



Examiner's Comments

14 CONVEYANCING

September 2025 Examinations

The exam comprised of five questions. Candidates were required to answer four questions. All questions were of equal value (25 marks each).

Question 1

This question tested students' understanding of the law surrounding the vendor's general law and statutory duty of disclosure. Additionally, students were required to consider the issues surrounding whether the vendor engaged in misleading or deceptive conduct under the ACL.

Question 2

This question tested students' knowledge of how 'reasonable time' is interpreted in a contractual and statutory context and the available remedies.

Question 3

This question tested students' knowledge of the meaning of vacant possession. Students needed to consider and apply the relevant case law and think about contractual terms as to condition.

Question 4

This question tested student knowledge of rights pending completion. Students were required to demonstrate that they understood the common law and statutory position on the passing of risk from the vendor to the purchaser. Additionally, they needed to identify and demonstrate an understanding of the statutory provision allowing a purchaser to rely on the insurance cover of a vendor.

Question 5

This question was about defects in title. Students needed to demonstrate their understanding of the effect of errors or misdescriptions and the purchaser's right to compensation.

Characteristics of poor or average responses

It is important to give appropriate references to case law and legislation then explain why the authority is relevant.

Students whose papers were in the pass range often missed issues and/or made errors in stating or applying principles. Some papers did not provide enough analysis to show a good understanding of the topics.

One common weakness for papers in the Credit range was insufficient analysis, even though all significant issues were identified. It was not enough to just identify the issues and state a conclusion or cite an authority and state a conclusion. Students needed to demonstrate legal reasoning that involved the application of the relevant principles to the facts.

Characteristics of very good or excellent responses

Answers that obtained higher marks were generally well organised, clearly written, got straight to the point of the relevant issues and, importantly, integrated the legal principles with the discussion of the facts so as to produce a well-reasoned conclusion. Such responses demonstrated *how* the identified principles should be applied and *why* a particular conclusion was reached, using appropriate authority.

Common mistakes

Students may have picked up the relevant case law but missed the legislation and/or how the case law and legislation interact.

Areas for improvement

Ensuring knowledge of all the cases and legislation on the Case and Statute list. For example, students may have identified the common law position but missed relevant statutory provisions.