

Write Your Exam Code Here: _____

Return this exam question paper to your invigilator at the end of the exam before you leave the classroom.

THIS EXAMINATION CONSISTS OF THREE (3) PAGES (INCLUDING THIS PAGE).
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER.

THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW

FINAL EXAMINATION – DECEMBER 2018

LAW 251
Public Law

Section 002
Professor Barrett

TOTAL MARKS: 100

TIME ALLOWED: ONE (1) HOUR
PLUS FIFTEEN (15) MINUTES READING TIME

NOTES:

1. This is an open book examination. Candidates may have with them any hard-copy written material they wish. Laptops are only permitted for the use of ExamSoft.
2. Use of communication devices such as mobile phones, tablets, smartwatches, etc. are not permitted. Candidates should ensure that their phones are turned off.
3. Read the questions carefully and understand what you are being asked to do before you begin your answer.
4. You may refer to cases in short form (e.g. *Rizzo*).
5. There is a 15-minute reading period. You may take notes on the exam paper and on scrap paper for the first 15 minutes but you must not begin writing or typing your answers until this 15 minutes is up.

THIS EXAMINATION CONSISTS OF TWO (2) PARTS.

Part I gives you a choice of questions. Extra questions answered will not be marked.

ANSWER TWO (2) OF THREE (3) SHORT ANSWER QUESTIONS IN PART I

ANSWER ONE (1) ESSAY QUESTION IN PART II

PART I: 40 MARKS – Short Answer (20 MARKS PER QUESTION) (Suggested time: 15 minutes per question)

Answer any two (2) of the following three (3) questions. Do not answer more than two.

Question 1

Critically discuss the following statement citing a relevant case from the readings:

“In Canada, the principle of Rule of Law can form the basis of a constitutional challenge to a statute.”

Question 2

Please cite relevant case law from the readings in answering the following:

- a) Can a Canadian government regulation passed in 2019 infringe on Indigenous rights?
- b) If so, how is this justified?
- c) What limits are placed on this infringement?

Question 3

Do you agree that Canada’s legal system is a model of “legal pluralism”? Why or why not? Please support your argument with discussion of at least one relevant public law case.

Please turn to next page.

PART II - 60 MARKS – Essay (Suggested time: 30 mins)

You will be assessed on the clarity and organization of your writing, the quality of your arguments and the requirements listed in the three bullet points below.

Please write an essay in which you agree or disagree with the following statement:

“Canada’s judiciary carefully protects the separation of powers doctrine.”

In answering this question:

- provide a thesis statement and build an argument to support it
- refer to at least three relevant cases from the readings to support your argument (Do not simply summarize cases.)
- incorporate casebook commentary/class content in your answer

END OF EXAMINATION