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FOR THIS CPD YEAR

# 21ST ANNUAL NSW PROPERTY LAW ONLINE CONFERENCE

2027 Conveyancing Update: What's Changed and What's Next

CGT, Negative Gearing and the New Tax Rules for Property

Retail Leasing NSW: New Rules, New Risks and Landlords on Notice

Strata Reforms: The New Compliance and Liability Landscape

The Exclusion Clause That Didn't Work: Surcharge Duty Traps for Trusts

Contracts, Deposits and Default in a Falling Market

Blocked, Fenced or Ignored: Enforcing Rights of Access under an Easement

A One-day Conference

**Organised by The Education Network**

**Thursday 18 March 2027**

## Feedback from last year's conference:

- Great speakers, easily accessible, great resources.
- Very clear and informative.
- TEN's usual excellent presentation.

The Education Network

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# THURSDAY 18 MARCH 2027

## CHAIR: CAROLYN CHUDLEIGH, CONSULTANT, HFW AUSTRALIA, SYDNEY, NSW

## Morning Theme: Reform Roll-On: What's New Across NSW Property Practice

**9.00 - 9.10am**

**Introduction and welcome**

**9.10 - 10.00am**

**Session 1: 2027 Conveyancing Update: What's Changed and What's Next**

The pace of reform in NSW conveyancing shows no sign of slowing, with last year's changes now bedding in and a fresh wave taking effect. This session brings property lawyers up to speed with the latest developments across the conveyancing landscape, including:

- Commencement of the Building (Approvals and Practitioners) Act 2026 — the shift from construction and occupation certificates to building and completion approvals, why repeal of the Design and Building Practitioners Act doesn't end its core obligations, and what settlement checklists need to change
- What section 10.7 certificates are — and aren't — now expected to disclose as climate risk, flood and bushfire exposure bed in as due diligence issues
- Rezoning and planning-reform due diligence: why the zoning in force at exchange may not reflect what's achievable on a site, and what the Transport Oriented Development program means for client risk, cost and rescission rights

*Speaker: Tony Cahill, Legal Author & Commentator, Parramatta, NSW*

**10.00 - 10.10am** Panel Comments and Questions

**10.10 - 11am**

**Session 2: When Deals Unravel: Contracts, Deposits and Default in a Falling Market**

A softening market brings a predictable rise in disputes over deposits, misrepresentation and default, and recent cases show the courts continuing to draw fine lines around each. This session brings together current case law on what happens when a contract for sale doesn't run smoothly and discusses:

- Why a statement can be technically accurate and still amount to an actionable misrepresentation
- The distinction between non-reliance clauses and a vendor's or agent's active concealment of a material fact
- When a deposit exceeding the standard 10% will be struck out as a penalty rather than enforced and strategies to preserve the arrangement
- The court's discretion to relieve a purchaser from forfeiture of a deposit under section 55(2A) of the Conveyancing Act
- Practical steps for advising clients on deposit structuring and default risk in the current market including structuring of deposits by instalments

*Speaker: Tony Cahill, Legal Author & Commentator, Parramatta, NSW*

**11am - 11.10am** Panel Comments and Questions

**11.10 - 11.30am**

Break

# THURSDAY 18 MARCH 2027

**11.30am - 12.20pm**

**Session 3: CGT, Negative Gearing and the New Tax Rules for Property**

The most significant shake-up to property tax settings in years is now law, but the transitional rules mean most existing investors are unaffected for now. This session will take stock of what has changed, when it bites, and what the market is already signalling, including:

- The replacement of the 50% CGT discount with cost base indexation and a minimum 30% tax rate on capital gains
- Why the CGT changes only apply to gains accruing after 1 July 2027
- The new restriction of negative gearing to newly built residential properties
- How grandfathering protects properties held or under contract before 12 May 2026
- Exemptions from the negative gearing restrictions, including build to rent, affordable and public housing and specialist disability accommodation
- Compliance checkpoints for advising clients on timing decisions around sale, purchase and structuring before the transitional dates

*Speaker: David Naylor, Partner, Chan and Naylor, Pymble, NSW*

**12.20 - 12.30pm** Panel Comments and Questions

**12.30 - 1.20pm**

**Session 4: The Exclusion Clause That Didn't Work: Surcharge Duty Traps For Trusts**

A trust deed that looks compliant on its face can still expose a client to significant surcharge duty and land tax if the exclusion clause is drafted the wrong way. This session unpacks a recent tribunal decision that has practitioners revisiting trust deeds across the board:

- How surcharge purchaser duty and surcharge land tax apply to discretionary trusts holding residential property.
- The "no amendment" requirement and why a temporal limitation in an exclusion clause can be fatal.
- How badly drafted foreign person exclusion clauses can result in a surcharge liability.
- Why a trust can be caught even where no foreign person benefits from a distribution.
- The steps available to amend a trust deed and the timing considerations involved.
- Why surcharge duty disputes remain the leading source of Law Cover claims for property lawyers.
- Where practitioners should focus their attention when auditing existing trust deeds before the next land tax assessment date.

*Speaker: Andrew Rider, Barrister, NSW*

**1.20 - 1.30pm** Panel Comments and Questions

**1.30 - 2.20pm**

Break

# THURSDAY 18 MARCH 2027

## Afternoon Theme: When It Goes Wrong: Duty Traps, Disputes and Broken Deals

**2.20 - 3.10pm**

**Session 5: Retail Leasing NSW: New Rules, New Risks and Landlords on Notice**

The regulatory landscape for retail and commercial leasing is becoming increasingly complex, with changes extending beyond traditional lease terms into consumer protection and a landlord's responsibility for what happens at the premises. This session examines the emerging risk areas practitioners need to be alert to when advising landlords and tenants, including:

- The impact of the Retail Leases Amendment (Review) Bill
- Why practitioners should advise clients based on the law as it currently stands.
- How the unfair contract terms regime applies to retail and commercial leases.
- The significantly increased penalties now available for unfair contract terms and what that means for standard lease templates.
- The new offence for commercial lessors who knowingly permit premises to be used for the sale of illicit tobacco or vaping goods
- How closure orders operate and the circumstances in which they give landlords new rights to terminate a lease or licence
- What landlords should do when they become aware of, or suspect, illicit activity at leased premises

*Speaker: Anthony Herro, Partner, Carroll & O'Dea Lawyers, Sydney, NSW*

**3.10 - 3.20pm** Panel Comments and Questions

**3.20 - 4.10pm**

**Session 6: Strata Reforms: The New Compliance and Liability Landscape**

The staggered rollout of NSW strata reform has now reached its final tranches, layering fresh disclosure and enforcement obligations onto an already complex compliance picture. This session considers where the reform program currently stands and what recent case law means for practitioners advising owners corporations and lot owners, including:

- The staged commencement of the Strata Schemes Legislation Amendment Act 2025 and what remains before parliament
- New enforcement powers for NSW Fair Trading and their practical effect on non-compliant owners corporations
- The strict nature of an owners corporation's duty to maintain and repair common property, and the limits of a mitigation defence
- When a lot owner can recover damages for consequential loss caused by a common property defect
- How the new Decennial Liability Insurance scheme changes what purchasers of apartments are protected against, and where it sits alongside the existing strata building bond
- Practical steps for advising clients on disclosure obligations, dispute risk and costs exposure under the current reform settings

*Speaker: Rachel Richardson, Partner, Corrs Chambers Westgarth, NSW*

**4.10 - 4.20pm** Panel Comments and Questions

# THURSDAY 18 MARCH 2027

**4.20 - 4.40pm**

Break

**4.40 - 5.30pm**

**Session 7: Blocked, Fenced or Ignored: Enforcing Rights of Access under an Easement**

Two recent Supreme Court decisions have sharpened the test for when interference with a right of carriageway becomes actionable. This session takes a close look at what the burdened and benefited landowner can and cannot do, and what remedies are available when access is obstructed, including:

- The mutual obligation on both burdened and benefited owners not to interfere unreasonably with each other's rights.
- How courts assess whether works to a carriageway are reasonably necessary.
- When fencing, gates or other obstructions cross the line into substantial interference.
- The distinction between self-help remedies and formal legal action.
- Available remedies including damages for loss of use, diminution in value and consequential economic loss.
- When an injunction may be granted to restrain ongoing interference.
- Practical steps for advising clients before they attempt to remove an obstruction themselves.

*Speaker: Sydney Jacobs, Barrister, Sydney*

**5.30 - 5.40pm** Panel Comments and Questions

**5.40pm** Conference Close

## 3 CPD Compulsory Programs for Property Lawyers

In addition all delegates will receive the recordings from our **"3 CPD Compulsory Programs for Property Lawyers"** webinar being run on **24.2.27**:

1. Professional Skills: Deadlocked Co-owners: Forcing a Property Sale and Negotiating an Exit.
2. Practice Management & Business Skills: AML/CTF Compliance: What Reliance Agreements Really Mean for Your Property Practice.
3. Ethics: AI, E-Signing and the Digital Property Practice: Ethical Duties in a Technology-Driven Transaction

# GENERAL INFORMATION

## Conference Registration Fee

The registration fee includes attendance at the online conference and conference papers.

## Conference Papers

TEN will not provide printed copies of the conference papers or Powerpoints. Access to the papers & Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

## CPD

**Lawyers:** 10 CPD units/points (7 x substantive law, 1 x ethics, 1 x professional skills and 1 x practice management & business skills).

Lawyers will earn 7 CPD units by attending the conference. TEN will supply all delegates with the recordings from our "3 CPD Compulsory Programs for Property Lawyers Webinar" being run on 24 February 2027 for you to watch at your leisure.

## CPD Certificate

All delegates attending the conference will receive a CPD Certificate confirming attendance

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# TERMS AND CONDITIONS

1. In these terms,
    a. "TEN" means The Education Network Pty Ltd t/as The Education Network.
    b. "you" means the person who has registered to attend or the person or persons who attend(s) the conference (if different from the person registered)
    c. "conference" means the live face to face or live or recorded online educational event or which you have registered (by whatever name called and includes conferences, masterclasses, webinars and webinar series).
    d. "live conference" means a conference other than a recorded conference.
    e. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
    f. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
    g. "face to face" in relation to a conference means a conference held in an external venue where you view the conference in the conference room

## General – all conferences

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3. The information and opinions of presenters at the conference are not necessarily those of TEN and are in the nature of general information and not professional advice and you rely on these at their own risk. TEN is not responsible for the accuracy of the information or the correctness of the opinions offered by presenters at the conference.
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## Conversion of face to face conferences to live online conferences

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    a. State or national border closures
    b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
    c. The inability or refusal of one or more presenters or TEN team members to attend the conference to present
    d. In its opinion, it is unsafe to hold the conference face to face for any reason.
6. If TEN converts the conference from face to face only or to face to face and online to online only or postpones the conference or cancels the conference, TEN will not be responsible for any loss or damage you suffer as a result including any travel costs relating to the conference.
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## Conference cancellation by TEN – all conferences

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## Cancellation by You – all conferences

14. Refunds for registration cancellation by you other than under Clause 6(b):
    a. If notice of cancellation is actually received by TEN more than 10 days before the first day on which the conference is to be held you will receive a full refund.
    b. Otherwise, no refund.

## Governing Law – all conferences

15. The agreement between TEN and you is governed by the laws in force in the State of Victoria and the courts and tribunals of that State have sole jurisdiction to determine disputes arising in relation to it

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The Education Network Pty Ltd (ABN 19 052 319 365).
GPO Box 61, Melbourne, Victoria 3001
Phone (03) 8601 7700 Enquiries Jenna Pickrell (03) 8601 7729
Register online: **http://www.tved.net.au** – go to CONFERENCES

Please register me for the **21st Annual NSW Property Law Online Con**ference – a 1-day online conference to be held on Thursday 18 March 2027 [SPLMAR27LO].

This conference is delivered online only.

[ ] **Early Bird Registration** – for registrations made on or before 18 December 2026 – **$1089** ($990 + $99 GST)
[ ] **Discount Registration** – for registrations made on or before 4 March 2027 – **$1210** ($1100 + $110 GST)
[ ] **Full Price Registration** – **$1331** ($1210 + $121 GST)

Multiple registration discount? Discounts are available for multiple registrations: The more you send, the greater the discount. Please contact our Conference Manager, Jenna Pickrell, to organise your registrations. jenna@tved.net.au or phone (03) 8601 7729.

- 3 registrations – **5% discount** for each delegate
- If you register 4 people at the same time you are entitled to a **10% discount** for each delegate
- If you register 5 people or more people at the same time you are entitled to a **15% discount** for each delegate.

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**Conference Papers** : The papers from this conference will be available in electronic format approximately 1 week after the conference has been held. You can pre-order the papers now online via our website at www.tved.net.au.
The papers are **$198** ($180 + $18 GST) (code: E/PSPLMAR27LO).

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