

CONSTITUTIONAL LAW
CLW41A0
EXAM REVISION: MOCK EXAM ANSWERS

FROM THE 2019 MAY/JUNE EXAM PAPER:

QUESTION 3:

The Organisation for Equal Language Rights (OELR) have brought an application in the Constitutional Court for an order stating that the government's non-translation of legislation into all official languages amounts to unfair language discrimination. **You are responsible for representing the OELR.** Indicate the argument that you will use to convince the court of the merit of your client's case. In your argument you need to address the following aspects: (Please note: half marks will apply)

- The number of official languages that have to be used by the South African national, provincial and local government in terms of the Constitution; (2)
- how this position has been changed by more recent legislation; (2)
- all relevant case law (and academic criticism on the case law); and (5)
- the relief sought from the court. (1)

[10]

ANSWER:

- Students need to answer in an argument form which supports the client's case.

Points that need to be present:

- National and provincial government: in terms of the Constitution:
At least 2 languages must be used
- Municipal government: Municipal government cannot be forced to use 2 languages, but must indicate that it has taken into account the usage and preference of its residents.
- The new position under the Use of Official Languages Act 12 of 2012:

-at least 3 languages must be used

-applies to a national department, national public enterprise or national public institution, (1/2) but does not apply to provinces or local government (1/2)

Sample Law Exam Answers Australia Constitutional

Xiaolong Qi



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