

Legal Profession Admission Board

September 2023

Australian Constitutional Law

Examiner's comments

- (1) As is the approach taken in all prior examinations, all of the prescribed Australian Constitutional Law (ACL) materials were examined in the September Exam.
- (2) The winter 2023 session was conducted in the aftermath of the COVID pandemic. Teaching was both online and on-campus. The sessions went smoothly and without complaints.
- (3) It goes without saying that ACL has an enormous amount of content, and thus a large teaching and learning load, which includes not merely legal knowledge and caselaw, but also learning how to apply facts to the law, so that one can understand what courts, particularly the High Court of Australia, are doing. While the ACL subject is found, quite often, to be one of the more difficult subjects, a significant amount of assistance was extended by me to all students, including in terms of how they should best prepare for the Exam. Students were provided with extra materials as well as various memoranda for use in the course and in the final Exam.
- (4) The basic requirement for the September 2023 Exam was that our students would be very familiar with not just all of the Constitution but also the fundamental ideas underlying the Constitution, as well as the caselaw that informs our understanding of its provisions.
- (5) The Exam was a long problem question that tested all of the material taught in the course, by way of a long set of facts, some of which touched on events in the news, or which had been part of recent constitutional history.
- (6) The Exam was worth 80%, which, when added to the earlier Assignment worth 20%, comprised the 100% of marks in this subject.
- (7) In answering this Exam — which was an exhaustive problem question — the vast majority of students displayed what was, generally, a very good and practical understanding of ACL. The quality of these Exam answers ranged from high quality to exceptionally high quality. Given the detailed nature of the Exam question, I was, overall, impressed by the quality of the Exam answers, and by the clarity of their arguments.
- (8) I very much enjoyed teaching this most recent cohort of ACL students. Some were, initially, daunted by the magnitude of the material to be 'understood and made use of, but most showed a willingness and capacity to make the best of what was before them. They will each, I am confident, go on and make their mark as lawyers in their relevant Australian jurisdiction.

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Examiner in Australian Constitutional Law