

# LAWS50033 Trusts

<b>Credit Points:</b>	12.50
<b>Level:</b>	5 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.
<b>Time Commitment:</b>	Contact Hours: Two 2 hour seminars per week. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	733-510 Legal Method and Reasoning; 733-511 Principles of Public Law; 733-512 Torts; 733-513 Obligations; 733-514 Dispute Resolution; 733-515 Constitutional Law; 733-516 Contracts; 733-517 Property; 733-518 Legal Theory.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Assoc Prof Matthew Harding
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>The subject allows students to develop an understanding of the law of trusts, including: the concept of the trust and its contemporary applications; the distinction between trusts, trust powers and powers; a comparison of the trust with other fiduciary relationships; the principles governing the creation of express trusts; the role of public policy in the creation and enforcement of trusts; the principles governing the recognition of trusts for charitable purposes; an analysis of resulting and constructive trusts; the duties of trustees, with special reference to the duty to invest; and remedies for breach of trust, with special reference to the distinction between personal and proprietary remedies.</p> <p>The subject builds on the knowledge of trusts that students will have acquired from the compulsory subjects Obligations and Property. Its emphasis is not on old Chancery traditions or the history of the trust. Instead, Trusts emphasises contemporary applications of the rules, principles and remedies surrounding the trust. Moreover, it explores issues in contemporary trusts law that are presently unresolved and the subject of contention. But it also presents its subject matter systematically, proceeding from first principles, which is not possible when dealing with trusts in subjects like Obligations and Property. As a result, it is hoped that, in addition to its primary objectives, Trusts will help students to 'tie up loose ends' that have emerged while thinking about trusts in Obligations and Property. Furthermore, given its subject matter, Trusts helps to prepare students for the compulsory subject Remedies and the popular optional subject Restitution.</p>
<b>Objectives:</b>	The aim of this subject is for students to develop an understanding of the law of trusts through close reading of cases, statutes and scholarly writing and through participation in class discussion. It is expected that, on completion of the subject, students will understand the essentials of trusts law and should be able to:

	<ul style="list-style-type: none"> <li># Identify, analyse and challenge the basis of judicial decisions and legislation on the law of trusts;</li> <li># Apply relevant principles to particular fact situations and develop creative arguments as to ways in which those principles could be applied to novel fact situations;</li> <li># Draft effective provisions of trust instruments in light of relevant principles;</li> <li># Evaluate relevant principles and analyse particular problems from a range of theoretical perspectives; and</li> <li># Utilise comparisons with other legal systems to analyse and evaluate the ways in which particular problems are addressed by the Australian law of trusts.</li> </ul>
<b>Assessment:</b>	Supervised Examination or Take Home Examination (100%).
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have further extended and polished the following generic skills developed during the first year of the JD degree:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include valuing truth and openness to new ideas;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for independent, critical and creative thought and reflection;</li> <li># The capacity to solve problems, including through the evaluation of information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time; and</li> <li># Intercultural sensitivity and understanding.</li> </ul>
<b>Related Course(s):</b>	Juris Doctor