



# LAWS12059 Conveyancing

## Term 2 - 2022

Profile information current as at 20/04/2024 03:59 pm

All details in this unit profile for LAWS12059 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

### General Information

#### Overview

This unit examines in greater depth the sale and purchase of an interest in land in Queensland. You will be exposed to the contractual provisions for the sale of an interest in land. You will need to identify those involved in the sale of an interest in land so as to gain not only an understanding of their contractual obligations, but also other obligations arising from the common law and legislation. This unit will examine the enforceability of contracts for the sale of an interest in land in Queensland. There will be an emphasis on the significant and evolving role of technology in land contracts and through electronic conveyancing.

#### Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

#### Pre-requisites or Co-requisites

Pre-requisite 24 credit points of law and co-requisite LAWS12066.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

#### Offerings For Term 2 - 2022

- Online

#### Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

#### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Portfolio**

Weighting: 20%

#### 2. **Presentation and Written Assessment**

Weighting: 30%

#### 3. **Written Assessment**

Weighting: 50%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Have Your Say Student Evaluations

**Feedback**

The textbook was a bit difficult to read and out of date.

**Recommendation**

There should be a new edition of the text prior to 2022, but UC will consider other potential texts to prescribe instead of the current text.

#### Feedback from Have Your Say Student Evaluations

**Feedback**

Further, the study guides could have had a little bit more information in them to help focus our learning.

**Recommendation**

The study guides need updating and this will be completed prior to the 2022 iteration of the unit.

#### Feedback from Have Your Say Student Evaluations

**Feedback**

Overall I thought the unit was perfect. The assignments had a mixture of fun and hard work with detailed research and application to learned knowledge necessary. I thought the tutorials were very enjoyable and I looked forward to attending as I knew I would definitely learn something. The answer sheets provided for the tutorial questions also enabled further learning and this was one aspect really appreciated as you get the lecturer's point of view on how the topic should be answered.

**Recommendation**

The mix of assessment types will be retained. The tutorial structure and answer guides will be retained.

## Unit Learning Outcomes

**On successful completion of this unit, you will be able to:**

1. Analyse the process of sale for various types of interests in land.
2. Evaluate the enforceability of contracts for various types of interest in land.
3. Identify the parties involved in the sale of an interest in land and analyse their compliance with the obligations (common law and legislative) in an encountered fact situation.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Portfolio - 20%	•	•	•
2 - Presentation and Written Assessment - 30%	•	•	•
3 - Written Assessment - 50%	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
1 - Communication	•	•	•
2 - Problem Solving	•	•	•
3 - Critical Thinking	•	•	•
4 - Information Literacy	•	•	•
5 - Team Work			
6 - Information Technology Competence	•	•	•
7 - Cross Cultural Competence			
8 - Ethical practice			
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures			

## Textbooks and Resources

### Textbooks

**There are no required textbooks.**

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom Conferencing (Webcam and Microphone)
- Online Referencing Website, Australian Guide to Legal Citation (4th edition), for all assignments

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**James Harding** Unit Coordinator

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## Schedule

### Week 1 - 11 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Land Contracts and Conveyancing	See Moodle notes. Also, generally see: SA Christiansen, WM Dixon, WD Duncan and SE Jones, <i>Land Contracts in Queensland</i> , The Federation Press, Leichardt (4th ed, 2016) ("LCQ"); Also, generally see: CCH Intelliconnect, <i>Queensland Conveyancing Law Commentary</i> , available online at CQU Library/Lexis Advance database <a href="#">here</a> (use your CQU library login details).	See Moodle.

### Week 2 - 18 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Real Estate Agent	See Moodle notes.	See Moodle.

### Week 3 - 25 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Seller Disclosure Before Contract - Houses and Land

See Moodle notes.

See Moodle.

#### **Week 4 - 01 Aug 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Seller Disclosure Before Contract - Body Corporate and Commercial Contracts

See Moodle notes.

See Moodle.

#### **Week 5 - 08 Aug 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Formation of Contracts

See Moodle notes.

See Moodle.

#### **Vacation Week - 15 Aug 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

#### **Week 6 - 22 Aug 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Formation of Contract-2

See Moodle notes.

See Moodle.

#### **Week 7 - 29 Aug 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Subject Matter of Sale

See Moodle notes.

See Moodle.

#### **Week 8 - 05 Sep 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Contract to Completion

See Moodle notes.

See Moodle.

#### **Week 9 - 12 Sep 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Special Conditions

See Moodle notes.

See Moodle.

#### **Week 10 - 19 Sep 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Remedies

See Moodle notes.

See Moodle.

#### **Week 11 - 26 Sep 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Review

See Moodle notes.

See Moodle.

#### **Week 12 - 03 Oct 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

No Assigned Topic

#### **Review/Exam Week - 10 Oct 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

#### **Exam Week - 17 Oct 2022**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

## Assessment Tasks

1 20% Portfolio exercise

### **Assessment Type**

Portfolio

## Task Description

For assessment 1, you are to prepare an artefact\* for inclusion in Proctor (the Queensland Law Society's flagship publication). You may add your artefact material to your legal professional portfolio.

\*What is an artefact? An artefact can be a written, visual or interactive resource. The assessment requires that you design your artefact for inclusion in the Queensland Law Society's *Proctor* professional publication, primarily intended for members, who would be practicing lawyers in Queensland. *Proctor* is now available electronically so the possible variety of items for inclusion accommodates this electronic platform for distribution.

## Notes

- This is an optional group assessment. You may form groups of up to 4 students. Alternatively, you can submit the 20% Portfolio assessment individually if you prefer. Further information will be made available on Moodle.
- You are expected to submit your assessment by the due date.
- The assessment and detailed instructions will be available at the start of term to allow you to self-manage undertaking the assessment up until the due date. You are encouraged to submit your response to the assessment at a time consistent with your other commitments, up to the due date.
- Late submissions will incur a late penalty consistent with University policy unless you were granted an extension.
- You will be required to upload your assessment through the LAWS12059 Moodle unit assessment portal. Detailed instructions will be provided on Moodle.
- If you are submitting a group response, only one assessment document is required to be submitted clearly indicating the student names and SIDs for all group members.
- Please submit your entire response as a single file. Detailed instructions will be provided on Moodle.
- There is no prescribed format or template for this assignment and its final form will reflect your own individual and evolving approach to current issues in Conveyancing.
- All referencing must be AGLC 4th ed compliant.
- You will receive feedback on your assessment.
- You are directed to information on the LAWS12059 Moodle unit website regarding plagiarism.

Additional discussion sessions will be offered via zoom to discuss the 20% portfolio assessment in weeks 1 and/or 2.

## Assessment Due Date

Instructions on Moodle.

## Return Date to Students

Return two weeks from due date.

## Weighting

20%

## Assessment Criteria

Students will be assessed on their ability to demonstrate thinking and creative skills, to comprehend current issues in conveyancing, to present this in an engaging manner and to provide an artefact suitable to the issue identified for a mock *Proctor* submission.

### High distinction standard

- Your artefact is sophisticated and very well designed emphasising clarity, conciseness and professionalism
- You presented your artefact in a logical structure
- You demonstrated a clear appreciation of the issues involved
- Your artefact demonstrated a detailed insight and analysis
- You demonstrated mastery of the AGLC referencing system, as appropriate

### Distinction Standard

- Your artefact is well designed and expressed
- You produced a well-structured and interesting artefact
- You clearly identified, and appreciated, relevant current issues in conveyancing
- You referenced your material correctly, as appropriate

### Credit Standard

- Your artefact is generally well designed and expressed
- Your artefact is well developed and logically presented
- Your coverage of current conveyancing issues is reasonably comprehensive with a good treatment and analysis

- Referencing is satisfactory, as appropriate
- Your presented artefact is not as detailed or engaging as for distinction standard

### Pass Standard

- I could follow and understand your artefact
- You could better organise and structure your artefact
- You could identify and address current conveyancing issues in more depth
- Your artefact is potentially confusing or incorrect
- Current conveyancing issues not clearly understood or identified
- Your presented artefact is somewhat simplistic
- Referencing needs improvement, as appropriate
- Your artefact is not as detailed and engaging as for credit standard

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Submission Instructions

Instructions on Moodle. May involve group work.

### Learning Outcomes Assessed

- Analyse the process of sale for various types of interests in land.
- Evaluate the enforceability of contracts for various types of interest in land.
- Identify the parties involved in the sale of an interest in land and analyse their compliance with the obligations (common law and legislative) in an encountered fact situation.

## 2 30% Written assessment and presentation

### Assessment Type

Presentation and Written Assessment

### Task Description

For the 30% assessment, you are to prepare a detailed memorandum of advice and submit a presentation on same. The presentation may involve group work. The advice should incorporate reference to relevant legal authority, including statutes, case law, practitioners' conduct rules, academic commentary and/or the standard REIQ contracts for sale and purchase of land in Queensland as appropriate as well as the law governing appointment of agents. The assessment could potentially require advice in relation to drafting terms of a land contract and/or consideration of a property law transaction and/or the implications of electronic conveyancing in Queensland.

One of the key foundations of this unit is a professional standard of writing. You are writing for a professional, informed audience.

### Notes

- Further information about the written assessment and presentation will be made available on Moodle.
- You are expected to submit your assessment by the due date.
- Late submissions will incur a late penalty consistent with University policy unless an extension is granted.
- You must upload your assessment through the LAWS12059 Moodle unit assessment portal. Detailed instructions will be provided.
- Please submit your entire response as a single Word document. Please do NOT submit multiple documents.
- There is no prescribed format or template for this assignment and its final form will reflect your evolving approach to law and legal problems in Conveyancing. However, you are encouraged to use sub-headings to logically structure your responses according to the issues you identify which require discussion and analysis. You will be assessed on your ability to communicate effectively.
- All referencing must be AGLC 4th ed compliant.
- You will receive feedback on your assessment.
- You are directed to information on the LAWS12059 Moodle unit website regarding plagiarism.

### Assessment Due Date

Instructions on Moodle.

### Return Date to Students

Return two weeks from due date.

### **Weighting**

30%

### **Assessment Criteria**

Students will be assessed on their ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of issues relevant to the information and tasks outlined in the assessment. Students are required to communicate an answer clearly and logically, and in a concise manner. You are expected to formulate your response in a professional manner. Please paginate your paper and use correct spelling and grammar. You must reference your work appropriately and attribute the work of others.

#### **High distinction standard**

- You expressed your arguments exceptionally clearly and concisely
- You presented your paper in a logical structure
- You demonstrated mastery in critically thinking about the issues involved
- You backed up your responses with compelling, well-reasoned arguments demonstrating a detailed insight and analysis of issues
- You correctly applied the AGLC referencing system for your citations
- No errors, or very few errors, in grammar, spelling, punctuation

#### **Distinction Standard**

- Your response is communicated very well; clear and concise
- Your paper is structured in a logical way
- You clearly identified, and demonstrated a good understanding of, the relevant legal issues
- You referenced your material correctly using AGLC; high level of attention to spelling, grammar, punctuation
- You referred to appropriate case law, but your analysis and interpretation was not as detailed and reasoned as for high distinction standard

#### **Credit Standard**

- Your response is generally well written and expressed
- Your paper is well structured and sequential
- Your coverage of issues is reasonably comprehensive with a good treatment and analysis
- Referencing is satisfactory, needs more attention to detail in grammar, spelling, punctuation
- Your analysis is not as detailed and reasoned as for distinction standard

#### **Pass Standard**

- I could understand your paper
- You could better organise and structure your paper
- You could identify and address issues in more depth
- Your paper is potentially confusing or incorrect
- Core facts/issues were not clearly understood or identified
- You demonstrated some familiarity with legislation and case law
- Your conclusions reached are somewhat simplistic or problematic
- You included quantities of material of marginal relevance in your paper
- Referencing needs improvement and/or spelling/grammar/punctuation checking
- Your analysis is not as detailed and reasoned as for credit standard

#### **Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

#### **Submission**

Online

#### **Submission Instructions**

Instructions on Moodle. May involve group work.

#### **Learning Outcomes Assessed**

- Analyse the process of sale for various types of interests in land.
- Evaluate the enforceability of contracts for various types of interest in land.
- Identify the parties involved in the sale of an interest in land and analyse their compliance with the obligations (common law and legislative) in an encountered fact situation.

## 3 50% Take-Home Paper

### Assessment Type

Written Assessment

### Task Description

The last assessment in LAWS12059 Conveyancing is a Take-home paper and is worth 50% of your final grade. You have four hours to complete the task. More detailed instructions regarding the Take home paper will be uploaded to the LAWS12059 unit Moodle after the Mid-term recess.

### Please be sure to note the following for this unit's take-home exam paper:

- Submissions after the deadline has passed will not be accepted.
- Failure to submit by the deadline will result in a mark of zero for this assessment as the paper will not be marked.
- Extensions of time are not available for this take-home paper.
- Exam conditions apply to all take-home papers.

### Assessment Due Date

Due date and time to be announced, and further submission instructions, on Moodle.

### Return Date to Students

50% Take home papers will be released to students following certification of grades.

### Weighting

50%

### Assessment Criteria

You will be assessed on your ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law. Students are required to communicate an answer clearly, logically and in a concise manner. You will be expected to present your paper in a professional manner. Please use proper referencing, paginate your paper and use correct spelling, grammar and punctuation as per criteria for assessment 2.

### Fail

Your responses will reflect that:

- the written expression is poor and difficult to understand
- the answer is poorly organised
- lack of familiarity with the legislation and case law and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

### Pass

You will have:

- made a conscientious attempt to address the topic and/or answer the questions
- shown evidence of having done the required reading and of having understood relevant concepts, legislation and case law
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of spelling and grammatical usage
- issues that may need to be identified and addressed in more depth

### Credit

You will have:

- addressed the topic and/or answered the questions directly
- presented soundly based arguments and supported these with reasons
- gone beyond description to analysis of key issues
- used the plain English language well
- shown evidence of concepts, law and legal principles from the unit covered well covered
- demonstrated understanding of the reading

### Distinction

You will have:

- met the above criteria for a credit
- demonstrated the attainment of a high degree of understanding of the concepts and legal principles of the unit
- demonstrated deep insight into the application of knowledge and skills to complex theoretical and practical

situations

- referred to all appropriate legislation and case law

### **High Distinction**

You will have:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this unit
- demonstrated an interesting and/or original approach/idea/argument
- ensured your conclusions are supported by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- ensured your references are made to the appropriate legislation and case law for all issues intended to be discussed

### **Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

### **Submission**

Online

### **Submission Instructions**

Instructions on Moodle.

### **Learning Outcomes Assessed**

- Analyse the process of sale for various types of interests in land.
- Evaluate the enforceability of contracts for various types of interest in land.
- Identify the parties involved in the sale of an interest in land and analyse their compliance with the obligations (common law and legislative) in an encountered fact situation.

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem