

EQUITY AND TRUSTS

GUIDEBOOK

Tips for Essay / Discussion / Problem Questions

The following information assists in answering the questions at the end of each chapter. It is not intended to be a complete answer.

Chapter 5 Fiduciary Obligations and Confidential Information

Essay / Discussion Question (p.67)

- 1 A good answer to this question needs to carefully assess the nature of confidential information and fiduciary obligations.

The issues raised by this question might also be discussed with reference to the concept of property with respect to digital technology.

Problem Question (p.68)

- 1 See Figure 5.1 – in particular *United Dominion Corporation v Brian Ltd* (1985) 157 CLR 1 and *LAC Minerals v International Corona Resources Ltd* (1969) 61 DLR(4th)14 need to be carefully considered. The nature of fiduciary obligations needs to be discussed.

Other matters include a breach of confidential information and the imposition of a constructive trust.