

Steps to answering a Constitutional law problem question:

(Please be aware you do not have to abide by the order as set out below. You may wish to consider whether there is a State law first. You may wish to consider the limits in a completely different order. Your approach will need to be guided by the specific question you are asked to answer.)

1. Is there a Commonwealth Act?
2. What is the source of authority for that law?
Characterise the Law. Important note: different sections in the Commonwealth Act may fall under different heads of power:
 - a) What are the tests and what are the cases for the power under which the law is characterised?
 - b) Does the Cth law satisfy those tests?
 - c) Is it possible to use severance or reading down to bring the law within power

(See also the guide to characterisation available in the "Guides" subfolder in the Seminar Materials Folder on UTS Online)

3. Are there any Constitutional limits on the exercise of that power by the Commonwealth? Consider whether it falls foul of for example:
 - a) Implied Limits
 1. The Implied Freedom of Political Communication
 2. Melbourne Corporations principle
 - b) Express Limits
 1. S117
 2. S80
 3. S1(xxxi)
 - c) Other
 1. Chapter 3 (ie is it a valid vesting of judicial power or non judicial power, does it breach separation of powers etc.)
4. If yes can the law be read down or parts of it severed to avoid breaching those limits?
5. Is there a State Act?
6. What is the source of authority for that State Act?
7. Are there any Constitutional limits on the exercise of that power? See 3 above
8. Is the State law inconsistent with the Cth law – s109?

(By the end of the course all aspects of this process will have been covered.)

Constitutional Answer Guide

James Fairbanks Colby



Constitutional Answer Guide:

U.S. Constitution Thematic Unit Mary Ellen Sterling, 1994-03 Reproducible pages designed to teach children about the United States Constitution through a language arts approach **A Manual for the Constitutional Convention, 1917** Massachusetts. Commission to Compile Information and Data for the Use of the Constitutional Convention, 1917 **INDIAN CONSTITUTION** NARAYAN CHANGDER, 2023-11-05 Note Anyone can request the PDF version of this practice set workbook by emailing me at cbsenet4u gmail com I will send you a PDF version of this workbook This book has been designed for candidates preparing for various competitive examinations It contains many objective questions specifically designed for different exams Answer keys are provided at the end of each page It will undoubtedly serve as the best preparation material for aspirants This book is an engaging quiz eBook for all and offers something for everyone This book will satisfy the curiosity of most students while also challenging their trivia skills and introducing them to new information Use this invaluable book to test your subject matter expertise Multiple choice exams are a common assessment method that all prospective candidates must be familiar with in today s academic environment Although the majority of students are accustomed to this MCQ format many are not well versed in it To achieve success in MCQ tests quizzes and trivia challenges one requires test taking techniques and skills in addition to subject knowledge It also provides you with the skills and information you need to achieve a good score in challenging tests or competitive examinations Whether you have studied the subject on your own read for pleasure or completed coursework it will assess your knowledge and prepare you for competitive exams quizzes trivia and more Constitution Study Guide 2001c ,2001 A History of the United States well told story and expanded program are designed to address your changing curriculum and classroom needs Author Daniel Boorstin eLibrarian of Congress Emeritus and winner of the Bancroft Parkman and Pulitzer prizes etells the story of American history in an engaging style that reaches today s students **Constitution, Jefferson's Manual, the Rules of the House of Representatives...and a Digest and Manual of the Rules and Practice of the House of Representatives...** United States. Congress. House, 1896 Constitution, Jefferson's Manual and Rules of the House of Representatives United States. Congress. House, 1890 **Manual of the Constitution of the United States of America** Timothy Farrar, 1869

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