



LAWS12056 *Equity*

Term 1 - 2018

Profile information current as at 19/08/2022 05:41 pm

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

LAWS12056 Equity 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 Judicature Act 1873 (IMP). 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 rights, titles and interests; equitable assignments; estoppel in equity; fiduciary obligations and unconscionable transactions. The third part deals with equitable remedies including declarations, specific performance, injunctions, rescission and damages together with equitable defences. This unit together with LAWS12060 Trusts meets the LPAB requirements for equity.

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 - 2018

- 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 Course coordinator observation, some student comments.

Feedback

Unit materials (audio lecture recordings, course notes) would benefit from an update.

Recommendation

Unit materials should be reviewed and updated, with new audio and video resources provided.

Feedback from Course ratings.

Feedback

Students value detailed feedback on assessment tasks.

Recommendation

Continue to offer a marking sheet that positions a student's work on a matrix for that task, as well as offering personal comments and a grade. Continue to offer individual phone calls or group zoom feedback sessions for those students who don't understand their feedback or who require elaboration to be able to integrate it into their future work.

Unit Learning Outcomes

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

1. Explain the principles of Equity and their relationship to broader legal principles
2. Identify relevant equitable doctrines (equitable rights, titles and interests; equitable assignments; estoppel in equity; fiduciary obligations and unconscionable transactions) 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

3rd edition (2015)

Authors: Peter Radan and Cameron Stewart,

Lexis Nexis Australia

Melbourne , Victoria , Australia

ISBN: 9780409340433

Binding: Paperback

Additional Textbook Information

LAWS12056 Law of Trusts and LAWS12060 Equity use the same textbook.

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

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

Alexandra McEwan Unit Coordinator

a.mcewan@cqu.edu.au

Schedule

Week 1 - 05 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Equity	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapters 1 and 2	Tutorial 1 7pm Thursday 8th March AEDT Note: daylight savings finishes the first Sunday in April https://www.australia.gov.au/about-australia/facts-and-figures/time-zones-and-daylight-saving

Week 2 - 12 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Relationship between the Common Law and Equity	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (3rd ed, 2016) Chapter 3	Tutorial 2 7pm Thursday 15th March AEDT

Week 3 - 19 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Equitable Estates and Interests	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapters 4, 5, 6 and 8.	Tutorial 3 7pm Thursday 22th March AEDT

Week 4 - 26 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
Confidential Information	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 9.	Tutorial 4 7pm Thursday 29th March AEDT

Week 5 - 02 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Fiduciary Obligations	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 10.	Tutorial 5 7pm Thursday 5 April AEST Note: Daylight savings finishes the first Sunday in April https://www.australia.gov.au/about-australia/facts-and-figures/time-zones-and-daylight-saving

Vacation Week - 09 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Week 6 - 16 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Undue Influence	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 11	Tutorial 6 7pm Thursday 19 April AEST

Week 7 - 23 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Unconscionable Transactions	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 13	Tutorial 7 7pm Thursday 26 April AEST

Week 8 - 30 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Equitable Estoppel	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 14	Tutorial 8 7pm Thursday 3 May AEST Equity assignment due Wednesday 2nd May, 2018 11:45 PM See the CQU Assessment Policy and Procedure (HIGHER EDUCATION COURSEWORK) for details regarding extension requests and late penalties. Equity Written Assignment Due: Week 8 Wednesday (2 May 2018) 11:45 pm AEST

Week 9 - 07 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Remedies 1	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 28, 29, 30, 31	Tutorial 9 7pm Thursday 10 May AEST

Week 10 - 14 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Remedies 2	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapters 32, 33, 34, 38	Tutorial 10 7pm Thursday 17 May AEST

Week 11 - 21 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Defences	Peter Radan and Cameron Stewart, <i>Principles of Australian Equity and Trusts</i> (LexisNexis, 3rd ed, 2016) Chapter 39	Tutorial 11 7pm Thursday 24 May AEST
----------	--	---

Week 12 - 28 May 2018

Module/Topic	Chapter	Events and Submissions/Topic
Revision	Revision problem questions to be uploaded to Moodle	Revision tutorial 7pm Thursday 31 May

Review/Exam Week - 04 Jun 2018

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Exam Week - 11 Jun 2018

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Term Specific Information

Dear Students,

Welcome to LAWS12056 Equity.

My contact details are as follows:

Email: a.mcewan@cqu.edu.au

CONSULTATION HOURS: I am generally available for consultation and to assist you with your queries on Mondays and Wednesdays from 9 am to 12 noon (Eastern Standard Time) on 03 9616 0620. I am located in Melbourne and am on campus Mondays and Wednesdays. If you are in Melbourne you are welcome to make an appointment to meet with me in person. I am available at other times subject to prior arrangement with me.

Best wishes,

Alex

Assessment Tasks

1 Equity Written Assignment

Assessment Type

Written Assessment

Task Description

Assessment Paper: Due Week 8 - Wednesday, 2 May 2018 11:45 PM

Maximum Word Limit: 3000 words

40 marks (40%)

Task Description

Students will be required to solve an Equity Law problem question.

Students will be required to refer to relevant case law and statute and to apply legal reasoning, critical thinking skills and to engage in research to support arguments. Students must reference their work in accordance with the *Australian Guide to Legal Citation* (AGLC). Further details of the assignment will be uploaded to Moodle and discussed during tutorial 1.

Assessment Due Date

Week 8 Wednesday (2 May 2018) 11:45 pm AEST

Return Date to Students

Week 10 Monday (14 May 2018)

Weighting

40%

Assessment Criteria

Marking will be completed according to a rubric. The rubric will be uploaded to Moodle and will be attached to the assignment instructions.

Referencing Style

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

Submission

Online

Submission Instructions

Submit via Moodle as a Word document. I will only accept online submission of your work.

Learning Outcomes Assessed

- Explain the principles of Equity and their relationship to broader legal principles
- Identify relevant equitable doctrines (equitable rights, titles and interests; equitable assignments; estoppel in equity; fiduciary obligations and unconscionable transactions) 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

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).
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