



# LAWS12056 *Equity*

## Term 1 - 2019

Profile information current as at 26/04/2024 12:49 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

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 - 2019

- Online

### 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 'Have Your Say' Unit evaluations

##### Feedback

Students expressed a preference for the term study materials for week 1 -11 to be uploaded at the beginning of term.

##### Recommendation

Term materials to be uploaded at the beginning of term.

## 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
<b>1 - Written Assessment - 40%</b>	•	•		•		
<b>2 - Examination - 60%</b>	•	•	•		•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6
<b>1 - Communication</b>						
<b>2 - Problem Solving</b>	•	•	•	•	•	•

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6
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

4th edition (2018)

Authors: Peter Radan and Cameron Stewart

Lexis Nexis Australia

Binding: Paperback

#### Additional Textbook Information

Paper copies can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[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, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Alexandra McEwan** Unit Coordinator  
[a.mcewan@cqu.edu.au](mailto:a.mcewan@cqu.edu.au)

## Schedule

### Week 1 - 11 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Equity: History and Nature of Equity	Chapters 1 and 2	Tutorial 6pm (Qld time) Thursday 14th March 2019

### Week 2 - 18 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Relationship between the common law and Equity	Chapter 3	Zoom session 6pm (Qld time) Thursday 21st March 2019

### Week 3 - 25 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Equitable Interests and Estates	Excerpts from Ch 4, 5, 6 and 8	Zoom session 6pm (Qld time) Thursday 28th March 2019

### Week 4 - 01 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Confidential Information	Chapter 9	Zoom session 6pm (Qld time) Thursday 4th April 2019

### Week 5 - 08 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Fiduciary Obligations	Chapter 10	Zoom session 6pm (Qld time) Thursday 11th April 2019

### Vacation Week - 15 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - 22 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Undue Influence	Chapter 11	As Thursday 25th April 2019 is a Public Holiday, the date and time for this tutorial will be announced in the Week One Term 1 2019 Zoom session.

### Week 7 - 29 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Unconscionable Transactions	Chapter 13	Zoom session 6pm (Qld time) Thursday 2nd May 2019

### Week 8 - 06 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Zoom session 6pm (Qld time)  
Thursday 9th May 2019  
Written Assessment Due: Week 8  
Thursday (9th May) 5:00 pm AEST

Equitable Estoppel Chapter 14

**Written Assessment** Due: Week 8  
Thursday (9 May 2019) 5:00 pm AEST

#### Week 9 - 13 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Remedies I	Chapters 28 and 29	Zoom session 6pm (Qld time) Thursday 16th May 2019

#### Week 10 - 20 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Remedies II	Excerpts from Chapters 30, 32, 33 and 38.	Zoom session 6pm (Qld time) Thursday 23rd May 2019

#### Week 11 - 27 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Defences	Chapter 39	Zoom session 6pm (Qld time) Thursday 30th May 2019

#### Week 12 - 03 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic
Revision	Nil	Revision Zoom session 6pm (Qld time) Thursday 6th June 2019

#### Review/Exam Week - 10 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic
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#### Exam Week - 17 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic
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## Term Specific Information

CONSULTATION HOURS: I am generally available for consultation on Tuesdays and Thursdays from 10 am to 12 noon (Eastern Standard Time).

You are welcome to contact me on my landline number and leave a message. If I do not answer your call within 24 hours, please send me an email.

**The best way to contact me is by email.** I check my emails regularly and will get back to you to make a time to talk.

I am located in Melbourne. If you are in Melbourne you are welcome to contact me to arrange a time to meet me in person. I am also available at other times (by phone or in person) subject to prior arrangement with me.

I welcome your feedback and suggestions: a.mcewan@cqu.edu.au

Dr Alexandra McEwan, Unit Coordinator, Equity

## Assessment Tasks

### 1 Written Assessment

#### Assessment Type

Written Assessment

#### Task Description

Assessment Paper: Due Week 8 - Thursday 9th May 2019 at 5pm

Maximum Word Limit: 2500 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, apply legal reasoning and critical thinking skills, and 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 Thursday (9 May 2019) 5:00 pm AEST

### Return Date to Students

Week 10 Thursday (23 May 2019)

### Weighting

40%

### Assessment Criteria

Marking will be completed according to a rubric based on the following categories: understanding of factual basis and relevant law; presented in a logical structure; exploration of legal issues; legal problem solving; and written expression and AGLC referencing.

The rubric will be uploaded to Moodle and will be attached to the assignment instructions.

### Referencing Style

- [Australian Guide to Legal Citation, 4th 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

120 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