



# LAWS2500

## Equity and Trusts

Session 2, Special circumstance, Other 2020

*Macquarie Law School*

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#### Disclaimer

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#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Convenor/Lecturer/Tutor

Teresa Somes

[teresa.somes@mq](mailto:teresa.somes@mq)

Contact via via ilearn site

6 First Walk, Level 5, Room 539

TBA

Tutor

Dr Liza Rybak

[liza.rybak@mq.edu.au](mailto:liza.rybak@mq.edu.au)

Credit points

10

Prerequisites

LAWS216 or LAWS2200

Corequisites

Co-badged status

Unit description

This unit builds on student's knowledge of Property Law focusing on equitable notions of property, with a particular emphasis on the law of trusts. The unit examines the historical development of equity and its relationship to common law, the assignment and other dispositions of property in equity, the obligation of confidence in equity with respect to information, and fiduciary obligations. This unit will provide students with a theoretical grounding in the relevant principles as well as equip them with the capacity to apply these principles in practice.

## 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:** Critically analyse the legal doctrine and policy that underpins equity and trusts.

**ULO2:** Formulate and present oral and written arguments about equity and trusts,

drawing upon relevant precedent and policy considerations.

**ULO3:** Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.

## General Assessment Information

### Marking Rubrics

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

### Late Submission Penalty

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

### Special Consideration

In the absence of a successful application for special consideration, any assessment task submitted after seven (7) days will not be graded and will receive a mark of zero. Applications for special consideration are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration policy for complete details of the policy and a description of the supporting documentation required.

### Word Limits

Word limits will be strictly applied and work above the word limit will not be marked.

### Assessment Submission

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Assessment Tasks

| Name  | Weighting | Hurdle | Due                    |
|---|-----------|--------|------------------------|
| <a href="#"><u>Quizzes</u></a>                    | 20%       | No     | Weeks 4 and 11         |
| <a href="#"><u>Annotated Bibliography</u></a>     | 30%       | No     | 11 September 2020 5pm  |
| <a href="#"><u>Take Home Final Assessment</u></a> | 50%       | No     | 13 November 2020 1-5pm |

### Quizzes

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **Weeks 4 and 11**

Weighting: **20%**

Students will complete 2 quizzes during semester, one in first half of semester, one in second half.

On successful completion you will be able to:

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- Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.

## Annotated Bibliography

Assessment Type <sup>1</sup>: Annotated bibliography

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **11 September 2020 5pm**

Weighting: **30%**

Students will be required to locate and record citations on a relevant topic area and offer a descriptive and evaluative paragraph on the annotation to inform on the relevance, accuracy and quality of the sources cited.

On successful completion you will be able to:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.
- Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.
- Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.

## Take Home Final Assessment

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **13 November 2020 1-5pm**

Weighting: **50%**

The final test may cover any or all topics and materials covered in the unit. The final assessment will be a time-limited task in the form of one problem question and one essay question.

On successful completion you will be able to:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.
- Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.
- Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

### DELIVERY OF UNIT

#### Weekly Lectures (Internal and Distance Students)

Weekly lectures in this unit will be pre-recorded and available to students on iLearn. Weekly lectures will commence in Week 1 and go through to Week 12.

#### Weekly Seminars (Internal Students)

See ilearn site

**Students are required to complete the set readings prior to the seminar in preparation for the seminar.** The problem and discussion questions for each seminar will be made available on iLearn.

#### On Campus Sessions (Distance Students)

See ilearn site

### RESOURCES

#### Prescribed Materials

P Radan & C Stewart, Principles of Australian Equity & Trusts, (LexisNexis, 4th ed, 2019)

P Radan, C Stewart & I Vickovich, Principles of Australian Equity & Trusts, Cases & Materials,

LexisNexis, 4th ed, 2019)

### Other Recommended Material

Barnett & Harder, Remedies in Australian Private Law (Cambridge University Press, 2nd ed, 2018)

Dal Pont, Equity and Trusts in Australia (Lawbook Co, 7th ed, 2019)

Evans, Equity and Trusts (LexisNexis, 4th ed, 2016)

## Unit Schedule

| Week (commencing) | Topic(s)   |
|-------------------|--|
| 1 (27 July)       | History, Equitable Estates and Interests                               |
| 2 (3 Aug)         | Dispositions in Equity I   |
| 3 (10 Aug)        | Dispositions in Equity II  |
| 4 (17 Aug)        | Fiduciary Obligations: Participants in Breach of Fiduciary Obligations |
| 5 (24 Aug)        | Confidential Information   |
| 6 (31 Aug)        | Introduction to Trusts   |
| 7 (7 Sept)        | Express Trusts   |
|                   | MID-SESSION BREAK  |
| 8 (28 Sept)       | Duties, Powers Rights of Trustees; Breach of Trust                     |
| 9 (5 Oct)         | Beneficiaries; Tracing   |
| 10 (12 Oct)       | Charitable Trusts  |
| 11 (19 Oct)       | Resulting Trusts   |
| 12 (26 Oct)       | Constructive Trusts  |

## 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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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](http://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 from Previous Offering

A number of changes have been introduced to the current offering of the unit, as follows:

1. A class participation component has been introduced to the assessment framework and seminar attendance has been made compulsory.
2. An annotated bibliography has been introduced as an assessment task in lieu of research essay.
3. The recommended text has been updated to a more recent edition.