

Legal Profession Admission Board

September 2023

Real Property

Examiner's comments

General observations:

1. As in past examinations, all topics in the course were potentially covered in the examination questions, including the topic "Torrens priorities" which was the focus of the compulsory assignment and Part A of the exam. Part B offered choices across the topics of co-ownership, easements, covenants and mortgages.
2. It was the expectation of the examiner that candidates would be conversant with the lecture notes and the cases in the subject guide together with the textbook. Students spent the semester working off a series of questions in the lectures, weekend schools and tutorials. In answering the questions, candidates generally displayed a sound understanding of the principles of real property and the practical application of those principles, but there were some students who particularly struggled with recognizing the issues raised by the questions.
3. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

Questions:

The examination had one compulsory question worth 40 marks and a choice of two of three questions worth 20 marks each. Question 1 was a multi-issue problem question requiring candidates to discuss many issues regarding the Torrens system of title. Question 2-4 consisted of shorter questions with multiple components. Each question required answers to specific questions with particular reference to the decided cases and legislation.

Overall, understanding to the Torrens system was very poor. Large numbers of students were unable to recognize the issues raised and appropriate sections and caselaw. Other questions also showed a lack of issue recognition, but overall students showed a good grasp of the principles of mortgages and easements.