# LAWS216
## Property Law

S1 External 2017

*Dept of Law*

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## General Information

<table>
<thead>
<tr>
<th>Unit convenor and teaching staff</th>
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<tbody>
<tr>
<td>Co-Convener</td>
<td>David Mullan</td>
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<tr>
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<td><a href="mailto:david.mullan@mq.edu.au">david.mullan@mq.edu.au</a></td>
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<tr>
<td>Co-Convener</td>
<td>Teresa Somes</td>
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<td></td>
<td><a href="mailto:teresa.somes@mq.edu.au">teresa.somes@mq.edu.au</a></td>
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<tr>
<td>Teresa Somes</td>
<td><a href="mailto:teresa.somes@mq.edu.au">teresa.somes@mq.edu.au</a></td>
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| Credit points | 3 |

| Prerequisites | (18cp at 100 level or above) including LAWS104 and (admission to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BMediaLLB or BScLLB or BSecStudLLB or BSocScLLB) |

| Corequisites |  |

| Co-badged status | LAW 316 |

**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](https://www.mq.edu.au/study/calendar-of-dates)
Learning Outcomes
On successful completion of this unit, you will be able to:

- Demonstrate understanding of 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.
- Demonstrate a detailed knowledge of 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.
- Solve complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.
- Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
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<tr>
<td>Essay</td>
<td>40%</td>
<td>No</td>
<td>17 April 2017</td>
</tr>
<tr>
<td>Take Home Assessment</td>
<td>60%</td>
<td>No</td>
<td>12 June 2017</td>
</tr>
</tbody>
</table>

Essay

Due: 17 April 2017
Weighting: 40%

Students will be provided with an essay question, details and marking rubric on iLearn.

On successful completion you will be able to:

- Demonstrate understanding of 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.
- Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Take Home Assessment

Due: 12 June 2017
Weighting: 60%

Students will be provided with a take home assessment focusing on substantive property law. Full details will be released on iLearn.

On successful completion you will be able to:
- Demonstrate a detailed knowledge of 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.
- Solve complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.
- Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Delivery and Resources

Compulsory Text


Lectures

Lectures will be delivered live but recorded.

Tutorials

Weekly tutorials will be conducted for internal students. An On Campus Session is scheduled for the 20th and 21st April 2017. The On Campus Session will be held in W5C 336.

Tutorials and the On Campus Session are beneficial but not compulsory. Students are encouraged to attend only where they have completed the weekly readings, lecture and made an attempt at the weekly questions posted to iLearn.

Online Units

Online units can be accessed at: [http://ilearn.mq.edu.au/](http://ilearn.mq.edu.au/).

PC and Internet access are required. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement.

Unit Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
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<tr>
<td>Lecture</td>
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<tr>
<td>1</td>
<td>Fundamental Principles; Tenures and estates: The history of Anglo-Australian land law: Native title</td>
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### Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://www.mq.edu.au/policy/docs/complaint_management/procedure.html). Students should be aware of the following policies in particular with regard to Learning and Teaching:


In addition, a number of other policies can be found in the [Learning and Teaching Category](https://www.mq.edu.au/policy/docs/learning_and_teaching/policy.html) of Policy Central.
Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.
This graduate capability is supported by:

**Assessment task**

- Essay

**Capable of Professional and Personal Judgement and Initiative**

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

**Learning outcome**

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

**Assessment task**

- Take Home Assessment

**Discipline Specific Knowledge and Skills**

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

**Learning outcomes**

- Demonstrate understanding of 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.
- Demonstrate a detailed knowledge of 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.
- Solve complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.
• Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Assessment tasks

• Essay
• Take Home Assessment

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

• Demonstrate understanding of 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.
• Demonstrate a detailed knowledge of 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.
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• Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Assessment tasks

• Essay
• Take Home Assessment

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:
Learning outcomes

• Demonstrate understanding of 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.
• Solve complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.
• Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Assessment tasks

• Essay
• Take Home Assessment

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

• Critically analyse the way in which native title has been placed in the framework of Australian property law.
• Demonstrate a detailed knowledge of 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.
• Solve complex priority disputes between competing claimants to the same property through the application of doctrinal and procedural rules of law and equity.
• Communicate an integrated body of knowledge about property through active and informed participation in class discussion.

Assessment tasks

• Essay
• Take Home Assessment
Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

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

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcome

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