

School of Taxation and Business Law

TABL2792/BENV2814 REAL PROPERTY LAW

Course Outline Semester 2, 2017

Course-Specific Information

The Business School expects that you are familiar with the contents of this course outline. You must also be familiar with the Course Outlines Policies webpage which contains key information on:

- Program Learning Goals and Outcomes
- Academic Integrity and Plagiarism
- Student Responsibilities and Conduct
- Special Consideration
- Student Support and Resources

This webpage can be found on the Business School website:

<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

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COURSE-SPECIFIC INFORMATION

1 STAFF CONTACT DETAILS

Lecturer	Contact time and availability	Email
Helen Cosby (Lecturer-in-charge)	In class or by appointment only	H.Cosby@unsw.edu.au

Communication with Staff

When you contact staff by email, please:

- Use your University (not personal) email address
- Specify the course TABL2792 or BENV2814 as appropriate; and
- Sign off by using your name and zid.

2 COURSE DETAILS

2.1 Teaching Times and Locations

Lectures start in Week 1(to Week 12): There are two streams for this class – the times and locations are:

Monday 15:00 – 18:00
Law Theatre G23*

Thursday 17:00 – 20:00
Chemical Sc M11*

Note: You must attend the lecture that you are enrolled in.

* Locations may be subject to change.

2.2 Units of Credit

The course is worth 6 units of credit.

2.3 Summary of Course

Introduction to fundamental concepts of real property law, including concepts of land, tenure, title, possession, estates, successive and concurrent interests, priorities, covenants, easements, mortgages, charges, caveats, acquisition, sale, valuation, use, development, planning and dispute resolution relating to land in NSW.

2.4 Course Aims and Relationship to Other Courses

The aim of this course is to introduce and encourage awareness of key fundamental legal principles and concepts relating to land, including the historical development and operation of land-related issues in NSW.

2.5 Student Learning Outcomes

By the end of this course, you should be able to:

1. Understand the historical underpinnings of real property law in Australia, and identify legal issues in relation to land.
2. Understand the fundamental nature of 'property', 'ownership', 'possession' and 'title' and other key land-law related concepts and practices, including the doctrine of estates, fixtures, concurrent and successive title, and the Torrens system.
3. Understand the types of land 'ownership' and other related rights, responsibilities and restrictions (with a focus on NSW).

4. Be aware of law, principles and practice involved in the valuation, sale, use and development of land.
5. Understand land-related remedies and dispute resolution alternatives.

The Course Learning Outcomes are what you should be able to DO by the end of this course if you participate fully in learning activities and successfully complete the assessment items.

The Learning Outcomes in this course also help you to achieve some of the overall Program Learning Goals and Outcomes for all undergraduate students in the Business School. Program Learning Goals are what we want you to BE or HAVE by the time you successfully complete your degree (e.g. 'be an effective team player'). You demonstrate this by achieving specific Program Learning Outcomes - what you are able to DO by the end of your degree (e.g. 'participate collaboratively and responsibly in teams').

For more information on the Undergraduate Program Learning Goals and Outcomes, see: <https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in other class activities):

Program Learning Goals and Outcomes		Course Learning Outcomes	Course Assessment Item
<i>This course helps you to achieve the following learning goals for all Business undergraduate students:</i>		<i>On successful completion of the course, you should be able to:</i>	<i>This learning outcome will be assessed in the following items:</i>
1	Knowledge	Identify legal issues that arise in relation to land in NSW.	<ul style="list-style-type: none"> • Assignment • Mid-session test • Exam
2	Critical thinking and problem solving	Analyse legal issues in a logical and structured way, including by identifying problems, researching relevant sources, proposing an outcome and identifying possible challenges to the proposed outcome.	<ul style="list-style-type: none"> • Assignment • Mid-session test • Exam
3a	Written communication	Construct written work which is logically and professionally presented.	<ul style="list-style-type: none"> • Assignment • Exam
3b	Oral communication	Communicate ideas in a succinct and clear manner.	<ul style="list-style-type: none"> • Class participation but not separately assessed
4	Teamwork	Work collaboratively to complete a task.	<ul style="list-style-type: none"> • Part of in-class activities, but not separately assessed
5a.	Ethical, social and environmental responsibility	Identify and assess ethical, environmental and sustainability considerations in legal problems concerning land in NSW.	<ul style="list-style-type: none"> • Not specifically assessed in the course, apart from where assignment and exam address environmental law.

5b.	Social and cultural awareness	Not specifically addressed in this course.	
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3 LEARNING AND TEACHING ACTIVITIES

3.1 Approach to Learning and Teaching in the Course

This course is conducted with the aim of promoting student-centred learning.

This aim will be achieved by requiring students to engage with the topics presented in the course through set weekly readings, interaction in class discussions and, as required, independent research.

Real Property Law focuses on key land-related human activities including its acquisition, use, development, management, valuation and sale in the context of wider legal, planning, social, economic and environmental concepts and principles. Since many students taking this course will presumably at some point operate within the Australian property sector in some capacity, it is essential to have awareness and understanding of the key laws pertaining to real property and the way in which these affect all holdings and dealings in land. This course has been developed for the benefit of those interested in developing their awareness and understanding of the state of land-related law in NSW. The teaching approach involves extensive and diligent preparatory reading by students, lectures and a combination of both structured and informal class discussion.

While the assessment in this course is designed to test students' knowledge of the key principles that establish the framework of common law dealings in land, an important focus of the assessment regime is to test how well students can *apply* this knowledge in identifying legal and regulatory issues concerning land transactions.

3.2 Learning Activities and Teaching Strategies

This course involves three hours of teaching time per week.

Lectures are a critical part of your learning in this course. However, you should keep in mind that they do not substitute or summarise the prescribed readings. The **readings** are an essential element of the course, both in terms of preparing you for the classes and for achieving sufficient depth of knowledge. If you fail to read the material before class or to prepare for any discussion topics identified during lectures, you will derive much less benefit from the classes. The classes are very carefully prepared to complement your own preparation, not to replace it. It is your responsibility to play an *active* part in your learning. This entails *preparation* before class, *review* of your notes after class, and *asking questions* on any aspect you are uncertain about.

This course assumes no existing knowledge of the topics to be covered during the session.

4 ASSESSMENT

4.1 Formal Requirements

In order to pass this course, you must:

- achieve a composite mark of at least 50;
- make a satisfactory attempt at all assessment tasks (see below); and
- attend at least 80 per cent of classes.

4.2 Assessment Details

Assessment Task	Weighting	Length	Due Date
Research assignment	40%	2000 words	Week 7: Thursday 7 September 2017 by 5.00pm
Mid-session test	20%	N/A	Week 8: Monday 11 and Thursday 14 September 2017 in class (you must attend the class in which you are enrolled)
Final Exam	40%	2 hours	University Exam Period
Total	100%		

4.3 Assessment Format

Research Assignment – 40%

This is a research assignment on key principles of land law. The assignment will be issued in Week 4 and will be due by 5.00pm on Thursday 7 September (Week 7).

Word limit: The word limit for the research assignment is **2,000** words. This limit will be **strictly enforced**.

Students are solely responsible to ensure that they have attached a completed cover page. The style of cover page is attached to this Course Outline.

- The Assignment must be submitted via Turnitin (see Moodle)
- Check your similarity score, amend and re-submit your assignment as required, **but the final version must be submitted by 5.00pm on Thursday 7 September 2017**. The version that is available as at that time will be taken to be your final version.
- See paragraphs 4.4 and 4.5 regarding Assignment Submission Procedure
- You must comply with the Style Guide which will be posted on Moodle.

Mid-Session Test – 20%

The examination will consist of 20 short answer questions. The exam will be done in class from 5.15pm in Week 8. **You must attend the class in which you are enrolled**. The lecture will follow the exam.

The exam will be open book. You may bring the textbook and your own written notes. You will not be permitted to share books or notes during the exam. Use of electronic items such as tablets and smart phones will not be permitted during the exam.

Final Exam – 40%

The final exam is an open-book, written exam. There will be no restrictions on the written materials that students are permitted to take into the exam room.

All questions in the final exam will be of a problem type – i.e. you will be given a series of facts and will be required to appropriately identify from these facts the relevant legal issue(s), and provide an explanation/analysis of these issues.

The final exam can cover all aspects of the course.

Further details will be provided about the final exam during the semester.

The final exam is worth a total of 40 marks.

You **MUST** receive a minimum of 40% on the final exam (i.e. 16 marks out of 40) in order to pass the course.

Date: The Final Examination will be held on a date and at locations to be advised in the UNSW Examination Timetable. The duration of the Final Examination will be two hours plus 10 minutes reading time.

4.4 Assignment Submission Procedure

The research assignment must be submitted by the due date via Turnitin on the Moodle site for the class.

4.5 Late Submission and Penalties

The research assignment must be submitted by the stated due date. Any assessment task submitted late will not be accepted unless prior written approval has been granted by the Lecturer.

Assessment tasks that are submitted after the due date and time without prior written approval will have 20% deducted per day (or part thereof) late. Please note: mark deductions will be imposed immediately after the time the assignment is due. Any assignment submitted 5 or more days late will score 0.

If you foresee that you will have problems submitting a task on time, you should contact the lecturer-in-charge immediately. Only the lecturer-in-charge can grant an extension for an assignment.

Do not wait until the due date to ask for an extension. No extensions will be granted on the due date itself.

If circumstances beyond your control mean that you cannot complete an assignment by the due date you should make an application for special consideration (see the Course Outlines Policies webpage on the Business School website). These applications are reserved for illness or misadventure, not work commitments. Work commitments and clashes with other courses are not a valid reason for special consideration applications.

Computer or printer failure is not an acceptable special circumstance for an extension of time. Students are expected to make back-up copies of their assignments and have contingency plans for any potential printing problems.

Quality Assurance

The Business School is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential.

5 COURSE RESOURCES

Prescribed text:

Webb and Stephenson, *Focus Land Law*, 4th ed., LexisNexis, Sydney, 2015.

Recommended texts:

Lyster, R., et al, *Environmental & Planning Law in New South Wales*, 4th ed., The Federation Press, Sydney 2016.

A reference list, and recommended further readings for each week of the course, will be issued on Moodle during the session.

Electronic Databases:

The UNSW library subscribes to several electronic databases. The UNSW library database can be accessed at: <https://www.library.unsw.edu.au/study/information-resources/databases>

6 COURSE EVALUATION AND DEVELOPMENT

Each year feedback is sought from students and other stakeholders about the courses offered in the School and continual improvements are made based on this feedback. Towards the end of the semester, you will be asked to complete an online myExperience survey via Moodle to evaluate the effectiveness of your course lecturer and the actual course content. Your input into this quality enhancement process through the completion of these surveys is extremely valuable in assisting us in meeting the needs of our students and in providing an effective and enriching learning experience. The results of all surveys are carefully considered and do lead to action towards enhancing the quality of course content and delivery.

7 COURSE SCHEDULE

Week	Topic	Outline of Lecture content	Weekly readings
Week 1 24 July	Introduction	Intro to the legal system. What is property?	<i>Webb & Stephenson</i> Chapter 1
Week 2 31 July	Real property concepts	Property Land and tenure Possessory title Native Title	<i>W & S</i> paras: 2.1 to 2.23 3.1 to 3.35 4.1 to 4.31
Week 3 7 August	Successive interests	Estates Future interests Perpetuities	<i>W & S</i> paras: 2.24 to 2.31 6.1 to 6.35 7.1 to 7.20 8.1 to 8.21
Week 4 14 August	Concurrent interests	Legal and equitable interests Co-ownership	<i>W & S</i> paras: 9.1 to 9.32 10.1 to 10.26 11.1 to 11.47
Week 5 21 August	The Torrens System	The Torrens System and indefeasibility Priorities and caveats	<i>W & S</i> paras: 12.1 to 12.40 13.1 to 13.20 13.31 to 13.63
Week 6 28 August	Leases & Licences Mortgages	Leases Easements Mortgages	<i>W & S</i> paras: 16.9 to 16.44 19.1 to 19.22 20.1 to 20.17 21.2 to 21.22
Week 7 4 September	Property transactions Part I (Assignment due)	Acquisition & transfer of proprietary interests in land <i>REVISION</i>	<i>W & S</i> paras: 5.1 to 5.31
Week 8 11 September	Property transactions Part II (Mid-session test)	Standard land contracts Formal requirements – conveyancing overview	To be advised in class in Week 7
Week 9 18 September	Remedies	Breach of contract Old system and Torrens system remedies	<i>W & S</i> paras: 14.1 to 14.36 3.36 to 3.39 3.43 to 3.44 18.52 to 18.58
Mid-semester break: Saturday 23 September – Monday 2 October – Labour Day Public Holiday			
Week 10 3 October	Environmental Law	Scope, sources and objectives of environmental laws The Land & Environment Court <i>REVISION</i>	<i>Lyster et al</i> pages: 1 to 28 and 42 to 50
Week 11 9 October	Planning Law	The planning framework – EPIs Development Planning & consent authorities	<i>Lyster et al</i> pages: 59 to 73 and 91 to 100
Week 12 16 October	Valuation of land and land interests	Concept of value Valuers Compulsory acquisition	To be advised in class
Week 13 23 October	<i>NO LECTURES</i>		