



# LAWS5056

## Succession

Session 1, Intensive attendance, North Ryde 2020

*Macquarie Law School*

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### Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff Lise Barry <a href="mailto:lise.barry@mq.edu.au">lise.barry@mq.edu.au</a>
Credit points 10
Prerequisites 80cp in LAW or LAWS units
Corequisites
Co-badged status
Unit description This unit explores the law relating to the making and construction of wills; the grant of probate and administration; and the distribution of testate and intestate estates. The provisions of the Family Provision Act 1982 are considered as well as those of the Wills, Probate and Administration Act 1898 (NSW) and the Succession Act 2006 (NSW). Emphasis is given to the role of the lawyer in planning the client's affairs in the light of the above legislation. Students in this unit will study will drafting and complete exercises in drafting a will that complies with a client's instructions.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

- ULO1:** Describe and explain links between understandings of property and relationships in the context of succession law.
- ULO2:** Analyse case law on the Succession Act 2006 (NSW) and apply to the validity and interpretation of wills.
- ULO3:** Critically evaluate the law on family provision and apply family provision legislation to complex factual situations involving estate disputes.
- ULO4:** Advise on competing family claims dealing with testate estates, intestate estates and partial intestacy.

**ULO5:** Assess the various legal principles to give appropriate advice on wills.

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## General Assessment Information

Students should be aware of and apply the University policy on academic honesty.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

## Delivery and Resources

### Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Lectures will be delivered via iLearn on a weekly basis. There is also a two-day face to face on-campus session (OCS) for students on **22 and 23 April 2020**. **Attendance at the OCS is compulsory**. Students are expected to listen to the lectures and work their way through the

other materials on a weekly basis. The OCS program will be available on iLearn.

The convenors will be available for consultations at times to be advised.

The required text is Croucher, R and Vines, P, *Succession: Families, Property & Death* (5th ed, 2019). It is available from the Macquarie University Co-op Bookshop.

Additional reading may be required from time to time and will be available via iLearn and the unit reading list maintained by the library.

All unit requirements and a weekly teaching and reading schedule are outlined on iLearn.

## Unit Schedule

### Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

#### **Week 1:**

Introduction and overview: The valid Will, or lack of it

#### **Week 2:**

A well made Will, on the face of it

#### **Week 3:**

A badly drafted Will, on the face of it

#### **Week 4:**

A badly created Will, at the time

#### **Week 5:**

An unfortunate Will, given changed circumstances

#### **Week 6:**

A non-existent, or only partially effective, Will – intestacy

#### **Week 7 & 8: Administration**

Authorising the legal person representative on death

Administering the deceased's estate

#### **Week 9 & 10: Family provision**

Claims for family provision out of the estate

Claims for family provision out of notional estate

## Weeks 11 & 12: Other interventions

Statutory interventions

Equitable interventions

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Changes since First Published

Date	Description
19/02/2020	change of date of the final assessment