



LAWS8029

Succession

Session 1, Online-scheduled-weekday 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Mary-Ann Linda Kelly

Tutor

Andrew Gill

Credit points

10

Prerequisites

Admission to LLM or (Admission to JD and LAWS600 or LAWS8001)

Corequisites

Co-badged status

Unit description

Succession law involves the study of wills, probate matters and inheritance. This unit is designed to explore the legal philosophical basis for the principles existing in this area of law, comprised of a combination of distinct categories of law such as property law and equity. In addition, an understanding of the formalities and requirements for valid wills, as well as the interpretative and constructive powers of the courts will be examined. This will equip a law student with the knowledge required to advise on estate planning matters and disputes relating to wills or on intestacy.

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: Demonstrate a detailed and thorough knowledge of legal principles relating to the nature of succession law and the theoretical basis for the law

ULO2: Analyse and apply case law on the Succession Act 2006 (NSW) and law related to the distribution of property after death and apply to family provision and the validity and interpretation of wills.

ULO3: Advise on competing claims dealing with testate estates, intestate estates and partial intestacy and resolve complex disputes of succession law

ULO4: Formulate, present and evaluate arguments about succession drawing upon relevant legal authority and policy considerations as regards different conceptions of inheritance.

General Assessment Information

General Assessment Information

All assessments are submitted electronically.

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 re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing.

Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition. Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

Late penalty policy 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 assessments (incl 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. Special Consideration Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class participation</u>	20%	No	ongoing
<u>Research Essay</u>	40%	No	11.55pm 12/04/2024

Name	Weighting	Hurdle	Due
Succession Law Problem Solving task	40%	No	4.15PM 03/06/2024

Class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **ongoing**

Weighting: **20%**

Students will be assessed on their informed participation in tutorial discussions, role plays, debates and other activities.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the nature of succession law and the theoretical basis for the law
- Analyse and apply case law on the Succession Act 2006 (NSW) and law related to the distribution of property after death and apply to family provision and the validity and interpretation of wills.
- Advise on competing claims dealing with testate estates, intestate estates and partial intestacy and resolve complex disputes of succession law
- Formulate, present and evaluate arguments about succession drawing upon relevant legal authority and policy considerations as regards different conceptions of inheritance.

Research Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 15 hours

Due: **11.55pm 12/04/2024**

Weighting: **40%**

Students will prepare a research essay on a topic of their own choosing relevant to Succession Law in NSW

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the nature

of succession law and the theoretical basis for the law

- Formulate, present and evaluate arguments about succession drawing upon relevant legal authority and policy considerations as regards different conceptions of inheritance.

Succession Law Problem Solving task

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 15 hours

Due: **4.15PM 03/06/2024**

Weighting: **40%**

Students will be presented with a problem scenario and will be required to apply the law of succession in NSW in a written response

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the nature of succession law and the theoretical basis for the law
- Analyse and apply case law on the Succession Act 2006 (NSW) and law related to the distribution of property after death and apply to family provision and the validity and interpretation of wills.
- Advise on competing claims dealing with testate estates, intestate estates and partial intestacy and resolve complex disputes of succession law

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

Compulsory Text

Rosalind Croucher and Prue Vines, *Succession: Families, Property and Death* (LexisNexis, 6th ed, 2023).

Lectures

The weekly lectures will be delivered by MaryAnn de Mestre and the recordings will be made

available online.

Tutorials

Class participation will be assessed in weekly tutorials by MaryAnn de Mestre and Andrew Gill.

Online Content

Online content can be accessed on iLearn. Personal computer and Internet access are required.

Unit Schedule

Unit Schedule

1. Introduction to Succession
2. Boundaries of Succession
3. Death Law
4. The Testator's Mind
5. Formalities of a Will
6. Dispensing with Formalities
7. Revocation and Alteration of Wills
8. Gifts
9. Intestacy
10. Executors and Administrators
11. Administration Process
12. Family Provision

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 \(https://students.mq.edu.au/su\)](https://students.mq.edu.au/su)

[pport/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>) 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 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/.

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
01/02/2024	Update of due date to 4.15PM for hypothetical problem question as requested by Amanda Head

Unit information based on version 2024.03 of the [Handbook](#)