



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: Property Law A

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	3203	87206	1, 2009	EXT	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090900

### STAFFING

Examiner: Rachel Baird  
Moderator: Reid Mortensen

### REQUISITES

Pre-requisite: LAW1201

### OTHER REQUISITES

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

### SYNOPSIS

Possession and transfer of property of all types has been and continues to be a source of wealth and the primary activity of commercial and private endeavour. The legal rules that determine how these transactions take place are vital for ensuring stability. This course is designed to introduce students to the concepts of property and basic principles of property law. Students will gain an awareness of concepts of real and personal property and principles governing the possession, creation and transfer of interests in property, tenures and estates in co-ownership. The recognition of native title and subsequent case law and legislation will be examined, as will concepts of Crown land and leasehold.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. identify, describe and evaluate the general policies underlying the law of property in Australia (Quiz, Examinations)
2. describe how law protects various property interests (Quiz, Examinations)

3. demonstrate an understanding of how property is created, transferred and secured (Quiz, Examinations)
4. outline the resolution of disputes involving competing proprietary interests (Quiz, Examinations)
5. understand the fragmentation of property rights and the existence of differing proprietary interests (Quiz, Examinations)
6. critically analyse the operation of native title (Examinations)
7. demonstrate satisfactory communication skills (Quiz, Examinations).

## TOPICS

	Description	Weighting (%)
1.	Concepts of property including the theoretical basis for property law, the historical development of property law and the distinction between real and personal property	10.00
2.	Acquisition and disposal	5.00
3.	Possession and ownership	10.00
4.	Bailment	10.00
5.	Tenures and estates	10.00
6.	Native title	10.00
7.	Crown leasehold	10.00
8.	Legal and equitable interests	10.00
9.	Co-ownership	10.00
10.	Priorities	10.00
11.	Nature of interests	5.00

## 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).

LAW3203 study package available from the USQ Bookshop.

Bradbrook, AJ, MacCallum, SV & Moore, AP 2007, *Australian real property law*, 4th edn, Lawbook Co, 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.

## 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 Electronic Libraries [electronic database]: Conveyancing Law Library, Buying & Selling Businesses - Personal Property Library - accessible via USQ Library Database Services  
<[http://www.usq.edu.au/library/eservices/ezp\\_cch.htm](http://www.usq.edu.au/library/eservices/ezp_cch.htm)>.

LexisNexis AU [electronic database] - accessible via USQ Library Database Services  
<[http://www.usq.edu.au/library/eservices/ezp\\_lexis\\_nexis.htm](http://www.usq.edu.au/library/eservices/ezp_lexis_nexis.htm)>.

Queensland Conveyancing Law and Practice

Christensen, S, Conveyancing manual (Qld) [online subscription available through LBC]

Christensen, S Dixon & Wallace, A, Land titles law and practice [online subscription available through LBC]

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

Chambers, R 2008, *An introduction to property law in Australia*, 2nd edn, Lawbook Co, Pyrmont, New South Wales.

Duncan, WD 2008, *Commercial leases in Australia*, 5th edn, Lawbook Co, Pyrmont, New South Wales.

Megarry, R & Wade, W 2008, *The law of real property*, 7th edn, Sweet & Maxwell, London.

Toohar, J & Dwyer, B 2008, *Introduction to property law*, 5th edn, LexisNexis Butterworths, Chatswood, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	40.00
Directed Study	50.00
Private Study	75.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ONLINE QUIZ	20.00	20.00	09 Apr 2009
TAKE-HOME EXAMINATION	30.00	30.00	18 May 2009
2 HOUR EXAMINATION	50.00	50.00	END S1 (see note 1)

### 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:

If you are an international student in Australia, you are advised to attend all classes if any are offered at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility 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 weighted aggregate of the marks (or grades) 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 Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

## 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 USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.
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