



# LAWS2200

## Property Law

Session 1, In person-scheduled-weekday, North Ryde 2022

*Macquarie Law School*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Unit Schedule</u></a>	5
<a href="#"><u>Policies and Procedures</u></a>	5
<a href="#"><u>Changes since First Published</u></a>	7

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

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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

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven 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
<u><a href="#">Class Participation</a></u>	20%	No	Ongoing
<u><a href="#">Quiz</a></u>	20%	No	28 March 2022
<u><a href="#">Time Limited Take Home Test</a></u>	60%	No	6 June 2022, 9 am - 1 pm

### Class Participation

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

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

Due: **Ongoing**

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.

## Quiz

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

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

Due: **28 March 2022**

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.

## Time Limited Take Home Test

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

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

Due: **6 June 2022, 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	21-Feb	Unit Introduction & the Concept of Property	<b>NO TUTORIAL</b>
2	28-Feb	Fundamental Property Principles & Native Title	The Concept of Property
3	7-Mar	Land, Fixtures & Chattels	Fundamental Property Principles & Native Title
4	14-Mar	Common Law & Equitable Interests in Land	Land, Fixtures & Chattels
5	21-Mar	Old System Title Priorities	Common Law & Equitable Interests in Land
6	28-Mar	Torrens Title & Indefeasibility	Old System Title Priorities
7	4-Apr	Torrens Title Priorities	Torrens Title & Indefeasibility
8	25-Apr	Co-Ownership & Strata Title	Torrens Title Priorities
9	2-May	Leases	Co-Ownership & Strata Title
10	9-May	Mortgages	Leases
11	16-May	Easements	Mortgages
12	23-May	Freehold Covenants	Easements
13	30-May	<b>NO LECTURE</b>	Freehold Covenants

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policycentral.mq.edu.au) (<https://policycentral.mq.edu.au>)

[s.mq.edu.au](https://www.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](https://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 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 since First Published

Date	Description
28/01/2022	The unit guides have been merged.