



LAWS8010

Equity and Trusts

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Convenor, Lecturer and tutor

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Tutor

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Credit points

10

Prerequisites

LAWS809 or LAWS8009

Corequisites

Co-badged status

Internal and online units

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

LATE ASSESSMENT SUBMISSION PENALTY

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (the Assignment). **Late submission of time sensitive tasks** (the Quizzes, Tutorial Participation and the Final Exam/ Take Home Test) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.**

SUBMITTING ASSESSMENTS

Apart from Participation, all assessments are submitted **electronically through iLearn. 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 resubmissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Fit to Sit Model

Macquarie University operates under a 'Fit to Sit' model. This means that in sitting an exam and/ or in-class test or otherwise submitting an assessment (including an online quiz), a student declares themselves fit to do so. Therefore, if a student is feeling unfit to sit the exam or test, or otherwise submit the assessment (as the case may be), they should not do so.

If a student sits an exam or test, or otherwise submits an assessment, knowing that they are unfit to do so, they will not be granted Special Consideration. It is the responsibility of the student to determine whether they are fit to sit an examination or test or otherwise submit an assessment, or whether a Special Consideration application should be submitted.

A student's sitting an examination or test or otherwise submitting an assessment will not

preclude the student from being granted Special Consideration if the student can demonstrate that:

- they were unfit to make reasonable judgement on their fitness to undertake the assessment, due to mental illness or other exceptional circumstances;
- they were taken ill during the assessment (in the case of an examination or test); or
- other exceptional circumstances beyond their control vitiated the Fit to Sit declaration.

Assessment Tasks

Name	Weighting	Hurdle	Due
Online Quiz	20%	No	Week 5 23.8.22 11.55pm; Week 11 18.10.22 11.55pm
Legal Brief	30%	No	Week 7 6.9.22 11.55pm
Take Home Final Assessment	50%	No	Exam period 10.11.22 1-6pm

Online Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 11 hours

Due: **Week 5 23.8.22 11.55pm; Week 11 18.10.22 11.55pm**

Weighting: **20%**

A number of online quizzes

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

Legal Brief

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 11 hours

Due: **Week 7 6.9.22 11.55pm**

Weighting: **30%**

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 ¹: Quiz/Test

Indicative Time on Task ²: 8 hours

Due: **Exam period 10.11.22 1-6pm**

Weighting: **50%**

This timed assessment will cover the entirety of the unit's 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.

¹ 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.

² 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

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

Weekly Lectures

Weekly lectures in this unit will be 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

Prescribed Materials

P Radan & C Stewart, Principles of Australian Equity & Trusts, (LexisNexis, 5th ed, 2021)

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	History, Equitable Estates and Interests
2	Dispositions in Equity I
3	Dispositions in Equity II
4	Fiduciary Obligations: Participants in Breach of Fiduciary Obligations
5	Confidential Information
6	Introduction to Trusts
7	Express Trusts
	MID_SESSION BREAK
8	Duties, Powers Rights of Trustees; Breach of Trust

9	Beneficiaries; Tracing
10	Charitable Trusts
11	Resulting Trusts
12	Constructive Trusts

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the

expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

IT Help

For help with University computer systems and technology, visit 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
27/07/ 2022	The JD assessment dates have been changed so that they are the same day as the UGs.