

**INTRODUCTION/
FOUNDATIONS OF LAW
MODEL EXAM
2010**



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IRAC method of completing exams

- Issues** - Outline the issues that you are going to discuss.
- Rules** - Define the legal rules that are relevant to the question.
- Application** - Apply the legal rules to the facts of the question (this is the hard part!).
- Conclusion** - Tie things up, usually in the form of an advice to your hypothetical client.

Always use your reading time wisely to **PLAN YOUR ANSWER** before writing. This is of utmost importance as it will help you clarify your thoughts and ensure that you avoid following desperate exam strategies that unprepared students commonly resort to, such as:

- i) 'the kitchen sink' i.e. spilling all of your knowledge that is vaguely related to the topic onto the exam paper and hoping for the best.
- ii) 'the garden path' i.e. going off on an irrelevant tangent

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. The actual conclusions you reach are often superfluous. Rather, your marker will be most interested in *how you arrived* at your conclusion.

Question One

The *Education Act 1990 (VIC)* (the Act) governs the administration of primary and secondary education in New South Wales. When the legislation was introduced into Parliament in 1989, the Minister for Education stated:

All children are entitled to receive a first class education. This requires more than appropriate school buildings, play fields and other resources. It also requires dedicated and competent teachers who are committed to fostering a learning environment in which children have the opportunity to develop as fully rounded human beings.

Among other things, the Act makes provisions for the registration of non-government schools for the purpose of presenting candidates for public examinations in New South Wales. Applications for registration by non-government schools are governed by s49. There is no definition of 'school' in the Act.....

Question TWO

It is Mavis' 11th birthday. From her grandmother she receives a new pair of sneakers with retractable wheels in them. When she lifts the heel of the sneaker, a wheel clicks in place and she move by rolling along the sneakers. To start walking or running again, she simply pushes onto the balls of her feet and the wheels retract. Mavis is an excellent skater. She decides to try her new skates out on the driveway of her family house. She runs down the driveway towards the road, and then leans back on the wheels and slides onto the street just beyond the gates. At this moment, an elderly woman is passing by on the footpath outside Mavis' family house. Mavis just misses the woman and apologises. The woman is terribly shocked and complains to a passing officer who, being aware of the *Footpath Act 2006*, fines Mavis the maximum \$500 on the spot.

Mavis's parents seek your advice on the likelihood of successfully appealing the fine to the NSW Local Court.

Footpaths Act 2006 (NSW)

3 Objects

The principle objects of this Act are:

- (a) To clarify the distinction between roads & footpaths in residential areas; and
- (b) To provide for the safe passage of pedestrians on footpaths in residential areas

When reading the proposed legislation in the NSW Parliament for a second time, the Minister for Youth Affairs stated.....

Question THREE

Use the Tampa incident to explain why the extent of executive power is important and why its exercise outside the control of Parliament is controversial. Do you think the executive should have been able to employ the armed forces to prevent asylum seekers aboard the *MS Tampa* from entering Australian Territory outside of a legislative power to do so?

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If you have any queries regarding the Introduction/Foundations of Law Model Exam please email - info@lawskool.com.au