

Legal Profession Admission Board of New South Wales

October 2024

Australian Constitutional Law

Examiner's Comments

1. The September 2024 exam tested all areas of the subject of Australian Constitutional Law (**ACL**).
2. Australian Constitutional Law is a foundational, and, also, broad subject, that deals in detail with the national and entrenched constitution of the Commonwealth of Australia. The Australian constitutional settlement is somewhat unique in that it is monarchical, it is federal, and it has been reduced to a written and entrenched constitution. An Examination in this subject, also, will draw on contemporaneous judgments of the High Court of Australia.
3. A constant if basic requirement of all Australian Constitutional Law exams is that students show a good familiarity with the Constitution (all of it) and the fundamental ideas that underlie the Constitution, as informed by the High Court's caselaw, which has served to guide our understanding of the Constitution's provisions.
4. The Exam was worth 80%, which, when added to the earlier Assignment worth 20%, made up the 100% of marks in this subject.
5. In September 2024, as always, the session's Exam was a very long problem question that tested knowledge of all of the relevant material taught in ACL. This Exam had extensive facts, both to ensure every part of the ACL subject was covered, but also to include the opportunity to be made for allusions to current events and recent case that echo prior themes in Australia's constitutional history, to reinforce the relevance of this subject to everyday life.
6. In answering this Exam – which, again, posed an exhaustive problem question – the students' efforts were, mostly, of a very good standard, reflecting excellent teaching of the subject and an engaged student body. Most students displayed a very good understanding of ACL and could apply it to the voluminous facts of the Exam. The quality of these Exam answers was, generally, quite high, and many had improved their performance from what had been dismal marks for their earlier Assignments. Overall, I was very well satisfied by the effort of most students attempting the ACL Exam.