

LAWS 3018 EQUITY & TRUSTS

Credit Points 10

Legacy Code 200757

Coordinator Maria Bhatti (<https://directory.westernsydney.edu.au/search/name/Maria+Bhatti/>)

Description This unit examines the principles of the law of equity and trusts in Australia. The primary emphasis is on the nature and development of the law of equity and students are also introduced 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.

School Law

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 1006 OR LAWS 1003

Co-requisite(s) LAWS 2011

Equivalent Subjects LAWS 3019 - Equity Trusts and Remedies 1

Learning Outcomes

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

1. Critically analyse the principles and theoretical foundations of equity and trusts;
2. Examine complex policy and practical debates surrounding equity and trusts;
3. Apply the principles of equity and trusts to analysing and solving hypothetical problems and theoretical legal issues; and
4. Construct oral and written arguments and perspectives that address issues relevant to equity and trusts.

Subject Content

Historical overview of Equity

Substantive law of Equity

The nature and application of equitable principles

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

Informal Testamentary Arrangements

Express Trusts - Vitiating Elements

Charitable Trusts

Implied/Resulting Trusts

Capital and Income

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.

Item	Length	Percent	Threshold	Individual/ Group Task
Essay	1500 words	30	N	Individual
Group Presentation	20 minutes	20	N	Individual
Final Exam	3 hours and 3000 word maximum	50	N	Individual

Prescribed Texts

- Michael W Bryan et al, A Sourcebook on Equity & Trusts in Australia (Cambridge University Press, 2nd ed, 2019).
- Michael W Bryan, VJ Vann and S Barkehall Thomas, Equity & Trusts in Australia (Cambridge University Press, 2nd ed, 2017)

Teaching Periods

2022 Semester 1

Campbelltown

Day

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3018_22-AUT_CA_D#subjects)

Parramatta - Victoria Rd

Day

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Evening

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