

# Advanced Constitutional Law Concepts

Constitutional Law · Answer Key · 15 Questions

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## 1. The doctrine of 'interstitial neutrality' in constitutional interpretation emphasizes what principle?

- A) Courts should defer to the legislature's interpretation of ambiguous constitutional provisions.
- B) The Constitution should be interpreted to reflect contemporary societal values.
- C) Judicial review should be narrowly confined to procedural issues.

**D) The judiciary should avoid interpreting constitutional provisions in a way that unduly favors one branch of government over another.**

## 2. Which landmark Australian High Court case established the principle of implied freedom of political communication?

- A) Australian Communist Party v. The Commonwealth (1951)
- B) Theophanous v. The Herald & Weekly Times Ltd (1994)**
- C) Lange v. Australian Broadcasting Corporation (1997)
- D) McCawley v. The King (1914)

## 3. The 'Kable doctrine' limits the legislative power of States to confer jurisdiction on State courts to:

- A) Hear appeals from federal tribunals.
- B) Determine questions of federal law exclusively.
- C) Adjudicate in matters that would undermine the integrity of the federal judicial system.**
- D) Enforce Commonwealth laws without federal court oversight.

## 4. In the context of Australian federalism, the 'Co-operative Federalism' model is best exemplified by:

- A) The High Court's interpretation of Section 92 of the Constitution.
- B) The establishment of the Council of Australian Governments (COAG).**
- C) The 'division of powers' under Chapter I of the Constitution.
- D) The operation of the corporations power.

## 5. What is the primary legal basis for the doctrine of 'responsible government' in Australia?

- A) An express provision in the Commonwealth Constitution.
- B) A convention adopted from the Westminster system.**
- C) A High Court interpretation of the separation of powers.
- D) The Governor-General's inherent prerogative powers.

**6. The Privy Council's jurisdiction to hear appeals from Australian courts was finally abolished by:**

- A) The Statute of Westminster Adoption Act 1942 (Cth).
- B) The Privy Council (Limitation of Appeals) Act 1968 (Cth).
- C) The Australia Acts 1986 (Cth and UK).**
- D) The Judiciary Act 1903 (Cth).

**7. The concept of 'original constitutionalism' refers to the idea that:**

- A) The Constitution should be interpreted according to its plain meaning at the time of enactment.
- B) The Constitution is a living document that evolves with societal changes.
- C) The framers' intentions are paramount in constitutional interpretation.**
- D) Judicial review is limited to protecting fundamental rights.

**8. Which section of the Australian Constitution grants the Commonwealth Parliament the power to make laws with respect to 'conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of the State'?**

- A) Section 51(xx)
- B) Section 51(xxxv)**
- C) Section 51(i)
- D) Section 51(xix)

**9. The 'Menzie's Doctrine' is associated with which constitutional law concept?**

- A) The separation of judicial power.**
- B) The scope of the defence power.
- C) The interpretation of Section 92 of the Constitution.
- D) The residual powers of the States.

**10. What is the main consequence of a law being found to be 'inconsistent' with a provision of the Commonwealth Constitution under Section 109?**

- A) The law is suspended until Parliament amends it.
- B) The law is invalid to the extent of the inconsistency.**
- C) The law is referred to the High Court for further interpretation.
- D) The inconsistency is resolved by the Governor-General.

**11. The 'external affairs power' under Section 51(xxix) of the Australian Constitution has been significantly interpreted by the High Court to include:**

- A) Only matters relating to international treaties signed by Australia.
- B) Matters concerning Australia's defence interests abroad.
- C) The implementation of international treaties and customary international law.**
- D) The regulation of Australian citizens living overseas.

**12. Which High Court case is considered pivotal in the development of the 'implied prohibition' against disproportionate and unreasonable burdens on the electoral process?**

A) Lange v. Australian Broadcasting Corporation (1997)

**B) Roach v. Electoral Commissioner (2007)**

C) Levy v. Victoria (1997)

D) McGraw v. Electoral Commission (2009)

**13. The principle of 'parliamentary sovereignty' as understood in the UK has been significantly modified in Australia due to:**

**A) The presence of a written constitution with entrenched rights.**

B) The doctrine of responsible government.

C) The separation of powers between the legislature and the executive.

D) The High Court's power of judicial review.

**14. In the Australian constitutional framework, the powers not vested in the Commonwealth Parliament are generally considered to be:**

A) Exclusive to the High Court.

**B) Reserved for the States or the people.**

C) Subject to the Governor-General's discretion.

D) Under the purview of the Prime Minister.

**15. The 'executive power' of the Commonwealth is vested in:**

A) The Prime Minister.

B) The Parliament.

**C) The Governor-General, to be exercised by the Governor-General or the Federal Executive Council.**

D) The High Court of Australia.