Legal Institutions Examiner Comments

Overall the exam was done very well. There were however some instances of basic errors such as:
(a) answering all 6 questions (rather than 4 as required);
(b) missing parts of questions;
(c) poor time management.

Question 1

This was generally well done. Part A required an understanding of tribunals AND alternative dispute resolution and most students addressed both areas well. Students also drew distinctions between the State and Federal system and referred to the differences between the tribunals. Perhaps less well done was the argued response to the question – poorer answers tended to describe rather than argue a response to the statement as to whether they agreed and why it should matter. Part B was similarly well done. The description of all 4 areas was good overall however relating the historical events to the Australian legal system was less well done.

Question 2

This question seemed to challenge students. Part A was handled more competently than Part B. This may reflect the fact that Part B asked about specific cases – students were therefore either aware of the cases or not. The better answers to Part A provided constitutional cases and explained those cases accurately.

Question 3

Generally well answered. Better answers could point to exact legal rules and applied them to the facts accurately. Poorer answers confused the Commonwealth and State Acts or did not identify the rules of statutory interpretation accurately. Very poor answers failed to refer to relevant rules.

Question 4

This was an interesting combination – it seemed that some students chose this answer as they knew one of the Parts very well but were not able to always match that knowledge in the other section. This question is one which shows the value in carefully considering your question choice AND answering all parts of the question. So, for example, Part A answers often missed the requirement to “analyse the importance of the doctrine of precedent for a common law system.”

Question 5

This question was generally well handled. Students could explain the separation of powers doctrine and use relevant examples to explain their answer. Good
answers drew examples from constitutional law AND common law and were able to refer to other sources such as lectures. Better answers used these examples to argue a clear response to the question.

Question 6
This question was broad and could have been tackled using many different methods – poorer answers listed historical events without explanation. Better answers recognised the differences as well as the similarities between the legal systems. These answers also used common law and constitutional developments to argue a response explaining how these developments impacted the evolution of the Australian legal system.