



LAWS12065 Foundations of Property Law

Term 1 - 2021

Profile information current as at 19/04/2024 04:40 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-requisite: 24 credit points of law units

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 - 2021

- 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. **Take Home Exam**

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 John Milburn

Feedback

Assessment linked to participation was not well received by students.

Recommendation

Remove all reference to assessment that is linked to participation. Given that an assessment based on participation is not standard practice, the assessment regime must be changed to ensure that assessments relate to the ULO or CLO.

Feedback from John Milburn

Feedback

Unit materials, including study guides need a refresh.

Recommendation

Refresh, or replace, all unit materials, including study guides with a view to introducing a more practical approach to the presentation of this unit.

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



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%	•	•	•		•	•	

Assessment Tasks	Learning Outcomes						
	1	2	3	4	5	6	7
3 - Take Home Exam - 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%	•	•	•	•		•				
3 - Take Home Exam - 60%	•	•	•	•		•	•	•		

Textbooks and Resources

Textbooks

LAWS12065

Prescribed

LNQA Property Law 4e

Edition: 4th (2020)

Authors: Cameron-Dow

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409351958

Binding: Paperback

LAWS12065

Prescribed

Sackville & Neave Australian Property Law

Edition: 11th (2020)

Authors: Edgeworth, Rossiter, O'Connor, Godwin & Terrill

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409352092

Binding: Paperback

LAWS12065

Supplementary

Quick Reference Card Personal Property Law

Edition: 1st (2015)

Authors: Hepburn

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409340242

Binding: Paperback

LAWS12065

Supplementary

Quick Reference Card Personal Property Security Act

Edition: 1st (2012)

Authors: Mirzai

LexisNexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409330380

Binding: Paperback

Additional Textbook Information

CQU recommends students buy the prescribed textbooks (Sackville & Neave Australian Property Law and LNQA Property Law 4e) as a bundle. The bundle title is called PROPCQU21 and the bundle ISBN is 9780001558120.

Copies can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au>

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

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

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

Andrew Coleman Unit Coordinator
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Victoria Lambropoulos Unit Coordinator
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Schedule

Introduction to Foundations of Property Law - 08 Mar 2021

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 & Neave Australian Property Law</i> , 11th ed, LexisNexis Butterworths Australia, 2016 [APL 11th ed] Ch 1 [1.1-1.4]	

Topic 1: Concept of Property - 15 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 1: Concept of Property	APL 11th ed, Ch 1 [1.5-1.64]	

Topic 2: Classification and Boundaries between Types of Property - 22 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 2: Classification and Boundaries between Types of Property	APL 11th ed, Ch 1 [1.65-1.108]	

Topic 3: Possession and Title - 29 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 3: Possession and Title	APL 11th ed, Ch 2	

Topic 4: Title to Personal Property - 05 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 4: Title to Personal Property	APL 11th ed, [1.3, 1.65-1.67, 1.74, 1.77-1.85, 2.3, 11.9, 11.10 LNQA Ch 12 - Fixtures Samantha Hepburn, Quick Reference Card Personal Property Law (Lexis Nexis)	Participation exercise Due: Week 5 Friday (9 Apr 2021) 11:55 pm AEST

Vacation Week - 12 Apr 2021

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 - 19 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 5: Registration system for security Interests in personal property under the PPSA and PPSR	APL 11th ed, [11.4-11.21] LNQA 4th ed Ch 8. N Mirzai, Quick Reference Card Personal Property Security Act 1st (2012)	

Topic 6: Fragmentation of Proprietary Interests in Land - 26 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 6: Fragmentation of Proprietary Interests in Land	APL 11th ed, Ch 3	

Topic 7: State Land in Qld and Native Title - 03 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 7: State Land in Qld and Native Title	LNQA 4th ed Ch 5 Additional Materials on moodle	

Topic 8: Acquisition of Property Rights - 10 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 8: Acquisition of Property Rights	APL 11h ed, Ch 4 [4.1-4.88]	

Topic 9: Equitable Property and Equitable Doctrines - 17 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Topic 9: Equitable Property and Equitable Doctrines	APL 11th ed, Ch 4 [4.89 - 4.187]	Short Answer/Quizz Due: Week 10 Friday (21 May 2021) 11:55 pm AEST

Review of Unit and exam preparation - 24 May 2021

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

Review of Unit and take home paper - 31 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Review of Foundations of Property Law and take home paper		

Review/Exam Week - 07 Jun 2021

Module/Topic	Chapter	Events and Submissions/Topic

Exam Week - 14 Jun 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Take Home Paper/Exam Due: Exam Week Monday (14 June 2021) 12:00 am AEST

Assessment Tasks

1 Participation exercise

Assessment Type

Group Discussion

Task Description

This assessment is designed to reinforce student learning in relation to the early-unit material covering Topics 1-4. The assessment requires students to maintain a Word document where the student identifies their involvement in the unit. Further information provided on Moodle

Assessment Due Date

Week 5 Friday (9 Apr 2021) 11:55 pm AEST

Submitted online

Return Date to Students

Week 7 Monday (26 Apr 2021)

Returned online

Weighting

10%

Assessment Criteria

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 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 was a disjointed and unstructured but could be understood

Issues need to be identified and addressed in more depth

Fail

The contribution could not be understood.

Significant errors in presentation.

Referencing Style

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

Submission

Online

Submission Instructions

To be submitted online through Moodle

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 Short Answer/Quiz

Assessment Type

Online Quiz(zes)

Task Description

Students will be asked to write a series of short answers to be submitted online. It potentially will cover the unit course content from Topics 1-5.

Further details will be provided on moodle.

Number of Quizzes

Frequency of Quizzes

Assessment Due Date

Week 10 Friday (21 May 2021) 11:55 pm AEST

To be submitted online

Return Date to Students

Review/Exam Week Monday (7 June 2021)

Returned online

Weighting

30%

Assessment Criteria

LAWS12065 General Assessment Criteria

Students' work who fail will have generally displayed the following:

1. All the tasks have not been completed.
2. Did not adequately identify and discuss a relevant number of legal issues.
3. Did not adequately identify and discuss a relevant number of cases and legislation.
4. The paper is not an acceptable standard in relation to its presentation and expression because:
 - (a) is not clear and succinct and the language is not appropriate for a law assessment due to its informality;
 - (b) the structure is poor, the paper demonstrates a little awareness of structure and purpose;
 - (c) the paper has largely referenced material which is not primary and/or academically rigorous for example, online summaries and blogs.
5. Overall has not complied with the AGLC.

Students at a minimum must have completed the following in order to obtain a Pass:

1. All of the tasks have been answered but not satisfactorily.
2. Identified and discussed relevant legal issues but missed a significant number of issues most if not all of which were important issues.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory but there were a large amount of errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a Credit:

1. All of the tasks have been completed satisfactorily.
2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory with some errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a Distinction:

1. All of the tasks have been completed with few errors.
2. Identified and discussed relevant legal issues. Any errors were few and were mostly minor.
3. Relevant cases and legislation identified and discussed. Any errors were few and mostly minor.
4. Grammar and written expression was very good with some minor errors.
5. AGLC was followed with some minor errors.

Students at a minimum must have completed the following in order to obtain a **High Distinction**:

1. All of the tasks have been completed with no errors or almost no errors.
2. Identified and discussed all or almost all relevant legal issues.
3. All relevant cases and legislation identified and discussed with no errors or almost no errors.
4. Grammar and written expression was excellent.
5. Followed AGLC with no errors or almost no errors.

Referencing Style

- [Australian Guide to Legal Citation, 4th 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)
- 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

3 Take Home Paper/Exam

Assessment Type

Take Home Exam

Task Description

The take home paper will be held at a date to be advised.

Assessment Due Date

Exam Week Monday (14 June 2021) 12:00 am AEST

This is a nominal date. The precise date will be advised during the term.

Return Date to Students

Exam Week Friday (18 June 2021)

To be returned online. As is the custom for invigilated exams the mark in relation to the final assessment will not be released until after certification of grades.

Weighting

60%

Assessment Criteria

LAWS12065 General Assessment Criteria

Students' work who fail will have generally displayed the following:

1. All the tasks have not been completed.
 2. Did not adequately identify and discuss a relevant number of legal issues.
 3. Did not adequately identify and discuss a relevant number of cases and legislation.
 4. The paper is not an acceptable standard in relation to its presentation and expression because:
 - (a) is not clear and succinct and the language is not appropriate for a law assessment due to its informality;
 - (b) the structure is poor, the paper demonstrates a little awareness of structure and purpose;
 - (c) the paper has largely referenced material which is not primary and/or academically rigorous for example, online summaries and blogs.
 5. Overall has not complied with the AGLC.
- Students at a minimum must have completed the following in order to obtain a Pass:
1. All of the tasks have been answered but not satisfactorily.
 2. Identified and discussed relevant legal issues but missed a significant number of issues most if not all of which were important issues.
 3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
 4. Grammar and written expression was satisfactory but there were a large amount of errors throughout.
 5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a Credit:

1. All of the tasks have been completed satisfactorily.
2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant.

3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.

4. Grammar and written expression was satisfactory with some errors throughout.

5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a Distinction:

1. All of the tasks have been completed with few errors.

2. Identified and discussed relevant legal issues. Any errors were few and were mostly minor.

3. Relevant cases and legislation identified and discussed. Any errors were few and mostly minor.

4. Grammar and written expression was very good with some minor errors. 5. AGLC was followed with some minor errors.

Students at a minimum must have completed the following in order to obtain a **High Distinction**:

1. All of the tasks have been completed with no errors or almost no errors.

2. Identified and discussed all or almost all relevant legal issues.

3. All relevant cases and legislation identified and discussed with no errors or almost no errors.

4. Grammar and written expression was excellent.

5. Followed AGLC with no errors or almost no errors.

Referencing Style

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

Submission

Online

Submission Instructions

To be submitted online.

Learning Outcomes Assessed

- Explain and discuss the meaning and purpose of the concept of property and property rights
- Explain and evaluate the methods and processes under law for creating, disposing and enforcing proprietary interests in relation to both personal and real property
- 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.

Graduate Attributes

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

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