

Cambridge University Press & Assessment  
978-1-009-23238-8 — Equity and Trusts in Australia  
3rd Edition  
M. W. Bryan , V. J. Vann , S. Barkehall Thomas  
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# EQUITY & TRUSTS IN AUSTRALIA

## THIRD EDITION

*Equity and Trusts in Australia* offers an accessible introduction to the principles of Australian equity and trusts law for both undergraduate and Juris Doctor students, linking key doctrines to their wider relationship with the law. The text covers foundational topics of equity and trusts law, including the nature of equity, fiduciary relationships, the rights, powers and duties of trustees, and trust structures.

The third edition has been fully revised to include recent landmark decisions and a new chapter on termination and variation of trusts. Each chapter concludes with a guide to the online resources, which encourage students to extend their knowledge of the content through further reading, practice problems and discussion topics.

Written by a team of experienced authors, *Equity and Trusts in Australia* is an ideal text for students undertaking this area of study for the first time.

*A Sourcebook on Equity and Trusts in Australia* is also available and provides cases and primary legal materials to accompany *Equity and Trusts in Australia*.

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THIRD EDITION

M W Bryan  
V J Vann  
S Barkehall Thomas



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# PREFACE

There are many books on equity and trusts. Ours has modest but important aims. It is unashamedly pedagogic, being designed for students enrolled in LLB and JD degrees taking semesterised and trimesterised equity and trusts units. It makes no attempt to be comprehensive but focuses only on those topics we regard as essential to a foundational understanding of equity and trusts, required for the purpose of obtaining professional qualification. The book is premised on the belief that equitable doctrine is a coherent body of doctrine which affords the student insights – for example, into the relationship between breaches of duty and remedies – that cannot be obtained from the study of other subjects in a law degree. Moreover, although legal study is not most students' idea of fun, the study of equity is intellectually interesting from a variety of perspectives. It is essential that students coming to the subject not be under the misconception that it is arcane or obscure.

The opportunity has been taken in this edition to incorporate analysis of recent 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) 376 ALR 575; and *Caron v Jabani (No 2)* [2020] NSWCA 117. As the last named case illustrates, intermediate appeal courts remain an important source of equity jurisprudence, and numerous State decisions, both appellate and at primary judge level, are discussed in the text. Almost every chapter has required updating, and a new chapter has been added on terminating and varying trusts.

References are made throughout the text to *A Sourcebook on Equity and Trusts in Australia*, 3rd edition published by Cambridge University Press in 2022. This book is designed to be used either as a companion to the Sourcebook or as a freestanding text. The authors' policy on gender neutrality is to vary the pronouns 'she' and 'he', and the possessive adjectives 'his' and 'hers'.

Users of the previous edition, both lecturers and students, have provided us with feedback which has assisted us in the preparation of this edition. Lucy Russell and Emily Baxter at Cambridge University Press have been patient, generous and professional, and we are grateful to them and to their colleagues at Cambridge University Press who have helped to bring this edition to fruition. Needless to say, the authors are solely responsible for any errors in this edition, notwithstanding the invaluable support and assistance they have received.

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

**M W Bryan**

**V J Vann**

**S Barkehall Thomas**

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