



## UNSW Course Outline

# LAWS2385 Equity and Trusts - 2024

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## General Course Information

Course Code : LAWS2385

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Undergraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

*LAWS2385 is only available in T1 by School Consent. Contact UNSW Law Student Services for more information.*

This course introduces students to the doctrines of equity and the law of trusts. It traces the historical development of equity and its relationship with common law. Students will critically

consider the appropriate application of a range of equitable doctrines to particular scenarios and the availability of different remedies. Students will also be introduced to the law of trusts and, in particular, the nature of a trust, legal requirements in establishing a trust as well as the rights, duties and powers associated with trusts. The course assumes familiarity with equitable doctrines taught in Principles of Private Law and Contracts, for instance estoppel, undue influence, unconscionability. This is an important pre-requisite for learning about trusts, which involve property.

This course is one of the core subjects for law and will normally be taken after completion of Contracts. It fits within the private law stream, which includes such subjects as Torts, Contracts and Land Law. It provides a good grounding for further studies in this area.

## **Main Topics**

The aim of the course is to ensure that you are familiar with the central principles of equity, including the law of trusts. In particular, the course will cover the following topics:

- Equitable rights and equitable titles
- Fiduciary obligations
- Assignment and Priorities (excluding Torrens land)
- Express trusts, including types of express trust, trusts distinguished from contract, charge, lien, bailment and corporation, lifecycle of an express trust
- Trustee duties, powers and rights
- Beneficiary rights
- Tracing
- Personal liability of accessories and recipients
- Remedies
- Resulting and constructive trusts
- General bars to relief

## **Course Aims**

This course introduces students to the doctrines of equity and the law of trusts. It traces the historical development of equity and its relationship with common law. Students will critically consider the appropriate application of a range of equitable doctrines to particular scenarios and the availability of different remedies. Students will also be introduced to the law of trusts and, in particular, the nature of a trust, legal requirements in establishing a trust as well as the rights, duties and powers associated with trusts.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of principles of equity and trusts and their relationship to the broader context (PLO 1)
CLO2 : Identify important equitable doctrines and remedies and apply them to hypothetical fact scenarios (PLOs 1 & 5)
CLO3 : Engage in critical analysis of the role played by equity in the legal system (PLOs 3 & 7)
CLO4 : Apply knowledge of trust law to critique and suggest improvements to clauses in a trust deed (PLO 6)
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 9)
CLO6 : Work as a member of a team in contributing to class discussion and completing a group assessment task (PLOs 10 & 12)
CLO7 : Demonstrate effective written communication skills by articulating and applying legal concepts clearly, persuasively and appropriately (PLOs 1, 5 & 6)
CLO8 : Retrieve legal research, work through complex legal research problems and write up research in a variety of professional contexts (PLO 6)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of principles of equity and trusts and their relationship to the broader context (PLO 1)	<ul style="list-style-type: none"> <li>• Assignment</li> <li>• Final Invigilated Examination</li> <li>• Class Participation</li> </ul>
CLO2 : Identify important equitable doctrines and remedies and apply them to hypothetical fact scenarios (PLOs 1 & 5)	<ul style="list-style-type: none"> <li>• Assignment</li> <li>• Final Invigilated Examination</li> <li>• Class Participation</li> </ul>
CLO3 : Engage in critical analysis of the role played by equity in the legal system (PLOs 3 & 7)	<ul style="list-style-type: none"> <li>• Final Invigilated Examination</li> <li>• Class Participation</li> </ul>
CLO4 : Apply knowledge of trust law to critique and suggest improvements to clauses in a trust deed (PLO 6)	
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 9)	<ul style="list-style-type: none"> <li>• Assignment</li> <li>• Class Participation</li> </ul>
CLO6 : Work as a member of a team in contributing to class discussion and completing a group assessment task (PLOs 10 & 12)	<ul style="list-style-type: none"> <li>• Assignment</li> </ul>
CLO7 : Demonstrate effective written communication skills by articulating and applying legal concepts clearly, persuasively and appropriately (PLOs 1, 5 & 6)	<ul style="list-style-type: none"> <li>• Final Invigilated Examination</li> <li>• Assignment</li> </ul>
CLO8 : Retrieve legal research, work through complex legal research problems and write up research in a variety of professional contexts (PLO 6)	<ul style="list-style-type: none"> <li>• Assignment</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Assignment Assessment Format: Individual	30%	
Final Invigilated Examination Assessment Format: Individual	60%	
Class Participation Assessment Format: Individual	10%	

# Assessment Details

## Assignment

### Assessment Overview

This assessment requires you to complete a written memorandum (small groups) and a written reflection (individual).

### Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of equity and trusts and their relationship to the broader context (PLO 1)
- CL02 : Identify important equitable doctrines and remedies and apply them to hypothetical fact scenarios (PLOs 1 & 5)
- CL05 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 9)
- CL06 : Work as a member of a team in contributing to class discussion and completing a group assessment task (PLOs 10 & 12)
- CL07 : Demonstrate effective written communication skills by articulating and applying legal concepts clearly, persuasively and appropriately (PLOs 1, 5 & 6)
- CL08 : Retrieve legal research, work through complex legal research problems and write up research in a variety of professional contexts (PLO 6)

## Final Invigilated Examination

### Assessment Overview

This assessment requires you to complete an invigilated written examination within the University examination period.

### Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of equity and trusts and their relationship to the broader context (PLO 1)
- CL02 : Identify important equitable doctrines and remedies and apply them to hypothetical fact scenarios (PLOs 1 & 5)
- CL03 : Engage in critical analysis of the role played by equity in the legal system (PLOs 3 & 7)
- CL07 : Demonstrate effective written communication skills by articulating and applying legal concepts clearly, persuasively and appropriately (PLOs 1, 5 & 6)

### Hurdle rules

Students must obtain 40% or more on the Final Examination to pass the course.

# Class Participation

## Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

## Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of equity and trusts and their relationship to the broader context (PLO 1)
- CL02 : Identify important equitable doctrines and remedies and apply them to hypothetical fact scenarios (PLOs 1 & 5)
- CL03 : Engage in critical analysis of the role played by equity in the legal system (PLOs 3 & 7)
- CL05 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 9)

# General Assessment Information

## Grading Basis

Standard

# Course Schedule

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

# Course Resources

## Prescribed Resources

There are two prescribed texts for this course:

- Bryan, Degeling, Donald and Vann, *A Sourcebook on Equity & Trusts in Australia* (Cambridge University Press, 3rd ed, 2022)
- Bryan, Vann, Barkehall Thomas, *Equity & Trusts in Australia* (Cambridge University Press, 3rd ed, 2022)

# Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Christopher Pearce					Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

### Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up,



then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.