



# LAWS8010

## Equity and Trusts

Session 2, Online-scheduled-weekday 2026

*Macquarie Law School*

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#### Disclaimer

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## General Information

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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 arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.

**ULO4:** Communicate professionally, effectively and in a timely manner, and participate

in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.

**ULO5:** Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

## 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** - Special Consideration Students should submit applications for Special Consideration electronically via the Service Connect portal, 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                                                      | Groupwork/Individual | Short Extension | AI Approach |
|---------------------|-----------|--------|----------------------------------------------------------|----------------------|-----------------|-------------|
| Professional Skills | 20%       | No     | Weekly from Week 2 with final marks on release of grades | Individual           | No              | Observed    |
| Practice-Based Task | 30%       | No     | 10/09/2026                                               | Individual           | Yes             | Open        |
| Exam                | 50%       | No     | During the exam period                                   | Individual           | No              | Observed    |

### Professional Skills

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

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

Due: **Weekly from Week 2 with final marks on release of grades**

Weighting: **20%**

Groupwork/Individual: Individual

Short extension <sup>3</sup>: No

AI Approach: Observed

Students will develop essential legal professional skills through structured classroom activities such as oral advocacy, critical reasoning, strategic problem-solving, collaborative work, team leadership, mooting, simulated client consultations, legal presentations or demonstrations, doctrinal analysis and problem solving, and/or collaborative legal research. These activities are designed to develop students' professional capabilities including capacity to communicate legal concepts clearly and engage professionally with diverse audiences in diverse contexts.

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 arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

## Practice-Based Task

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

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

Due: **10/09/2026**

Weighting: **30%**

Groupwork/Individual: Individual

Short extension <sup>3</sup>: Yes

AI Approach: Open

An assessment on professional skills and knowledge relevant to the unit. This could be a legal or policy brief, a report, an essay, a law reform proposal, legal pleadings or other related professional task. This assessment may require students to prepare a response through research and adhere to discipline-specific scholarly conventions.

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 arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

## Exam

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

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

Due: **During the exam period**

Weighting: **50%**

Groupwork/Individual: Individual

Short extension <sup>3</sup>: No

AI Approach: Observed

An invigilated examination. The exam may cover any or all topics and materials covered in the unit.

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 arguments on complex equity and trusts problems and principles, drawing upon relevant legal authority and policy considerations.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

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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
- [Academic Success](#) 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.

<sup>3</sup> An automatic short extension is available for some assessments. Apply through the [Service Connect Portal](#).

## Delivery and Resources

Readings will be set from

- **Sourcebook:** Bryan et al A Sourcebook on Equity and Trusts in Australia, 3rd ed, CUP, 2023.
- **Textbook:** Bryan et al, Equity and Trusts in Australia, 3rd ed, CUP, 2023

Additional readings will be accessible through iLearn.

***Lectures start in Week 1 and tutorials start in Week 2.***

All 12 lectures are given in person and will be provided as recordings online.

However, there will be two(2) guest presentations by senior law practitioners and these will occupy the lecture time and for these weeks a recorded lecture will be uploaded to Echo360. More information concerning the guest presentations will be available on iLearn.

All online content is available via iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

## Unit Schedule

This unit will cover the following topics:

Overview of Equity

Equitable Remedies

Fiduciary Relations and Obligations

Participants in Breach of Fiduciary Obligations

Breach of Confidence

Equitable Assignments

Express Trusts

Resulting and Constructive Trusts

Charitable 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 [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/>

## Academic Success

[Academic Success](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Ask a Study Coach](#)
- [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 <https://students.mq.edu.au/support/technology/service-desk>.

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.

## A refresh of the order of topics

Unit topics in 2026 have been reordered to provide a more cohesive learning experience

## Weighting of assessments has been changed in line with Law School policy for core units

Assessments weightings in this unit have been adjusted to align with Macquarie Law School policy for core units.

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Unit information based on version 2026.04 of the [Handbook](#)