



LAWS12066 Land Law

Term 2 - 2018

Profile information current as at 26/04/2024 09:46 am

All details in this unit profile for LAWS12066 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.

Corrections

Unit Profile Correction added on 07-08-18

The final examination for this unit is 3 hours and is open book.

General Information

Overview

LAWS12066 Land Law has a specific focus on the law of real property in Queensland, covering the following themes: the concept of land; land registration systems with an emphasis on the Torrens system and the impact of e-technology pursuant to the Land Title Act 1994 (Qld); the principles for resolving priority disputes in Torrens title land under the Land Title Act 1994 (Qld); future interests and the rule against perpetuities under the Property Law Act 1974 (Qld) and the general law; concurrent ownership including aspects of community title under the Body Corporate and Community Management Act 1997 (Qld) (as amended); leases; mortgages; easements; restrictive freehold covenants; and aspects of ownership, tenancy and regulation of social housing in Queensland. This unit together with LAWS12065 Foundations of Property Law meets the LPAB requirements for property law.

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

Prerequisites: LAWS11057 Introduction to Law; and LAWS11059 Statutory Interpretation; LAWS12065 Foundations of Property Law; 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 2 - 2018

- Distance

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. **Online Quiz(zes)**

Weighting: 20%

2. **Presentation**

Weighting: 30%

3. **Examination**

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 Self-Reflection

Feedback

Content design and configuration

Recommendation

Land Law is a demanding unit with a heavy load in terms of topics and readings. Before the next offering of the Unit in T2 2018 changes to content and re-configuration of material and resources will be undertaken. These include the following: -Native Title will be moved to LAWS12065 -Some rearrangement of material will be undertaken -a strengthened focus on both technology and a land law practice perspective will be considered -consideration will be given to making easements and freehold covenants offered in the alternative to reduce the amount of content which the Unit embraces.

Feedback from Self-reflection

Feedback

Assessment

Recommendation

A greater emphasis will be placed upon critical property law skills in relation to land law concepts. This commenced in 2017 with 20% assessment.

Feedback from Staff feedback

Feedback

Assessments

Recommendation

All assessments were peer reviewed internally. Feedback suggested assessments while challenging were excellent and all struck a good balance between building problem solving skills and developing an appreciation for broader policy and reform issues.

Feedback from Student feedback-Unit evaluation

Feedback

Sticking the right balance in content between land law concepts and technology

Recommendation

Consideration will be given to better integrating discussion of technology implications around critical land law concepts throughout topics as appropriate.

Feedback from Student feedback-Unit evaluation

Feedback

Extensive readings

Recommendation

Materials and weekly reading commitment for the Unit will be reviewed with the aim of condensing and pruning where possible. Thought will be given to rationalising the number of topics covered. A new case book will be prescribed as well as a practically focussed Q & A supporting text.

Feedback from Student feedback-Unit evaluation

Feedback

Assessment and feedback

Recommendation

Assessment design will be reviewed in order to achieve an appropriate balance between setting challenging and innovative assessments that are able to be well understood by students and providing feedback which strikes a balance between critical critique and encouragement.

Unit Learning Outcomes

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

1. Illustrate and discuss the conceptual characteristics of land under Australian land law
2. Recognise, analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld)
3. Explain and apply the provisions of the Property Law Act 1974 (Qld) and the common law governing future interests and perpetuities in land in Queensland
4. Recognise and analyse important interests and rights in land in relation to: concurrent ownership including aspects of community title under the Body Corporate and Community Management Act 1997 (Qld) (as amended); leases under both the general law and specific legislation; mortgages; easements and restrictive freehold covenants
5. Identify and appraise aspects of the ownership, tenancy and regulation of social housing in Queensland.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Online Quiz(zes) - 20%	•	•	•		
2 - Presentation - 30%				•	
3 - Examination - 50%	•	•		•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Communication	•	•	•	•	•
2 - Problem Solving		•	•	•	
3 - Critical Thinking	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•
5 - Team Work				•	
6 - Information Technology Competence	•	•	•	•	
7 - Cross Cultural Competence					

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
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 - Online Quiz(zes) - 20%	•	•	•	•		•			•	
2 - Presentation - 30%	•	•	•	•	•	•		•		
3 - Examination - 50%	•	•	•	•				•	•	

Textbooks and Resources

Textbooks

LAWS12066

Prescribed

Sackville & Neave Australian Property Law

Edition: 10th (2016)

Authors: Edgeworth, B; Rossiter, C; O'Connor, P; Godwin, A,

LexisNexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409343786

Binding: Paperback

LAWS12066

Supplementary

LexisNexis Questions & Answers - Property Law

Edition: 3rd (2016)

Authors: Cameron-Dow, L-L

LexisNexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409341911

Binding: Paperback

Additional Textbook Information

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Access to UCROO
- Zoom Conferencing (Webcam and Microphone)

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

John Milburn Unit Coordinator

j.a.milburn@cqu.edu.au

Schedule

Week 1 - 09 Jul 2018

Module/Topic

Chapter

Events and Submissions/Topic

Nature of Land

Materials uploaded to Moodle

Week 2 - 16 Jul 2018

Module/Topic

Chapter

Events and Submissions/Topic

The Torrens System of Land Registration Part I- Indefeasibility Sackville & Neave Australian Property Law 10th (2016) Ch. 5 [5.1 - 5.74]

Week 3 - 23 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
The Torrens System of Land Registration Part II- Exceptions to Indefeasibility	Sackville & Neave Australian Property Law 10th (2016) Ch. 5 [5.75 - 5.161]	

Week 4 - 30 Jul 2018

Module/Topic	Chapter	Events and Submissions/Topic
Unregistered Interests in Torrens Land and Priorities	Sackville & Neave Australian Property Law 10th (2016) Ch. 5 [5.162 - 5.223]	

Week 5 - 06 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Co-ownership	Sackville & Neave Australian Property Law 10th (2016) Ch. 6 [6.1 - 6.87]	

Vacation Week - 13 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 20 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Alienability of Proprietary Interests and Perpetuities	Sackville & Neave Australian Property Law 10th (2016) Ch. 7 [7.1 - 7.81] and Materials uploaded to Moodle	

Week 7 - 27 Aug 2018

Module/Topic	Chapter	Events and Submissions/Topic
Leases	Sackville & Neave Australian Property Law 10th (2016) Ch. 8 pp 695-851	Essay/Advice Due: Week 7 Thursday (30 Aug 2018) 11:45 pm AEST

Week 8 - 03 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Social Housing	Materials uploaded to Moodle	

Week 9 - 10 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Easements	Sackville & Neave Australian Property Law 10th (2016) Ch. 9 pp 949-1066	Advice Due: Week 9 Thursday (13 Sept 2018) 11:45 pm AEST

Week 10 - 17 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Mortgages	Sackville & Neave Australian Property Law 10th (2016) Ch. 10 pp 1067-1169	

Week 11 - 24 Sep 2018

Module/Topic	Chapter	Events and Submissions/Topic
Review and exam preparation	Nil	

Week 12 - 01 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
Review	Nil	

Review/Exam Week - 08 Oct 2018

Module/Topic	Chapter	Events and Submissions/Topic
Review		

Assessment Tasks

1 Essay/Advice

Assessment Type

Online Quiz(zes)

Task Description

Assessment 1, Term 2 2018

- Due - Thursday 30 August 2018, 11:45 PM AEST
- Penalty for late submission - 5% deduction per day (until the last day of submission of work)
- Last day for submission of work - Saturday, 8 September 2018, 11:45 PM AEST
- Two questions - answer both questions
- Maximum word limit: 1500 words (excluding footnote references): 750 words per question
- 20 marks - 10 marks per question

Task Requirement

For assessment 1, you are to answer two questions. The first is an essay style question which relates to an important concept in land law. The second is an advice question where you deal with a hypothetical factual scenario.

Notes

- I expect students to present their assessment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date.
- Because I release the task at the start of term, you are less likely to obtain an extension even if supported by documentation, than would be the case if I released the task shortly before the time it was due. If you make an application for an extension of time, you should understand that I consider several factors in deciding whether to grant your request. I encourage you to allow for contingencies.
- I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 8 September 2018 (AEST). Beyond that date, in the absence of an approved extension, you will not have an opportunity to complete the task and you will receive a mark of zero for this assessment task.
- I will provide personalised feedback soon after the last date for submission of work. You will receive your mark at that time.
- I require you to upload your assessment through the Moodle course website. Submit your entire answer in a single Word document. Do not submit in multiple parts.
- You may consult with peers at your discretion, but the final answer must be yours and I will check it via Turnitin for originality. When sharing ideas, it is important to retain something original for your own response. This is an individual assessment and you may not collude; which means that you cannot act together to cheat or to plagiarise or engage in academic misconduct.
- There is no prescribed format or template for this assignment and its final form will reflect your own individual and evolving approach to law and legal problems. I will assess you on your ability to communicate effectively.

Number of Quizzes

2

Frequency of Quizzes

Other

Assessment Due Date

Week 7 Thursday (30 Aug 2018) 11:45 pm AEST

I expect students to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 8 September 2018.

Return Date to Students

Week 9 Tuesday (11 Sept 2018)

Student satisfaction surveys in the past indicate student concerns when a unit coordinator does not provide assessment feedback quickly. Generally, I release the feedback and marks the day after the final cut-off date (that is, I provide

feedback and marks 10 days after the due date).

Weighting

20%

Assessment Criteria

I assess students 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. I require students to communicate an answer clearly and logically, and in a concise manner. I expect you to present your paper 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 wrote your answer very well and expressed yourself clearly and concisely
- You presented your paper in a logical structure
- You demonstrated an appreciation and understanding of the issues involved
- You backed your answer by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- You produced a sophisticated analysis from a variety of perspectives
- You demonstrated mastery of the AGLC referencing system

Distinction Standard

- Your answer is well written and expressed
- You produced a well-structured and logical paper
- You clearly identified, and appreciated, legal issues
- You referenced your material correctly
- 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 answer 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
- 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 confusing or incorrect
- Core facts/issues not clearly understood or identified
- You demonstrated some familiarity with legislation and case law
- Your conclusions reached are somewhat simplistic
- You included quantities of material of marginal relevance in your paper
- Referencing needs improvement
- Your analysis is not as detailed and reasoned as for credit standard

Referencing Style

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

Submission

Online

Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (not PDF). I expect students to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. It is slow however; it may be a productive exercise. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that you include your name in the name of the saved document.

Learning Outcomes Assessed

- Illustrate and discuss the conceptual characteristics of land under Australian land law
- Recognise, analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld)

- Explain and apply the provisions of the Property Law Act 1974 (Qld) and the common law governing future interests and perpetuities in land in Queensland

Graduate Attributes

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

2 Advice

Assessment Type

Presentation

Task Description

Assessment 2, Term 2 2018

- Due – Thursday 13 September 2018, 11:45 PM AEST
- Penalty for late submission – 5% deduction per day (until the last day of submission of work)
- Last day for submission of work – Saturday, 22 September 2018, 11:45 PM AEST
- Maximum word limit: 2000 words (excluding footnote references)
- 30 marks

Task Requirement

For assessment 2, you are to assume that you are in practice and your supervising partner requests that you prepare a memorandum of advice.

Your final product should take the form of a persuasive, well-set-out document. You should consider relevant practitioners' conduct rules, statutes, caselaw, practice directions and academic writing.

One of the key foundations of this unit is a professional standard of writing. I will assess your spelling, grammar and syntax as part of this assessment. You are writing for a professional, informed audience.

Notes

- I expect students to present their assessment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date.
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- I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 22 September 2018 (AEST). Beyond that date, in the absence of an approved extension, you will not have an opportunity to complete the task and you will receive a mark of zero for this assessment task.
- I will provide personalised feedback soon after the last date for submission of work. You will receive your mark at that time.
- I require you to upload your assessment through the Moodle course website. Submit your entire answer in a single Word document. Do not submit in multiple parts.

You may consult with peers at your discretion, but the final answer must be yours and I will check it via Turnitin for originality. When sharing ideas, it is important to retain something original for your own response. This is an individual assessment and you may not collude; which means that you cannot act together to cheat or to plagiarise or engage in academic misconduct.

There is no prescribed format or template for this assignment and its final form will reflect your own individual and evolving approach to law and legal problems. I will assess you on your ability to communicate effectively.

Assessment Due Date

Week 9 Thursday (13 Sept 2018) 11:45 pm AEST

I expect students to present their assignment work on time. Please note that I will not consider any request for an extension of time unless you upload an application in the appropriate manner, supported by documentation and made prior to the due time/date. I will impose a penalty deduction of 5% per day for late work until the nominated cut-off date, Saturday, 22 September 2018.

Return Date to Students

Week 11 Tuesday (25 Sept 2018)

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feedback quickly. Generally, I release the feedback and marks the day after the final cut-off date (that is, I provide feedback and marks 10 days after the due date).

Weighting

30%

Assessment Criteria

Assessment criteria

I assess students 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 a mock Proctor submission. I require students to communicate an answer clearly and logically, and in a concise manner. I expect you to present your paper 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

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Distinction Standard

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Referencing Style

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

Submission

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Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that you include your name in the name of the saved document.

Learning Outcomes Assessed

- Recognise and analyse important interests and rights in land in relation to: concurrent ownership including aspects of community title under the Body Corporate and Community Management Act 1997 (Qld) (as amended); leases under both the general law and specific legislation; mortgages; easements and restrictive freehold covenants

Graduate Attributes

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

Examination

Outline

Complete an invigilated examination.

Date

During the examination period at a CQUniversity examination centre.

Weighting

50%

Length

180 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