria

David Lloyd and William Rimmer, *Sale of Land Act Victoria*, 2015, Thomson Reuters, hb \$159

The theoretical basis for the Torrens system of land ownership in Victoria is to be found in the *Transfer of Land Act 1958* but the practicalities relating to dealing with land is the province of the *Sale of Land Act 1962* (the Act). Consequently, the Act is the most significant piece of legislation affecting the day to day practice of lawyers and other conveyancing practitioners and a working knowledge of its provisions is essential for those who choose to practice in the field. Just as Jack's fabled beans grew to become a mighty beanstalk, so too did this humble 1962 Act designed to regulate terms contracts grow into a modern day fortress of consumer protection.

The words of an Act must, by definition, dominate any book designed as a guide to that Act and this certainly holds true for this book.

While analysis of parliament's intention and journeys into cases that throw some light on the application of the Act are useful, essentially it is the words of the Act that matter. As such, it can never be regarded as a rollicking read, more a ploughman's lunch than a gourmet feast. But the test is not one of cosmetic beauty, rather whether the book helps the reader understand the meaning and intent of the Act and allows the reader to dip into the book as the need arises to find answers to the questions that invariably arise during the course of a conveyancing transaction. Undoubtedly, this book passes that test.

The brief introductory section deals with concepts that consistently appear throughout the Act and provides a convenient summary of those concepts; such as void/voidable and rescind/avoid. Thereafter, the book follows the structure of the Act, considering such important topics as off the plan sales, stakeholding and release of deposit, terms contracts, cooling off, vendor disclosure obligations, insurance and auctions.

Importantly, this book also makes reference to the recent provision in the Act (s48A) which incorporates the enforcement rights set out in the Australian Consumer Law. This section gives the Act real teeth and is likely to be the subject of future cases that test the boundaries of these provisions. The limited rights previously available to purchasers for breach by a vendor of the provisions of the Act have been vastly extended to the cornucopia of remedies available under the Australian Consumer Law and this will hopefully result in vendors being more accountable for their representations in respect of the sale of land. As the authors point out, these remedies will apply irrespective of whether or not the transaction is in the course of trade and commerce.

These matters are grist for the conveyancing practitioner's mill and this book is a valuable new resource to help keep that mill turning.

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