

# LAWS40086 Trusts A

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2012. Seminars
<b>Time Commitment:</b>	Contact Hours: 48 hours. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Contracts; Property; Torts; or in each case their equivalents.
<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>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>	This 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.
<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 trust law and will be able to: <ul style="list-style-type: none"> <li># Identify, analyse and challenge the basis of decisions 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 deeds 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 way in which particular problems are addressed by the Australian law of trusts.</li> </ul>
<b>Assessment:</b>	Hurdle Requirement: A written assignment of 1,500 words to be marked on a pass/fail basis; Final open-book examination of three hours, 100%.
<b>Prescribed Texts:</b>	To be advised; 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>

<p><b>Generic Skills:</b></p>	<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> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># The capacity to participate as a member of a team;</li> <li># Intercultural sensitivity and understanding.</li> </ul> <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li>- Case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li># Extract important features from judgments;</li> <li># Reconcile judgments;</li> <li># Evaluate the development of legal principles;</li> <li># Apply legal principles arising from case law to new situations.</li> </ul> </li> <li>- Legal drafting;</li> <li>- Legal research and writing skills, including an ability to: <ul style="list-style-type: none"> <li># Find secondary sources;</li> <li># Use case law, statutes and secondary sources as part of legal analysis.</li> </ul> </li> <li>- Hypothetical problem solving, including an ability to: <ul style="list-style-type: none"> <li># Identify legal issues arising in complex fact situations;</li> <li># Identify and apply relevant legal, equitable and statutory principles; and</li> <li># Provide advice as to the rights and obligations of the parties.</li> </ul> </li> </ul>
<p><b>Notes:</b></p>	<p>This subject is for students who started in the old LLB curriculum and have not completed <i>Equity and Trusts</i> and <i>Obligations</i>.</p>