

Legal Profession Admission Board

October 2024

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 Part A of the exam. Part B offered choices across the topics of leases, co-ownership, easements and covenants.
2. It was the expectation of the examiner that candidates would be conversant with the lecture materials and the relevant chapters in the textbook.
3. In answering the exam questions, candidates generally displayed a poor understanding of the principles of real property and the practical application of those principles. There were a significant amount of students who struggled with recognizing the issues raised by the questions. There were also a significant number of students who did not display an ability to present a cogent legal argument.
4. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

Questions:

The examination comprised 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 4 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 of the Torrens system was very poor. Large numbers of students were unable to recognize the issues raised and appropriate sections and caselaw. A significant number of students failed to demonstrate a sufficient ability to use legislation and caselaw to justify their answer or show that they understood the principles of real property or, more generally, legal argumentation.

The overall failure rate (for those who sat the exam) was high (73 students, 44%). Many of those students who did not pass the exam also failed the assignment (24 students). Of the students who failed many did not attempt a question or received 0 marks for one or more of the questions (15 students).