

REMEDIES LAW

MODEL EXAM



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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

Tyne, aged 25, has worked as a full-time chef at a restaurant in Gosford, NSW, known as "Gourmet Pizzas". Her current salary is \$850 per week after tax which is a significant increase from her previous salary of \$500 per week after tax as a check-out operator at "The Base Factory". She lives at The Entrance, which is located 15 kilometres from the restaurant so she incurs \$50 per week in travel expenses.

Tyne enjoys horse-riding with friends at a remote farm in Somersby owned by Danny. One day Danny fails to check a saddle which is defective and Tyne falls off the horse sustaining serious injuries to her neck. She spends the next month in hospital in significant pain and then returns to her parents' home where they provide care for her for the subsequent seven months.

During this period, Tyne receives four weeks paid sick leave but since then, received nothing from her employer. Accordingly, her parents give her \$150,000 to ease her physical and financial burdens.....

Question Two

Darius is a sole trader who operates a wood processing business in Launceston, Tasmania. He organizes his business such that from September to March each year he uses his wood processing machine, FirstRex 4000, to cut stock in preparation for the winter season (i.e. April to August).

In September 2009, Darius notices some hairline cracks on FirstRex 4000 and is concerned about the safety of his staff in operating the machine. With knowledge that he needs to cut stock for the next winter season, Darius immediately engages Beau's Welding to carry out preventative maintenance repairs on the machine so that it will be fully operational as soon as practicable.

The principal welder of Beau's Welding, Neville, inspects the wood processing machine and reaches a contractual agreement with Darius to repair the machine so that it will become fully operational. Both parties agree to the arrangement and Neville carries out the preventative maintenance repair works in the sum of \$15,000.....

Question Three

Joyce is the owner of a reasonably successful hairdressing saloon called, “Just Cutz” (note that she is a sole trader), whereby Chantal is the head hairdresser. Chantal is employed under a fixed term contract of employment where there is one year remaining.

The contract also contains a restraint of trade clause which prohibits Chantal from working in the hairdressing industry for a period of three years after leaving Just Cutz. This clause was included notwithstanding Joyce’s knowledge that Chantal has worked in the hairdressing industry her whole life and has no qualifications in any other industry.

Recently, Chantal has been upset with her minimal wages in light of the significant amount of business she brings in to Just Cutz. She consequently decides to leave Just Cutz and start her own business called “Channi’s Cuts”



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