



# PROP12002 *Property Rights and Law*

## Term 1 - 2022

Profile information current as at 18/08/2022 02:44 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.

### Corrections

#### Unit Profile Correction added on 17-02-22

Due to physical distancing requirements relating to the COVID-19 pandemic, invigilated exams have been replaced with an equivalent take-home exam.

### 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 - 2022

- 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. **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](#).

## 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 Student evaluation comment

##### Feedback

'I loved the Richardson textbook. Its the first textbook that I have had that actually kept it short and succinct, and told me only what I needed to know.'

##### Recommendation

Seek further feedback on the use of the textbook. But initial feedback would imply that textbooks of this nature suit the teaching of property law.

#### Feedback from Student evaluation comment

##### Feedback

'It would had [been] great if we had more workshop sessions and interaction with the [lecturer]'

##### Recommendation

The structure and regularity of virtual classes to be considered. That said, other students have commented 'Thank you so much for being available when needed'.

## 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
<b>1 - Written Assessment - 50%</b>	•	•	•	•
<b>2 - Examination - 50%</b>	•	•	•	•

### 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

##### **LawBrief: Property Law**

Edition: 2 (2018)

Authors: Kristy Richardson

Thomson Reuters

Prymont, NSW, Australia

ISBN: 9780455241098

Binding: Spiral

PROP12002

#### Supplementary

##### **AUSTRALIAN PROPERTY LAW: CASES, MATERIALS AND ANALYSIS**

Edition: 4 (2018)

Authors: Samantha Hepburn

Lexis Nexis Butterworths

Sydney, NSW, Australia

ISBN: 9780409345650

Binding: Paperback

PROP12002

#### Supplementary

##### **YOUR BUSINESS DEGREE**

Edition: 2 (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)
- Microsoft Office

## Referencing Style

**All submissions for this unit must use the referencing styles below:**

- [Harvard \(author-date\)](#)
- [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Kristy Richardson** Unit Coordinator

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**Steven Boyd** Unit Coordinator

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## Schedule

### Week 1 - 07 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Concepts of Property	As noted in the Study Guide	

### Week 2 - 14 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Possession and Title and the Doctrine of Estates	As noted in the Study Guide	

### Week 3 - 21 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
The Doctrine of Tenure and Native Title	As noted in the Study Guide	

### Week 4 - 28 Mar 2022

Module/Topic	Chapter	Events and Submissions/Topic
Adverse Possession and Fixtures	As noted in the Study Guide	

### Week 5 - 04 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
The Torrens System	As noted in the Study Guide	

### Vacation Week - 11 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - 18 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
Equitable and Unregistered Interests	As noted in the Study Guide	

### Week 7 - 25 Apr 2022

Module/Topic	Chapter	Events and Submissions/Topic
The Priority Rules and Alienation	As noted in the Study Guide	

### Week 8 - 02 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Co-Ownership	As noted in the Study Guide	<b>Essay</b> Due: Week 8 Wednesday (4 May 2022) 11:55 pm AEST

### Week 9 - 09 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Leases	As noted in the Study Guide	

### Week 10 - 16 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Mortgages	As noted in the Study Guide	

### Week 11 - 23 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Easements	As noted in the Study Guide	

### Week 12 - 30 May 2022

Module/Topic	Chapter	Events and Submissions/Topic
Restrictive Covenants	As noted in the Study Guide	

### Review/Exam Week - 06 Jun 2022

Module/Topic	Chapter	Events and Submissions/Topic
<b>Exam Week - 13 Jun 2022</b>		
Module/Topic	Chapter	Events and Submissions/Topic

## Term Specific Information

For end of term examinations Take-home exams have been incorporated. The temporary change from invigilated exams to take-home exams was supported by the accrediting body, the Australian Property Institute (API).

## Assessment Tasks

### 1 Essay

#### Assessment Type

Written Assessment

#### Task Description

*Part A - (30 marks)*

This task consists of an essay of no more than 2,000 words using standard citation style addressing a topic that will be published on the unit Moodle site. The task gives students the opportunity to demonstrate critical thinking and understanding applied to an issue related to property law and then communicate that view through the academic mechanism of an essay.

Your essay should:

- Adopt a position agreeing or disagreeing with this statement.
- Identify, present, discuss and analyse notions of private property, ownership and possession.
- Identify, present, discuss and analyse appropriate legal materials to support your argument.
- Use the conventions of essay style (e.g. structure, referencing).

*Part B - (15 Marks)*

This task will focus on an analysis of a case involving property law. The task gives students the opportunity to demonstrate critical thinking and understanding applied to a practical issue in property law. It consists of reading a case that will be set in the Moodle site and answering a set of questions requiring short answers.

*Part C - (5 marks)*

This task asks you to reflect upon this unit and your personal experience of it. This is not a unit evaluation question but one that asks you to consider your approach to the unit and your learning. The details of the questions for reflection will be set out in the Moodle site for the unit.

#### Assessment Due Date

Week 8 Wednesday (4 May 2022) 11:55 pm AEST

To be submitted via Moodle

#### Return Date to Students

Week 10 Wednesday (18 May 2022)

To be returned via Moodle

#### Weighting

50%

#### Assessment Criteria

The assessment criteria for Part A includes knowledge, analysis & argument, writing style, presentation and referencing.

The assessment criteria for Part B is short answer response.

The assessment criteria for Part C is show answer response.

Full details of how these graded will found on the Moodle site.

#### Referencing Style

- [Harvard \(author-date\)](#)
- [Australian Guide to Legal Citation, 4th ed](#)

**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**

Calculator - all non-communicable calculators, including scientific, programmable and graphics calculators are authorised

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