

Foundations of Australian Constitutional Law

Constitutional Law · Answer Key · 12 Questions

1. Which of the following is a fundamental principle of the Australian Constitution that limits the power of the government and ensures everyone, including government officials, is subject to the law?

- A) Responsible Government
- B) Separation of Powers
- C) The Rule of Law**
- D) Federation

2. In Australia, the High Court of Australia has the ultimate power to interpret the Constitution. This power is an example of which key constitutional concept?

- A) Responsible Government
- B) Judicial Review**
- C) Parliamentary Sovereignty
- D) Federalism

3. The Australian Constitution establishes a system where power is divided between the Commonwealth (federal) Parliament and the state Parliaments. What is this system called?

- A) Responsible Government
- B) Separation of Powers
- C) Federalism**
- D) Confederation

4. Which section of the Australian Constitution outlines the exclusive powers of the Commonwealth Parliament, meaning states cannot make laws in these areas?

- A) Section 51**
- B) Section 109
- C) Section 118
- D) Section 128

5. The principle of 'Responsible Government' in Australia means that the Executive Government (Ministers) must be accountable to which body?

- A) The Governor-General
- B) The High Court
- C) The Parliament**
- D) The Prime Minister

6. Section 109 of the Australian Constitution is crucial for resolving disputes between Commonwealth and state laws. What does it state?

- A) That the High Court has the final say on constitutional interpretation.
- B) That a law passed by the Commonwealth Parliament is invalid if it is inconsistent with a law of a State.
- C) That if a State law is inconsistent with a Commonwealth law, the Commonwealth law prevails.**
- D) That all laws must be consistent with international treaties.

7. The idea that governmental power should be divided between the legislature (makes laws), the executive (implements laws), and the judiciary (interprets laws) is known as the:

- A) Rule of Law
- B) Responsible Government
- C) Separation of Powers**
- D) Federal System

8. Which of the following is NOT a head of power that allows the Commonwealth Parliament to legislate under Section 51 of the Australian Constitution?

- A) Trade and commerce with other countries and among the States
- B) The public service of the Commonwealth
- C) Local government administration**
- D) External affairs

9. The Australian Constitution was created through a process of colonies uniting. This union is formally known as:

- A) Federation**
- B) Confederation
- C) Unification
- D) Integration

10. Section 128 of the Australian Constitution sets out the process for altering the Constitution. This process requires a national referendum and is notoriously difficult to achieve. What does this reflect about the Constitution's design?

- A) Its flexibility
- B) Its rigidity**
- C) Its simplicity
- D) Its democratic nature

11. What is the name of the document that is the supreme law of Australia, establishing the framework for the country's government and legal system?

- A) The Magna Carta
- B) The Bill of Rights
- C) The Australian Constitution**
- D) The Commonwealth Constitution

12. The High Court of Australia plays a vital role in interpreting the Constitution. Which of the following is a consequence of the High Court's interpretation of constitutional provisions?

- A) It can create new laws with the same force as legislation.
- B) It can amend the Constitution directly.
- C) It clarifies the meaning and application of constitutional clauses.**
- D) It has no significant impact on the understanding of the Constitution.