



The University of Southern Queensland

## Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.  
Please consult the web for updates that may occur during the year.

### Description: Advanced Equity

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5705	87208	1, 2009	ONC	1.00	Springfield

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090900

### STAFFING

Examiner: Hugh Carter  
Moderator: Nicky Jones

### REQUISITES

Pre-requisite: LAW5501

### OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.

### SYNOPSIS

No study of law is complete without an understanding of the area of law which lessens and ameliorates the harsh impacts of common law rules. This course aims to provide a theoretical framework for the underlying fundamental principles of the law of Equity. The material will explore the historical development of equity, its relationship with the common law and an analysis of its current applications. Students will have an appreciation for its special characteristics and discretionary nature. The course will examine the practical application of equitable actions and remedies. In particular, a focus will be the manner in which equity may intervene in the application of more strict common law rights. Finally, students may be expected to be able to critique recent developments and comment on the direction of its principles to deal with new circumstances.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. describe the development of equitable principles and their historical and current relationship with common law actions (Assignment, Examination)

2. identify equitable interests and relationships which create equitable duties (Assignment, Examination)
3. recognise specific equitable obligations and the potential liabilities (Assignment, Examination)
4. analyse the potential development of equitable principles to current and new circumstances (Assignment, Examination)
5. apply any of the equitable principles to commercial and personal problems with a view to providing practical advice (Assignment, Examination)
6. describe and apply the equitable remedies that may be available to a particular action (Assignment, Examination)
7. apply general policies underlying the law of equity in Australia in order to evaluate those laws, in particular for the topics considered in this course (Assignment, Examination)
8. locate and analyse primary law materials and secondary materials (as relevant) while critically reviewing an issue in law relevant to the topics considered in this course (Assignment, Examination)
9. explain the legal principles relevant to the topics considered in this course (Assignment, Examination)
10. apply such legal principles to given fact situations in order to determine the likely outcome to issues raised (Assignment, Examination)
11. demonstrate satisfactory communication skills (Assignment, Examination)
12. critically evaluate existing equitable principles (Assignment, Examination).

## TOPICS

	Description	Weighting (%)
1.	The relationship between equity and the common law: (a) history; (b) current developments	20.00
2.	Equitable interests in property	10.00
3.	Relationships that create equitable duties and potential liabilities	20.00
4.	Specific equitable obligations including: (a) estoppel; (b) unconscionability; (c) undue influence; (d) duties of confidence	30.00
5.	Equitable remedies	20.00

## TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LAW5705 study package available from the USQ Bookshop.

Evans, M 2008, *Equity and trusts*, 2nd edn, LexisNexis Butterworths, Chatswood, New South Wales.

## REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

LexisNexis AU [electronic database] - accessible via USQ Library Database Services at <[http://www.usq.edu.au/library/eservices/ezp\\_lexis\\_nexis.htm](http://www.usq.edu.au/library/eservices/ezp_lexis_nexis.htm)>.

Cockburn, T, Harris, W & Shirley, M 2005, *Equity and trusts*, 2nd edn, LexisNexis Butterworths, Chatswood, New South Wales.

Meagher, RP, Heydon, JD & Leeming, MJ 2002, *Meagher, Gummow & Lehane's equity: doctrines and remedies*, 4th edn, LexisNexis Butterworths, Chatswood, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	45.00
Directed Study	50.00
Lectures and Tutorials	44.00
Private Study	26.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ASSIGNMENT	40.00	40.00	11 May 2009
2 HOUR EXAMINATION	60.00	60.00	END S1 (see note 1)

### NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:

If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.

- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:  
This will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:  
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

## **OTHER REQUIREMENTS**

- 1 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.
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