



UNSW Course Outline

LAWS3393 Succession - 2024

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General Course Information

Course Code : LAWS3393

Year : 2024

Term : Term 2

Teaching Period : T2

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

Succession is an elective course which depends on a knowledge of Property and Equity. It will thus consolidate your knowledge of property and equity and draw together many other aspects of the undergraduate curriculum in law. The course is designed to serve the intending practitioner and to cover some academic aspects of the law of Succession -that is, the law

regarding the transmission of property from one generation to another, usually on death. It is suggested that the best practitioners in this area are those with sufficient intellectual understanding and curiosity to connect different doctrinal areas of law in a way which serves their clients' interests most comprehensively. This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning.

Main Topics

- Introduction - history and nature of Succession
- Comparative Succession Law
- Intestate Succession (succession where there is no will)
- Death and the body in succession law
- Testate Succession or the Law of Wills
- Family Provision
- Grants of Representation and some Powers and Duties Legal Personal Representatives
- Administration of Assets

Course Aims

To create in students a clear understanding of the complex requirements of both practitioner and academic issues in the law of succession and develop proficiency in managing both those aspects of the law in its state, national and international context.

Relationship to Other Courses

This is an elective and depends on your understanding of the core subjects such as contracts, property and equity.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : To develop your intellectual understanding and curiosity sufficiently to connect different doctrinal areas of law as they pertain to the law and culture of inheritance (PLO 1, 2, 3, 4, 5, 8, 12)
CLO2 : To recognise the factors in the law of succession which serve people's interests or fail them. (This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning (PLO 1, 3, 7, 9, 10, 11)
CLO3 : To develop drafting and communication skills which are specific to the needs of succession law as well as those which apply more widely. This applies particularly to the will drafting exercise which is highly recommended to students (PLO 1, 2, 3, 4, 5, 6, 7, 8, 9)

Course Learning Outcomes	Assessment Item
CLO1 : To develop your intellectual understanding and curiosity sufficiently to connect different doctrinal areas of law as they pertain to the law and culture of inheritance (PLO 1, 2, 3, 4, 5, 8, 12)	<ul style="list-style-type: none"> • Class Participation • Assignment - Will-Drafting
CLO2 : To recognise the factors in the law of succession which serve people's interests or fail them. (This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning (PLO 1, 3, 7, 9, 10, 11)	<ul style="list-style-type: none"> • Assignment • Class Participation • Assignment - Will-Drafting
CLO3 : To develop drafting and communication skills which are specific to the needs of succession law as well as those which apply more widely. This applies particularly to the will drafting exercise which is highly recommended to students (PLO 1, 2, 3, 4, 5, 6, 7, 8, 9)	<ul style="list-style-type: none"> • Assignment • Class Participation • Assignment - Will-Drafting

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

Learning and teaching in this course is dependent on students doing their reading before class, as class time will be spent on consideration of that reading and on drafting of ways to avoid the problems the reading illuminates. Class participation is the most vital aspect of the process. Students will be assigned to 'firms' to carry out their activities. Your firm will have a client (or two or three) whom you will represent. Go to the moodle page to see what you should do with your firm in O-week before the first class.

Additional Course Information

Succession law is fascinating because in every culture it tells us what that culture thinks is important. It is also taught here as preventative law which is unusual. The aim of the good succession lawyer is to keep their clients OUT of court.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Assignment Assessment Format: Individual	30%	Start Date: Not Applicable Due Date: Week 6: 01 July - 07 July
Assignment - Will-Drafting Assessment Format: Individual	50%	Start Date: Not Applicable Due Date: Week 11: 05 August - 11 August

Assessment Details

Class Participation

Assessment Overview

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

Course Learning Outcomes

- CLO1 : To develop your intellectual understanding and curiosity sufficiently to connect different doctrinal areas of law as they pertain to the law and culture of inheritance (PLO 1, 2, 3, 4, 5, 8, 12)
- CLO2 : To recognise the factors in the law of succession which serve people's interests or fail them. (This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning (PLO 1, 3, 7, 9, 10, 11)
- CLO3 : To develop drafting and communication skills which are specific to the needs of succession law as well as those which apply more widely. This applies particularly to the will drafting exercise which is highly recommended to students (PLO 1, 2, 3, 4, 5, 6, 7, 8, 9)

Detailed Assessment Description

This assessment is aimed less at your mastery of subject matter and more at your willingness and desire to engage in the material and actively manage it and the discussion in class. It includes your ability to listen, your teamwork, as well as asking questions and answering them. If you have difficulty with this please see me and we will organise something that will be sufficiently rigorous but that you can manage.

Assessment Length

whatever is required at the time

Submission notes

N/A

Assessment information

See discussion on Moodle for further details if needed

Assignment submission Turnitin type

Not Applicable

Assignment

Assessment Overview

This assessment requires you to complete a take-home exam or a research essay.

Course Learning Outcomes

- CLO2 : To recognise the factors in the law of succession which serve people's interests or fail them. (This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning (PLO 1, 3, 7, 9, 10, 11)
- CLO3 : To develop drafting and communication skills which are specific to the needs of succession law as well as those which apply more widely. This applies particularly to the will drafting exercise which is highly recommended to students (PLO 1, 2, 3, 4, 5, 6, 7, 8, 9)

Detailed Assessment Description

This assignment will be a problem-based take-home assignment covering the material from comparative law up to and possibly including revocation of wills. You will be told what is covered in class.

Assessment Length

to be confirmed - probably 1800 words

Submission notes

See Assignment Handout

Assessment information

See the assignment handout when it comes. It will give detailed information.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Assignment - Will-Drafting

Assessment Overview

This assessment requires you to draft a will and complete a clause-by clause analysis of the will showing an understanding of the considerations required in drafting a will.

Course Learning Outcomes

- CLO1 : To develop your intellectual understanding and curiosity sufficiently to connect different doctrinal areas of law as they pertain to the law and culture of inheritance (PLO 1, 2, 3, 4, 5, 8, 12)
- CLO2 : To recognise the factors in the law of succession which serve people's interests or fail them. (This includes recognising factors which shape the laws regarding inheritance and recognising where changes in those factors are likely to alter the needs of clients in matters like estate planning (PLO 1, 3, 7, 9, 10, 11)
- CLO3 : To develop drafting and communication skills which are specific to the needs of succession law as well as those which apply more widely. This applies particularly to the will drafting exercise which is highly recommended to students (PLO 1, 2, 3, 4, 5, 6, 7, 8, 9)

Detailed Assessment Description

More detail will be given when the assignment is made available, but this assignment requires you to draft a will using precedents in response to a problem question. Then it will require you to write a justification for each clause you have placed in the will. The aim of the exercise is to help you to learn how precedents work and how much thought and understanding of legal concepts is required to draft a will which will not 'explode'! This is an exercise which students repeatedly talk about as very challenging but also very rewarding

Assessment Length

no word limit for will. 3000 words for justification (unless specified otherwise in Assignment handout)

Submission notes

Two separate documents - will and justification , submitted on turnitin as one document.

Assessment information

See moodle for further detail and assessment handout when it is posted on moodle, approximately three or four weeks before due date

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

General Assessment Information

All assessment except Class participation is expected to be presented in AGLC4 format.

Grading Basis

Standard

Requirements to pass course

Standard - 50% overall.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 0 : 20 May - 26 May	Group Activity	Get together with the others in your firm and prepare the material for your firm and for class 1 as set out on the moodle page.
Week 1 : 27 May - 2 June	Seminar	Introduction: history and nature of succession - comparative succession law
Week 2 : 3 June - 9 June	Seminar	Relationships in Succession law Boundaries of Succession law
Week 3 : 10 June - 16 June	Seminar	Death Intestacy
Week 4 : 17 June - 23 June	Seminar	The Testator's Mind Wills Formalities
Week 5 : 24 June - 30 June	Seminar	The dispensing power Revocation of wills
Week 6 : 1 July - 7 July	Seminar	READING WEEK
Week 7 : 8 July - 14 July	Seminar	Mistake and rectification in the probate court Construction of the will
Week 8 : 15 July - 21 July	Seminar	Construction of the will - when gifts fail - equitable doctrines - public policy
Week 9 : 22 July - 28 July	Seminar	Family Provision or Testator's Family Maintenance
Week 10 : 29 July - 4 August	Seminar	The Legal Personal Representative (Executor or Administrator) The Administration Process

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.

General Schedule Information

The mid-term assignment's dates and the will-drafting assignments dates are set out on the

moodle page. Generally the mid-term assignment covers the material up to and including the formal validity and revocation of wills. The will-drafting assignment due at the end of the term or in the exam period covers the whole course as it requires explanation of the choice of precedents.

Course Resources

Prescribed Resources

Croucher and Vines, *Succession, families, property and death*, 6th ed, LexisNexis, 2024

Succession Act 2006 (NSW)

other legislation as required

Recommended Resources

Hutley's Precedents - any edition from the 7th to the present will do. If you get an earlier one (cheaper!) make sure you update the law when necessary

Additional Costs

None

Course Evaluation and Development

Informal feedback from students in class diaries to be handed in periodically tells me exactly how this particular class feels about the ways in which the class is run. Where there are problems I can adjust immediately. The formal student evaluation is used in the same way, but of course I cannot apply that information to the class that provided it.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Prue Vines		Law 216	93852236	by appointment	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.