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978-1-009-07391-2 — A Sourcebook on Equity and Trusts in Australia
Michael Bryan, Simone Degeling, Scott Donald, Vicki Vann
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A Sourcebook on EQUITY & TRUSTS in Australia

THIRD EDITION

A Sourcebook on Equity and Trusts in Australia presents a selection of relevant cases and instructive commentary to introduce students to the study of Australian equity and trusts law. Designed to follow the structure of the third edition of *Equity and Trusts in Australia*, it can also be used as a freestanding casebook.

Cases and primary legal materials have been carefully selected to guide students through the real-world application of legal principles. The third edition has been fully updated to discuss recent landmark decisions, including *Ancient Order of Foresters in Victoria Friendly Society Ltd v Lifeplan Australia Friendly Society Ltd* (2018) 265 CLR 1, *Smethurst v Commissioner of Police* [2020] HCA 14 and *Caron v Jahani (No 2)* [2020] NSWCA 117.

Extracts are accompanied by detailed commentary, and additional notes and discussion questions throughout each chapter enhance and test students' understanding of complex cases and issues.

Written by a team of experienced authors, *A Sourcebook on Equity and Trusts in Australia* offers an accessible introduction to the application of equity and trusts law.

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PREFACE

A constant flow of case law on equity and trusts has necessitated the revision of nearly every chapter of this edition. Recent decisions meriting lengthy extracts include *Smethurst v Commissioner of Police* [2020] HCA 14 on injunctions and *Caron v Jahani (No 2)* [2020] NSWCA 117 on the intermediate balance rule in tracing. The last decision is a reminder that decisions of intermediate appeal courts remain an important source of equity jurisprudence. Where differences between State and Territory law are relevant – for example, with respect to provisions of trustee legislation – notes to extracted cases explain the differences.

Like its predecessor, this edition has been designed as a companion to *Equity and Trusts in Australia*, third edition, published by Cambridge University Press in 2022. Students will derive the greatest benefit from working with both books, but this Sourcebook has been designed as a freestanding teaching resource for equity teachers and students who prefer to work only from primary legal materials. Like the textbook, the Sourcebook has been written with the conviction that an understanding of equitable doctrine must rest on a secure knowledge of the principles that inform the award of equitable remedies – hence the early chapters devoted to an analysis of the principles governing the award of equitable relief.

The authors' policy on gender neutrality is to vary the pronouns 'she' and 'he', and the possessive adjectives 'his' and 'hers'.

The authors would like to thank equity and trusts teachers, as well as reviewers of individual chapters, for their feedback. The willingness of equity and trusts teachers to share their experiences of teaching with the Sourcebook is greatly appreciated. We all acknowledge the professionalism, patience and resourcefulness of Lucy Russell, Emily Baxter and their colleagues at Cambridge University Press.

We have endeavoured to state the law as at 1 December 2021.

M W Bryan, S E Degeling, M S Donald and V J Vann
9 March 2022

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