



LAWS2200

Property Law

Session 1, In person-scheduled-weekday, North Ryde 2023

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.

General Information

Unit convenor and teaching staff

Cathy Sherry

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Michael Nancarrow

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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

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
Quiz	20%	No	9 am - 11.30 pm on 27 March 2023
Class Participation	20%	No	Each class
Time Limited Take Home Test	60%	No	9 June 2023 10 am - 1 pm

Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 10 hours

Due: **9 am - 11.30 pm on 27 March 2023**

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 ¹: Participatory task

Indicative Time on Task ²: 36 hours

Due: **Each class**

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 ¹: Quiz/Test

Indicative Time on Task ²: 68 hours

Due: **9 June 2023 10 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.

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

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.

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 lecture will be given each week, and recorded, for students who find oral explanations of the law useful. 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 or if you are a Global MBA student contact 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/.

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

The content and delivery of Property Law has been updated in 2023. Students are advised not to expect the same material and delivery or to rely on material or notes from previous years. Unlike previous years, students are not required to purchase a text or casebook.