

Conveyancing course okay, but s22 a worry

The Course Advisory Committee for the proposed Certificate in Conveyancing has forwarded a draft course outline to the Department of Education Curriculum Management and Accreditation Unit.

But the Society's representative on that Committee, Peter James, said he still has grave reservations about section 22 of the *Land and Business Agents Act*.

That section applies to exemption from educational qualifications on the basis of experience.

It reads: "A person, not being a company or firm, is eligible for the grant of a licence where the Board is satisfied that...

"(c) he holds the prescribed educational qualifications for the class of licence which is the subject of the application or has other prescribed qualifications or experience...

"(2) In subsection (1)(c) 'other prescribed qualification or experience' includes, in the case of an applicant for a conveyancing agent's licence, experience gained in the employ of -

"(a) a person (however described) authorised to act as a legal practitioner under the law of a State or Territory of the Commonwealth and who was during the period of that employment engaged from time to time in the sale and transfer of real property.

"It would be quite improper for someone who has been acting as the secretary to a conveyancing solicitor for six months to claim that they have sufficient expertise in the field to warrant registration as a conveyancing agent under section 22," Mr James said.

The President of the Society, John Stirk, said he would take the matter

up with the Attorney-General to ensure standards are set and maintained from the outset.

A Law Society sub-committee, headed by Mr James, has been established to draft a proposed amendment to section 22.

If, as anticipated, the course proposal is accepted, the Certificate in Conveyancing will be offered at TAFE centres in the 1993 academic year.

The course proposed for the Northern Territory is similar to the South Australian land brokers course and the Western Australian settlement agents course.

The curriculum includes four units in settlement procedures and units in legal method, contract law, land contracts, property law, torts, bookkeeping, accounting, technical communications, business computing, business law and work environment.

And for light comic relief...

When Justice Alwynne Rowlands was welcomed to the bench of the Family Court and Federal Court, Peter Gandolfo [then President of the Law Institute of Victoria] said the Law Institute had appreciated the way His Honour had instructed its members in parables when he was President of the Victorian Administrative Appeals Tribunal.

Some examples: Inexperience can sometimes work to your advantage, as when a young man was summonsed before a court on an affiliation order. He replied by letter: "I don't know whether or not I am the father of the

child. I am only an apprentice."

Having warned that premature admissions can ruin a case, His Honour had explained that not all admissions were against interest. In a transport accident case the evidence was that a man had driven carefully through a green light at an intersection. A woman driving a kombi van with 14 children in it went against the red light, and the two vehicles collided. The man said: "You stupid woman, don't you know when to stop?" "Oh," she replied, "they're not all mine."

On one occasion, His Honour explained, the tribunal hinted to counsel that the tribunal's time was being wasted, and a settlement would be appropriate. Knowing that his client was hard of hearing, the applicant whispered to her in a voice that could

be heard all round the room: "He want's to know what you'll take?" "That's very kind of His Honour," she replied. "If it's not too much trouble, I'll have a whisky and soda."

Feelings could run high, His Honour had warned. One persistent applicant, having put the department he enjoyed torturing to a lot of trouble, lost his place, then dropped his papers and exclaimed to the tribunal: "I am my own worst enemy." The man from the department interjected: "Not while I'm alive."

*The above extract is but a sample of the content of Columb Brennan's **Pūh Without Thubtanth: A Mulch of Legal Trivia**, available from the LIV Bookshop for \$15.95 (includes postage and packaging) on telephone (03) 6079315.*