



# **LAWS12065 Foundations of Property Law**

## **Term 1 - 2019**

Profile information current as at 07/05/2024 11:42 pm

All details in this unit profile for LAWS12065 have been officially approved by CQUniversity 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

LAWS12065 Foundations of Property Law introduces students to the conceptual foundations of the law of property in Australia. In this unit you will examine learn about personal property and an introduction to interests in real property. A core aim of the unit is to develop an understanding of a 'proprietary interest' and the different types of interests in property which Australian law recognises. The unit includes coverage of the regulation of personal property interests under the Personal Property Securities Act 2009 (Cth) and Native Title both under the common law and the Native Title Act 1993 (Cth) (as amended). This unit covers the following specific themes: Perspectives on the concept property; possession, seisin and title; nature and type (i.e. fragmentation) of proprietary interests; creation of proprietary interests; legal and equitable remedies; statutory schemes of registration (the Personal Property Securities Act 2009 (Cth)); and acquisition and disposal of proprietary interests. The Unit addresses: the doctrine of tenure and estates; the principles for resolving priority disputes to land under the general law; and the doctrine of fixtures and related concepts which affect the scope and meaning of real property under Australian property law. This unit together with LAWS12066 Land Law meets the LPAB requirements for property.

### 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-requisites: LAWS11057 Introduction to Law; and LAWS11059 Statutory Interpretation Co-requisites LAWS 12056 Equity and 24 units of credit (4 units) in the LLB course.

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 1 - 2019

- 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. **Group Discussion**

Weighting: 10%

#### 2. **Online Quiz(zes)**

Weighting: 30%

#### 3. **Examination**

Weighting: 60%

### 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 Unit evaluation

##### **Feedback**

Assessments: number, timing and linked to specific topics

##### **Recommendation**

The strategy of progressive assessment will be continued; assessments will continue to be linked to specific topics; there will be an attempt to balance the demands of assessments with better use of technology.

#### Feedback from Unit evaluation

##### **Feedback**

Materials and resources

##### **Recommendation**

The Unit was revised with a new up to date casebook with enhanced learning and teaching features in 2018. This casebook will continue in 2019 as the primary print material but will be augmented with additional materials uploaded to Moodle as appropriate.

#### Feedback from Unit evaluation and self reflection

##### **Feedback**

Topics covered

##### **Recommendation**

In 2018 there was a reorganisation of the topics covered. In 2019 there will be a further rationalisation of topics covered following better alignment and to avoid duplication with LAWS12061 Equity.

#### Feedback from Staff feedback - casual marker

##### **Feedback**

Assessments

##### **Recommendation**

Assessments were well designed and challenging. This theme in assessment design will be continued with an emphasis on integrating real world property law issues and the role of technology in property law.

## Unit Learning Outcomes

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

1. Explain and discuss the meaning and purpose of the concept of property and property rights
2. Compare and contrast aspects of Australian property law under the common law system with aspects of the South African mixed legal system in relation to constitutional protection of property rights
3. Appraise and apply the scheme for regulating and registering security interests in personal property under the Personal Property Securities Act 2009 (Cth)
4. Explain and evaluate the methods and processes under law for creating, disposing and enforcing proprietary interests in relation to both personal and real property
5. Summarise and describe the nature of interests in State land in Queensland under the Land Act 1994 (Qld) (as amended)
6. Recognise and critique the framework of indigenous rights to land including native title under the common law and the Native Title Act 1993 (Cth) (as amended)
7. Demonstrate and apply an understanding of dealings in proprietary interests under the Property Law Act 1974 (Qld), Australian Consumer Law and the general law in relation to both enforcement and remedies.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes						
	1	2	3	4	5	6	7
1 - Group Discussion - 10%	•	•	•	•	•	•	
2 - Online Quiz(zes) - 30%	•	•	•		•	•	
3 - Examination - 60%	•			•			•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes						
	1	2	3	4	5	6	7
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							

### Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Group Discussion - 10%	•	•	•	•	•	•	•	•		
2 - Online Quiz(zes) - 30%	•	•	•	•		•				

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
3 - Examination - 60%	•	•	•	•		•	•	•		

## Textbooks and Resources

### Textbooks

LAWS12065

#### Prescribed

##### **Property Law LexisNexis Questions & Answers**

Edition: 3rd (2017)

Authors: Laura-Leigh Cameron-Dow

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409341911

Binding: Paperback

LAWS12065

#### Prescribed

##### **Sackville & Neave Australian Property Law**

Edition: 10th (2016)

Authors: Brendan Edgeworth, Chris Rossiter, Pamela O'Connor and Andrew Godwin

LexisNexis Butterworths

Chatsworth , NSW , Australia

ISBN: 9780409343786

Binding: Paperback

LAWS12065

#### Supplementary

##### **Quick Reference Card Personal Property Law**

Edition: 1st (2015)

Authors: Samantha Hepburn

LexisNexis Butterworths

Chatsworth , NSW , Australia

ISBN: 9780409340242

Binding: Paperback

LAWS12065

#### Supplementary

##### **Quick Reference Card Personal Property Security Act**

Edition: 1st (2012)

Authors: Nicholas Mirzai

LexisNexis Butterworths

Chatsworth , NSW , Australia

ISBN: 9780409330380

Binding: Paperback

#### **Additional Textbook Information**

The two prescribed texts are packaged together at a lower cost to students. Copies of these and the optional items can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

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

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Michael Nancarrow** Unit Coordinator  
[m.nancarrow@cqu.edu.au](mailto:m.nancarrow@cqu.edu.au)

## Schedule

### Introduction to Foundations of Property Law - 11 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Foundations of Property Law	B Edgeworth, C Rossiter, P O'Connor and A Godwin, <i>Sakville &amp; Neave Australian Property Law</i> , 10th ed, LexisNexis Butterworths Australia, 2016 [APL 10th ed] Ch 1 [1.1-1.4]	

### Topic 1: Concept of Property - 18 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 1: Concept of Property	APL 10th ed, Ch 1 [1.5-1.66]	

### Topic 2: Classification and Boundaries between Types of Property - 25 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 2: Classification and Boundaries between Types of Property	APL 10th ed, Ch 1 [1.67-1.112]	

### Topic 3: Possession and Title - 01 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 3: Possession and Title	APL 10th ed, Ch 2 [2.1-2.119]	

### Topic 4: Title to Personal Property - 08 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 4: Title to Personal Property	S Hepburn, Quick Reference Card Personal Property Law 1st (2015) Additional materials on Moodle	

### Vacation Week - 15 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
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### Topic 5: Registration system for security Interests in personal property under the PPSA and PPSR - 22 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 5: Registration system for security Interests in personal property under the PPSA and PPSR	N Mirzai, Quick Reference Card Personal Property Security Act 1st (2012) Additional materials supplied on Moodle	

### Topic 6: Fragmentation of Proprietary Interests in Land - 29 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 6: Fragmentation of Proprietary Interests in Land	APL 10th ed, Ch 3 [3.1-3.75]	

### Topic 7: State Land in Qld and Native Title - 06 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Topic 7: State Land in Qld and Native Title	APL 10th ed, Ch 3 [3.76-3.128] Additional materials supplied on Moodle	

**Topic 8: Acquisition of Property Rights - 13 May 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Topic 8: Acquisition of Property Rights	APL 10th ed, Ch 4 [4.1-4.106]	

**Topic 9: Equitable Property and Equitable Doctrines - 20 May 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Topic 9: Equitable Property and Equitable Doctrines	APL 10th ed, Ch 4 [4.107-4.172]	<b>Unit participation assessment</b> Due: Week 10 Monday (20 May 2019) 11:45 pm AEST

**Review of Unit and exam preparation - 03 Jun 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Review of Foundations of Property Law and exam preparation		

**Review/Exam Week - 10 Jun 2019**

Module/Topic	Chapter	Events and Submissions/Topic
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**Exam Week - 17 Jun 2019**

Module/Topic	Chapter	Events and Submissions/Topic

## Assessment Tasks

### 1 Unit participation assessment

**Assessment Type**

Group Discussion

**Task Description**

The assessment will assess your participation in the Unit covering Weeks 1-8 covering Topics 1-7. You will need to show evidence of your participation in the Unit in various ways.

Importantly, participation will not only be assessed through attendance and involvement in zoom tutorials as it is appreciated that not all students will be able to attend online zoom tutorials. The assessment is designed to allow online learners the opportunity to showcase their involvement with the Unit over the assessable topics in various ways. More detailed information about completing this assessment will be uploaded to the Unit Moodle prior to start of the Term.

This assessment will be discussed in the Introductory tutorial.

**Assessment Due Date**

Week 10 Monday (20 May 2019) 11:45 pm AEST

**Return Date to Students**

Week 12 Monday (3 June 2019)

**Weighting**

10%

**Assessment Criteria**

These criteria are a general guide as to the standard expected at the various levels. It is not necessarily the case that all these criteria will be met at a particular standard as there may be a superior performance on one of the criteria and not so satisfactory performance on another.

These criteria apply to participation in compliance with the assessment requirements including written, oral and/or multi-media presentations which the student has decided to submit as evidence of their Unit participation. The assessment period for Unit Participation runs from Topics 1-7 inclusive.

High distinction standard

The contribution is very well made and clearly expressed

There is a demonstrated appreciation and understanding of the issues involved

Conclusions are backed by well-reasoned arguments demonstrating a



detailed insight and analysis of issues

Evidence submitted reflects sophistication in both grasp of content and legal skills in property law

#### Distinction standard

The contribution is well made and expressed

The contribution is structured and logical

The issues have been reasonably well identified and appreciated

Issues have been analysed and reference is made to all appropriate

legislation and case law, although the analysis and interpretation as appropriate is not as detailed and reasoned as for the high distinction standard

#### Credit standard

The contribution is generally well expressed and/or written or recorded

The contribution is structured and sequential

Issues are identified and addressed with an attempt to analyse some of the issues

The coverage of issues is reasonably comprehensive often with a good treatment and analysis of particular points

Depth of treatment is often lacking in some of the issues

#### Pass standard

The contribution is able to be followed and understood

The contribution could perhaps be better organised and structured

Issues may need to be identified and addressed in more depth

Analysis when present may be incorrect

Some familiarity with the legislation and case law and its application is demonstrated

The referencing may need improvement

Sometimes the conclusions reached are overly simplistic

There may be quantities of material of marginal relevance included in the answer

### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

### Submission

Online

### Learning Outcomes Assessed

- Explain and discuss the meaning and purpose of the concept of property and property rights
- Compare and contrast aspects of Australian property law under the common law system with aspects of the South African mixed legal system in relation to constitutional protection of property rights
- Appraise and apply the scheme for regulating and registering security interests in personal property under the Personal Property Securities Act 2009 (Cth)
- Explain and evaluate the methods and processes under law for creating, disposing and enforcing proprietary interests in relation to both personal and real property
- Summarise and describe the nature of interests in State land in Queensland under the Land Act 1994 (Qld) (as amended)
- Recognise and critique the framework of indigenous rights to land including native title under the common law and the Native Title Act 1993 (Cth) (as amended)

### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work
- Information Technology Competence
- Cross Cultural Competence
- Ethical practice

## 2 Online assessment

### Assessment Type

Online Quiz(zes)

### Task Description

There will be an online assessment in LAWS12065

Part A will involve an online quiz.

Quiz value: 10%

It will assess concepts and legal materials covered in the following topics:

Topic 1: Concept of Property;

Topic 2 Classification and Boundaries between Types of Property; and

Topic 3 Possession

Questions will test awareness of relevant property law concepts, legislation and case law from the above topics and in an applied way.

The Quiz will be undertaken by students individually.

Part B will involve a legal-problem solving online assessment

Part B value: 20%

It will assess concepts and legal materials covered in the following topics:

Topic: 2 Fixtures

Topics 4 Title to Personal Property;

Topic 5 PPSA;

Questions will test awareness of relevant property law concepts, legislation and case law from the above topics and in an applied way.

Part B maybe completed OPTIONALLY in groups of up to 4 students.

### Number of Quizzes

1

### Frequency of Quizzes

Other

### Assessment Due Date

Please note the following: Part A is due Thursday of Week 5; Part B is due Friday of Week 8 of the Term

### Return Date to Students

Please not the following: Part A results will be available to students Friday of Week 6; Part B will be returned to students Friday Week 10

### Weighting

30%

### Assessment Criteria

These criteria are a general guide as to the standard expected at the various levels. It is not necessarily the case that all these criteria will be met at a particular standard as there may be a superior performance on one of the criteria and not so satisfactory performance on another.

High distinction standard

The answer is very well written and clearly expressed

There is a demonstrated appreciation and understanding of the issues involved

Demonstrated mastery of referencing system

Conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues

The analysis and discussion is sophisticated from a variety of perspectives

Distinction standard

The answer is well written and expressed

The answer is structured and logical

The issues have been reasonably well identified and appreciated

There is correct use of referencing

Issues have been analysed and reference is made to all appropriate legislation and case law , although the analysis and interpretation is not as detailed and reasoned as for the high distinction standard

#### Credit standard

The answer is generally well written and expressed

The answer is structured and sequential

Referencing is satisfactory

Issues are identified and addressed with an attempt to analyse some of the issues

The coverage of issues is reasonably comprehensive often with a good treatment and analysis of particular points

Depth of treatment is often lacking in some of the issues discussed

#### Pass standard

The answer is able to be followed and understood

The answer could perhaps be better organised and structured

The referencing may need improvement

Issues may need to be identified and addressed in more depth

Analysis when present may be incorrect

Some familiarity with the legislation and case law and its application is demonstrated

Sometimes the conclusions reached are somewhat simplistic

There may be quantities of material of marginal relevance included in the answer

#### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

#### Submission

Online

#### Submission Instructions

The 20% Quiz can be completed optionally in groups of up to 4 students

#### Learning Outcomes Assessed

- Explain and discuss the meaning and purpose of the concept of property and property rights
- Compare and contrast aspects of Australian property law under the common law system with aspects of the South African mixed legal system in relation to constitutional protection of property rights
- Appraise and apply the scheme for regulating and registering security interests in personal property under the Personal Property Securities Act 2009 (Cth)
- Summarise and describe the nature of interests in State land in Queensland under the Land Act 1994 (Qld) (as amended)
- Recognise and critique the framework of indigenous rights to land including native title under the common law and the Native Title Act 1993 (Cth) (as amended)

#### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

## Examination

#### Outline

Complete an invigilated examination.

#### Date

During the examination period at a CQUniversity examination centre.

#### Weighting

60%

#### Length

120 minutes

#### Exam Conditions

Open Book.

#### Materials

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).

## 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