

# LAWS 3018 EQUITY & TRUSTS

Credit Points 10

Legacy Code 200757

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

**Description** This subject 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 in a culturally diverse society. Topics include the nature and application of principles and maxims of Equity, especially in relation to First Nations People, the trust, the types of trusts and introduction to express trusts.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

Check your fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/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 3082

**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 in a culturally diverse society;
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 particularly in relation to First Nations People
4. Construct arguments and perspectives that address issues relevant to equity and trusts.

## Subject Content

- Historical overview of Equity
- Substantive principles of Equity
- The nature and application of equitable principles, especially in relation to First Nations People
- Concept of the trust and an introduction to express trusts
- Powers and duties of trustees
- The Beneficiary Principle, Non-Charitable Trusts and Aboriginal Land 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
- Fiduciary Relationships
- Breach of Confidence

## 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	2000 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)
- **For JD students ONLY**  
J.D. Heydon and M.J. Leeming, *Cases and Materials on Equity and Trusts* (LexisNexis, 9th ed, 2019).

Teaching Periods

## Autumn (2024)

### Campbelltown

#### On-site

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

View timetable ([https://classregistration.westernsydney.edu.au/event/timetable/?subject\\_code=LAWS3018\\_24-AUT\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/event/timetable/?subject_code=LAWS3018_24-AUT_CA_1#subjects))

#### Online

##### Online

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View timetable ([https://classregistration.westernsydney.edu.au/event/timetable/?subject\\_code=LAWS3018\\_24-AUT\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/event/timetable/?subject_code=LAWS3018_24-AUT_ON_2#subjects))

### Parramatta - Victoria Rd

#### On-site

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

View timetable ([https://classregistration.westernsydney.edu.au/event/timetable/?subject\\_code=LAWS3018\\_24-AUT\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/event/timetable/?subject_code=LAWS3018_24-AUT_PS_1#subjects))