

**AUSTRALIAN
PUBLIC 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

Adam Hague is a 25 year old Australian, Estonian and Israeli citizen who is qualified to vote in Australia. Adam is a major shareholder in a company that supplies cleaning and janitorial services to other businesses. In the past most of Adam's clients were government departments. The company however only has four shareholders, all of which are Adam's immediate family. The supply agreements with each client were made by individual contracts on an ad hoc basis. However after some functions Adam believes he has a handshake agreement to clean up after their big events.

In February 2007 Adam won a pre-selection to an election for the members of the Legislative Council. After winning Adam sent information to the Estonian government to renounce his Estonian citizenship, the letter did not arrive until after he was elected to be part of the Legislative Council. If Adam had paid an additional handling fee the letter would have arrived in time to renounce his Estonian citizenship before he was elected. The fact that paying an additional handling fee sped up the process of renouncement was not listed in any official documents. After hearing from a friend that it is not possible to renounce an Israeli citizenship Adam did not take any steps to do so.

In May 2007 to Adam's delight he was successfully elected to be a member of the Legislative Council. Unfortunately his success was not welcomed by everyone. Some members of Adam's House were questioning whether Adam was even eligible to be elected.

Question Two

Is popular sovereignty an adequate explanation of what gives the Australian Constitution its legal force? To what extent does it explain why Australians obey their Constitution?.....

Question Three

Should Australia adopt a Bill of Rights? In answering the question, please discuss and analyse both the arguments for and those against a Bill of Rights.

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