

LEGL2009: Survey and Engineering Law

Callaghan

Semester 1 - 2024



OVERVIEW

Course Description The course introduces students to the Australian legal system, including some aspects of basic legal research. It has a focus on legal issues arising in the profession and practice of engineering, with particular emphasis on surveying. It has a strong emphasis on the concepts and classification of real property as they relate to boundary surveyors. It also deals with statutory control of land use as well as the regulation and legal liability of engineers and surveyors. In general, this course provides a legal foundation for the engineer and surveyor of how the law creates opportunities and potential liabilities in their professional practice.

Assumed Knowledge Nil

Contact Hours **Callaghan Seminar**
Face to Face On Campus
2 hour(s) per Week for Full Term
Students will complete specific reading and online learning activities.

Tutorial
Face to Face On Campus
1 hour(s) per Full Term starting Week 1

Unit Weighting 10

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

COURSE OUTLINE

CONTACTS

Course Coordinator	Newcastle City Precinct Dr Eliezer Sanchez-Lasaballett e.sanchez-lasaballett@newcastle.edu.au (02) 4913 8282 Consultation: Email, discussion forum via Canvas and face-to-face previous appointment by email.
Teaching Staff	Other teaching staff will be advised on the course Canvas site.
School Office	Newcastle Law School 5th Floor, NuSpace building 409 Hunter Street Newcastle law-school@newcastle.edu.au +61 2 4921 8666

SYLLABUS

Course Content	<p>TOPIC 1 THE AUSTRALIAN LEGAL SYSTEM</p> <ul style="list-style-type: none">- The concept of law and the Australian legal system- Legal sources- Finding and applying the law <p>TOPIC 2 CONTRACTUAL LIABILITY</p> <ul style="list-style-type: none">- Contract law and Consumer Protection <p>TOPIC 3 CIVIL LIABILITY</p> <ul style="list-style-type: none">- Torts and Negligence <p>TOPIC 4 INTRODUCTION TO PROPERTY</p> <ul style="list-style-type: none">- General Principles of Property- Interests in Real Property- What is land?- Doctrines of estates and tenure- Native Title, Old and Torrens System, Strata, Company and Community Title <p>TOPIC 5 DEALINGS AND LIMITS OF LAND</p> <ul style="list-style-type: none">- Contract for Sale of Land- Legal Principles of Boundary Determination- Encroachment- Fences <p>TOPIC 6 REGULATION OF LAND USE</p> <ul style="list-style-type: none">- Easements- Restrictive Covenants- Planning & Environmental Legislation <p>TOPIC 7 REGULATION OF THE PROFESSION OF SURVEYING</p> <ul style="list-style-type: none">- <i>Surveying and Spatial Information Act 2002</i>- <i>Surveying and Spatial Information Regulation 2017</i>
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Course Learning Outcomes	<p>On successful completion of this course, students will be able to:</p> <ol style="list-style-type: none">1. understand —<ol style="list-style-type: none">a) the constitutional framework of Australia as a federation;b) the sources of Australian law, and basic techniques for finding and interpreting the law;c) the basic principles underlying key areas of contractual and civil liability; andd) the land title and planning system in NSW, and in particular the law as it affects boundary determination;2. state the legal issues that arise in the practice of engineering and surveying, and apply the law to solve problems in specific, fact situations involving professional liability and real property;3. in relation to those issues, locate relevant and up-to-date information about the law at an appropriate level, and communicate the results of their knowledge in a structured way;4. identify and avoid areas of potential legal liability or difficulty in practice; and,5. know when to seek specialist legal advice about a particular area.
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Course Materials

There are no prescribed textbooks for this course.
However, there are links to appropriate reading material provided in Canvas and book chapters and journals will be available online for selected topics.

SCHEDULE

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	26 Feb	The concept of law and the Australian legal system	Tutorial 1	
2	4 Mar	Legal sources	Tutorial 2	
3	11 Mar	Finding and applying the law	Tutorial 3	MCQ 1 – in class (15%)
4	18 Mar	Contracts 1: formation & enforceability	Tutorial 4	
5	25 Mar	Contracts 2: terms, termination, remedies, and consumer protection	Tutorial 5	
6	1 Apr	Torts 1: negligence – duty of care and breach	Tutorial 6	MCQ 2 – in class (15%)
7	8 Apr	Torts 2: negligence – causation, defences, damages	Tutorial 7	
Mid-Term Break				
Mid-Term Break				
8	29 Apr	What is Property? Interests in Real Property What is “land”? Doctrine of estates & tenure, Native Title	Tutorial 8	IRAC Technique (Contract & Tort Problem Question) (20%)
9	6 May	Title to Land Old System, Torrens & Strata Title, Title Registration and Transfer Caveats and Mortgages	Tutorial 9	
10	13 May	Limits to Property, Boundaries, Encroachments and Fences	Tutorial 10	
11	20 May	Easements & Restrictive Covenants	Tutorial 11	MCQ 3 – in class (15%)
12	27 May	<i>Surveying & Spatial Information Act 2002, Surveying & Spatial Information Regulation 2017</i> Planning & Environment Legislation	Tutorial 12	
13	3 Jun	Exam Review		Take home, final exam (35%)
Examination Period				
Examination Period				

ASSESSMENTS

This course has 5 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	In-Class Test 1	During the lecture in week 3	Individual	15%	1, 2
2	In-Class Test 2	During the lecture in week 6	Individual	15%	1, 2
3	IRAC Contract & Tort Problem Question	Sunday, 5 th May at 11:59 pm	Individual	20%	1, 2, 3, 4, 5
4	In-Class Test 3	During the lecture in week 11	Individual	15%	1, 2
5	Take-Home Final Exam 3 Problem Questions	Sunday, 9 th June at 11:59 pm	Individual	35%	1, 2, 3, 4, 5

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 - Class Test 1

Assessment Type	In-Class MCQ Test
Description	The purpose of this test is to assess student's knowledge of course materials and skills in interpreting information – 15 MCQs on materials from weeks 1, 2 and 3
Weighting	15%
Due Date	After the lecture in Week 3
Submission Method	In Class
Assessment Criteria	1 mark is given for each correct answer
Return Method	In Class
Feedback Provided	In Class

Assessment 2 - Class Test 2

Assessment Type	In-Class MCQ Test
Description	15 MCQs on material from weeks 4, 5 and 6
Weighting	15%
Due Date	After the lecture in Week 6
Submission Method	In Class
Assessment Criteria	1 mark will be given for each correct answer
Return Method	In Class
Feedback Provided	In Class

Assessment 3 - Contract and Tort Problem Question

Assessment Type	Written Assignment
Description	A legal problem is provided to students, and they are required to follow the problem-solving model (IRAC) in answering the question on material from weeks 4 to 7
Weighting	20%
Due Date	Sunday 5 th May at 11:59 pm
Submission Method	Online via Canvas
Assessment Criteria	A rubric is supplied in order to provide a well-structured marking scheme with marks clearly allocated in each section
Return Method	Online via Canvas
Feedback Provided	Online via Canvas

Assessment 4 - Class Test 3

Assessment Type	In-Class MCQ Test
Description	15 MCQs from material in weeks 8 to 11
Weighting	15%
Due Date	After the lecture in week 11
Submission Method	In Class
Assessment Criteria	1 mark will be given for each correct answer
Return Method	In Class
Feedback Provided	In Class

Assessment 5 - Take Home Exam 3 Problem Questions

Assessment Type	Written Assignment
Description	Two separate legal problems are provided to students and they are required to follow the problem-solving model (IRAC) in answering the questions by (i) identifying the legal <u>Issues</u> from the facts, (ii) stating the relevant <u>Rules</u> from legislation and case law, (iii) <u>Applying</u> the law pertinent to the facts, and (iv) attempting to reach a <u>Conclusion</u> .
Weighting	35%
Due Date	Sunday, 9 th June at 11:59 pm
Submission Method	Online via Canvas
Assessment Criteria	A rubric is supplied in order to provide a well-structured marking scheme with marks publicly allocated for each section
Return Method	Not returned
Feedback Provided	No feedback – this is considered an exam and marks will be provided at the end of the semester

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

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

Communication methods used in this course include: Communication methods used in this course include emails, one-to-one consultation, and discussion forums in Canvas. 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

As part of the evaluation process of any assessment item in this course an oral examination 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 Guidelines](#). 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.

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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