# 70517 Equity and Trusts

UNIVERSITY OF TECHNOLOGY SYDNEY · LAW · SPRING 2026

Full guide + ask Sia about 70517

SIDE 1 · PRIORITY ROUTES

EXAM REVISION SHEET · doctrine → elements → application → remedy

SOURCE-GROUNDED

## 1 · Exam map

COURSE.JSON · BRIEF

Quiz 20 | EPR 30 | Final 50

| ASSESSMENT | WEIGHT / FORMAT |
|---|---|
| Research Knowledge Quiz | 20% · online; generative AI prohibited |
| Equitable Principles and Remedies Quiz | 30% · online doctrinal quiz; generative AI prohibited |
| Final Examination | 50% · two-hour online ProctorU exam; generative AI prohibited |

**Permitted materials: not confirmed for this offering in the course materials we hold — check the exam instructions on the LMS.** *BRIEF.md; course data directs verification*

**SEPARATE THE THRESHOLDS**

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Eligibility: submit ≥9 of 12
tutorial writing tasks.
Final minimum: ≥20 marks out of 50.
Neither alone proves the overall
subject pass.
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## 2 · Master answer route

C1 · COURSE OVERVIEW

ISSUE → RULE + authority → APPLY → REMEDY + limits

**CLASSIFY BEFORE CONCLUDING**

relationship/property → wrong → defence

personal or proprietary response

Problem sequence: classify the route, prove its disputed element, then justify the response.

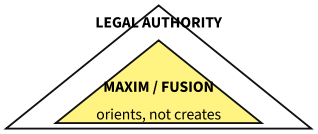
| MOVE | WHAT EARNS SPACE |
|---|---|
| I | Exact equitable relationship, property interest or wrong. |
| R | Element-by-element rule; authority belongs at the disputed step. |
| A | Allocate each fact; expose the counter-reading and any defence. |
| C | Conditional result + remedy purpose, discretion, bars and property. |

**ISSUE ROUTER**

| QUESTION TURNS ON… | START HERE; FINISH HERE |
|---|---|
| Promise / assumption | Estoppel: inducement → reliance/detriment → departure → minimum equity. |
| Disadvantage / influence | Separate unconscionable dealing from actual or presumed influence and their consequences. |
| Loyalty / outsider | Scope fiduciary undertaking; then conflict/profit, consent, or receipt/assistance. |
| Property held / transferred | Classify interest and assignment; or test express, resulting or constructive trust. |
| Response requested | Establish liability first; then discretion, bars, tracing and available property. |

## 3 · Equity, maxims, assignment

C2–C3



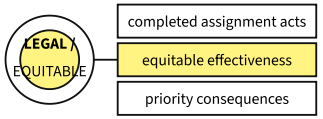

Use history, fusion and maxims to orient doctrine; none replaces legal authority.

**MAXIM CONTROL**

A maxim guides equitable reasoning but is not a self-executing cause of action. State the doctrine and authority first; use the maxim only to explain direction or discretion.

**ASSIGNMENT CLASSIFIER**

| QUESTION | ANALYSIS |
|---|---|
| What is held? | Classify legal and equitable interests before selecting the route. |
| What was done? | List the assignment acts actually completed; do not treat intention as completion. |
| Legal route failed? | Failure at law does *not* settle equitable effect. Test whether completed acts suffice in equity. |
| Then? | Explain priority consequences produced by that classification. |




Classification fixes the assignment route; completed acts fix equitable effect and priority.

**Boundary:** a failed legal assignment *may or may not* be effective in equity depending on completed acts. The answer therefore needs a route, completed-act analysis and priority consequence—not a bare "failed/valid".

## 4 · Evidence control

C1–C3 WORKED METHOD

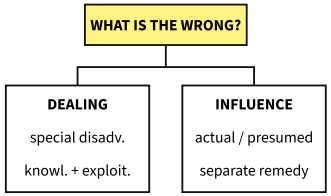
| SCENARIO FACT | ELEMENT | INFERENCE | COUNTER |
|---|---|---|---|
| Quote / act / transfer | One rule only | Verb-led link | Fact that changes it |

Separate **published rule**, **scenario fact**, **student inference** and **decision**. A familiar label is not evidence. Test the scale of each claim and narrow the conclusion when the facts do not establish every element.

| CONTROL QUESTION | WHY IT MATTERS |
|---|---|
| What exact claim does this fact support? | Prevents a definition floating above the scenario. |

## 5 · Unconscionability v influence

C4




Allocate facts to one route at a time; moral reaction is not an element.

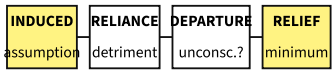
| ROUTE | REQUIRED ANALYTICAL JOBS | TRAP |
|---|---|---|
| Unconscionable dealing | Special disadvantage → other party's knowledge → exploitation → remedial consequence. | Unfairness alone is insufficient. |
| Undue influence | Identify actual or presumed influence; keep its elements and remedial consequence distinct. | Do not collapse influence into disadvantage. |

**RECITABLE LIMIT**

Moral unfairness alone does not establish doctrinal unconscionability.

## 6 · Equitable estoppel

C5 TOPIC MAP · FAQ




**EXPECTATION RELIEF IS NOT AUTOMATIC**

Estoppel analysis ends by calibrating relief to the equity raised.

**Application:** state the induced assumption precisely; link conduct to reliance; identify detriment; explain why departure would be unconscionable; then justify the minimum equity. Ask whether a narrower response cures the departure before claiming expectation relief.

| MISSING LINK | CONSEQUENCE |
|---|---|
| No induced assumption | No foundation for reliance analysis. |
| No reliance / detriment | Do not jump to unconscionability. |
| Relief unexplained | Conclusion exceeds the equity shown. |

**DOCTRINAL SEPARATION**

## 7 · Fiduciary obligations

C6




**LOYALTY WITHIN THE SCOPE**

Define the undertaking and its scope before testing conflict or unauthorised profit.

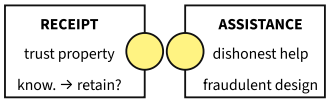
| STEP | QUESTION |
|---|---|
| 1 Relationship | What precise undertaking makes loyalty relevant? |
| 2 Scope | Is the alleged conduct inside that undertaking? |
| 3 Rule | Conflict? Profit? Keep the two analytical routes visible. |
| 4 Consent | Was there informed consent? If so, how does it change liability? |
| 5 Response | Match remedy to the established breach and its purpose. |

**BOUNDARY**

Fiduciary duties are duties of loyalty, not a general duty to act reasonably.

## 8 · Third-party liability

C7 GLOSSARY · FAQ




**DIFFERENT CONDUCT · DIFFERENT ELEMENTS**

Receipt-based and assistance-based liability are alternatives, not synonyms.

| KNOWING RECEIPT | KNOWING ASSISTANCE |
|---|---|
| Receipt of trust property; knowledge makes retention of the benefit unconscionable. | Dishonest assistance to trustee/fiduciary in a dishonest and fraudulent design. |
| Focus: property received, benefit retained, third party's knowledge. | Focus: assistance given, dishonest design, third party's conduct and knowledge. |

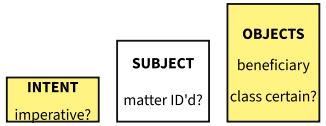
**RELATIONSHIP-TO-RESPONSE AUDIT**

| ACTOR / ROUTE | QUESTION TO PROVE | BOUNDARY |
|---|---|---|
| Fiduciary | What undertaking and scope? Conflict or unauthorised profit? Informed consent? | Loyalty, not general reasonableness. |
| Recipient | What trust property and benefit were received and retained with what knowledge? | Do not substitute assistance facts. |
| Assistant | What help was given to what dishonest and fraudulent design, with what knowledge? | Do not substitute receipt facts. |

## 9 · Express trusts

C8

**TEST EACH CERTAINTY SEPARATELY**




One attempted trust can fail for three different reasons; identify the precise defect.

| CERTAINTY | FACT / DEFECT | CONCLUSION JOB |
|---|---|---|
| Intention | Precatory language. | Does language establish a trust intention? |
| Subject matter | Incomplete property identification. | Is trust property sufficiently certain? |
| Objects | Indeterminate beneficiary class. | Are objects or beneficiaries sufficiently certain? |

**Do not let one label conceal three failures.** Test intention, property and objects in turn, and identify the consequence of the specific uncertainty found.

## 10 · Trustee decision

C9




POWER ≠ PROPER USE

Evaluate the trustee through source, purpose, process and beneficiary enforcement.

| AUTHORITY | PROPER EXERCISE | ENFORCEMENT |
|---|---|---|
| Locate the duty or power. | Test actual purpose and process; existence alone is insufficient. | Identify beneficiary right, failed assumption and fitting response. |

**RECITE**

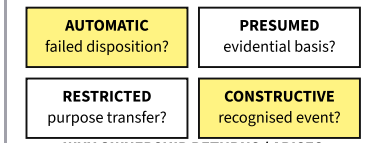
A power's existence does not prove it was exercised for a proper purpose.

**TRUST PROBLEM CHECKLIST**

| STAGE | QUESTION | FAILURE PATH |
|---|---|---|
| Creation | Intention, subject matter and objects each sufficiently certain? | Name the exact uncertainty and its consequence. |
| Administration | What is the source of the duty/power; was purpose and process proper? | Authority alone does not validate exercise. |
| Beneficiary | What right supports enforcement? | Connect the right to a fitting remedy. |

## 11 · Resulting / constructive trusts

C10–C11




**WHY OWNERSHIP RETURNS / ARISES**

Classification follows facts and authority; the label cannot replace the explanation.

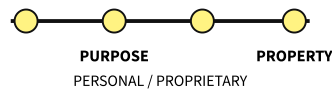
| ROUTE | QUESTION THAT DECIDES IT |
|---|---|
| Automatic resulting trust | Why does beneficial ownership return after the relevant disposition fails? |
| Presumed resulting trust | What fact supports the evidential presumption that ownership remains? |
| Restricted-purpose transfer | What limited purpose controls the transfer and its failure? |
| Institutional constructive trust | What recognised event generates the proprietary consequence? |
| Remedial constructive trust | Does Australian authority support it in this third-party or relationship context? |

**TWO BOUNDARIES**

Labels follow facts and authority. Not every fairness concern becomes a remedial constructive trust.

## 12 · Remedies + tracing

C12




PERSONAL / PROPRIETARY

Remedy follows liability, discretion, bars and available property—not preference.

| RESPONSE | PURPOSE / CONTROL QUESTION |
|---|---|
| Injunction / specific performance | What established liability and discretionary conditions justify prospective or performance relief? |
| Rescission | Does unwinding fit the wrong, subject to bars? |
| Account of profits | Is a gain-based response fitted to the established wrong? |
| Compensation | Is a personal compensatory response justified? |
| Tracing | Can value be identified through substitution or mixture? Tracing identifies value; it is not an independent wrong. |

**SELECTION SENTENCE**

Because ___ establishes ___, the purpose of ___ fits; however, discretion, ___ and the property still available may narrow it.

**FINAL SENTENCE →** *Name the response, its purpose, the discretion or defence that could narrow it, and the property still available.*

# 70517 Equity and Trusts · Self-test drills

UNIVERSITY OF TECHNOLOGY SYDNEY · ANSWER PATH + JUDGEMENT CARDS + TRAPS

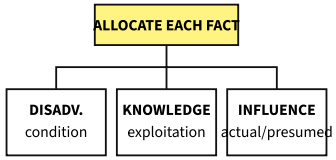
Full guide + ask Sia about 70517

SIDE 2 · DRILLS — RETRIEVE → APPLY → COUNTER → REVISE — 4 WORKED PATHS

## 13 · Drill 1: classify the wrong

C4 WORKED EXAMPLE

**Prompt.** A draft treats *special disadvantage* and *knowledge and exploitation* as equivalent while trying to separate unconscionable dealing from undue influence. Rewrite it so presumed/actual influence is a real discriminator.




Facts must perform different element jobs; labels cannot be treated as equivalents.

| ANSWER PATH | COMPLETED MOVE |
|---|---|
| 1 Issue | Which doctrine fits the alleged wrong and requested response? |
| 2 Rule | Separate special disadvantage from the other party's knowledge and exploitation; state influence independently. |
| 3 Apply | Place each observation beneath one element. Use influence as a discriminator, not a synonym. |
| 4 Conclude | State which route is supported and which element remains unproved. |

**MODEL BOUNDARY**

Moral unfairness alone does not establish doctrinal unconscionability.

SELF-MARK → *One point each for comparison, separate categories, discriminator and bounded conclusion–the guide's worked example totals 4 marks.*

## 14 · Trap repair

C4 TIP

| WEAK SENTENCE | REPAIR |
|---|---|
| "It was unfair, so unconscionable." | Name the disadvantage, knowledge and exploitation facts—or concede the gap. |
| "Influence proves disadvantage." | Run the doctrines separately and compare consequences. |

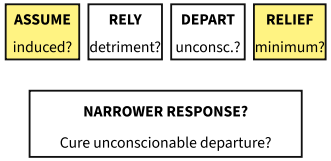
**CHANGED-VERSION SELF-TEST**

| REMOVE / CHANGE | REQUIRED REVISION |
|---|---|
| Special disadvantage fact | Withdraw unconscionable-dealing conclusion unless another fact establishes the condition. |
| Knowledge or exploitation fact | Keep disadvantage separate; explain why the other party's required link is missing. |
| Influence fact | Do not let the dealing route silently replace actual or presumed influence. |
| Remedy requested | Re-run the remedial consequence of the route actually established. |

## 15 · Drill 2: estoppel relief

C5 WORKED EXAMPLE

**Prompt.** Build an estoppel response that gives induced assumption, reliance/detriment, and unconscionable departure/relief separate jobs. Keep the claim inside the minimum-equity boundary.




The remedy step must answer the equity shown, not merely reproduce the expectation.

| ILAC MOVE | WRITE THIS |
|---|---|
| Issue | Whether departure from the precise induced assumption is unconscionable. |
| Law | Assumption → reliance → detriment → unconscionable departure → justified relief. |
| Application | Show the causal link and test the nearest counter-reading at each arrow. |
| Conclusion | Identify the minimum response; explain why anything broader is needed. |

**MODEL CONCLUSION**

The elements must be shown separately. Expectation relief is not automatic; relief must be justified by the minimum equity.

## 16 · Fiduciary cross-check

C6 FAQ · TIP

| IF THE DRAFT SAYS... | ASK... |
|---|---|
| "Unreasonable conduct" | What undertaking and scope make loyalty relevant? |
| "A conflict exists" | Conflict inside that scope? Unauthorised profit? Informed consent? |

**MINI-DRILL: AUDIT THE FIDUCIARY DRAFT**

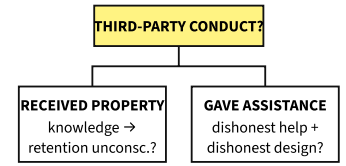
**Prompt.** A draft names a fiduciary relationship, then concludes breach without testing the scope, conflict rule, profit rule or informed consent. Repair it.

| MOVE | REPAIR |
|---|---|
| Claim | State the precise undertaking said to attract loyalty; avoid a relationship label without scope. |
| Evidence | Attach the scenario fact required by the conflict rule or profit rule. |
| Counter | Ask whether conduct falls outside scope, whether profit was authorised, or whether informed consent alters the result. |
| Conclusion | State what is proved and preserve the loyalty-not-reasonableness limit. |

## 17 · Drill 3: third party

C7 WORKED EXAMPLE

**Prompt.** A draft treats knowing receipt and knowing assistance as equivalents. Rewrite it so the dishonest and fraudulent design is a real discriminator and the third party's conduct and knowledge are matched to one route at a time.




Start with conduct: receiving property and assisting a design are distinct routes.

| PATH | RECEIPT ROUTE | ASSISTANCE ROUTE |
|---|---|---|
| Object | Trust property received. | Trustee/fiduciary conduct assisted. |
| Knowledge | Knowledge makes retention of benefit unconscionable. | Dishonest assistance in a dishonest and fraudulent design. |
| Evidence job | Identify property, benefit, retention and knowledge. | Identify assistance, design, dishonesty and knowledge. |
| Conclusion | Plead alternatives only after separately applying their elements. | |

**MODEL BOUNDARY**

The doctrines have different elements and should not be pleaded as synonyms.

## 18 · Fast discriminator

C7 GLOSSARY

| IF YOU SEE... | DO THIS |
|---|---|
| Property moved to outsider | Test receipt first; track property and knowledge. |
| Outsider helped a scheme | Test assistance; identify the dishonest and fraudulent design. |
| Both suggested | Run two clean alternatives; never merge their elements. |

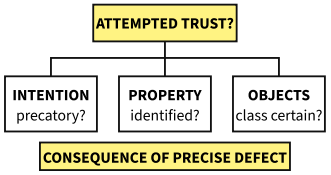
**NEGATIVE TEST**

| MISSING FACT | WHAT MUST CHANGE? |
|---|---|
| No trust property received | Receipt route cannot rest on assistance alone; identify another route or withdraw it. |
| Benefit not retained with relevant knowledge | Explain why the receipt conclusion is incomplete rather than importing dishonesty language. |
| No assistance to the design | Knowledge of events does not by itself perform the assistance element. |
| No dishonest and fraudulent design shown | Do not relabel receipt as assistance; preserve the design requirement. |

## 19 · Drill 4: trust classifier

C8–C11 WORKED METHODS

**Prompt.** An attempted trust uses precatory language, incompletely identifies property and leaves an indeterminate beneficiary class. Audit each certainty. Then compare a failed disposition, evidential presumption and restricted-purpose transfer without letting the label substitute for the doctrinal explanation.




Audit the three certainties before moving to a resulting or constructive trust classification.

| STAGE | ANSWER PATH |
|---|---|
| Express trust | Intention: imperative or merely precatory? Subject matter: identified? Objects: sufficiently certain? |
| If it fails | Explain why beneficial ownership returns or remains before choosing automatic or presumed resulting trust. |
| Restricted purpose | State the limited purpose and what happens when that purpose controls or fails. |
| Constructive trust | Name the recognised generating event and proprietary consequence. Check Australian authority before discussing remedial discretion. |

**MODEL CONCLUSION**

Attach each defect to the right certainty. Labels follow facts and authority; fairness alone does not justify a remedial constructive trust.

## 20 · Trustee variant

C9 WORKED EXAMPLE

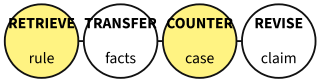
| CLAIM | AUDIT |
|---|---|
| "The trustee had the power." | Locate source → identify purpose → test actual process → state beneficiary enforcement and remedy. |
| Counter-case | A power's existence does not prove proper-purpose exercise. |

**CONSTRUCTIVE-TRUST EXTENSION**

| DRAFT MOVE | REQUIRED REPAIR |
|---|---|
| "A constructive trust is fair." | Identify the event said to generate it and the third-party or relationship context recognised by Australian authority. |
| Institutional and remedial labels merged | Give each a separate doctrinal job; explain whether the trust arises from the recognised event or is sought through remedial discretion. |
| Proprietary consequence assumed | State what property consequence follows and how it affects the remedy analysis. |

## 21 · Judgement cards

C2–C12 LIMITS




**REPAIR THE FIRST FAILED MOVE**

Recall is not complete until the rule survives changed facts and a counter-case.

| IF YOU SEE X... | → DO Y |
|---|---|
| Maxim quoted as the rule | Name doctrine and authority; use the maxim only to orient reasoning. |
| Legal assignment fails | List completed acts; test equitable effect; then priority. |
| Moral unfairness | Allocate disadvantage, knowledge and exploitation; compare influence separately. |
| Expectation claimed | Test minimum equity and a narrower response. |
| Fiduciary "unreasonableness" | Define relationship, undertaking, scope, conflict/profit and consent. |
| Outsider received / helped | Separate knowing receipt from knowing assistance. |
| Trust language vague | Test intention, property and objects separately. |
| Trustee has a power | Test purpose and process; then beneficiary enforcement. |
| "Resulting trust" label | Explain why ownership returns or remains. |
| Fairness concern | Identify recognised constructive-trust context before remedial discretion. |
| Claimant asks for remedy | Prove liability; test discretion, bars and available property. |
| Value changes form | Trace substitution/mixture; do not call tracing an independent wrong. |

## 22 · Ten-term oral deck

COURSE GLOSSARY · CHAPTER LIMITS

| TERM | ONE-BREATH DEFINITION |
|---|---|
| Equity and trusts | Equitable rights, obligations, remedies and property held for others. |
| Equitable remedy | Discretionary or gain-based response: injunction, performance, rescission, compensation or account. |
| Estoppel | Induced assumption + reliance/detriment + unconscionable departure + justified relief. |
| Fiduciary obligation | Loyalty against unauthorised conflict/profit within relationship scope. |
| Knowing receipt | Trust property received with knowledge making retention unconscionable. |
| Knowing assistance | Dishonest help in a trustee/fiduciary's dishonest and fraudulent design. |
| Three certainties | Intention, subject matter, objects/beneficiaries. |
| Resulting trust | Explains why beneficial ownership returns or remains with transferor. |
| Constructive trust | Recognised event generates proprietary consequence; fairness alone insufficient. |

## 23 · IRAC / ILAC under time

C1 METHOD · COURSE FORMAT




AUTHORITY AT ISSUE

Use the same closed loop for IRAC or ILAC; application must visibly change the result.

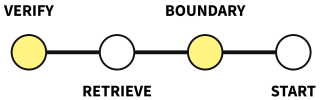
| PASS | ACTION | OUTPUT |
|---|---|---|
| Decode | Read the command; list parties, property, conduct, knowledge, loss/gain and requested response. | One-line issue tree. |
| Budget | Total sitting: two hours . Set a cap for each question in proportion to the marks shown in the paper. | Stop points written before drafting. |
| Rule | State only elements that the facts put in issue. Place authority at that contested step. | Compact rule paragraph. |
| Apply | Fact → element → inference → counter-reading. Separate routes; do not merge doctrine labels. | Most of the answer. |
| Conclude | Conditional liability; defence/discretion; personal or proprietary response and its limit. | Question answered. |
| Check | Every element applied? Alternative rejected? Remedy follows liability? Operational instructions verified? | Errors repaired before submission. |

**PARAGRAPH SKELETON**

I/L: The issue is whether ___; this requires ___.
A: ___ supports element ___ because ___. However, ___ weakens it by ___.
C: Therefore ___ is likely/unlikely, subject to ___; the fitting response is ___ because ___.

## 24 · Exam-morning plan

PRACTICE · COURSE FAQ




instructions → routes → limits → time

Operational checks first; then retrieve routes and limits, not memorised prose.

1. Check LMS instructions, timetable, ProctorU technical setup and permitted materials.
2. Recite the doctrine-to-remedy sequence and the 11 judgement-card limits.