



LAWS809

Property Law

S2 External 2014

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Unit Convenor

Shayne Davenport

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W3A 519

Wednesday 1 - 2

Credit points

4

Prerequisites

LAWS803

Corequisites

Co-badged status

Unit description

Property is a fundamental legal concept in contemporary western societies. In this unit the property concept is examined from theoretical and practical perspectives. Initially, the question of what the concept should encompass is raised, looking particularly at the person/property distinction and at the boundaries of property such as ownership of the human body and its parts and digital property. Moral implications and economic justifications for the allocation of property rights are then introduced. The major portion of the unit is concerned with a thorough examination of the practical application of property law in Australia beginning with the law of personal property and continuing with systems of title to land (old system, Torrens and native title), the primary interests in land such as mortgages, easements, leases and covenants and concurrent ownership. Analytical and problem solving skills are developed through hypothetical problem exercises and careful consideration of authoritative case law.

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:

Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer

and extinguishment of proprietary interests.

Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.

Demonstrate an ability to critically and insightfully assess the impact of important property law theories on the development of contemporary Australian property law

Assess how effectively native title has been incorporated into the Australian property law regime

Demonstrate advanced, writing and referencing skills appropriate to students undertaking a 800 level unit

Assessment Tasks

| Name | Weighting | Due |
|---|-----------|------------------------------|
| Quiz | 20% | Wednesday 10 September |
| Hypothetical problem question | 30% | Monday 20 October, 2014: 5pm |
| Final examination | 50% | Tuesday 25 November 5pm |

Quiz

Due: **Wednesday 10 September**

Weighting: **20%**

This assessment will take the form of a multiple choice quiz. The questions will be based on the material covered in Lectures 1 – 4. Although the submission portal will remain open from 2pm – 8pm, the quiz is designed to be completed in 1 hour; the 6 hour time span is to accommodate the range of commitments and needs of students. It will consist of 20 multiple choice questions some of which will be based on short hypothetical problem questions. Two practice quizzes will be available in the weeks leading up to this assessment and feedback will be available from the practice quizzes in order to assist with preparation for the formal assessment. Note that only marks for the formal assessment will be released, not corrected answers.

When a student accesses the quiz they will have 1 hour in which to complete it. The questions and responses available to each student will vary as they will be allocated from a bank of questions, with the order of the responses presented to each student also varying. Answers will be automatically submitted at the end of the hour.

On successful completion you will be able to:

- Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer and extinguishment of proprietary interests.

Hypothetical problem question

Due: **Monday 20 October, 2014: 5pm**

Weighting: **30%**

This assessment will require students to formulate a response to a hypothetical problem question. The question will raise issues from the material covered in Lectures 1 - 8 inclusive. Further information on word limits and formatting requirements will be released with the question in week 4.

On successful completion you will be able to:

- Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer and extinguishment of proprietary interests.
- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate advanced, writing and referencing skills appropriate to students undertaking a 800 level unit

Final examination

Due: **Tuesday 25 November 5pm**

Weighting: **50%**

The final take home examination will be released on Monday 24 November at 10am and will be due for return on Tuesday 25 November at 5pm. It will consist of 2 questions, a hypothetical problem question and an essay. Further information about the final examination will be given during the semester. The exam should take about 3 hours to complete and the extended time frame is to permit students to complete the exam at a time that is convenient. No extensions will be given to the due date and time in the absence of a successful application for disruption to study. The link to the disruption to study policy is available on this page under the Policies and Procedures tab below. Exams which are submitted after the due date and time will not be marked. This deadline is strictly enforced.

On successful completion you will be able to:

- Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer and extinguishment of proprietary interests.
- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate an ability to critically and insightfully assess the impact of important property law theories on the development of contemporary Australian property law

- Assess how effectively native title has been incorporated into the Australian property law regime
- Demonstrate advanced, writing and referencing skills appropriate to students undertaking a 800 level unit

Delivery and Resources

Online units can be accessed at: <http://ilearn.mq.edu.au/>.

Text and Required Materials

- Butt, P, *Land Law*, 6th ed. 2010, Thomson Reuters
- Tutorial reading list and questions, lecture slides and additional material available throughout the semester on unit webpage.

Unit Schedule

| Week | Topic |
|------|---|
| 1 | Introduction to the concept of “property”; taxonomy; boundaries; the doctrine of fixtures |
| 2 | The relationship of common law and equity; Common law and equitable interests in land; “Old” system title |
| 3 | Priorities at general law; Introduction to Torrens title; the concept of indefeasibility |
| 4 | Torrens title: exceptions to indefeasibility |
| 5 | Torrens title: priorities between unregistered and registered interests |
| 6 | Common Ownership and Strata Title |
| 7 | Mortgages |
| 8 | Leases and statutory tenancies |
| 9 | Easements and restrictive covenants |
| 10 | Personal property; introduction to sale of goods; finders law; gifts of personal property |

| | |
|----|---|
| 11 | Fundamental Principles; Native title |
| 12 | Theories of property and contemporary issues; property in the human body; digitised property; property in water |
| | |

Learning and Teaching Activities

Unit delivery

This unit is delivered through a blended learning approach. Lecture and guided learning material will be uploaded on to the unit web page as weekly topics. Students are expected to complete all the listening, reading and problem solving activities within the week allocated for each topic. Tutorial and problem questions will be discussed in the weekly seminars or at the intensive on campus sessions. The lectures, learning materials and tutorials are intended to develop students' learning in a cumulative fashion. They are not alternatives for each other and students who do not complete all the activities are unlikely to develop their learning to the required standard.

Policies and Procedures

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

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

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

dents.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

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

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer and extinguishment of proprietary interests.
- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate an ability to critically and insightfully assess the impact of important property law theories on the development of contemporary Australian property law
- Demonstrate advanced, writing and referencing skills appropriate to students

undertaking a 800 level unit

Assessment tasks

- Quiz
- Hypothetical problem question
- Final examination

Learning and teaching activities

- This unit is delivered through a blended learning approach. Lecture and guided learning material will be uploaded on to the unit web page as weekly topics. Students are expected to complete all the listening, reading and problem solving activities within the week allocated for each topic. Tutorial and problem questions will be discussed in the weekly seminars or at the intensive on campus sessions. The lectures, learning materials and tutorials are intended to develop students' learning in a cumulative fashion. They are not alternatives for each other and students who do not complete all the activities are unlikely to develop their learning to the required standard.

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate an ability to critically and insightfully assess the impact of important property law theories on the development of contemporary Australian property law
- Assess how effectively native title has been incorporated into the Australian property law regime

Assessment tasks

- Hypothetical problem question
- Final examination

Learning and teaching activities

- This unit is delivered through a blended learning approach. Lecture and guided learning

material will be uploaded on to the unit web page as weekly topics. Students are expected to complete all the listening, reading and problem solving activities within the week allocated for each topic. Tutorial and problem questions will be discussed in the weekly seminars or at the intensive on campus sessions. The lectures, learning materials and tutorials are intended to develop students' learning in a cumulative fashion. They are not alternatives for each other and students who do not complete all the activities are unlikely to develop their learning to the required standard.

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcome

- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.

Assessment tasks

- Hypothetical problem question
- Final examination

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a specialist level knowledge of the major forms of title to real and personal property in Australia and a thorough understanding of the means of creation, transfer and extinguishment of proprietary interests.
- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate advanced, writing and referencing skills appropriate to students undertaking a 800 level unit

Assessment tasks

- Quiz
- Hypothetical problem question
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Learning and teaching activities

- This unit is delivered through a blended learning approach. Lecture and guided learning material will be uploaded on to the unit web page as weekly topics. Students are expected to complete all the listening, reading and problem solving activities within the week allocated for each topic. Tutorial and problem questions will be discussed in the weekly seminars or at the intensive on campus sessions. The lectures, learning materials and tutorials are intended to develop students' learning in a cumulative fashion. They are not alternatives for each other and students who do not complete all the activities are unlikely to develop their learning to the required standard.

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Demonstrate an ability to critically and insightfully assess the impact of important property law theories on the development of contemporary Australian property law
- Assess how effectively native title has been incorporated into the Australian property law regime

Assessment task

- Final examination

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Analyse complex hypothetical fact situations, identify legal and factual issues involving property law and apply relevant principles to solve legal problems.
- Demonstrate advanced, writing and referencing skills appropriate to students undertaking a 800 level unit

Assessment tasks

- Hypothetical problem question
- Final examination