

Legal Profession Admission Board

March 2021

Legal Institutions

Examiner's comments

General observations

1. As in past examinations, a variety of topics covered in Legal Institutions were examined relevant to the distribution of legislative powers between the Commonwealth and the States; the executive powers of the Commonwealth and New South Wales governments, and the sources of those executive powers; the system of courts and tribunals operating at Commonwealth and New South Wales levels; the relationship between the various legal institutions; the theory and practice of precedent; the rules of statutory interpretation; the legal profession; and our arbitration and alternative dispute resolution process.
2. It was the expectation of the examiner that candidates would reflect knowledge and understanding of the above topic areas and that their answers reflected having engaged with the commentary and lecture synopses in the Law Extension Committee's subject guide, and the scholarly literature, decided cases and statutes, as well as other resources, that were set as required readings/activities throughout the course.
3. The examination comprised six questions worth equal marks. Candidates were required to select four of the six questions. Questions were designed to allow students to demonstrate their knowledge and understanding of the origins, history and present operation of the institutions which make up the Australian legal system; the sources of law; the theory and practice of precedent; rules of statutory interpretation; Commonwealth and New South Wales Constitutions; the distribution of legislative powers between the Commonwealth and the States; the executive powers of the Commonwealth and New South Wales governments, and the sources of those executive powers; the separation of powers; the system of courts and tribunals operating at Commonwealth and New South Wales levels; and our arbitration and alternative dispute resolution process.
4. One hundred and fifty-seven candidates sat the examination. Final marks (for the Unit) were in the range 20% to 84%. Twenty-nine candidates were awarded a Pass Distinction grade, fifty-

six candidates were awarded a Pass Merit grade and sixty candidates were awarded a Pass grade. Twelve candidates failed.

5. As the examination was a confidential examination, these comments cannot identify the specific issues students had in answering the questions. However, those who did not perform as well as others may have answered less than four questions or may not have provided comprehensive answers to the questions they responded to. Copying from notes rather than answering the question asked may also have led to a poorer result – even if that meant a student wrote more. In contrast, those who showed that they had good knowledge and understanding of the topics chosen, had critically reflected on the issues covered in Legal Institutions, demonstrated thought about the relevance of materials studied to the question asked, and clearly answered the question asked, achieved better results.
