



# LAWS2500

## Equity and Trusts

Session 2, Online-scheduled-weekday 2023

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

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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

Please disregard the Estimated Time on Task in Assessment Task table. Estimated times are as follows: Class Participation: 2 hours reading for each 1 hour tutorial = 3 hours per week, each teaching week Professional Skills Mid-Sem: 15 hours of research and reading and 10 hours of writing and editing Take-home exam: 20 hours of revision and 3 hours completing the exam

### 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-time-sensitive assessment (including essays, reports, posters, portfolios, journals, recordings, etc). Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs, etc.) will only be addressed by the unit convenor in a Special Consideration application. Special Consideration outcome may result in a new question or topic.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Class participation</u></a>	20%	No	weekly
<a href="#"><u>Professional Skills</u></a>	30%	No	11/09/23 11.55pm
<a href="#"><u>Take Home Final Assessment</u></a>	50%	No	10/11/23 10am - 1pm

### Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **weekly**

Weighting: **20%**

Students will be assessed on their participation in tutorial discussions, debates and/or presentations

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.

## Professional Skills

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **11/09/23 11.55pm**

Weighting: **30%**

An assessment that will focus on a particular professional skill relevant to the unit. This could be a legal brief, an essay, a law reform proposal, legal pleadings or another relevant skill.

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>: 15 hours

Due: **10/11/23 10am - 1pm**

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

There will be 12 weeks of lectures and tutorials which students are required to attend. Students must prepare for tutorials by doing the set reading. Prescribed books: Bryan et al, Equity and Trusts in Australia, 3rd ed, Cambridge University Press, 2022 (textbook) Bryan et al, A Sourcebook on Equity and Trusts in Australia, 3rd ed, Cambridge University Press, 2022 (casebook)

## 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](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)

## 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## 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/](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

The unit has undergone a redesign and a new textbook and casebook have been prescribed.

Students are advised to ensure they have read the reading that is set for the course in s2 2023, and not to rely on notes made by other students in relation to previous offerings of Equity and Trusts at MQ or at other universities.