PART A

Question One

This question was an essay style question. It required students to display an understanding of the separation of powers doctrine. It stated that students must use relevant case law in their answer. Overall the question was well done. A common weakness was the failure to mention the case law, or to mention cases that were not directly on point. Better answers could clearly argue a response to the question with reference to materials.

Question Two

Part A

This question was a short essay question. The focus was upon non-court dispute resolution. Most answers could describe ADR and showed an understanding of the difference between tribunals and courts. Better answers picked up on the distinction between State and Federal levels as well as tackling more clearly the issue of integration of ADR into a litigious framework of dispute resolution.

Part B

This question had four parts – asking for the differences and similarities between various concepts across the course. It covered historical aspects of the subject as well as current legal institutions. Overall those students who selected this answer understood what each aspect of the question was – better answers could explain the similarities and differences.

Question Three

This question focused upon the encroachment by the Commonwealth Government upon the State Government’s powers. This question was well done – better answers were able to identify relevant cases as well as Constitutional sections (such as section 109) and provide a cohesive argued response to the question as to why this shift in power toward the Commonwealth may matter.

Question Four

Part A

This question focused upon the operation of precedent. Students were asked to explain precedent to a lawyer from a non-common law jurisdiction. Better answers moved away from simple description towards analysis.
Part B

Students were asked to explain two cases where the validity of the powers of Parliament were challenged. Most answers could explain the relevant cases – *Clayton v Heffron* and *The Second Territorial Senators case* – but had more difficulty with the analysis of how they interacted with the Commonwealth and NSW constitutional systems.

**Question 5**

This was a legal problem question – most answers could identify the relevant issues and law. Most answers mentioned the relevant sections of the *Interpretation Act* (NSW) and relevant case law such as *Mills v Meeking*. Better answers could distinguish between the issues the question raised and were able to identify all elements of the issues clearly. Overall this question was well done.

**Question 6**

This questioned focused upon the historical origins of the Australian legal system with respect to the Australian legal profession and the executive government. Better answers did both elements well.