

Legal Profession Admission Board

March 2022

Torts

Examiner's Comments

Questions

The examination comprised two questions worth equal marks. Candidates were required to attempt both questions. Both Questions 1 and 2 were multi-issue problem questions requiring candidates to place themselves in the position of a legal practitioner asked to advise several parties in respect of legal proceedings they may wish to bring in New South Wales as a result of the events as described in the fictional factual scenarios presented.

General observations

1. The examination questions, covered topics from across the course, including topics that were the focus of the compulsory assignment. This gave the students the opportunity to demonstrate their learning across the intentional torts as well as the law of negligence.
2. It was the expectation of the examiner that candidates would be conversant with the materials presented and demonstrate understanding of decided cases and statutes relevant to the Law of Torts, as covered in the assigned textbook, lectures, and additional resources and materials provided/referred to.
3. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions. However, it is noted that in answering the questions, some candidates displayed a sound ability to identify all issues, understanding of the principles of law required to satisfy the causes of action discussed, and an ability to engage in the practical application of those principles to novel situations. Many students however struggled to demonstrate such understanding, were not systematic in their approach, and often missed key issues and/or discussion of elements of the cause of action that needed to be satisfied. Unfortunately, a significant number of students also missed the opportunity to discuss all potential causes of action, which significantly impacted some people's grades.
4. One hundred and five candidates sat the examination. Final marks were in the range 12% to 89%. Seventeen candidates were awarded a Pass Distinction grade, sixteen candidates were awarded a Pass Merit grade and forty-eight candidates were awarded a Pass grade.