

Lay of the land

Understanding National e-Conveyancing

Peter Rosier

LexisNexis

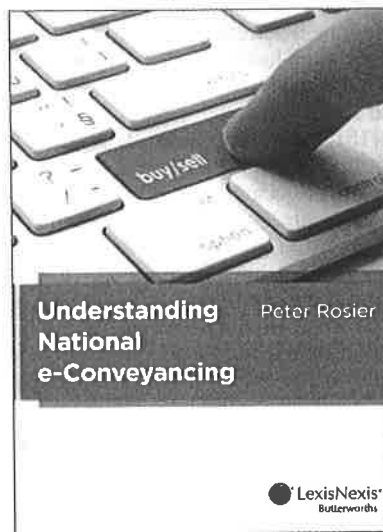
review by Rebecca Flynn

In this book, Peter Rosier delivers a comprehensive overview of the new e-conveyancing system and a succinct reference to the national e-conveyancing legislative platform, model operating requirements and model participation rules.

As a practitioner in this field for many years, I am keen to see how the theory of e-conveyancing is going to translate into the day-to-day conduct of a transaction – which is more akin to a stately saraband.

Understanding national e-conveyancing starts by addressing the all-important question of: “What is electronic conveyancing?”. It then provides a short summary of how the system, which is really one of e-settlements, will work in practice.

Rosier has considered the system’s benefits from the perspectives of the various



parties involved in a conveyancing transaction. He has also included a detailed description of the development and content of the legal framework.

The issues that arose when the concept of e-conveyancing was first proposed are briefly discussed to highlight the reasoning behind the rules and protocols of the

system. Additionally, the book details the surveys and studies that were reviewed in the development of strategies that were designed to reduce the possibility of a fraud being committed during a transaction. The signing of documents and the control of the right to deal with a property in a paperless system are addressed with different solutions presented in each case.

Rosier also includes a list of issues that need to be addressed in the contract for sale of land. However, these may change over time as procedures and protocol continue to develop.

For those seeking a reference to the legal framework, rules and requirements, the book contains the *Electronic Conveyancing (Adoption of National Law) Act 2012*, the Participation Rules for Electronic Conveyancing in NSW and the Operating Requirements for Electronic Conveyancing in NSW. Each of these is easily located using the book’s quick reference directory.

Despite the ever-changing electronic world and the uncertainty about the final model (not to mention the book’s lengthy list of acronyms which requires its own page), the content of this book makes it an important reference. □

The line in the sand

Best Practice in Construction Disputes

Paula Gerber and Brennan Ong

Lexis Nexis

review by Richard Crawford

All types of construction projects attract conflict. This is primarily due to the highly adversarial nature of the construction industry and the high degree of uncertainty often associated with the work. *Best Practice in Construction Disputes* identifies and explains the strategies that parties can adopt to avoid the escalation of conflicts into disputes. It encourages proactive and positive approaches to problem solving via the adoption of various dispute minimisation and avoidance mechanisms.

The book considers the cognitive, organisational and social psychology theories that influence conflict and alternative dispute resolution (ADR). It examines conflict theory in order to provide a better understanding of the nature and causes of construction conflicts and consequently the skills required to resolve them.

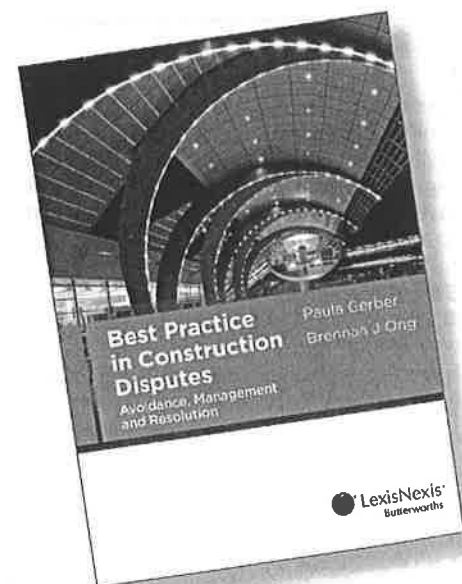
The management of conflict resolution is explored via the explanation of various ADR processes which are used throughout

the construction world. These include the more widely known and adopted binding forms of dispute resolution including litigation, arbitration and adjudication, and the non-binding forms such as mediation, senior executive appraisal, mini-trials, early neutral evaluation and the increasingly popular dispute resolution boards (DRBs). The book also considers emerging hybrid models such as Med-Abr, Arb-Med and collaborative settlement.

Each method is explained and compared, and practical help and guidance is provided to ensure the reader understands how to select and use each procedure and strategy to resolve disputes. The book also offers insight into how the binding forms of dispute resolution can be improved and how construction lawyers can play a role in adopting each form of dispute resolution.

The authors also critically analyse the efficacy of various modes of project delivery. When the authors criticise particular approaches, they examine why these approaches have not worked and what could have been done to remedy their shortcomings.

The book is well researched, and the authors incorporate statistics and anecdotal data on the success and failure of particular modes of delivery and resolution.



For example, it provides an insight into the success of DRBs. Since their inception in 1975, they have been used in over 2,000 construction projects globally, with 98 per cent of these projects being completed without outstanding disputes.

The book provides a practical road map for lawyers and construction professionals wishing to learn about the best approach to resolve disputes. □