

## LEGL3005: Concepts and Issues in Property and Commercial Law

Newcastle City Precinct  
Semester 2 - 2023



THE UNIVERSITY OF  
NEWCASTLE  
AUSTRALIA

## OVERVIEW

### Course Description

This course provides students with a general introduction to fundamental concepts and legal issues in the areas of property law and commercial law in Australia. This course adds to existing legal courses relevant to students undertaking a Bachelor of Commerce (Accounting).

### Requisites

Students enrolled in a combined Bachelor of Laws (Hons) program are not eligible to enrol in this course.

Bachelor of Social Science / Bachelor of Laws (Honours) [12341]

Bachelor of Communication/Bachelor of Laws (Honours) [12342]

Bachelor of Science/Bachelor of Laws (Honours) [12346]

Bachelor of Laws (Honours) / Diploma of Legal Practice [12347]

Bachelor of Business/Bachelor of Laws (Honours) [40036]

Bachelor of Commerce/Bachelor of Laws (Honours) [40037]

Bachelor of Innovation and Entrepreneurship/Bachelor of Laws (Honours) [40129]

Bachelor of Development Studies/Bachelor of Laws (Honours) [40130]

Bachelor of Arts/Bachelor of Laws (Honours) [40150]

Bachelor of Global Indigenous Studies/Bachelor of Laws (Honours) [40188]

Bachelor of Science/Bachelor of Laws (Honours) [40189]

Bachelor of Criminology/Bachelor of Laws (Honours) [40272]

Bachelor of Coastal and Marine Science/Bachelor of Laws (Honours) [40279]

Bachelor of Biomedicine/Bachelor of Laws (Honours) [40280]

Bachelor of Psychological Science/Bachelor of Laws (Honours) [40290]

### Assumed Knowledge Contact Hours

LEGL1001 Foundations of Law

Newcastle City Precinct

Self-Directed Learning

Self-Directed

1 hour(s) per Term Full Term starting Week 1

### Seminar

Face to Face On Campus

2 hour(s) per Week for Full Term starting Week 1

### Unit Weighting Workload

10

Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

# COURSE OUTLINE

[www.newcastle.edu.au](http://www.newcastle.edu.au)

CRICOS Provider 00109J

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# CONTACTS

<b>Course Coordinator</b>	Dr Glen Anderson Glen.Anderson@newcastle.edu.au 02 4921 5980 Consultation: TBA.
<b>Teaching Staff</b>	Other teaching staff will be advised on the course Canvas site.
<b>School Office</b>	<b>Newcastle Law School</b> 5th Floor NU Space 409 Hunter Street Newcastle Law-School@newcastle.edu.au +61 2 4921 8666

# SYLLABUS

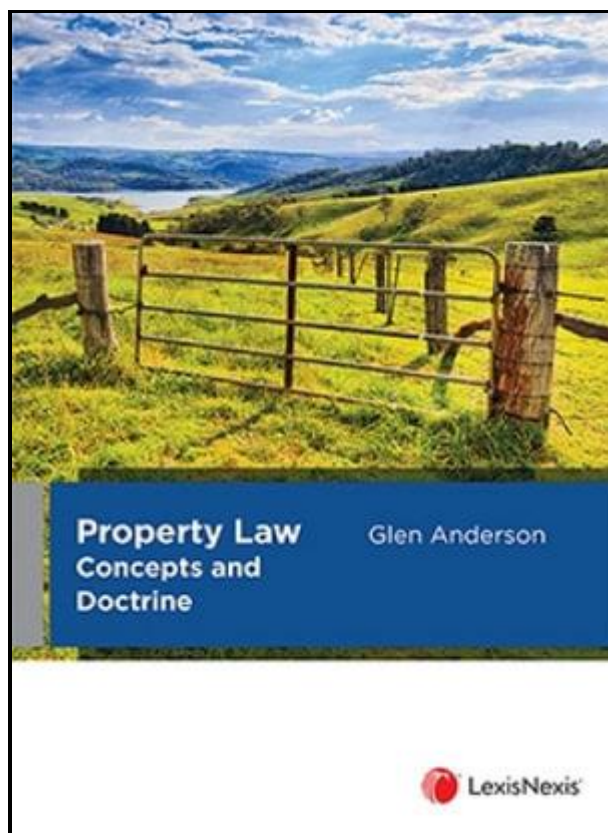
<b>Course Content</b>	Topics in this course are: <b>Module 1: Introduction to Property Law</b> <ul style="list-style-type: none"><li>• What is Property? A Lawyer's Perspective</li><li>• Real and Personal Property</li><li>• Legal and Equitable Property</li><li>• Intellectual Property</li></ul> <b>Module 2: Real Property and Registrable Interests in Land</b> <ul style="list-style-type: none"><li>• Native Title</li><li>• Registered Titles - Torrens, Strata and Community Title Systems</li><li>• Mortgages</li><li>• Leases - Commercial and Residential</li></ul> <b>Module 3: Business Dealings</b> <ul style="list-style-type: none"><li>• Sale of Goods</li><li>• Consumer Credit</li><li>• Insurance</li><li>• Bankruptcy</li></ul>
<b>Course Learning Outcomes</b>	<b>On successful completion of this course, students will be able to:</b> <ol style="list-style-type: none"><li>1. Evaluate and compare approaches to the concepts of property and ownership in different legal systems.</li><li>2. Identify the main features of legislative schemes for regulating different types of property rights in Australia.</li><li>3. Explain the purpose and effectiveness of the Torrens land title registration system, including the different types of land titling systems.</li><li>4. Describe the key steps required to create registrable interests in land including mortgages and leases.</li><li>5. Apply basic legal concepts in commercial law to identify solutions to legal problems encountered by businesses in commercial dealings with consumers and other businesses.</li></ol>

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**Course Materials**

The textbook for the course will be:

Glen Anderson, *Property Law: Concepts and Doctrine* (LexisNexis 2022).



# SCHEDULE

Week	Week Begins	Topic
1	18 Jul	What is Property? A Lawyer's Perspective
2	25 Jul	Real and Personal Property
3	1 Aug	Legal and Equitable Property
4	8 Aug	Intellectual Property
5	15 Aug	Native Title
6	22 Aug	Registered Titles – Torrens and Strata Title Systems
7	29 Aug	Mortgages
8	5 Sep	Leases - Commercial and Residential
9	12 Sep	Sale of Goods
10	19 Sep	Consumer Credit
11	10 Oct	Insurance
12	17 Oct	Bankruptcy
13	24 Oct	No Lecture

# ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Time Restricted Problem and Essay Style Questions	1 November 2023 11:30PM	Individual	50%	1, 2, 3, 4, 5
2	Research Essay	24 September 2023 11:30PM	Individual	40%	1, 2, 3, 4, 5
3	Seminar Participation	NA	Individual	10%	1, 2, 3, 4

## Late Submissions

The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

## Assessment 1 - Time Restricted Problem and Essay Style Questions

### Assessment Type Description

Time Restricted Problem and Essay Style Questions

This will be an open book take home assessment. It will require application of the principles taught in the course to particular fact situations and may also require short answer responses to essay style questions. Further information will be provided by the convenor regarding the general content of the examination closer to the examination period.

### Weighting

50%

### Due Date

1 November 2023 11:30PM

### Submission Method

Via Canvas

### Assessment Criteria

Three criteria will be used:

1. Identifies and applies the relevant principles of property law.
2. Develops a persuasive and well-reasoned response to the question(s).
3. Structures the analysis in a logical way (using headings where appropriate).

### Return Method

NA

### Feedback Provided

No

## Assessment 2 - Research Essay

### Assessment Type Description

Research Essay

The first assessment will be an essay question with a word limit of 1000 words. The purpose of this assessment is to allow students to explore some of the general legal theory, policy issues and doctrine that arise in current property and commercial law and to develop skills in legal research. There are a variety of questions to choose from. Students must indicate the

question number (i.e., write the number) on the front coversheet attached to their paper. Students must also type the question at the top of the first page of the essay.

These words, along with the footnotes and bibliography, will be excluded from the overall word count. Students must also indicate the question number (i.e., write the number) on the front coversheet attached to their paper.

With regards to referencing, please follow the Australian Guide to Legal Citation (fourth edition). The Guide can be viewed online. [https://drive.google.com/file/d/1TGvYqdqQnOU-GtSV3l25ft6EyYIx\\_w4U/edit](https://drive.google.com/file/d/1TGvYqdqQnOU-GtSV3l25ft6EyYIx_w4U/edit)

**Weighting**

**Due Date**

**Submission Method**

**Assessment Criteria**

40%

24 September 2023 11:30 PM

Via Canvas

Six criteria will be used:

1. Identifies the relevant principles of property law.
2. Develops a persuasive and well-reasoned response to the question.
3. Intelligently utilizes relevant research sources including cases, journal articles, books and legislation.
4. Writes clearly, concisely and within the word limit.
5. Correctly cites authorities and references other people's work using AGLC4 format.
6. Structures the analysis in a logical way (using headings where appropriate).

**Return Method**

**Feedback Provided**

TBA

Yes, but only if formally requested at front of essay paper.

## Assessment 3 - Seminar Participation

**Assessment Type**

**Description**

Seminar Participation

The seminar participation assesses the ability to critically read, analyse and reflect on property law, whilst learning within a collaborative environment.

Seminar participation marks will be awarded on the basis of the quality of each student's overall seminar participation.

Matters that will be taken into account will be regular attendance and sensible/thoughtful contributions to matters being discussed. Discussion points must relate to the designated subject and be based upon, or referable to, the lecture and readings.

A seminar attendance roll will be taken in each class to allow accurate attendance records. Students are responsible for ensuring that if their name has not been called, or if they arrive late to class their attendance has been noted by the tutor. The record of attendance generated at the conclusion of the semester will hence be unassailable and incontrovertible.

**Weighting**

**Due Date**

**Submission Method**

**Assessment Criteria**

10%

NA

NA

Five criteria will be used:

1. Relevance to the question or discussion point.
2. Accuracy of information/argument.
3. Demonstrated links to corresponding readings.
4. Clarity of expression.
5. Reasoned interaction with points made by other students (including tolerance of different viewpoints).

**Return Method**

**Feedback Provided**

NA

No

## ADDITIONAL INFORMATION

**Grading Scheme**

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of

	(HD)	an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

\*Skills are those identified for the purposes of assessment task(s).

#### Communication Methods

Communication methods used in this course include:

#### Course Evaluation

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

#### Oral Interviews (Vivas)

As part of the evaluation process of any assessment item in this course an oral examination (viva) may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the [Oral Examination \(viva\) Procedure](#). In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the [Student Conduct Rule](#).

#### Academic Misconduct

All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to <https://policies.newcastle.edu.au/document/view-current.php?id=35>.

#### Adverse Circumstances

The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:

1. the assessment item is a major assessment item; or
2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;
3. you are requesting a change of placement; or
4. the course has a compulsory attendance requirement.

Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: <https://policies.newcastle.edu.au/document/view-current.php?id=236>

#### Important Policy Information

The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

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*This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.*

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