

LAWS50030 Property

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. Two 2 hour seminars per week.
Time Commitment:	Contact Hours: 4 hours per week. Total Time Commitment: 144 hours.
Prerequisites:	LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50026 Obligations; LAWS50027 Dispute Resolution.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Dr Kirsty Gover
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
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: <ul style="list-style-type: none"> # The concept of property in diverse social, economic and political contexts including indigenous land interests, international law and intellectual property; # The boundaries of property including distinctions between contract and property, real and personal property including fixtures and licenses to use property; # Acquisition and regulation of personal and real property including possession, ownership and formalities; # The history of Australian land law; # Crown title and Crown powers to deal with land; # Tenure and estates;

	<ul style="list-style-type: none"> # Joint and common ownership; # Non-possessory interests in land including: <ul style="list-style-type: none"> - Security interests; - Profits a prendre; - Easements; - Restrictive covenants. # The nature, creation, acquisition, disposal, enforceability and registration of property interests in land, especially under the Torrens land registration system; # 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, the role of law in defining and regulating proprietary rights and relationships and the major legislative frameworks and common law principles governing such 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 legal proprietary interests including real property, personal property, intellectual property and emerging forms of property and the forms of law and regulation that pertain to proprietary interests; - The historical development and current operation 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 and how these may be distinguished from non-proprietary rights. # Describe: <ul style="list-style-type: none"> - The possible sources of proprietary rights arising in statute, common law and equity; - Different judicial approaches to the recognition and protection of proprietary rights; - The policy issues underlying the recognition of particular interests as proprietary or non-proprietary in emerging areas such as intellectual property or natural resources. # Identify, evaluate and apply the legal rules governing co-ownership, the range of estates and interests in land, the role of the Crown, the implementation of the Torrens land registration system and the resolution of priority disputes over land; # Identify how property law interfaces with other areas of law such as contract, tort and equity in order to evaluate the role of property law in land and property transactions; # 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 law reform; # Demonstrate an ability to research, analyse and interpret relevant case law and statutes; and # Identify, apply and assess the legal principles arising from case law and statutes in a range of applied contexts including written assignments.
Assessment:	Conveyancing exercise: group exercise conducted in class, not for assessment;Supervised open-book 3-hour examination (100%).
Prescribed Texts:	Edgeworth, B, Rossiter, CJ, Stone MA and O'Connor PA, Sackville and Neave, Property Law: Cases and Materials, 8th edition, LexisNexis-Butterworth, 2008 ("CB").Printed Materials issued by the Law School.Transfer of Land Act 1958 (Vic).
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 a rigorous approach to research and the presentation of information, 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 effectively in a range of oral and written formats;

- # The capacity to plan and manage time;
- # Intercultural sensitivity and understanding.

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # Case reading and analysis, including an ability to:
 - Extract key legal meanings and rules from judgments;
 - Reconcile or distinguish judgments;
 - Evaluate the development of legal principles;
 - Apply legal principles arising from case law to new situations.
- # Reading, interpreting and analysing statutes and their application to given factual situations;
- # Legal analysis and problem solving, including an ability to:
 - Identify legal issues arising in complex fact situations;
 - Identify and apply relevant legal, equitable and statutory principles;
 - Provide advice as to the rights and obligations of the parties.
- # Legal research and writing skills, including an ability to:
 - To locate current primary legal sources and to interpret the relative authority of the primary sources;
 - Find relevant and topical secondary sources;
 - Use case law, statutes and secondary sources as an effective component of legal analysis and commentary;
 - Identify and summarise legal principles and evaluate their relevance in given contexts;
 - Evaluate the significance and implications of judgments and issues to which they relate in applied and contextual exercises;
 - Present an appropriately structured and well supported complex legal argument in written form.

Related Course(s):

Juris Doctor