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QUEENSLAND BAR EXAMS

BAR EXAM GUIDE

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WHY CANDIDATES FAIL THE QUEENSLAND BAR EXAMS

Roughly half to two-thirds of candidates fail the Queensland Bar Exams on their first attempt - not because they don't know the law, but because they don't know how to answer like a barrister.

Most failures are not about intelligence or effort—they are about **method, precision, and exam technique**.

The Queensland Bar Exams are a serious undertaking. Most senior legal practitioners would fail to pass all three exams on their first attempt without diligent preparation and study. Optimal preparation time is **three to six months**, similar to an entire semester of university studying full time. Please be aware this is not something you can study for a couple weeks beforehand. You will be disappointed.

1. Lack of IRAC Discipline (The #1 Killer)

Candidates:

- Jump straight to conclusions
- Dump law without applying it
- Fail to structure answers logically

Example of failure:

“This is hearsay and inadmissible.”

No:

- Issue identified properly
- Rule stated
- Application to facts
- Alternative arguments

Markers reward structured reasoning, not guesses.

2. Misunderstanding Queensland-Specific Law

Many candidates:

- Apply the **Uniform Evidence Acts** instead of *Evidence Act 1977 (Qld)*
- Confuse:

- Hearsay vs admissions
- Refreshing memory vs prior inconsistent statements

The exams are **jurisdiction-sensitive**.

3. Poor Time Allocation

Common mistakes:

- Spending 40 minutes on one question
- Leaving questions incomplete
- Failing to time manage – many candidates report running out of time
- Not setting a half way timer during the exam to track your progress.

A half-finished perfect answer scores worse than a **complete, competent one**.

The Queensland Bar Exams are completely under tight timelines. You will not have time to look up the answers to every single question in the exams.

It is highly recommended you set a half way timer to monitor your progress. If you are not half way through the questions at the half way point, stop, and move on. There are often easier questions towards the end of the exams.

4. Lack of Authority

Weak answers:

- No cases
- No section numbers

Strong answers:

- Cite **specific provisions** (e.g., *Evidence Act 1977 (Qld) s 93A*)
- Use **leading cases**

5. No Application to Facts

Students:

- Recite law but don't apply it

Markers want:

- Fact-driven reasoning
- "Because X fact exists, the rule applies in Y way"

6. Ethics: Answering Like a Student, not a Barrister

Failing candidates:

- Give moral opinions
- Ignore professional rules

Passing candidates:

- Apply **Barristers' Conduct Rules**
 - Identify duties:
 - Court
 - Client
 - Administration of justice
 - Explain the reason or purpose for the rule
-

7. Civil Procedure: Weak Rule Recall

Common failures:

- Don't know **UCPR rules by number**
- Confuse procedures (e.g., summary judgment vs strike out)

STRATEGIES TO PASS

1. Use a Strict IRAC Formula

Template:

Issue

What is the legal question?

Rule

Statute and case law

Application

Apply facts (this is where marks are won)

Conclusion

Clear, reasoned outcome

2. Memorise Core Sections

Evidence

- Hearsay rules (common law + Qld approach)
- Admissions
- s 93A (child evidence)
- Refreshing memory

Civil Procedure

- UCPR rules (e.g., r 292 summary judgment)
- Pleadings
- Disclosure

Ethics

- Duties to court
- Conflicts
- Confidentiality

3. Always Argue Both Sides

Top answers:

- Show competing arguments
- Then resolve them

4. Use “Because” Reasoning

Bad:

“This is inadmissible.”

Good:

“This is inadmissible because the statement was made out of court and is tendered to prove the truth of its contents...”

5. Write Like Counsel

- Formal tone
- Precise language
- No waffle

6. Practice Under Time Pressure

- Simulate exam conditions
- Train speed and perfect your IRAC structure focusing on application
- Practice with bar exam prep materials - <https://www.legaleagleeducation.com.au/category/queensland-bar-exam-prep>

7. Use Trigger Phrases

When you see:

- “Someone said...” → Hearsay issue
- “Defendant admitted...” → Admissions
- “No evidence...” → Summary judgment

EXAM EXAMPLES (WITH POOR VS HIGH-LEVEL ANSWERS)

1. EVIDENCE EXAM

Question

A witness gives evidence that “John told me the accused stabbed the victim.” The prosecution seeks to rely on this statement.

Poor Answer

This is hearsay and is inadmissible. Therefore, it cannot be used.

High-Quality IRAC Answer

Issue

Whether the witness’s statement is inadmissible hearsay.

Rule

At common law, hearsay is an out-of-court statement tendered to prove the truth of its

contents and is generally inadmissible - *Subramaniam v Public Prosecutor*. Queensland follows the common law position, subject to statutory exceptions under the *Evidence Act 1977* (Qld).

Application

The statement "John told me the accused stabbed the victim" is:

- Made out of court
- Tendered to prove that the accused stabbed the victim

Therefore, it is prima facie hearsay.

No exception appears to apply:

- It is not an admission by the accused
- It is not first-hand original evidence
- No statutory exception (e.g., s 93A) applies

Accordingly, it is inadmissible.

Conclusion

The statement is inadmissible hearsay and should be excluded.

2. CIVIL PROCEDURE EXAM

Question

The defendant applies for summary judgment on the basis that the plaintiff has no reasonable prospect of success.

Poor Answer

The court may grant summary judgment if the claim is weak. This should be granted here.

High-Quality IRAC Answer

Issue

Whether summary judgment should be granted.

Rule

Under UCPR r 292, the court may give summary judgment if:

- The defendant has no real prospect of successfully defending the claim; and

- There is no need for a trial

The test is stringent and should be applied cautiously.

Application

Here:

- The plaintiff has provided some evidence supporting the claim
- There are factual disputes requiring determination

This suggests:

- There is a real prospect of success
- A trial is necessary

Therefore, the threshold for summary judgment is not met.

Conclusion

Summary judgment should not be granted.

3. ETHICS EXAM

Question

A barrister becomes aware that their client intends to mislead the court.

Poor Answer

The barrister should tell the court because honesty is important.

High-Quality IRAC Answer

Issue

What are the barrister's obligations when a client intends to mislead the court?

Rule

Under the **Barristers' Conduct Rules**, a barrister:

- Owes a paramount duty to the court – r 25 BCR
- Must not knowingly mislead the court – r 26 BCR
- Must not facilitate misleading conduct – rr 25 - 27 BCR

Application

If the barrister becomes aware of intended misleading conduct:

- They must advise the client not to proceed
- If the client insists, the barrister must withdraw
- The barrister must not disclose confidential information unless permitted

They cannot:

- Present false evidence
- Make misleading submissions

Conclusion

The barrister must refuse to act in a misleading way and, if necessary, withdraw from representation.

FINAL INSIGHT (WHAT SEPARATES PASS FROM FAIL)

Failing candidates:

- Know the law
- Write generally
- Miss structure

Passing candidates:

- Apply law precisely
 - Use IRAC consistently
 - Cite authority
 - Analyse facts deeply and draw inferences
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