

LAWS12066 Land Law

Term 2 - 2023

Profile information current as at 29/04/2024 03:49 pm

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.

General Information

Overview

This unit Land Law LAWS12066 meets the LPAB requirements for property law. It has a specific focus on the law of real property in Queensland. It covers 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) with a focus on legal vs equitable interests; future interests and the rule against perpetuities under the Property Law Act 1974 (Qld) and the general law; concurrent ownership; leases; mortgages; easements; freehold covenants and profit a prendres. The unit also includes a discussion of native title; possession, seisin & title and enforcement of security interests in personal property under the Personal Property Securities Act 2009 (Cth). Students are expected to have completed Foundations of Property Law - LAWS12065 first as the unit content assumes knowledge from that unit.

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

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 - 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. Online Quiz(zes)

Weighting: 10%

2. Written Assessment

Weighting: 40% 3. **Take Home Exam** 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 <u>University's Grades and Results Policy</u> 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 <u>CQUniversity Policy site</u>.

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

Consider changing the format of the feedback to audio

Recommendation

This will be considered in consultation with the marking team.

Feedback from Unit Coordinator

Feedback

Consider giving more exam preparation supports to students

Recommendation

The UC will review the unit content and the assessments to consider how the students can be better prepared for their exams.

Feedback from Unit Coordinator and SUTE

Feedback

Q&A property law and answer book to be prescribed again

Recommendation

This book will be prescribed.

Unit Learning Outcomes

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

- 1. Explain the conceptual characteristics of land under Australian land law.
- 2. Examine the principles and concepts in native title, possession, seisin and title, and the rule against perpetuities.
- 3. Analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld).
- 4. Analyse and apply the rights in land relating to concurrent ownership, leases, mortgages, and security interests in personal property under the Personal Property Securities Act 2009 (Cth)

N/A Level Introductory Level Graduate Level Advanced Level Advanced							
Alignment of Assessment Tasks to Learning Outcomes							
Assessment Tasks Learning Outcomes							
	1	2	2	3	4		
1 - Online Quiz(zes) - 10%	•	•	•	•			
2 - Written Assessment - 40%	•	•	•	•	•		
3 - Take Home Exam - 50%				•	•		
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							

Alignment of Learning Outcomes, Assessment and Graduate Attributes

Textbooks and Resources

Textbooks

LAWS12066

Prescribed

Property Law

Edition: 4th (2020)

Authors: Laura Leigh Cameron Dow, Francina Cantatore

LexisNexis

Chatswood , NSW , Australia ISBN: 9780409351958 Binding: Paperback LAWS12066

Prescribed

Real Property Law in Queensland

Edition: 5th (2020)

Authors: Anne Wallace, Les McCrimmon, Michael We

Thomson Reuters

Pyrmont , NSW , Australia ISBN: 9780455242934 Binding: Paperback

Additional Textbook Information

Both of the prescribed books are available in Eform as well. CQUlibrary has a limited number of licenses for students to

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: <u>Australian Guide to Legal Citation, 4th ed</u> For further information, see the Assessment Tasks.

Teaching Contacts

Victoria Lambropoulos Unit Coordinator

v.lambropoulos@cqu.edu.au

Schedule

Week 1 - 10 Jul 2023

Module/Topic

Chapter

Events and Submissions/Topic

Property Law 4th Ed (2020), Laura Week 1 - Meaning and Purposes of the Leigh Cameron Dow, Francina Concept of Property Cantatore - pages 1-12 in Ch 1 and Ch a) The meaning of 'property', 'property' as a legal construct, the Real Property Law in Queensland 5th classifications of property - Week 1 Ed (2020) Anne Wallace, Les b) The doctrine of tenure, native title McCrimmon, Michael Weir - Ch 3 (common law and statute) (Native Title) Week 2 - 17 Jul 2023 Module/Topic Chapter **Events and Submissions/Topic** Week 2 - Possession, Seisin and Title (a) Alienation - the right of alienation Property Law 4th Ed (2020), Laura (b) Dispositions, sales and gifts of Leigh Cameron Dow, Francina interests and the regulation of land Cantatore - Ch 1 (pages 12-17), Ch 2, sales dealings 11 and 12 (c) Possession and title, the doctrine Real Property Law in Queensland 5th of estates, existing interests of future Ed (2020) Anne Wallace, Les interests-McCrimmon, Michael Weir - Ch 4, 6 (d) Adverse Possession (e) The Doctrine of Fixtures Week 3 - 24 Jul 2023 Chapter Module/Topic **Events and Submissions/Topic** Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Week 3 - Land Registration Pt 1 -Cantatore - Ch 3 Indefeasibility and exceptions to Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les indefeasibility McCrimmon, Michael Weir - Ch 9 and 10 Week 4 - 31 Jul 2023 Module/Topic Chapter **Events and Submissions/Topic** Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Week 4 - Land Registration Pt 2 -Cantatore - Ch 4 Online Quizz Due: Week 4 Monday Unregistered Interests, Priorities and Real Property Law in Queensland 5th (31 July 2023) 11:59 pm AEST Caveats Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 11 Week 5 - 07 Aug 2023 Module/Topic Chapter **Events and Submissions/Topic** Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 6 Week 5 - Co - Ownership Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 8 Vacation Week - 14 Aug 2023 Module/Topic Chapter **Events and Submissions/Topic** Week 6 - 21 Aug 2023 Module/Topic Chapter **Events and Submissions/Topic** Real Property Law in Queensland 5th Week 6 - Rule against Perpetuities Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 7 Week 7 - 28 Aug 2023 Module/Topic Chapter **Events and Submissions/Topic**

Week 7 - Leases Part 1	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 9 Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 14	
Week 8 - 04 Sep 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 8 - Leases Part 2	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 9 Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 14	Written Assessment Due: Week 8 Monday (4 Sept 2023) 11:59 pm AEST
Week 9 - 11 Sep 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 9 - Easements and Profit a Prendres	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 10 Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 15	
Week 10 - 18 Sep 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 10 - Restrictive Covenants	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 10 Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 17	
Week 11 - 25 Sep 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 11 - Mortgages	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 7 Real Property Law in Queensland 5th Ed (2020) Anne Wallace, Les McCrimmon, Michael Weir - Ch 16	
Week 12 - 02 Oct 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Week 12 - Personal Property Securities - PPSA	Property Law 4th Ed (2020), Laura Leigh Cameron Dow, Francina Cantatore - Ch 8	
Review/Exam Week - 09 Oct 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Own study		
Exam Week - 16 Oct 2023		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Date to be advised during term		Take Home Exam Due: Exam Week Friday (20 Oct 2023) 12:00 am AEST

Assessment Tasks

1 Online Quizz

Assessment Type

Online Ouiz(zes)

Task Description

Task Description:

Students will be asked to answer a series of questions online during a 90 minute period. It will potentially cover material from Weeks 1 and 2. More details will be provided on moodle.

Number of Quizzes

1

Frequency of Quizzes

Other

Assessment Due Date

Week 4 Monday (31 July 2023) 11:59 pm AEST See moodle for details of time of online test.

Return Date to Students

Week 6 Monday (21 Aug 2023) Returned Via Moodle

Weighting

10%

Assessment Criteria

A failed paper displays the following:

- 1. All the tasks have not been completed.
- 2. Did not adequately identify and discuss a relevant number of legal issues and apply these issues to the facts.
- 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 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)

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. There was some application to the facts but missed a significant number of factual issues to discuss.
- 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.

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

- 1. All of the tasks were completed satisfactorily.
- 2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant. Applied the legal issues to the facts but missed some 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 with some errors throughout.

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

- 1. All of the tasks were completed with few errors.
- 2. Identified and discussed relevant legal issues and applied them to the facts. 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.

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

- 1. All of the tasks were completed with no errors or almost no errors.
- 2. Identified and discussed all or almost all relevant legal issues and applied them to the facts with almost no errors.
- 3. All relevant cases and legislation identified and discussed with no errors or almost no errors.
- 4. Grammar and written expression was excellent.

Referencing Style

• Australian Guide to Legal Citation, 4th ed

Submission

Online

Learning Outcomes Assessed

- Explain the conceptual characteristics of land under Australian land law.
- Examine the principles and concepts in native title, possession, seisin and title, and the rule against perpetuities.
- Analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld).

2 Written Assessment

Assessment Type

Written Assessment

Task Description

Task Description:

This assessment will be a written assessment based on a problem scenario so students can be prepared for the take home exam. More details will be provided on moodle.

Assessment Due Date

Week 8 Monday (4 Sept 2023) 11:59 pm AEST

To be submitted online

Return Date to Students

Week 10 Tuesday (19 Sept 2023)

Returned via moodle

Weighting

40%

Assessment Criteria

Students' work who fail this assessment 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 and apply these issues to the facts.
- 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 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. There was some application to the facts but missed a significant number of factual issues to discuss.
- 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 were completed satisfactorily.
- 2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant. Applied the legal issues to the facts but missed some 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 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 were completed with few errors.
- 2. Identified and discussed relevant legal issues and applied them to the facts. 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 were completed with no errors or almost no errors.

- 2. Identified and discussed all or almost all relevant legal issues and applied them to the facts with almost no errors.
- 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 on moodle

Learning Outcomes Assessed

- Explain the conceptual characteristics of land under Australian land law.
- Examine the principles and concepts in native title, possession, seisin and title, and the rule against perpetuities.
- Analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld).
- Analyse and apply the rights in land relating to concurrent ownership, leases, mortgages, and security interests in personal property under the Personal Property Securities Act 2009 (Cth)

3 Take Home Exam

Assessment Type

Take Home Exam

Task Description

- This unit has an invigilated take-home examination of 2.5 hours (150 minutes) duration. Students should consult the Invigilated Take-home Examination Guidelines, College of Law, Criminology and Justice, available from the Laws Moodle site. A requirement of these guidelines is that students must obtain a student card for verification purposes - see https://sportal.cqu.edu.au/__data/assets/pdf_file/0006/1113/Information-Sheet-Stude
- 2. Students must also have access to a reliable and adequate internet connection, and a computer, tablet, or laptop equipped with a working webcam, working microphone, Zoom installed and access to the unit Moodle site via an Internet browser.
- 3. No extensions are permitted for invigilated take-home examinations.
- 4. Submissions after the deadline has passed will not be accepted and will receive a mark of zero.
- 5. Failure to attend the invigilated take-home examination will result in a mark of zero.
- 6. Exam conditions apply to all invigilated take-home examinations.

Assessment Due Date

Exam Week Friday (20 Oct 2023) 12:00 am AEST Please note more details will be provided during the term

nt-ID-Card-2017.pdf.

Return Date to Students

Exam Week Friday (20 Oct 2023)

Results will be released when the results are certified for all students

Weighting

50%

Assessment Criteria

Students' work who fail this assessment 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 and apply these issues to the facts.
- 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 little awareness of structure and purpose;
- (c) the paper has largely referenced material primary material

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. There was some application to the facts but missed a significant number of factual issues to discuss.
- 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.

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

- 1. All of the tasks were completed satisfactorily.
- 2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant. Applied the legal issues to the facts but missed some 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 with some errors throughout.

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

- 1. All of the tasks were completed with few errors.
- 2. Identified and discussed relevant legal issues and applied them to the facts. 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.

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

- 1. All of the tasks were completed with no errors or almost no errors.
- 2. Identified and discussed all or almost all relevant legal issues and applied them to the facts with almost no errors.
- 3. All relevant cases and legislation identified and discussed with no errors or almost no errors.
- 4. Grammar and written expression was excellent.

Referencing Style

• Australian Guide to Legal Citation, 4th ed

Submission

Online

Submission Instructions

Submitted via moodle

Learning Outcomes Assessed

- Analyse and apply the Torrens system of land registration and the impact of e-technology pursuant to the Land Title Act 1994 (Qld).
- Analyse and apply the rights in land relating to concurrent ownership, leases, mortgages, and security interests in personal property under the Personal Property Securities Act 2009 (Cth)

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 <u>Academic Learning Centre (ALC)</u> 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