

## 730-462 Equity and Trusts

<b>Credit Points:</b>	12.500
<b>Level:</b>	Undergraduate
<b>Dates &amp; Locations:</b>	2008, This subject commences in the following study period/s: Semester 1, - Taught on campus. Estimated total time commitment of 144 hours.
<b>Time Commitment:</b>	Contact Hours: Two 2-hour lectures per week Total Time Commitment: Not available
<b>Prerequisites:</b>	Torts and the Process of Law I and II; History and Philosophy of Law I and II; Contracts I and II; Property I: Concepts and Principles; Property II: Acquisition and Dealings.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt; <p>&lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p> </p>
<b>Coordinator:</b>	TBA
<b>Subject Overview:</b>	Topics include the concept of the trust and its contemporary applications; the distinction between trusts, trust powers and powers; the nature of equity and its history (in outline); 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.
<b>Assessment:</b>	Final open-book examination of three hours, 100%.
<b>Prescribed Texts:</b>	Printed materials will be issued by the Faculty of Law.
<b>Recommended Texts:</b>	<ul style="list-style-type: none"> <li># JD Heydon and PL Loughlin (eds), <i>Cases and Materials on Equity and Trusts</i> (6th edition, 2002); OR</li> <li># GE Dal Pont, DRC Chalmers and JK Maxton (eds), <i>Equity and Trusts: Commentary and Materials</i> (4th edition; 2007)</li> </ul>
<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 developed the following generic skills:</p> <ul style="list-style-type: none"> <li># attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage</li> <li># the capacity for close reading and analysis of a range of sources</li> </ul>

- # the capacity for critical and independent thought and reflection
- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # the capacity to plan and manage time
- # intercultural sensitivity and understanding

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # An ability to solve legal problems by the application of equitable methodology
- # An ability to undertake legal research
- # An ability to apply the insights of scholarly writing to the solution of legal problems.