



# LAWS8010

## Equity and Trusts

Session 2, In person-scheduled-weekday, North Ryde 2023

*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.

## General Information

Unit convenor and teaching staff

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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

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	Each tutorial
<a href="#"><u>Professional Skills</u></a>	30%	No	11 September at 11.55 pm
<a href="#"><u>Take Home Final Assessment</u></a>	50%	No	10 November 2023 10 am - 1 pm

### Class participation

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

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

Due: **Each tutorial**

Weighting: **20%**

Students will be assessed based 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.
- 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.

## Professional Skills

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

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **11 September at 11.55 pm**

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.
- 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>: 20 hours

Due: **10 November 2023 10 am - 1 pm**

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.

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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 \(https://policies.s.mq.edu.au\)](https://policies.s.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)

[du.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 textbook and casebook have been changed. 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.