



# LAWS8009

## Property Law

Session 1, Online-scheduled-weekday 2024

*Macquarie Law School*

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### Disclaimer

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## General Information

Unit convenor and teaching staff

Cathy Sherry

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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:** Explain and critically analyse the historical development of Australian property law, as well as its international, cultural, political and colonial context.

**ULO2:** Understand and critically analyse the law relating to Native Title.

**ULO3:** Understand and critically analyse the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.

**ULO4:** Understand and critically analyse the Torrens system, including strata title.

**ULO5:** Understand and critically analyse a range of interests in real and personal property.

## 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 11.55 pm. 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
<u>Class Participation</u>	20%	No	Each class, requiring 1-2 hours preparation
<u>Quiz</u>	0%	No	Week 4
<u>Final Exam</u>	40%	No	Timetabled by University
<u>Research Assignment</u>	40%	No	22 April 11.55 pm

### Class Participation

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

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Each class, requiring 1-2 hours preparation**

Weighting: **20%**

Students will be assessed on their ability to demonstrate knowledge of the required readings and

lecture material and their oral discussion of those materials in tutorials.

On successful completion you will be able to:

- Explain and critically analyse the historical development of Australian property law, as well as its international, cultural, political and colonial context.
- Understand and critically analyse the law relating to Native Title.
- Understand and critically analyse the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
- Understand and critically analyse the Torrens system, including strata title.
- Understand and critically analyse a range of interests in real and personal property.

## Quiz

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

Indicative Time on Task <sup>2</sup>: 1 hours

Due: **Week 4**

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:

- Explain and critically analyse the historical development of Australian property law, as well as its international, cultural, political and colonial context.
- Understand and critically analyse the law relating to Native Title.

## Final Exam

Assessment Type <sup>1</sup>: Examination

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **Timetabled by University**

Weighting: **40%**

An invigilated exam held during the formal examination period

On successful completion you will be able to:

- Explain and critically analyse the historical development of Australian property law, as well as its international, cultural, political and colonial context.
- Understand and critically analyse the law relating to Native Title.
- Understand and critically analyse the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
- Understand and critically analyse the Torrens system, including strata title.
- Understand and critically analyse a range of interests in real and personal property.

## Research Assignment

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 9 hours

Due: **22 April 11.55 pm**

Weighting: **40%**

Research assignment requiring hypothetical problem solving and/or critical reflections on the material from the course

On successful completion you will be able to:

- Explain and critically analyse the historical development of Australian property law, as well as its international, cultural, political and colonial context.
- Understand and critically analyse the law relating to Native Title.
- Understand and critically analyse the creation and enforceability of legal and equitable interests in property and the priority rules that apply between them.
- Understand and critically analyse the Torrens system, including strata title.
- Understand and critically analyse a range of interests in real and personal property.

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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

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.

1 hour campus tutorials will be held each week, or 2 hour online tutorials fortnightly, for students to discuss the law, ask questions and practise the application of law. Participation will be assessed.

A 2 hour lecture will be given each week, for students to ideally attend in person, or listen to online. 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](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 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/](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 Legal Practitioners Admission Board, which decides which degrees qualify graduates for legal practice in NSW, now requires 50% of the assessment for 'Priestley 11' units to be formal, invigilated assessment. The Priestley 11 are the subjects that students must pass to practise law (Professor Priestley chaired the committee that determined this in the early 1990s). As a result, the final assessment for Property is an online Zoom invigilated exam. Students will be able to refer to one double-sided sheet of paper, with typed or handwritten notes, but no other materials. Details of MQ exams are on the [University website](#) and further details of the content and form of the exam are on iLearn.

## Changes since First Published

Date	Description
07/02/2024	Campus tutorial length corrected.

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Unit information based on version 2024.04 of the [Handbook](#)