

LWZ223 PROPERTY LAW

Credit points:	10	Mode:	Internal / External
Assumed knowledge:	LWZ100A and LWZ100B OR LWZ001	Location:	Casuarina Campus / External
Year:	2012	Learning method:	Online Resources
Semester:	Semester 1	Unit coordinator / Lecturer:	Jeswynn Yogaratnam TBA
School:	School of Law & Business	phone:	08-8946 6085
		email:	jeswynn.yogaratnam@cdu.edu.au

Unit Description

This unit involves the nature and type of proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity.

Learning Outcomes

On completion of this unit a student should be able to:

1. Identify, state and explain the operation of the fundamental principles of property law
2. Analyse legal problems and apply the principles and remedies of property law so as to formulate legally supportable arguments for addressing these problems
3. Critically evaluate the principles and remedies of property law.

Teaching and Learning Strategies

- This is a unit with a substantial content volume.
- This unit is taught primarily through the weekly delivery of recorded lectures, written materials (Study Guides and supplementary materials), and internal and online tutorial sessions.
- Additionally, three topics (marked thus * in the Learning Schedule) will be delivered online only through the delivery of pre-recorded audio-visual presentations and supporting material. Students will then be required to submit a 500 word answer to a hypothetical problem on each topic within 1 week, and discuss the topic and answers at a following

<i>Unit Information Template:</i> Version 4.0 13/11/09	<i>Administered:</i> TLQG	<i>Approved:</i> Senior DVC	<i>Next Review:</i> November 2010
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seminar.

- All unit materials will be made available on the unit Learnline site for all students, by close of business on Friday in the week preceding that in which the respective materials are to be utilised / reviewed.
- Information pertaining to administration of the unit content and its delivery will be disseminated to students through the Learnline site 'Announcements' function and via the student email facility.
- Effective organisation of time and study techniques is critical to the attainment of the Learning Outcomes described above. Students are encouraged to seek clarification and help when needed.
- It will be assumed that students will have read the prescribed material prior to the topics being covered in the audio-visual materials, the weekly tutorials and mooted exercises. This reading is most important, as it will enable students to comprehend the issues covered in the audio-visual presentations and written study materials.
- All students **must** attempt set tutorial exercises/problems **before** the relevant tutorial session.

Participation

Students must be prepared to devote at least 10 hours study per week to study in this unit in order to attain the Learning Outcomes described above.

To successfully complete this unit students are required to attend / engage with / participate in the following:

- Ten x weekly lecture series (approx 2-3 hours each).
- Three x online only presentations (approx 2 hours each) with associated submissions.
- Three x discussion seminars (approx 2 hours each) following on from the online presentations and submissions.
- **Internal** students: 1 x 1-2 hour tutorial per week (including seminar weeks).
- **External** students: 1 x 2 hour online tutorial per week (including seminar weeks).

Students should note that tutorials commence in week 2 of Semester. Please check the University Timetable for further details. Tutorials will consist of one or more of the following:-

- Problem based hypothetical scenarios whereby students are required to provide advice to hypothetical clients in relation to issues arising in the context of property law disputes. Students will be required to adopt the IRAC methodology in completing these exercises
- Mini-moots whereby students are required to prepare and deliver oral argument as against each other in support of their hypothetical client's case, by reference to relevant legal principles and authority (both statute and case-law).
- Round-table discussions whereby student groups will be asked to research a particular issue commonly arising in the context of property law disputes, as set out in the tutorial exercise / problem, and deliver their results to their peers for critical discussion and debate.

To the extent that students will be required to undertake collaborative group work, students are encouraged to utilise the unit Learnline Blog forum in addition to self-orchestrated face to face and email communications.

Students are encouraged to participate in meaningful exchanges of ideas, learning strategies, substantive information pertaining to property law issues and general discussion via the unit Learnline Blog forum. The Blog forum will be closely monitored by the lecturer with feedback provided as necessary and as appropriate from time to time.

Specific details of individual class times can be obtained by accessing the class timetable at:
<http://skua.cdu.edu.au/swseven>

Prescribed textbook(s)

- C MacDonald, A Wallace, L McCrimmon, M Weir, *Real Property Law in Queensland* 3rd ed, Lawbook Co, 2010 [**McCrimmon**]
- S Hepburn, *Australian Property Law, Cases, Materials and Analysis* LexisNexis Butterworths 2008 [**Hepburn Cases**]

Prescribed and recommend textbooks can be ordered from the CDU Bookshop through their website at www.cdu.edu.au/bookshop

Learnline (Online Learning System)

Learnline is Charles Darwin University's on-line learning system.

In this unit, Learnline will be used to:

- provide important announcements about the unit
- distribute audio-visual content, powerpoint slides, and other study materials including assessment information and materials
- complete online assessments
- access feedback from tasks and grades for assessable work
- provide a communication point where students contribute to discussions as part of their assessment, and to interact with other students in the unit

Students will need to connect to the Internet to access it, at <http://learnline.cdu.edu.au/>

If this is the first time using Learnline, click on 'Student Learnline Support' in the left-hand navigation panel BEFORE logging in.

It is recommended that all students have access to regular and reliable broadband access to complete unit requirements.

e-Reserve

e-Reserve allows electronic copies of journal articles, book chapters and lecturer notes that have been recommended by a lecturer as part of their course reading requirements. Students can access e-Reserve at <http://ereserve.cdu.edu.au.ezproxy.cdu.edu.au/cgi-bin/library>

This site is password protected. A student's CDU student login will provide access. Students can then search for items by Lecturer, Unit Code, Title, Author, keyword, Year or Date if they have that information.

Learning Schedule

Duration / Module	Topics	Required readings or student learning activities to be completed	Assessment Due
Week 1	The concept of property	Hepburn Cases Chapter 1; McCrimmon Chapter 1	
Week 2	Personal property	Hepburn Cases Chapter 4	
Week 3	Possession, seisin and title.	Hepburn Cases Chapter 2/3; McCrimmon Chapter 4	
Week 4	Doctrine of tenure and the Doctrine of estates (*)	Hepburn Cases Chapter 5; McCrimmon Chapter 2/4/6	Seminar the following week
Week 5	Legal and equitable interests in land.	Hepburn Cases Chapter 9; McCrimmon Chapter 5	
Week 6 (semester break)	Leases (*)	Hepburn Cases Chapter 7; McCrimmon Chapter 14	Seminar the following week
Week 7	Concurrent ownership	Hepburn Cases Chapter 16; McCrimmon Chapter 8	
Week 8	Acquisition and alienation of proprietary interests	Hepburn Cases Chapter 6/8; McCrimmon Chapter 7/16	
Week 9/10	Torrens Title: indefeasibility and exceptions	Hepburn Cases Chapter 11; McCrimmon Chapter 9-10, 12	
Week 11	Caveats and unregistered interests	Hepburn Cases Chapter 10; McCrimmon Chapter 11	
Week 12	Mortgages (*).	Hepburn Cases Chapter 15; McCrimmon Chapter 16	Seminar the following week
Week 13	Easements covenants and rights of way	Hepburn Cases Chapter 14; McCrimmon Chapter 5	

Overview of Assessment

Item	Description/Focus	Value	Relates to learning outcomes
1.	Problem Solving Assignment	20%	LO 2
2.	3 x hypothetical problem-based scenarios with seminar discussions on answers (at 10% each)	30%	LO 3
3.	Centrally-organised Final Invigilated Exam	50%	LO 1

Assessment Schedule

Assessment Item 1

Description/Focus: Group Problem Solving Assignment
Value: 20 %
Due date: Monday, Week 10

Task: Students will be required to identify legal issues in property law arising from a given set of hypothetic facts and thereafter state, analyse and apply the law relevant to the issues so as to formulate a conclusion as to how the legal issues might be resolved This assessment item should be not more than 1500 words in length.

Assessment Item 2

Description/Focus: 3 x Group Problem-based exercises with seminar-based solution participation
Value: 30 % (10% each)
Due date: Friday, Weeks 5, 7 and 13

Task: Students will be required to participate / engage in a seminar exercise in relation to the materials covered in the unit.

Three topics (marked above *), namely, doctrine of tenure and estate, leases, and mortgages, will each be delivered online through pre-recorded audio-visual presentations with supporting materials. Students will be given a hypothetical problem as part of the topic delivery, and required to present a 500-word answer to the problem within 1 week. Students will also be required to participate in an analysis and discussion on the topic and the proffered answers at a following seminar.

Assessment Item 3

Description/Focus: Centrally-organised Invigilated Final Exam
Value: 50 %
Due date: University Central Exams period – TBA

Task: Students will be required to undertake a final invigilated exam in relation to the material covered in the entire unit, during the Central Examinations Period.

Centrally-organised Invigilated Final Exams

Students who reside 80km or less from a CDU exam centre are required to attend at the centre nominated by CDU.

Students who reside 80km or more from a CDU exam centre are required to attend at a designated exam centre, usually another educational institution, with which arrangements have been made by CDU for the provision of examination arrangements and invigilation.

Students who reside 80km or more from a designated exam centre may need to arrange private invigilation. However, private invigilation arrangements must be approved by CDU before arrangements can be finalised.

CDU's examinations centre will contact all external students early in the centre concerning requirements for external exams and invigilation.

Failure to make invigilation arrangements and to return the appropriate information by the due date may jeopardise a student's opportunity to sit for examinations.

CDU Graduate attributes

CDU graduate attributes refer to those skills, qualities and understandings that should be acquired by students during their time at the University regardless of their discipline of study. (See <http://www.cdu.edu.au/teachingandlearning/gradattributes.html>).

In this unit, the following graduate attributes are developed:

Attribute	Description	Learning outcomes
Acquisition	Can identify, retrieve, evaluate and use relevant information and current technologies to advance learning and execute work tasks.	LO 1, 2, 3
Application	Is an efficient and innovative project planner and problem solver, capable of applying logical and critical thinking to problems across a range of disciplinary settings and has self-management skills that contribute to personal satisfaction and growth.	LO 1, 2, 3
Creativity	Can conceive of imaginative and innovative responses to future orientated challenges and research.	LO 2, 3
Knowledge base	Has an understanding of the broad theoretical and technical concepts related to their discipline area, with relevant connections to industry and professional knowledge.	LO 1, 2, 3
Flexibility	Can function effectively and constructively in an inter-cultural or global environment and in a variety of complex situations	LO 2, 3

University Plagiarism policy

Plagiarism is the unacknowledged use of material written or produced by others or a rework of one's own material. All sources of information and ideas used in assignments must be referenced. This applies whether the information is from a book, journal article, the internet, or a previous essay or the assignment of a friend.

Plagiarism or other acts of academic dishonesty if proved may have very serious consequences for those wishing to be admitted to practise as a legal practitioner, as proven dishonesty may lead to refusal of admission by the relevant Legal Practitioners Admission Board.

The University Plagiarism policy is available at:

<http://www.cdu.edu.au/governance/documents/3.3academicandscientificmisconduct.pdf>

Exam Rules

Exam rules are available at

<http://www.cdu.edu.au/governance/documents/ExaminationRules.pdf>