



# LAWS12065 Foundations of Property Law

## Term 1 - 2023

Profile information current as at 09/05/2024 10:21 am

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 law of real and personal property in Australia. Topics will include: (1) real property and land law, including land registration, e-conveyancing, interests in land, native title, dispositions, the doctrine of estates, adverse possession and the doctrine of fixtures; and (2) personal property law, including interests in personal property and the Personal Property Securities Act 2009 (Cth).

#### 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 - 2023

- 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. **Practical Assessment**

Weighting: 30%

#### 3. **Online Test**

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 Coordinator

##### **Feedback**

Further problem solving materials needed to assist students with their academic skills.

##### **Recommendation**

The Book Focus - Land Law Edition: 5 (2020) by Webb & Stephenson Lexis Nexis will be maintained. A second problem & answer book will be considered by the U.C. and/or other relevant learning materials to further assist students with problem solving and skills' development.

## Unit Learning Outcomes

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

1. Examine the characteristics of, and the differences between, real property and personal property in Australian law
2. Explain and apply Australian legislation and/or common law to advise on property law issues
3. Communicate in a professional and persuasive manner both orally and in writing
4. Work individually and collaboratively in an effective manner to negotiate a suitable outcome in accordance with a client's instructions

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Group Discussion - 10%			•	•
2 - Practical Assessment - 30%	•	•	•	•
3 - Online Test - 60%	•	•		

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
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

LAWS12065

#### Prescribed

##### **LexisNexis Questions and Answers: Property Law, 4th edition**

Edition: 4 (2020)

Authors: Laura-Leigh Cameron-Dow and Francina Cantatore

Lexis Nexis

Chatswood , NSW , Australia

ISBN: 9780409351958

Binding: Paperback

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#### Prescribed

##### **Sackville & Neave Australian Property Law, 11th edition**

Edition: 11th (2021)

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

Lexis Nexis

Chatswood , NSW , Australia

ISBN: 9780409352092

Binding: Paperback

#### Additional Textbook Information

These two texts have been bundled together at a reduced price and 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)
- Microphone and camera for use with Zoom
- Zoom (both microphone and webcam capability)

## 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

**Angelo Capuano** Unit Coordinator

[a.capuano@cqu.edu.au](mailto:a.capuano@cqu.edu.au)

## Schedule

### **Week 1 - Introduction to the Unit, Legal Skills and Negotiation - 06 Mar 2023**

**Module/Topic**

**Chapter**

**Events and Submissions/Topic**

Readings and materials in Moodle

### **Week 2 - Introduction to Property and the Law - 13 Mar 2023**

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), pp 1-55 Laura-Leigh Cameron-Dow and Francina Cantatore, LexisNexis Questions and Answers: Property Law (4th ed, 2020, Lexis Nexis), ch 1	

### Week 3 - Land, Part I: Possession - 20 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 99-134 Laura-Leigh Cameron-Dow and Francina Cantatore, LexisNexis Questions and Answers: Property Law (4th ed, 2020, Lexis Nexis), ch 11	

### Week 4 - Land, Part II: Alienability - 27 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 561-608	

### Week 5 - Land, Part III: Fixtures - 03 Apr 2023

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 56-76 Laura-Leigh Cameron-Dow and Francina Cantatore, LexisNexis Questions and Answers: Property Law (4th ed, 2020, Lexis Nexis), ch 12	

### Vacation Week - 10 Apr 2023

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - Assessment 2: Practical Assessment - 17 Apr 2023

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 7 - Personal Property - 24 Apr 2023

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 79-98, 919-923 Laura-Leigh Cameron-Dow and Francina Cantatore, LexisNexis Questions and Answers: Property Law (4th ed, 2020, Lexis Nexis), ch 8	<b>Negotiation exercise</b> Due: Week 7 Monday (24 Apr 2023) 5:00 pm AEST

### Week 8 - Native Title, Part I: History, Colonisation and the Development of Land Rights and Native Title - 01 May 2023

Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 162-170 <i>Mabo and Others v Queensland (No. 2)</i> (1992) 175 CLR 1	<b>Group Discussion</b> Due: Week 8 Friday (5 May 2023) 5:00 pm AEST
<b>Week 9 - Native Title, Part II: Establishing Native Title, Extinguishment and Determinations of Native Title - 08 May 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 170-201 Laura-Leigh Cameron-Dow and Francina Cantatore, LexisNexis Questions and Answers: Property Law (4th ed, 2020, Lexis Nexis), ch 5	
<b>Week 10 - Intellectual Property: Copyright, Trade-marks and Patents - 15 May 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic
	Halsbury's Laws of Australia, [240-1500] - [240-3310], [240-4998] - [240-5035], [240-8000] - [240-8080] Isabella Alexander, 'The Aboriginal flag is now 'freely available for public use'. What does this mean from a legal standpoint?' (The Conversation, 28 January 2022) < <a href="https://theconversation.com/the-aboriginal-flag-is-now-freely-available-for-public-use-what-does-this-mean-from-a-legal-standpoint-175626">https://theconversation.com/the-aboriginal-flag-is-now-freely-available-for-public-use-what-does-this-mean-from-a-legal-standpoint-175626</a> > Nicola St John and Emrhan Sultan, 'Labelling 'fake art' isn't enough. Australia needs to recognise and protect First Nations cultural and intellectual property' (The Conversation, 26 July 2022) < <a href="https://theconversation.com/labelling-fake-art-isnt-enough-australia-needs-to-recognise-and-protect-first-nations-cultural-and-intellectual-property-187426">https://theconversation.com/labelling-fake-art-isnt-enough-australia-needs-to-recognise-and-protect-first-nations-cultural-and-intellectual-property-187426</a> > Jemima Burt, 'Non-Indigenous business fails in bid to trademark Aboriginal bush medicine' (ABC News, 24 January 2020) < <a href="https://www.abc.net.au/news/2020-01-24/gumby-gumby-trademark-fails/11890218">https://www.abc.net.au/news/2020-01-24/gumby-gumby-trademark-fails/11890218</a> >	
<b>Week 11 - Technology and Property Law: Current Issues - 22 May 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic
	Brendan Edgeworth, Chris Rossiter, Pamela O'Connor, Andrew Godwin and Leon Terrill, Sackville & Neave Australian Property Law (11th ed, 2021, LexisNexis), 364-365 Halsbury's Laws of Australia, [355-8036]	
<b>Week 12 - Assessment 3: Online Test - 29 May 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic

## Assessment Tasks

### 1 Group Discussion

#### Assessment Type

Group Discussion

#### Task Description

This task is completed in groups of 4. The group will comprise of you, your team member from the negotiation exercise, and another pair of students (groups will be allocated after the negotiation task in week 6). In this group, you will critically reflect on your negotiation task, and share where you think you could have improved and where you think you performed well.

Each group member must submit a document which: (1) explains what they learned from the negotiation exercise personally (self-reflection); and (2) comments on a group member's self-reflection.

#### Assessment Due Date

Week 8 Friday (5 May 2023) 5:00 pm AEST

Submission online via Moodle

#### Return Date to Students

Week 10 Friday (19 May 2023)

Online via Moodle

### **Weighting**

10%

### **Assessment Criteria**

Marks are awarded based on the quality of your self-reflection and analysis of a group's member's self-reflection. It is insufficient to merely describe the group discussion, and such descriptions or unconstructive comments will receive low marks. You are expected to engage in reflection and analysis.

Detailed instructions and a marking rubric will be provided on Moodle.

### **Referencing Style**

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

### **Submission**

Online

### **Submission Instructions**

Submission is online via Moodle

### **Learning Outcomes Assessed**

- Communicate in a professional and persuasive manner both orally and in writing
- Work individually and collaboratively in an effective manner to negotiate a suitable outcome in accordance with a client's instructions

## **2 Negotiation exercise**

### **Assessment Type**

Practical Assessment

### **Task Description**

In this task, students will be required to engage in a negotiation concerning a fictitious set of facts. Students will form groups of two and then arrange to engage in a negotiation with another group. The negotiation will be through Zoom and recorded by the students. Each group must submit: (1) the recording of their negotiation; and (2) a written piece of work supplementing the negotiation. The recording must capture both video and audio, and it must be clear.

Detailed instructions and a marking rubric will be provided on Moodle.

### **Assessment Due Date**

Week 7 Monday (24 Apr 2023) 5:00 pm AEST

Online via Moodle

### **Return Date to Students**

Week 9 Monday (8 May 2023)

### **Weighting**

30%

### **Assessment Criteria**

- Ability to identify issues
- Demonstrated understanding of law and legal principles
- Ability to apply law and legal principles
- Ability to reach conclusions based on legal reasoning
- Ability to communicate clearly, persuasively and professionally, both verbally and in writing
- Ability to work individually and collaboratively in an effective manner to negotiate a suitable outcome in accordance with a client's instructions

### **Referencing Style**

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

### **Submission**

Online

### **Submission Instructions**

Submission is online via Moodle

### **Learning Outcomes Assessed**

- Examine the characteristics of, and the differences between, real property and personal property in Australian law

- Explain and apply Australian legislation and/or common law to advise on property law issues
- Communicate in a professional and persuasive manner both orally and in writing
- Work individually and collaboratively in an effective manner to negotiate a suitable outcome in accordance with a client's instructions

### 3 Online test

#### Assessment Type

Online Test

#### Task Description

Students will be required to answer a combination of multiple choice, short answer and problem questions concerning a number of topics covered in the unit. The online test will be 2 hours in duration and it will be held in week 12 of term.

#### Assessment Due Date

Date to be set by the unit coordinator

#### Return Date to Students

Marks will be made available after certification of grades

#### Weighting

60%

#### Assessment Criteria

Multiple choice questions:

- Understanding of real property and personal property concepts
- Understanding of law and legal principles

Short answer questions:

- Understanding of real property and personal property concepts
- Understanding of law and legal principles
- Ability to explain concepts, laws and legal principles
- Ability to communicate in writing clearly, succinctly and professionally

Problem questions:

- Ability to identify legal issues
- Ability to identify most relevant law
- Demonstrated understanding of law and legal principles
- Ability to apply law
- Ability to reach a conclusion and advise based on application of law

#### Referencing Style

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

#### Submission

Online

#### Submission Instructions

The online test will be made available through Moodle

#### Learning Outcomes Assessed

- Examine the characteristics of, and the differences between, real property and personal property in Australian law
- Explain and apply Australian legislation and/or common law to advise on property law issues

## 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