

CONSTITUTIONAL 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

Following the devastation caused by Cyclone Larry in Far North Queensland, which destroyed most of Australia's banana crops, banana prices in Australia have risen to almost \$15.00 per kilo. The Queensland Government is concerned that such a sharp price rise will cause substantial consumer discontent and potentially see the importation of cheap and potentially diseased fruit from the Philippines, and the relocation of most of Australia's banana production to the North of New South Wales, threatening the future livelihood of Queensland producers. There has also been some murmuring by the Federal Government that it may investigate the potential to import fruit from the Philippines in the short term should all potential disease risks be cleared by Biosecurity Australia and the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF).

The Queensland Parliament enacts the *Banana Industry (Protection) Act 2006* (Qld), which provides:

1. No person shall import bananas to Queensland from the Philippines.
2. All bananas imported to Queensland from any other place other than the Philippines to be sold in Queensland must obtain a Banana Import License (International) from the Minister and comply with Department of Primary Industries quarantine restrictions and will be detained for a period of two months;
 - a. In granting the license the Minister must be satisfied that after the detention the fruit is not contaminated and does not pose a threat to banana crops in Queensland:

Question Two

In light of growing concern about the prevalence of obesity amongst the population the New South Wales Department of Health commissioned a scientific study into causes of obesity. The study found that obesity was usually a prelude to early onset of Diabetes. The study also pointed to sugary soft drinks as major contributors to the trend. In an effort to try and stem the rate of obesity the Government enacted the *Soft Drink*

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Reduction Act 2006 (NSW). The Act set up a scheme, comprising of two major parts, to reduce the consumption of soft drinks. The first is to replace soft drinks with less-sugary alternatives. The second is to place a restriction on manufacturers of soft drinks to make the drinks more nutritious.

The *Soft Drink Reduction Act 2006* came into force on 1 January 2006 to act as a compulsory “New Years Resolution” for residents of NSW. The Act provided:

S. 2: The objects and purpose of this Act is to reduce:

- (1) The consumption of soft drinks in NSW; and
- (2) The incidence of obesity amongst the population.....

Question Three

Constitutional tests of proportionality have garnered substantial popularity with the High Court throughout its history. In some circles this has been seen as a great leap forward whilst others have bemoaned the test’s use. What is your view of the use of proportionality in Constitutional law tests?



**If you have any queries regarding the constitutional law model exam
please email - info@lawskool.com.au**