

## **WARNING**

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Family Name					
Given Name/s					
Student Number					
Teaching Period	Semester 1, 2018				

LWZ210 – Equity	<b>DURATION</b>	
	Reading Time:	20 minutes
	Writing Time:	180 minutes
<b>INSTRUCTIONS TO CANDIDATES</b>		
<ol style="list-style-type: none"> <li>1. This examination paper contains <b>TEN (10) questions</b>.</li> <li>2. Candidates must answer <b>any SIX (6)</b> of the TEN (10) questions according to <b>their choice</b>.</li> <li>3. This examination accounts for <b>sixty (60) assessment marks (60% of the unit assessment)</b>.</li> <li>4. Each question is of equal marking value of ten (10) marks as set out immediately following each question.</li> <li>5. Use only black or dark blue ink. Do not write in pencil.</li> <li>6. Read ALL questions carefully.</li> <li>7. Please ensure that your Name and Student Number are written clearly in the space provided at the top cover page of the examination answer booklet(s) and on this examination question paper.</li> </ol>		
<b>EXAM CONDITIONS</b>		
<u>You may begin writing from the commencement of the examination session.</u> The reading time indicated above is provided as a guide only.		
This is an OPEN BOOK examination		
Any calculator is permitted		
Any handwritten material is permitted		
Any hard copy, English dictionary is permitted (annotated allowed)		
<b>ADDITIONAL AUTHORISED MATERIALS</b>	<b>EXAMINATION MATERIALS TO BE SUPPLIED</b>	
None	2 x 20 Page Book 2 x Scrap Paper	

**THIS EXAMINATION IS PRINTED  
DOUBLE-SIDED.**

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LEFT BLANK.**

**ANSWER ANY SIX (6) (CANDIDATE'S CHOICE) OF THE FOLLOWING QUESTIONS**

**Question 1**

Explain the meaning and effect of the doctrine of the case of **Muschinski v Dodds [1985] HCA 78; (1985) 160 CLR 583**.

**(10 marks)**

**Question 2**

Equity is said to have the scope to grant relief against the enforcement of forfeiture. What is meant by that statement? Illustrate your answer by reference to decided cases.

**(10 marks)**

**Question 3**

Define and briefly explain, by reference to decided cases, the following terms as used in equity:

1. Subrogation;
2. Contribution;
3. Marshalling;
4. Satisfaction; and
5. Election.

**(10 marks)**

**Question 4**

Define and briefly explain, by reference to decided cases, the following terms as used in equity:

1. Unconscionable conduct;
2. Undue influence;
3. Relief against a penalty;
4. Part performance; and
5. Confidential information.

**(10 marks)**

**Question 5**

Discuss, by reference to decided cases, the principles of estoppel in law and in equity.

**(10 marks)**

### Question 6

What is meant by the equitable remedy of declaration? In what circumstances is it relevant? By reference to decided cases, explain the principles applicable to the remedy.

(10 marks)

### Question 7

Discuss and explain the significance of fraud in the equity jurisdiction. By reference to decided cases, describe the circumstances where it is relevant and contrast the differences (if any) of the approach to fraud in law with that in equity.

(10 marks)

### Question 8

Explain the meaning and effect of the doctrine of the case of **Hospital Products Ltd v United States Surgical Corporation (1984) 156 CLR 41**. By reference to decided cases, discuss examples of relationships affected by the principles of the case.

(10 marks)

### Question 9

Briefly explain the facts of and discuss the principles for which the following cases in equity stand:

11. **Greenwood v Martins Bank Ltd (1933) AC 51;**
12. **Dillwyn v Llewelyn (1862) 45 ER 1285;**
13. **Attorney General of Hong Kong v Humphrey's Estate Ltd (1987) 1 AC 114;**
14. **Spalla v Lender Wholesale (1999) 95 FCR 359;** and
15. **Austotel Pty Ltd v Franklins Self Service (1989) 16 NSWLR 582.**

(10 marks)

### Question 10

Specify and explain the principles currently applying to the assignment of equitable interests. Do so by reference to at least 2 cases and the contents of any relevant statutes and summarizing their meaning.

(10 marks)

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**END OF EXAMINATION PAPER**

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