



LAWS2500

Equity and Trusts

Session 2, Online-scheduled-weekday 2022

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	5
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	7

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

Convenor and Tutor

Michael Nancarrow

michael.nancarrow@mq.edu.au

Contact via ILearn

6 First Walk Room 438

Lecturer and Tutor

Cathy Sherry

cathy.sherry@mq.edu.au

Contact via ILearn

Tutor

Liza Rybak

liza.rybak@mq.edu.au

Contact via ILearn

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

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
<u>Quizzes</u>	20%	No	Week 5 23.8.22 11.55pm; Week 11 18.10.22 11.55pm
<u>Annotated Bibliography</u>	30%	No	Week 7 6.9.22 11.55pm
<u>Take Home Final Assessment</u>	50%	No	Exam period 10.11.22 1-6pm

Quizzes

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

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

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:

- Critically analyse the legal doctrine and policy that underpins equity and trusts.

Annotated Bibliography

Assessment Type ¹: Annotated bibliography

Indicative Time on Task ²: 20 hours

Due: **Week 7 6.9.22 11.55pm**

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 ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

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

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.

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

Weekly Lectures (Internal and External Students)

Weekly lectures in this unit will be conducted in person on campus but will be recorded and available to students on iLearn. Weekly lectures will commence in Week 1 and go through to Week 12.

Weekly Tutorials (Internal Students)

See 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 an](#)

[d 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.