



# LAWS5056

## Succession

Session 1, Online-scheduled-weekday 2025

*Macquarie Law School*

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### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Max Barnett

[max.barnett@mq.edu.au](mailto:max.barnett@mq.edu.au)

Contact via Ilearn

MKB Law Commons (East End, Level G)

11am-12pm Mondays from Week 2

Credit points

10

Prerequisites

80cp in LAW or LAWS units incl LAWS2500

Corequisites

Co-badged status

Unit description

Succession explores the law relating to the formation and construction of wills, the grant of probate and letters of administration, and the distribution of testate and intestate estates. Family provision, the administration of estates, and the interpretation of relevant succession statutes, principles and cases are explored in the unit. The role of the lawyer in advising the client on estate planning and the responsibilities of executors and administrators are considered. Public policy, legal history and philosophy are also considered in the exploration of the contemporary issues found in the theory and practice of succession law.

## 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:** Describe and explain links between understandings of property and relationships in the context of succession law.

**ULO2:** Analyse case law on the Succession Act 2006 (NSW) and apply to the validity and interpretation of wills.

**ULO3:** Critically evaluate the law on family provision and apply family provision

legislation to complex factual situations involving estate disputes.

**ULO4:** Advise on competing family claims dealing with testate estates, intestate estates and partial intestacy.

**ULO5:** Assess the various legal principles to give appropriate advice on wills.

## General Assessment Information

- **Submission** - All assessments must be submitted electronically. 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.
- **Turnitin plagiarism detection software** is used to check all written assessments.
- **Word limits** - Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing.
- **Referencing** - Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition.
- **Late submission 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 submission penalty policy will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc).
- **Late submission of time-sensitive tasks** - 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 [connect.mq.edu.au](https://connect.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). **Please do not email to request an extension or email to seek the outcome of a lodged application via email. No information can be provide via email, all information will be provided via the**

Connect system.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Professional Skills</a>	20%	No	Ongoing In Class
<a href="#">Succession Law essay</a>	40%	No	14/04/2025
<a href="#">Written response to a succession law problem</a>	40%	No	Exam Period

### Professional Skills

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

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

Due: **Ongoing In Class**

Weighting: **20%**

Students will engage in classroom activities including mootings, presentations or demonstrations, structured discussion and problem solving, doctrinal analysis, simulated client consultations, and collaborative legal research. Through these activities students will develop skills in oral advocacy, legal analysis, critical reasoning, teamwork and team leadership, and/or strategic problem-solving. These activities are designed to strengthen students' ability to communicate legal concepts verbally and engage professionally within a supportive learning environment.

On successful completion you will be able to:

- Describe and explain links between understandings of property and relationships in the context of succession law.
- Analyse case law on the Succession Act 2006 (NSW) and apply to the validity and interpretation of wills.
- Critically evaluate the law on family provision and apply family provision legislation to complex factual situations involving estate disputes.
- Advise on competing family claims dealing with testate estates, intestate estates and partial intestacy.
- Assess the various legal principles to give appropriate advice on wills.

### Succession Law essay

Assessment Type <sup>1</sup>: Essay

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

Due: **14/04/2025**

Weighting: **40%**

Students will be required to prepare an essay on an aspect of proposed reform to Succession Law in NSW

On successful completion you will be able to:

- Describe and explain links between understandings of property and relationships in the context of succession law.
- Analyse case law on the Succession Act 2006 (NSW) and apply to the validity and interpretation of wills.
- Critically evaluate the law on family provision and apply family provision legislation to complex factual situations involving estate disputes.
- Assess the various legal principles to give appropriate advice on wills.

## Written response to a succession law problem

Assessment Type <sup>1</sup>: Professional writing

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

Due: **Exam Period**

Weighting: **40%**

An essay applying succession law to resolve a problem scenario

On successful completion you will be able to:

- Analyse case law on the Succession Act 2006 (NSW) and apply to the validity and interpretation of wills.
- Critically evaluate the law on family provision and apply family provision legislation to complex factual situations involving estate disputes.
- Advise on competing family claims dealing with testate estates, intestate estates and partial intestacy.
- Assess the various legal principles to give appropriate advice on wills.

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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

### Compulsory Text

Rosalind Croucher and Prue Vines, *Succession: Families, Property and Death* (LexisNexis, 6th ed, 2024).

### Lectures

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

### Tutorials

Professional Skills will be assessed in tutorials by MaryAnn de Mestre and Dr. Maximillian Barnett.

### Online Content

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

## 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

Tutorials start in **Week 2**.

## 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 [connect.mq.edu.au](https://connect.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 the [Service Connect Portal](#), 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.

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Unit information based on version 2025.02 of the [Handbook](#)