



PROP12002 *Property Rights and Law*

Term 1 - 2018

Profile information current as at 18/08/2022 03:33 am

All details in this unit profile for PROP12002 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

Property economics is fundamentally concerned with the economic management of property rights. In this unit you will examine the general principles of property, property rights and real property law with a focus on Queensland and applications in other states as required. You will examine topics including: the nature of real and personal property; customary property rights; the bundle of rights approach to ownership; lesser bundles of rights such as leaseholds, easements, covenants, and mortgages; property rights registration systems; legal principles and practices related to the administration of property rights.

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

Prerequisite: LAWS11030 or LAWS19031 or LAWS11054 or (LAWS11057 and LAWS11059)

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 - 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. **Written Assessment**

Weighting: 50%

2. **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](#).

Unit Learning Outcomes

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

1. Explain the nature and type of various proprietary rights in land
2. Examine the creation of various proprietary interests in land and analyse their relative enforceability at law and in equity
3. Formulate an informed decision by applying the relevant property rights principles and law arising out of an encountered fact situation
4. Apply appropriate style and terminology to communicate effectively in the discipline.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

| Assessment Tasks | Learning Outcomes | | | |
|------------------------------|-------------------|---|---|---|
| | 1 | 2 | 3 | 4 |
| 1 - Written Assessment - 50% | • | • | • | • |
| 2 - Examination - 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 Assessment Tasks to Graduate Attributes

| Assessment Tasks | Graduate Attributes | | | | | | | | | |
|------------------------------|---------------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 - Written Assessment - 50% | • | • | • | • | | • | • | • | | |
| 2 - Examination - 50% | • | • | • | • | | | • | • | | |

Textbooks and Resources

Textbooks

PROP12002

Prescribed

Australian Property Law: Cases, Materials and Analysis

Edition: 3rd. (2014)

Authors: S. Hepburn

Lexis Nexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409337150

Binding: Hardcover

PROP12002

Supplementary

Law Briefs : Property Law

(2009)

Authors: Richardson , K.

Pearson

Sydney , NSW , Australia

ISBN: 9781442504790

Binding: Paperback

PROP12002

Supplementary

Quick Reference Card : Real Property Law

Edition: 2nd. (2014)

Authors: Edgeworth

Lexis Nexis Butterworths

Sydney , NSW , Australia

ISBN: 9780409340334

Binding: Other

PROP12002

Supplementary

Your Business Degree

Edition: 2nd. (2014)

Authors: McCulloch / Reid

Pearson

Sydney , NSW , Australia

ISBN: 9781486006366

Binding: Paperback

[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 styles below:

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Kristy Richardson Unit Coordinator
k.richardson@cqu.edu.au

Schedule

Week 1 - 05 Mar 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|----------------------|---------|------------------------------|
| Concepts of Property | 1 | |

Week 2 - 12 Mar 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|---------|------------------------------|
| Possession and Title and the Doctrine of Estates | 2 & 5 | |

Week 3 - 19 Mar 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|---|---------|------------------------------|
| The Doctrine of Tenure and Native Title | 5 | |

Week 4 - 26 Mar 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|---------------------------------|---------|------------------------------|
| Adverse Possession and Fixtures | 3 & 4 | |

Week 5 - 02 Apr 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------------|---------|------------------------------|
| The Torrens System | 11 | |

Vacation Week - 09 Apr 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

Week 6 - 16 Apr 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------------------------------|---------|------------------------------|
| Equitable and Unregistered Interests | 9 & 12 | |

Week 7 - 23 Apr 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|-----------------------------------|-------------------------|--|
| The Priority Rules and Alienation | 10, 6 & 3 (pp. 139-152) | Essay Due: Week 7 Thursday (26 Apr 2018) 5:00 pm AEST |

Week 8 - 30 Apr 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
| Co-Ownership | 16 | |

Week 9 - 07 May 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
| Leases | 7 | |

Week 10 - 14 May 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
| Mortgages | 15 | |

Week 11 - 21 May 2018

| Module/Topic | Chapter | Events and Submissions/Topic |
|---------------------------------------|---------|------------------------------|
| Easements | 13 | |
| Week 12 - 28 May 2018 | | |
| Module/Topic | Chapter | Events and Submissions/Topic |
| Restrictive Covenants | 14 | |
| Review/Exam Week - 04 Jun 2018 | | |
| Module/Topic | Chapter | Events and Submissions/Topic |
| Exam Week - 11 Jun 2018 | | |
| Module/Topic | Chapter | Events and Submissions/Topic |

Assessment Tasks

1 Essay

Assessment Type

Written Assessment

Task Description

This assessment consists of an academic essay responding to a topic based on literature including the text book and other readings. The essay is to be written as a well structured and persuasive argument citing relevant literature using standard citation style for citations and the reference list. The topic details will be found on the Moodle Site.

Assessment Due Date

Week 7 Thursday (26 Apr 2018) 5:00 pm AEST

Return Date to Students

Week 9 Thursday (10 May 2018)

Weighting

50%

Assessment Criteria

The assessment criteria include knowledge, analysis & argument, writing style, presentation and referencing. Full details of how these graded will found on the Moodle site.

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

Submission

Online

Learning Outcomes Assessed

- Explain the nature and type of various proprietary rights in land
- Examine the creation of various proprietary interests in land and analyse their relative enforceability at law and in equity
- Formulate an informed decision by applying the relevant property rights principles and law arising out of an encountered fact situation
- Apply appropriate style and terminology to communicate effectively in the discipline.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Cross Cultural 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).

Law dictionaries, Business and Law dictionaries (discipline specific dictionaries) are authorised.

No calculators permitted

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