

# 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 11 The Process of Tracing

Essay / Discussion Questions (pp.145-146)

- 1 A careful analysis of the process of tracing needs to be undertaken. This should also be balanced with a discussion of the principles involved with fiduciary obligations – see Figure 5.1 in Chapter 5 Fiduciary Obligations and Confidential Information.
- 2 This question is an extension of the principles identified in *Barnes v Addy* (1874) LR 9 Ch App 244. Note that it is important to distinguish this matter from the latter decisions in England and Australia with regard to the relevant principles.

Problem Questions (p.146)

- 1 This problem question involves the identification of fiduciary obligations and a discussion of their scope in the particular circumstances – see Figure 5.1 for further information. The process of tracing should then be considered. Other relevant matters include a purported trust for charitable purposes – see Figure 7.1.
- 2 Reflect upon your answers to the problem questions in Chapter 5 Fiduciary Obligations and Confidential and Chapter 9 Constructive Trusts. Note the requirements of tracing in Figure 11.1.