

LAWS 7053 EQUITY & TRUSTS

Credit Points 10

Legacy Code 201054

Coordinator Ludmilla Robinson ([https://directory.westernsydney.edu.au/search/name/Ludmilla Robinson/](https://directory.westernsydney.edu.au/search/name/Ludmilla%20Robinson/))

Description This subject examines the principles of Equity and the law of trusts in Australia. The primary emphasis is on the nature and development of equitable principles and introduces students to fundamental principles in the law of trusts. Topics include the nature and application of principles and maxims of Equity, the trust, the types of trusts and introduction to express trusts. The subject emphasises contemporary applications of the rules, principles and remedies of Equity, including the operation of the principles of Equity in relation to First Nations peoples. It also explores issues that are presently unresolved and the subject of contention. Students will be able to use a range of legal research tools to select high quality and relevant primary and secondary legal information to support the construction of solutions to hypothetical problems and theoretical legal issues that indicate a deep comprehension of Equity and trusts.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Level Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7056 Fundamentals of Australian Law

Co-requisite(s) LAWS 7067 Property Law

Incompatible Subjects LAWS 3018 Equity Trusts

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Analyse principles, procedure and policy of Equity and trusts, and their relationship to broader social, economic and political contexts, including in relation to First Nations peoples.
2. Construct solutions to hypothetical problems and theoretical legal issues that indicate a deep comprehension of Equity and trusts.
3. Use a range of legal research tools to select high quality and relevant primary and secondary legal information.
4. Evaluate the quality, currency and relevance of legal and non-legal information from a range of primary and secondary sources.

Subject Content

- Historical overview and theoretical foundations of Equity
- The nature and application of equitable principles
- Fiduciary relationships and obligations of a fiduciary, including fiduciary duties owed to First Nations people
- Obligations of Confidence arising on principles of equity
- Concept of the trust and an introduction to express trusts
- Powers and duties of trustees
- The Beneficiary Principle and Non-Charitable Trusts

- The Constitution of Express Trusts
- The Requirement of Writing for Express Trusts
- Express Trusts - Vitiating Elements
- Charitable Trusts
- Implied/Resulting Trusts
- Rights and Liabilities of Trustees
- Rights of the Beneficiary
- Variation and termination of trusts

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Essay	2,000 words	35	N	Individual
Presentation	20 minutes	20	N	Group
Final Exam	24 hours	45	N	Individual

Prescribed Texts

- M.W. Bryan, V.J. Vann and S. Barkehall Thomas, Equity and Trusts in Australia (Cambridge University Press, 3rd ed, 2023)
- M.W. Bryan, V.J. Vann and S. Barkehall Thomas, A Source Book on Equity and Trusts in Australia (Cambridge University Press, 3rd ed, 2023)
- J.D. Heydon and M.J. Leeming, Cases and Materials on Equity and Trusts (LexisNexis, 9th ed, 2019).

Teaching Periods

Autumn (2023)

Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7053_23-AUT_ON_2#subjects)

Parramatta - Victoria Rd

On-site

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View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7053_23-AUT_PS_1#subjects)