

PROPERTY LAW REVIEW

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ARTICLES

Unlocking risk allocation and equitable conversion: Reform of the passing of risk in the sale of land – *Sharon Christensen and WD Duncan*

The principles relating to the passing of risk under a contract for the sale of real property would seem to have been long settled. The rule under the general law is that the risk of loss of the subject matter under a contract for the sale of real property passes to the buyer upon the creation of a valid and binding contract. This article considers the origin of that rule, how it developed with the growth of equity, and advances the view that it is anomalous in a modern context of property dealings. In doing so, the article adverts to the variety of statutory mechanisms used to subvert the rule, few of which are of practical value. It concludes that the rule is outmoded in many respects and suggests a number of reforms which might be implemented nationally to bring consistency and simplicity to the issue of damage or destruction of improvements which are the subject of a land contract.

3

Kids can't fly: The legal issues in children's falls from high-rise buildings – *Cathy Sherry*

The number of children falling from high-rise buildings in Sydney has risen sharply in recent years. Children's falls have been a global urban concern for decades. This article looks at the presence of children in strata schemes in Sydney, their numbers and family characteristics. It then considers the circumstances of children's falls and the legal ramifications and solutions. It canvasses legislative changes, as well as potential liability of owners corporations (bodies corporate) for injury suffered on common property.

22

Dispute resolution under the Owners Corporation Act 2006 (Vic): Engaging with conflict in communal living – *Rebecca Leshinsky, Kathy Douglas, Peter Condliffe and Robin Goodman*

In Australia and internationally there have been increases in living in apartment complexes, medium-density housing and master-planned estates where there are shared services and common communal areas. In response to the growth in conflict in such housing developments, there is a need to develop appropriate internal dispute resolution schemes with the option of taking unresolved matters to some form of decision-making such as a tribunal. Under the *Owners Corporation Act 2006 (Vic)*, owners corporations must engage in dispute resolution prior to litigation being brought to the Victorian Civil and Administrative Tribunal (VCAT). In this article the authors report on research into the experiences of owners corporation managers and committees regarding conflict and argue that reform is required in Victoria to assist with dispute resolution in residential developments with community assets.

39

COMMENT

Green commercial leases: Bringing together practice and theory – *Susan Bright*

64

