LAW 556
Succession
S1 Day 2013
Macquarie Law School

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General Information

Unit convenor and teaching staff
Unit Convenor
Malcolm Voyce
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617
Wednesday 2-4pm

Credit points
3

Prerequisites
LAW316(P) and LAW317(P)

Co-badged status

Unit description
This unit explores the law relating to the making and construction of wills; the grant of probate and administration; and the distribution of testate and intestate estates. The provisions of the Family Provision Act 1982 are considered as well as those of the Wills, Probate and Administration Act 1898 (NSW). Emphasis is given to the role of the lawyer in planning the client's affairs in the light of the above legislation. Will drafting, including drafting exercises, to comply effectively with clients' instructions, forms an important part of this unit.

Important Academic Dates
Information about important academic dates including deadlines for withdrawing from units are available at https://students.mq.edu.au/important-dates

Learning Outcomes

1. Understand the nature of wills and family provision
2. Draft and interpret wills
3. Advise competing family claims and deal with intestacy
4. Read conflicting case law on the Succession Act and apply to the interpretation of wills
5. Assess the various needs of a family in order to give appropriate advice on wills and family provision
6. Understand the competing nature of family claims
7. Develop social skills as regards different conceptions of inheritance

## Assessment Tasks

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<td>Research Essay</td>
<td>30%</td>
<td>18th April</td>
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<tr>
<td>Participation</td>
<td>20%</td>
<td>ongoing</td>
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<td>Take-home Exam</td>
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### Research Essay

Due: **18th April**  
Weighting: **30%**  

Research essay on rectification of wills. 3,000 words.  
Please see the sections "Assignment Submission" and "Extensions and Penalties" for more important details.

This Assessment Task relates to the following Learning Outcomes:

- Understand the nature of wills and family provision  
- Advise competing family claims and deal with intestacy  
- Read conflicting case law on the Succession Act and apply to the interpretation of wills  
- Assess the various needs of a family in order to give appropriate advice on wills and family provision  
- Understand the competing nature of family claims  
- Develop social skills as regards different conceptions of inheritance

### Participation

Due: **ongoing**  
Weighting: **20%**  

**Internal Students:**  
Weekly tasks to prepare and hand in. For a full description, please refer to your study guide provided in iLearn.

**External Students:**  
Students will be assigned questions to work on and deliver at the on-campus session.
This Assessment Task relates to the following Learning Outcomes:

- Understand the nature of wills and family provision
- Draft and interpret wills
- Advise competing family claims and deal with intestacy
- Read conflicting case law on the Succession Act and apply to the interpretation of wills
- Assess the various needs of a family in order to give appropriate advice on wills and family provision
- Understand the competing nature of family claims
- Develop social skills as regards different conceptions of inheritance

**Take-home Exam**

**Due:** 14th June  
**Weighting:** 50%

The Take-home Exam will cover all aspects of Succession Law.

Please see the sections "Assignment Submission" and "Extensions and Penalties" for more important details.

This Assessment Task relates to the following Learning Outcomes:

- Understand the nature of wills and family provision
- Draft and interpret wills
- Advise competing family claims and deal with intestacy
- Read conflicting case law on the Succession Act and apply to the interpretation of wills
- Assess the various needs of a family in order to give appropriate advice on wills and family provision
- Understand the competing nature of family claims
- Develop social skills as regards different conceptions of inheritance

**Delivery and Resources**

This unit is available on iLearn.

**Required Reading:**

Prescribed course materials: Three volumes of course materials should be purchased from the Co-op Book Shop (+61 2 9888 6523).

These materials are vital for the first essay. Students should make their own arrangements to receive them as early as possible.

**Policies and Procedures**

Macquarie University policies and procedures are accessible from Policy Central. Students
should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy  http://www.mq.edu.au/policy/docs/academic_honesty/policy.html
Special Consideration Policy  http://www.mq.edu.au/policy/docs/special_consideration/policy.html

In addition, a number of other policies can be found in the **Learning and Teaching Category** of Policy Central.

**Student Support**

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at:  http://students.mq.edu.au/support/

**UniWISE provides:**

- Online learning resources and academic skills workshops  http://www.students.mq.edu.au/support/learning_skills/
- Personal assistance with your learning & study related questions.
- The Learning Help Desk is located in the Library foyer (level 2).
- Online and on-campus orientation events run by Mentors@Macquarie.

**Student Enquiry Service**

Details of these services can be accessed at  http://www.student.mq.edu.au/ses/.

**Equity Support**

Students with a disability are encouraged to contact the **Disability Service** who can provide appropriate help with any issues that arise during their studies.

**IT Help**

If you wish to receive IT help, we would be glad to assist you at  http://informatics.mq.edu.au/help/.

When using the university's IT, you must adhere to the **Acceptable Use Policy**. The policy applies to all who connect to the MQ network including students and it outlines what can be done.

**Graduate Capabilities**

**Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to
critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

**Learning outcomes**

- Understand the nature of wills and family provision
- Draft and interpret wills
- Advise competing family claims and deal with intestacy
- Read conflicting case law on the Succession Act and apply to the interpretation of wills

**Assessment tasks**

- Research Essay
- Take-home Exam

**Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

**Learning outcomes**

- Understand the nature of wills and family provision
- Advise competing family claims and deal with intestacy
- Develop social skills as regards different conceptions of inheritance

**Assessment tasks**

- Research Essay
- Participation
- Take-home Exam

**Creative and Innovative**

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:
Learning outcomes

• Advise competing family claims and deal with intestacy
• Understand the competing nature of family claims
• Develop social skills as regards different conceptions of inheritance

Assessment task

• Participation

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

• Draft and interpret wills
• Advise competing family claims and deal with intestacy
• Assess the various needs of a family in order to give appropriate advice on wills and family provision
• Develop social skills as regards different conceptions of inheritance

Assessment task

• Participation

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

• Draft and interpret wills
• Assess the various needs of a family in order to give appropriate advice on wills and family provision
Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Understand the nature of wills and family provision
- Draft and interpret wills
- Advise competing family claims and deal with intestacy
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- Assess the various needs of a family in order to give appropriate advice on wills and family provision
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Assessment tasks

- Research Essay
- Participation
- Take-home Exam

Assignment Submission

Internal students should submit their assignments in the Law School box of the Arts Faculty on Level 1 W6A BY 5 pm on the due date. Assignments will only be accepted with a signed Faculty of Arts coversheet attached to them (http://www.arts.mq.edu.au/current_students/undergraduate/admin_central/coversheet)

During the semester, marked work will be returned via tutorials.

External students should post or email their assignments to the Centre for Open Education. View this link for detailed information on assignment submission to COE: http://mq.edu.au/about_us/offices_and_units/centre_for_open_education/submission_of_assignments/

Extensions and Penalties

Work submitted late is liable to a penalty:

10% up to and including the 7th day after the due date
20% up to and including the 14th day after the due date.

Essays handed in more than 14 days after the due date, and for which no extension has been granted or an acceptable explanation provided will not be marked.

Extensions will be granted only in cases of illness and misadventure and must be sought prior to the due date.