



LAWS8009

Property Law

Session 1, Special circumstances 2021

Macquarie Law School

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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

Convenor

Richard McCullagh

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Lecturer

Henry Kha

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Credit points

10

Prerequisites

LAWS803 or LAWS8030

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:

ULO1: Critique and describe the historical development of Australian property law and of

the major historical and theoretical principles that underlie it.

ULO4: Explain complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.

ULO2: Critically analyse the way in which native title has been placed in the framework of Australian property law.

ULO3: Explain and critique the major forms of title to land in Australia and the fundamental difference between the creation and transfer of property rights in law and equity.

General Assessment Information

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 submission deadline. No late submissions will be accepted for timed assessments - eg quizzes, online tests.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Essay</u>	30%	No	19/04/2021
<u>Class Participation</u>	20%	No	31/05/2021
<u>A Time-Limited Take Home Test</u>	50%	No	05/06/2021
<u>Quiz</u>	0%	No	22/03/2021

Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 36 hours

Due: **19/04/2021**

Weighting: **30%**

Students will prepare a properly referenced response with appropriate analysis and argument supported by relevant authoritative cases and commentary.

On successful completion you will be able to:

- Critique and describe the historical development of Australian property law and of the

major historical and theoretical principles that underlie it.

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

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **31/05/2021**

Weighting: **20%**

Students will be assessed on their ability to demonstrate knowledge of the required readings and lecture material and their oral and written discussion of those materials in tutorials and online

On successful completion you will be able to:

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

A Time-Limited Take Home Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 4 hours

Due: **05/06/2021**

Weighting: **50%**

The hypothetical take home problem question/s will be based on the material from the whole course

On successful completion you will be able to:

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

Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 4 hours

Due: **22/03/2021**

Weighting: **0%**

The quiz will be based on the material covered in Lectures 1 – 3. This quiz is for the purposes of self assessment and carries no weight.

On successful completion you will be able to:

- Critique and describe the historical development of Australian property law and of 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.

¹ 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.

² 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

The prescribed textbook is Sackville & Neave *Australian Property Law*, 11th edition, LexisNexis.

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 or if you are a Global MBA student contact 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) 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

If you are a Global MBA student contact 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/.

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.