

2016 SIR ANTHONY MASON CONSTITUTIONAL LAW ESSAY COMPETITION

Students studying an undergraduate law degree or Juris Doctor are invited to submit to the Committee an essay of no more than 2,500 words, by 13 August 2016.

Submission

Please email your essay as a PDF to publiclaw.chair@younglawyers.com.au by 13 August 2016.

Essay questions

You have the choice of one of the following questions:

1. Does the conception of proportionality adopted by Chief Justice French and Justices Kiefel, Bell, and Keane in *McCloy v New South Wales* [2015] HCA 34 actually assist the application of the implied freedom of political communication?
2. What is the status of the constitutional principle of political equality recognised in *McCloy v New South Wales* [2015] HCA 34?
3. Discuss how the High Court of Australia has recently approached the test developed in *Chu Kheng Lim v Minister for Immigration, Local Government and Ethnic Affairs* (1992) 176 CLR 1.
4. Do recent High Court decisions suggest a trend toward harmonisation of the Court's Chapter III jurisprudence and the *Kable* principle?
5. This year the Turnbull government put the issue of state levied taxation on the agenda. Identify key ways in which state taxes could enhance federalism. Do you believe the proposal has the potential to damage the Australian federation?
6. Laws aimed at bikie gangs have given rise to a string of High Court cases. New developments in states such as South Australia and Queensland have seen even more threats of High Court litigation.

Should the High Court be empowered to provide advisory opinions on the constitutional validity of laws before they are enacted? In your answer outline arguments for and against the delivery of advisory opinions by the High Court of Australia.

7. Discuss any current issues in constitutional law and jurisprudence.

Prizes

- 1st prize: \$700
- 2nd prize: \$400
- 3rd prize: \$300

The student who wins first prize will also receive the wonderful opportunity to publish their essay on AUSBULAW, the national public law blogging platform proudly hosted by the Gilbert + Tobin Centre of Public Law.

Awards night

Sir Anthony Mason AC KBE GBM QC will announce the three best essays at an awards night on 1 September 2016 at 6.00pm, at The Law Society of New South Wales, 170 Phillip Street, Sydney. More details to follow.

Acknowledgement

The Public Law and Government Committee is grateful for the support of Sir Anthony Mason, The Law Society of New South Wales Government Solicitors Committee and the Gilbert + Tobin Centre of Public Law.