



# LAWS8010

## Equity and Trusts

Session 2, Special circumstance 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.

#### **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

Unit Convenor/lecturer/tutor

Ms Teresa Somes

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

Contact via via ilearn

Level 5, Room 539, 6 First Walk

TBA

Credit points

10

Prerequisites

LAWS809 or LAWS8009

Corequisites

Co-badged status

Unit description

This unit concentrates on the nature and function of equity with particular emphasis on the law of trusts. The historical development of the equitable jurisdiction and its past and present relationship with the common law informs the examination of equitable assignments and dispositions, the action for breach of confidence and fiduciary relationships. The broad scope of influence of trust law (express, implied and constructive) on both commercial and close personal relationships as well as the connection between trust and other legal topics such as contract and debt is also studied.

## 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:** Analyse complex factual situations involving equity and trusts law and apply relevant legal principles to solving legal problems

**ULO3:** Formulate, present and evaluate oral and written arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy

considerations.

## 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>Legal Brief</u></a>	25%	No	24 August 2020 5pm
<a href="#"><u>Take Home Final Assessment</u></a>	50%	No	13 November 2020 5pm - 9pm
<a href="#"><u>Research Essay</u></a>	25%	No	5 October 2020 5pm

### Legal Brief

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **24 August 2020 5pm**

Weighting: **25%**

Students will address a problem question(s) related to issues covered in the first half of semester

On successful completion you will be able to:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.
- Analyse complex factual situations involving equity and trusts law and apply relevant legal principles to solving legal problems
- Formulate, present and evaluate oral and written arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.

## Take Home Final Assessment

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

Indicative Time on Task <sup>2</sup>: 8 hours

Due: **13 November 2020 5pm - 9pm**

Weighting: **50%**

This timed assessment will cover the entirety of the units content.

On successful completion you will be able to:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.
- Analyse complex factual situations involving equity and trusts law and apply relevant legal principles to solving legal problems
- Formulate, present and evaluate oral and written arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.

## Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **5 October 2020 5pm**

Weighting: **25%**

Students will be required to answer a research question and engage in critical thinking about the theoretical underpinnings of the unit.

On successful completion you will be able to:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.
- Formulate, present and evaluate oral and written arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.

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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 THE UNIT

**To complete this unit students will need the use a computer and have access to the Internet.**

#### 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.

#### Tutorials

Refer to ilearn

### RESOURCES

The prescribed materials for this unit are:

1. P Radan & C Stewart, *Principles of Australian Equity & Trusts*, 4th ed, LexisNexis, 2019
2. P Radan, C Stewart & I Vickovich, *Principels of Australian Equity & Trusts, Cases & Materials*, 4th ed, LexisNexis, 2019

Recommended Texts:

1. Dal Pont, *Equity and Trusts in Australia* (Lawbook Co, 7th ed. 2019)
2. Heydon & Leeming, *Jacobs Law of Trusts* (LexisNexis, 8th 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

There has been no change to the content and assessment regime for this unit since it was last offered.