

School / Faculty: Federation Business School

Course Title: EQUITY AND TRUSTS

Course ID: BULAW2613

Credit Points: 15.00

Prerequisite(s): (BULAW2611)

Co-requisite(s): Nil

Exclusion(s): Nil

ASCED Code: 0909

Grading Scheme: Graded (HD, D, C, etc.)

Program Level:

AQF Level of Program						
	5	6	7	8	9	10
Level						
Introductory	■	■	■	■	■	■
Intermediate	■	■	✓	■	■	■
Advanced	■	■	■	■	■	■

Learning Outcomes:

Knowledge:

- K1.** Appreciate the distinction and relationship between legal and equitable principles.
- K2.** Comprehension of a selection of equitable remedies and doctrines.
- K3.** Appreciate the nature of trusts.
- K4.** Identify and explain the duties and rights of both the beneficiary and trustee.
- K5.** Explain the different applications of trusts and the different ways a trust can arise.
- K6.** Describe the duties/rights/powers of a trustee.
- K7.** Describe the rights of a beneficiary including availability of remedies against third parties to a breach of trust

Skills:

- S1.** Identify legal issues emerging from a specific case scenario
- S2.** Conduct and evaluate legal research.
- S3.** Communicate legal reasoning and research in written form.
- S4.** Recognise and reflect on the professional responsibilities in promoting justice and ethical behaviour.

Course Outline (Higher Education)

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Application of knowledge and skills:

- A1.** Apply legal theory to a range of scenarios.
- A2.** Apply relevant legal principles to a case scenario.
- A3.** Integrate social, environmental, sustainability, ethical and economic perspectives into a business context.
- A4.** Use initiative and judgment to research and analyse legal issues that involve specific and relevant types of equitable doctrines and trust principles.

Course Content:

Topics may include:

- Development and Nature of Equity
- Fiduciary Obligations
- Confidential information
- Equitable estoppel
- Equitable remedies
- Development and nature of the trust
- Trust creation
- Requirements for a valid trust
- Trustee duties
- Rights of beneficiaries
- Classification of trusts
- Position of third parties
- Remedies for breach of trust including tracing

Values and Graduate Attributes:

Values:

Course Outline (Higher Education)

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- V1.** To appreciate that the law is influenced by social, economic, environmental, political and/or international considerations.
- V2.** To appreciate that the law affects both business decision making and business practice.
- V3.** To appreciate the empowerment that knowledge of law gives both business and consumers.
- V4.** To develop a desire to be an active learner, one who reads, reflects, is autonomous, is proactive, discusses, reflects, writes and makes linkages.
- V5.** To develop an understanding that learning is a continual life-long process.
- V6.** To identify your weaknesses and strengths and reflect on how you learn.

Graduate Attributes:

FedUni graduate attributes statement. To have graduates with knowledge, skills and competence that enable them to stand out as critical, creative and enquiring learners who are capable, flexible and work ready, and responsible, ethical and engaged citizens.

Attribute	Brief Description	Focus
Knowledge, skills and competence	On-going assessment and application	Medium
Critical, creative and enquiring learners	Student-centred learning approach through independent research and writing	Medium
Capable, flexible and work ready	Students will be attuned to contemporary social and cultural issues	High
Responsible, ethical and engaged citizens	Students will learn ethical business practices	High

Learning Task and Assessment:

Learning Outcomes Assessed	Assessment Task	Assessment Type	Weighting
K1, K2 S1 A1	Supervised, closed book test	Test	10-20%
K1, K2, K3 S1, S2, S3, S4 A1, A2, A3, A4	Individual unsupervised assessment involving both problem solving and research	Assignment	30-40%
K3, K4, K5, K6, K7 S1, S2, S4 A1, A2, A3, A4	Supervised examination	Examination	40-60%

Adopted Reference Style:

Other (Footnotes (AGLC))