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Update Summary

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THE LAW OF TRUSTS

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“Remedies” has been comprehensively reviewed and updated by Emeritus Professor Michael Bryan.

Highlights of the update feature discussion of the following new and revised commentary:

Seeking the advice and directions of the court

- The Macedonian Orthodox Community Church case, see [17.170]

Breach of trust causing loss – compensation

- Causation, see [17.1670]
- Applying the but for test: Target Holdings v Redferns and AIB v Redler, see [17.1690]
- Youyang Pty Ltd v Minter Ellison Morris Fletcher, see [17.1710]
- Remoteness, see [17.1730]
- Non-Disclosure of a Conflict of Interest by a Trustee: the Brickenden Principle, see [17.1720]

Unauthorised profit

- What is a profit?, see [17.2550]
- Causation, see [17.2560]
- Quantifying the profit, see [17.2570]
- Negating liability to account for profits, see [17.2580]

Tracing

- Following, tracing and claiming, see [17.4012]
- Common law tracing, see [17.4015]
- Personal claims for restitution of money had and received: identification by tracing, see [17.4020]
- Causation, see [17.4040]
- Backward tracing, see [17.4050]

Specific restoration and charge of identifiable property

- The lowest intermediate balance rule, see [17.4630]

The following cases are among those featured in the new commentary:

- *Re Pascoe* [2024] NSWSC 738, see [17.170]
- *LPY Investments Pty Ltd v JY Property Pty Ltd* [2024] VSC 94, see [17.640]
- *Chu v Lin* [2024] FCA 766, see [17.1510]
- *Turner v Fleming* [2024] NSWSC 918, see [17.1510]
- *Equities CV v Ahmed* [2024] UKSC 17; [2024] 2 WLR 1297, see [17.2510]
- *Klein v Mochkin* [2024] VSCA 174, see [17.2540]

- *Porter v Mulcahy & Co Accounting Services Pty Ltd (No 5)* [2024] VSC 6, see [17.2550].

