



# LAWS2200

## Property Law

Session 1, Online-scheduled-weekday 2024

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Cathy Sherry

[cathy.sherry@mq.edu.au](mailto:cathy.sherry@mq.edu.au)

Credit points

10

Prerequisites

60cp including LAWS104 or LAWS1200

Corequisites

Co-badged status

Unit description

Property law lies at the heart of our legal system. Jeremy Bentham once aptly observed: 'Property and Law are born together and die together. Before laws were made there was no property; take away law, and property ceases'. This unit provides a contextual analysis and outline of the Anglo-Australian law on property and covers such topics as the history and theory of property law; systems of title to, and resolution of competing interests in, property; concurrent ownership of property; native title; and mortgages, leases, easement and covenants in relation to real property.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Explain the historical development of Australian property law, as well as its international, cultural, political and colonial context.

**ULO2:** Understand and critically analyse the law relating to Native Title.

**ULO3:** Understand the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.

**ULO4:** Understand and critically analyse the Torrens system, including strata title.

**ULO5:** Understand and critically analyse a range of interests in real and personal property.

## General Assessment Information

### Late Assessment Submission Penalty

- Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends).
- After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted.
- Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.
- This late penalty will apply to non-time-sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc).
- Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special Consideration application.
- Special Consideration outcome may result in a new question or topic.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Final Exam</u></a>	40%	No	University scheduled exam
<a href="#"><u>Class Participation</u></a>	20%	No	Every class, requiring 1-2 hrs preparation
<a href="#"><u>Research Assignment</u></a>	40%	No	22 April at 11.55 pm

### Final Exam

Assessment Type <sup>1</sup>: Examination

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **University scheduled exam**

Weighting: **40%**

An invigilated exam held in the formal examination period.

On successful completion you will be able to:

- Explain the historical development of Australian property law, as well as its international,

cultural, political and colonial context.

- Understand and critically analyse the law relating to Native Title.
- Understand the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
- Understand and critically analyse the Torrens system, including strata title.
- Understand and critically analyse a range of interests in real and personal property.

## Class Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Every class, requiring 1-2 hrs preparation**

Weighting: **20%**

Students will be assessed on their contributions to class activities and discussions.

On successful completion you will be able to:

- Explain the historical development of Australian property law, as well as its international, cultural, political and colonial context.
- Understand and critically analyse the law relating to Native Title.
- Understand the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
- Understand and critically analyse the Torrens system, including strata title.
- Understand and critically analyse a range of interests in real and personal property.

## Research Assignment

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **22 April at 11.55 pm**

Weighting: **40%**

Research assignment requiring hypothetical problem solving and/or critical reflections on the material from the course

On successful completion you will be able to:

- Explain the historical development of Australian property law, as well as its international,

cultural, political and colonial context.

- Understand and critically analyse the law relating to Native Title.
  - Understand the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
  - Understand and critically analyse the Torrens system, including strata title.
  - Understand and critically analyse a range of interests in real and personal property.
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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

Please note, all readings and course content is contained in the online textbook on iLearn. **There is no hardcopy or e-copy text that students need to purchase.** Students must complete their reading each week.

2 hour tutorials will be held each week for students to discuss the law, ask questions and practise the application of law. Participation will be assessed.

A 2 hour lecture will be given each week, for students to ideally attend in person, or listen to online. However, the lectures are not the primary delivery of course content. Course content is contained in the readings.

## Unit Schedule

Topics covered:

1. History of Anglo-Australian land law
2. Native Title
3. Torrens system
4. Co-ownership
5. Leases
6. Mortgages
7. Easements
8. Freehold covenants
9. Personal Property

A week by week schedule is available on iLearn.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## The Writing Centre

The [Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Changes from Previous Offering

1. Property Law is being taught in two hour weekly tutorials this year, not one hour tutorials. As a result, they will have 60 students, rather than 30. This is the same model that is used for Equity and Trusts. While tutorial sizes are larger, they have double the amount of time for discussion,

application and clarification of the law. There is a total of 26 hours in the semester for students to contribute to class, ask questions, and earn class participation marks. In staff experience, the significantly extended time is more valuable for learning than smaller class sizes.

2. The Legal Practitioners Admission Board, which decides which degrees qualify graduates for legal practice in NSW, now requires 50% of the assessment for 'Priestley 11' units to be formal, invigilated assessment. The Priestley 11 are the subjects that students must pass to practise law (Professor Priestley chaired the committee that determined this in the early 1990s). As a result, the final assessment for Property is a face-to-face, formal, invigilated exam on campus. Students will be able to take in one double-sided sheet of paper, with typed or handwritten notes, but no other materials. Details of MQ exams are on the [University website](#) and further details of the content and form of the exam are on iLearn.

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Unit information based on version 2024.05 of the [Handbook](#)