

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 6 The Nature of Trusts

Essay / Discussion Questions (p.82)

- 1 This question involves a detailed consideration of *Tatham v Huxtable* (1950) 81 CLR 639. Other decisions include *Re Mainstay's Settlement* [1974] Ch 17. Relevant statutory provision should also be discussed, including *Wills Act 1968* (ACT) s 14A, *Succession Act 2006* (NSW) s 44, *Succession Act 1981* (Qld) s 33R and *Wills Act 1997*(Vic) s 48.
- 2 The quick answer is yes. See Chapter 8 Resulting Trusts – Figure 8.1 and Chapter 9 Constructive Trusts – Figure 9.1.

Problem Questions (p.82)

- 1 See Figure 6.1 – ‘The three certainties’ and ‘Other legal relationships’.
- 2 This question involves a purported dealing with a proprietary interest. In particular the statutory requirements for writing. See Chapter 3 Dealings with Property in Equity – Figure 3.1 and Chapter 6 The Nature of Interests – Figure 6.1.