



# LAWS2200

## Property Law

Session 1, Special circumstances 2021

*Macquarie Law School*

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#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

#### **Notice**

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff Dr Henry Kha
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 and the major historical and theoretical principles that underlie it.
- ULO2:** Critically analyse the way in which native title has been placed in the framework of Australian property law.
- ULO3:** Critically analyse the major forms of title to land in Australia and appreciate the fundamental difference between the creation and transfer of property rights in law and in equity.
- ULO4:** Critically analyse complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and

equity.

## General Assessment Information

### Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Quiz</a>	20%	No	29 March 2021
<a href="#">Class Participation</a>	20%	No	Weekly
<a href="#">Time Limited Take Home Test</a>	60%	No	9 June 2021, 9 am - 1 pm

### Quiz

Assessment Type <sup>1</sup>: Quiz/Test

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

Due: **29 March 2021**

Weighting: **20%**

Students will complete a multiple choice quiz on Property Law.

On successful completion you will be able to:

- Explain the historical development of Australian property law and the major historical and theoretical principles that underlie it.
- Critically analyse the way in which native title has been placed in the framework of Australian property law.

### Class Participation

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

Indicative Time on Task <sup>2</sup>: 36 hours

Due: **Weekly**

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 and the major historical and theoretical principles that underlie it.
- Critically analyse the way in which native title has been placed in the framework of Australian property law.
- Critically analyse the major forms of title to land in Australia and appreciate the fundamental difference between the creation and transfer of property rights in law and in equity.
- Critically analyse complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.

## Time Limited Take Home Test

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 68 hours

Due: **9 June 2021, 9 am - 1 pm**

Weighting: **60%**

The take home test will contain hypothetical problem questions on Property Law that students will need to solve.

On successful completion you will be able to:

- Critically analyse the major forms of title to land in Australia and appreciate the fundamental difference between the creation and transfer of property rights in law and in equity.
- Critically analyse complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.

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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

**Compulsory Text** Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin, Leon Terrill, *Sackville & Neave Australian Property Law* (LexisNexis, 11th edition, 2020).

**Lectures** Lectures will be recorded and uploaded weekly on iLearn.

**Tutorials** Tutorials will be held each week. Attending the tutorials are beneficial for achieving the learning outcomes. Class participation shall be assessed in the tutorials.

**Online Content** Online content can be accessed on iLearn. Personal computer and Internet access are required.

## Unit Schedule

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	22-Feb	Unit Introduction & the Concept of Property	<b>NO TUTORIAL</b>
2	1-Mar	Fundamental Property Principles & Native Title	The Concept of Property
3	8-Mar	Land, Fixtures & Chattels	Fundamental Property Principles & Native Title
4	15-Mar	Common Law & Equitable Interests in Land	Land, Fixtures & Chattels
5	22-Mar	Old System Title Priorities	Common Law & Equitable Interests in Land
6	29-Mar	Torrens Title & Indefeasibility	Old System Title Priorities
7	19-Apr	Torrens Title Priorities	Torrens Title & Indefeasibility
8	26-Apr	Co-Ownership & Strata Title	Torrens Title Priorities
9	3-May	Leases	Co-Ownership & Strata Title
10	10-May	Mortgages	Leases
11	17-May	Easements	Mortgages
12	24-May	Freehold Covenants	Easements
13	31-May	<b>NO LECTURE</b>	Freehold Covenants

## 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management 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)

## Student Support

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

## Learning Skills

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

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [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

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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## 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.