



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: Advanced Property Law B

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-------------|
| LAW | 5704 | 91264 | 2, 2009 | ONC | 1.00 | Springfield |

| | |
|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090900 |

STAFFING

Examiner: Rachel Baird
Moderator: Reid Mortensen

REQUISITES

Pre-requisite: LAW5703

OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.

SYNOPSIS

This course continues the study of property law commenced in Property Law A. It looks at particular issues of property law in greater depth which are important to understanding the commercial context of property transactions. Topics covered will include mortgages and other interests in land, community title schemes and drafting of leases and other documents. Students will debate contemporary property law issues.

OBJECTIVES

On successful completion of this course students should be able to:

1. describe the extent of land and the rights of landowners
2. describe the scope and meaning of real property
3. describe and apply the law relating to community title schemes, mortgages, easements, landlord and tenant and freehold covenants to given fact situations in order to determine the likely outcome to issues raised
4. demonstrate an ability to draft legal documents creating and transferring interests in property
5. locate and analyse primary law materials and secondary materials (as relevant) while critically reviewing an issue in law relevant to the topics considered in this course

6. demonstrate satisfactory communication skills.

TOPICS

| | Description | Weighting (%) |
|----|---|---------------|
| 1. | The extent of real property | 5.00 |
| 2. | The scope and meaning of real property (boundaries, mistake of title and encroachments) | 10.00 |
| 3. | Leases | 10.00 |
| 4. | Torrens title | 35.00 |
| 5. | Unregistered interests | 10.00 |
| 6. | Mortgages | 15.00 |
| 7. | Easements, restrictive covenants and caveats | 15.00 |

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LEGISLATION: This will be referred to in class. There is no need to print off whole Acts although sections of legislation (as directed) will be required for this course which is heavily reliant upon statute law.

LAW5704 course content CD available for purchase from the USQ Bookshop. Note that course content is also available on-line via the USQ Study Desk.

Hepburn, S 2008, *Australian property law: cases, materials and analysis*, LexisNexis Butterworths, Chatswood, New South Wales.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

CCH Online [electronic database]: Conveyancing Law Library, Buying and Selling Businesses - Personal Property Library accessible via USQ Library Database Services at <http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=28>.

LexisNexis AU [electronic database]: Australian Property Law Journal - accessible via USQ Library Database Services <http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=76>.

Legal Online [electronic database]: Property Law and Practice, Land Titles Law and Practice (Accessible via USQ Database Services <http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=235>).

Butt, P 2006, *Land law*, 5th edn, Lawbook Company, Pyrmont, New South Wales.

Chambers, R *An introduction to property law in Australia*, 2nd edn, Lawbook Company, Pyrmont, New South Wales.

Edgeworth, BJ, Rossiter, CJ, Stone, MA & O'Connor, PA 2008, *Sackville and Neave Australian property law*, 8th edn, LexisNexis Butterworths, Chatswood, New South Wales.

Megarry, R & Wade, W 2007, *The law of real property*, 7th edn, Sweet & Maxwell, London, England.

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|------------------------|-------|
| Assessments | 45.00 |
| Directed Study | 50.00 |
| Lectures and Tutorials | 44.00 |
| Private Study | 36.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date | Objectives assessed | Graduate skill | Level assessed |
|-----------------------|--------------|---------|------------------------|---------------------|----------------|----------------|
| TAKE-HOME EXAMINATION | 40.00 | 40.00 | 16 Sep 2009 | 3, 4, 5, 6 | | |
| 2-HOUR EXAMINATION | 60.00 | 60.00 | END S2 (see note 1) | 2, 3, 4, 5, 6 | | |

NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.

- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:
This will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
- 7 Examination period when Deferred/Supplementary examinations will be held:
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

ASSESSMENT NOTES

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the examiner. (ii) Students must retain a copy of each assignment submitted for assessment. This must be produced within 24 hours if required by the examiner. (iii) In accordance with university policy, the examiner may grant an extension of the due date of an assignment in extenuating circumstances. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The examiner will not accept submission of assignments by facsimile. (vii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the examiner's convenience.
- 2 Course weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
- 3 Referencing in assignments: Students studying this course as part of a Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in the Juris Doctor may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>.
- 4 Dishonest actions: (i) Any student who is alleged to have performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the academic regulations. (ii) Pieces of assessment should be the work of

individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the examiner. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, that is, taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.

- 5 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

OTHER REQUIREMENTS

- 1 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <<http://www.usq.edu.au/ict/students/standards/default.htm>>.
-