



LAWS12056 *Equity*

Term 1 - 2017

Profile information current as at 23/09/2025 10:31 am

All details in this unit profile for LAWS12056 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit examines Equity Law, the secondary body of English law as developed by the Courts of Chancery, supplementing the Common Law, together with reform initiatives including the 1873 UK Judicature Act. The unit has three main parts. The first part surveys the origins of Equity Law and its contested relationship with the Common Law. The second part addresses: equitable estates and interests; fiduciary relationships and unconscionable transactions. The third part deals with available remedies including declarations, specific performance, injunctions, rescission and damages together with equitable defences.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisite: LAWS11057, LAWS11059, LAWS11061 & LAWS11062

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 1 - 2017

- Distance

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Written Assessment**

Weighting: 40%

2. **Examination**

Weighting: 60%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student Evaluation

Feedback

Use of Zoom for tutorials

Recommendation

Blackboard Collaborate sessions will be replaced by Zoom as the primary platform for audio-visual communications. This will engage students on a weekly basis in a tutorial mode.

Action

Completed.

Feedback from Student Evaluation

Feedback

Tony Meecham's lectures were short.

Recommendation

Fresh comprehensive lectures using ECHO360 will be uploaded on Moodle. The greater use of practical examples to explain complex concepts will foster students' engagement and assist in their assimilation of the law.

Action

The lecture recordings were not updated, and the course would benefit from such an update. Tutorials went for 40 mins to 60 mins each.

Feedback from Student Evaluation

Feedback

Tutorial session needs improvement

Recommendation

Use of Zoom sessions to facilitate student interaction and provide a platform to respond to students' queries. Students will be informed in advance what to prepare for the online tutorials which will focus on their problem-solving skills.

Action

Students had problem questions and discussion topics given to them pre-tutorial, and participation was generally good. Zoom, as a platform, generally worked well.

Feedback from Student Evaluation

Feedback

Feedback on assessment

Recommendation

More detailed feedback will be provided to assist students to improve. The provision of two assessment pieces will enable students to judge their performance based on the first feedback.

Action

Written feedback was individually tailored and accompanied by a matrix of the attributes sought with markers of where each student lay on that matrix. Where students wanted additional feedback, that was provided either via email or in personal calls or Zoom sessions.

Feedback from Student Evaluation

Feedback

Hard to hear lectures.

Recommendation

Zoom will provide better audio, video and screen share qualities and enhance students' engagement.

Action

Completed.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Demonstrate an awareness of the principles of Equity and their relationship to broader legal principles.
2. Identify relevant equitable doctrines and remedies and apply them to problem scenarios.
3. Critically analyse the role played by Equity in common law jurisdictions.
4. Research, critically analyse and evaluate cases and secondary material with reference to equitable doctrines and remedies.
5. Identify and critically assess different theoretical arguments relevant to equitable doctrines and remedies.
6. Analyse and predict how unresolved or ambiguous questions of equitable doctrine could be resolved by the courts.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes					
	1	2	3	4	5	6
1 - Written Assessment - 40%	•	•		•		
2 - Examination - 60%	•	•	•		•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6
1 - Communication						
2 - Problem Solving		•	•	•	•	•
3 - Critical Thinking		•	•	•	•	•
4 - Information Literacy				•		
5 - Team Work						
6 - Information Technology Competence						
7 - Cross Cultural Competence						
8 - Ethical practice						
9 - Social Innovation						
10 - Aboriginal and Torres Strait Islander Cultures						

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 40%	•	•	•			•				
2 - Examination - 60%	•	•	•							

Textbooks and Resources

Textbooks

LAWS12056

Prescribed

Principles of Australian Equity and Trusts

Edition: Third (2016)

Authors: Peter Radan & Cameron Stewart

LexisNexis Butterworths

Chatswood, NSW, Australia

ISBN: 978-0-409-34043-3

Binding: Hardcover

Additional Textbook Information

No

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Webcam for participation in tutorials

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)
For further information, see the Assessment Tasks.

Teaching Contacts

Amanda Stoker Unit Coordinator
a.stoker@cqu.edu.au

Schedule

Week 1 - 06 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Equity	1, 2	

Week 2 - 13 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Relationship of Law and Equity	3	

Week 3 - 20 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Equitable Interests	4, 5, 6	

Week 4 - 27 Mar 2017

Module/Topic	Chapter	Events and Submissions/Topic
Confidential Information	9	

Week 5 - 03 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Fiduciary Obligations	10	
Vacation Week - 10 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Week 6 - 17 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Undue Influence	11	
Week 7 - 24 Apr 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Unconscionable Transactions	13	
Week 8 - 01 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Equitable Estoppel	14	Written Assessment Due: Week 8 Wednesday (3 May 2017) 11:45 pm AEST
Week 9 - 08 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Remedies 1	28, 29, 30, 31	
Week 10 - 15 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Remedies 2	32, 33, 34, 38	Return of marked assignment during this week
Week 11 - 22 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Defences	39	
Week 12 - 29 May 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Revision		
Review/Exam Week - 05 Jun 2017		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 12 Jun 2017		
Module/Topic	Chapter	Events and Submissions/Topic

Term Specific Information

Amanda Stoker is the course coordinator. She can be contacted at a.stoker@cqu.edu.au or by telephoning 07 3236 5081 or 0438 141 612.

Assessment Tasks

1 Written Assessment

Assessment Type
Written Assessment

Task Description

The assignment will require you to use the knowledge acquired in this course to analyse a factual scenario and arrive at a final conclusion that answers the questions raised by it. You should make use of recent journal articles and case reports in your analysis of the issues being raised. The length of the main body of the essay should be no more than 3000 words. Answers that exceed the limit by more than 10% will be penalised. Text should be word-processed, with appropriate layout and the use of heading/sub-headings. There should be a list of references or bibliography at the end of your assignment.

Please upload your file in Word format (.doc or .docx). Submissions must have a cover page stating your name, student number, word count, and details of any extension granted (if applicable). Please include your name and student number on every page of the document (either in a header or footer) and number the pages of your assignment.

Assessment Due Date

Week 8 Wednesday (3 May 2017) 11:45 pm AEST

Return Date to Students

Week 10 Friday (19 May 2017)

Weighting

40%

Assessment Criteria

ASSESSMENT CRITERIA

These criteria are a general guide as to the standard expected at various levels.

High distinction standard

- The answer is very well written and clearly expressed
- There is a demonstrated appreciation and understanding of issues involved
- The answer is well structured and logically organised
- Demonstrated mastery of the referencing system
- There is evidence of a comprehensive analysis of the issues

Distinction standard

- The answer is well written and expressed
- The answer is structured and logical
- The issues have been reasonably well defined and appreciated
- There is correct use of referencing
- Issues have been analysed

Credit

- The answer is generally well written and expressed
- The answer is structured and sequential
- Referencing is satisfactory
- Issues are identified and addressed
- There has been an attempt to analyse some of the issues

Pass standard

- The answer is able to be followed and understood
- The answer could perhaps be better organised and structured
- The referencing may need improvement
- Issues may need to be identified and addressed in more depth
- Analysis when present may be incorrect

Fail standard

- The answer is sometimes significantly short of the required length
- The written expression is poor and difficult to understand
- The answer is poorly organised
- There has been a failure to address issues

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Submission Instructions

Upload your file in Word format (.doc or .docx).

Learning Outcomes Assessed

- Demonstrate an awareness of the principles of Equity and their relationship to broader legal principles.
- Identify relevant equitable doctrines and remedies and apply them to problem scenarios.

- Research, critically analyse and evaluate cases and secondary material with reference to equitable doctrines and remedies.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Technology Competence

Examination

Outline

Complete an invigilated examination.

Date

During the examination period at a CQUniversity examination centre.

Weighting

60%

Length

180 minutes

Exam Conditions

Open Book.

Materials

No calculators permitted

Law dictionaries, Business and Law dictionaries (discipline specific dictionaries) are authorised.

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem