

730-326 Property A

Credit Points:	12.50
Level:	3 (Undergraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: Semester 1, - Taught on campus. A combination of large lectures and seminars
Time Commitment:	Contact Hours: Four contact hours per week Total Time Commitment: 144 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Obligations; Contracts or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Prof Michael William Bryan
Subject Overview:	This subject introduces students to the conceptual framework for understanding the principles of real and personal property and examines the role of law in defining and regulating proprietary relationships. The major substantive focus is on Australian land law. Topics include: the concept of property including possession, ownership and indigenous land interests; the boundaries of property including fixtures and licences to use property; the history of Australian land law; Crown title; Crown powers to deal with land; tenure; estates; security interests; joint and common ownership; profits a prendre; easements; restrictive covenants; the nature, creation, acquisition, disposal, enforceability and registration of property interests in land (including equitable interests), especially under the Torrens land registration system; formalities; equitable and legal priorities under the Torrens Land Registration system.
Objectives:	<p>On completion of this subject students should have an understanding of the conceptual aspects of property and the role of law in defining and regulating proprietary rights and relationships. More specifically, students should be able to:</p> <ul style="list-style-type: none"> # demonstrate a sound understanding of, and the ability to critically evaluate: <ul style="list-style-type: none"> - the concept of property and its variable interpretation in different social economic and cultural contexts - the various forms of proprietary interests including real property, personal property, intellectual property and emerging areas of property regulation - the historical development of Australia's land law system, the historical and contemporary role of the Crown and the rights of indigenous Australians within Australia's land law system - the essential characteristics of a proprietary interest # describe: <ul style="list-style-type: none"> - the possible sources of proprietary rights - different judicial approaches to proprietary rights

	<ul style="list-style-type: none"> - the policy issues underlying the recognition of particular interests as proprietary or non proprietary # describe and apply the rules governing co-ownership, the range of estates and interests in land, the Torrens land registration system and the resolution of priority disputes over land # evaluate the social role and implications of legal rules, particularly in a culturally diverse society such as exists in Australia, and explore the possibilities for reform # demonstrate an ability to analyse and interpret relevant case law and statutes, and identify and apply the legal principles arising from these in a range of written activities
Assessment:	Hurdle Requirement: A written assignment 1500 words to be marked on a pass/fail basis. Research essay: 2500 word limit worth 50%. Set in week 2 and due in week 8. AND final examination: open book; 2 hours writing time, plus 30 minutes reading time; worth 50%.
Prescribed Texts:	Printed Materials will be issued by Melbourne Law School Transfer of Land Act 1958 (Vic) Casebook to be advised.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # the capacity to participate as a member of a team # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # case reading and analysis, including an ability to:- extract important features from judgments - reconcile judgments - evaluate the development of legal principles - apply legal principles arising from case law to new situations <ul style="list-style-type: none"> # reading, interpreting and analysing statutes and their application to given factual situations hypothetical problem solving, including an ability to: - identify legal issues arising in complex fact situations; - identify and apply relevant legal, equitable and statutory principles; and - provide advice as to the rights and obligations of the parties. <ul style="list-style-type: none"> # legal drafting # legal research and writing skills, including an ability to: <ul style="list-style-type: none"> - to locate current primary legal sources and to interpret the relative authority of the sources - find secondary sources - use case law, statutes and secondary sources as part of legal analysis - identify and summarise legal principles - evaluate the significance and implications of judgments and issues to which they relate in a case note exercise