



## Quiz

### A Challenge to the Constitutional Validity of the Commonwealth Funding Religious Schools

1. How does the Commonwealth government provide funding to independent schools?
  - a. Directly
  - b. The Commonwealth has no power to provide funds to independent schools
  - c. The Commonwealth provides school funding to the States on conditions pursuant to ss 96 and 51(xxxvi) of the Constitution
  - d. None of the above
  
2. On what bases did the Residents Group challenge the Commonwealth Government's school funding arrangement?
  - a. The residents argued that the Commonwealth had no power to fund independent schools and the funding arrangement breached s 116 of the Constitution
  - b. The funding model breached the Bill of Rights
  - c. The funding model was inconsistent with State legislation
  - d. The Commonwealth's approach to the States was not a conditional offer but rather a coercive exercise

3. What fetters on the Commonwealth's exercise of powers does s 116 of the Constitution provide?
  - a. The purpose of the law cannot be to establish a State religion
  - b. The purpose of the law cannot impose religious observance
  - c. The purpose of the law cannot prohibit the free exercise of religion
  - d. All of the above
  
4. In what circumstances will the first limb of s 116 be breached according to the court in *Attorney-General (Vic); Ex rel Black v Commonwealth* [1981] HCA 2?
  - a. Where the purpose of the law was to set up the religion as an institution of the Commonwealth
  - b. Where the purpose of the law was to set up a national church or to favour one church over another
  - c. Where the purpose of the law was to set up a reciprocal relationship between the Commonwealth and a particular religion.
  - d. All of the above
  
5. Ultimately, why were the Residents Group's challenges to the Commonwealth's independent schools funding model rejected?
  - a. The limitation period for the action had elapsed
  - b. The arrangement was empowered by ss 51(xxxvi) and 96, and the purpose of the arrangement was to provide for education and had nothing to do with religion
  - c. The Supreme Court did not have jurisdiction in the matter and should have commenced proceedings in the original jurisdiction of the High Court
  - d. The school had actually received no Commonwealth government funding

Answers:

1. c 2. a 3. d 4. d 5. b