



LAWS3000

Constitutional Law

Session 1, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Convenor, Lecturer and Tutor

Ashleigh Barnes

ashleigh.barnes@mq.edu.au

Contact via iLearn

Convenor, Lecturer and Tutor

Jemimah Roberts

Convenor and Lecturer

Carlos Bernal-Pulido

Credit points

10

Prerequisites

20cp from (LAWS2000 or LAWS2100 or LAWS2200 or LAWS2300 or LAWS2400 or LAWS2500)

Corequisites

Co-badged status

Unit description

This unit introduces students to fundamental principles of constitutional law and practice in Australia, including the basic structures of representative and responsible government, the structure and content of the Constitution of the Commonwealth of Australia and the relationship between the Commonwealth and the States. The unit places constitutional principles and doctrines in a wider context by exploring some of the questions that arise in relation to the framework for law and government in Australia. These include: federalism; democracy and citizenship; the rule of law; parliamentary sovereignty; and the relationships among the legislative, executive and judicial powers.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.

ULO2: Identify constitutional law principles within cases.

ULO3: Assess different theories of constitutional interpretation and understand their relationship to different doctrinal positions.

ULO4: Evaluate what is necessary for a constitution, assessing current deficiencies and strengths in the Commonwealth Constitution.

ULO5: Apply constitutional law to new fact problems.

General Assessment Information

Supplementary Exam

If a student is unable to sit the Exam, they will need to apply for Special Consideration to sit the Supplementary Exam. Only students with approved Special Consideration applications can sit the Supplementary Exam. The Supplementary Exam is scheduled for Monday 17 June 2024 (17/06/2024) at 14:00-17:00 (3 hours).

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Essay</u>	40%	No	Sunday 14 April 2024 (14/04/2024), 23:55
<u>Take Home Test</u>	45%	No	Tuesday 4 June 2024 (04/06/2024), 10:00-13:00 (3 hours)
<u>Tutorial Participation</u>	15%	No	Ongoing - Weeks 2-13

Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 20 hours

Due: **Sunday 14 April 2024 (14/04/2024), 23:55**

Weighting: **40%**

Students will be required to engage in independent research to present a written response to a particular question of Constitutional Law.

On successful completion you will be able to:

- Analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify constitutional law principles within cases.
- Assess different theories of constitutional interpretation and understand their relationship to different doctrinal positions.

Take Home Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 10 hours

Due: **Tuesday 4 June 2024 (04/06/2024), 10:00-13:00 (3 hours)**

Weighting: **45%**

A time-limited assessment involving written responses to problems of Constitutional Law

On successful completion you will be able to:

- Analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify constitutional law principles within cases.
- Evaluate what is necessary for a constitution, assessing current deficiencies and strengths in the Commonwealth Constitution.
- Apply constitutional law to new fact problems.

Tutorial Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing - Weeks 2-13**

Weighting: **15%**

Students will be assessed on their participation in tutorial debates, problem-solving, appropriate questioning, and understanding of the materials. This will require preparation before the tutorial – ie completing the required reading and preparing thoughts/answers to the tutorial materials.

On successful completion you will be able to:

- Analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify constitutional law principles within cases.
- Assess different theories of constitutional interpretation and understand their relationship to different doctrinal positions.
- Evaluate what is necessary for a constitution, assessing current deficiencies and strengths in the Commonwealth Constitution.
- Apply constitutional law to new fact problems.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

- Textbook: Sarah Joseph and Melissa Castan, Federal Constitutional Law: A Contemporary View (Thompson Reuters, 6th Edition, 2024).

Please note: The 6th edition of the textbook is being published mid-february. The 5th Edition of the textbook is available online at Macquarie Library. For students wishing to read materials ahead of the 6th edition being released, you may rely on the relevant chapters of the 5th Edition. However, it is your responsibility to cover the updated materials once the 6th edition is published.

Once the 6th edition has been published, the MQ Library will add an online read-only copy of the text which students will be able to access by signing in to the Library website with their MQ ID.

However, please note that there is usually a restriction placed on the number of licences available, meaning that only 3 students can access the textbook at once. Therefore you should not rely on the online textbook for the exam as you may not be able to access it.

- [Australian Constitution](#)
- Cases: [AUSTLII](#) for High Court Cases
- Legislation: www.legislation.gov.au for all Commonwealth legislation

Additional readings accessible via LEGANTO.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and

courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/

[offices_and_units/information_technology/help/](#).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Changes from Previous Offering

The previous set text was Sarah Joseph and Melissa Castan, Federal Constitutional Law: A Contemporary View (Thompson Reuters, 5th Edition, 2019).

Please note that we will be using the 6th edition of the textbook in 2024: Sarah Joseph and Melissa Castan, Federal Constitutional Law: A Contemporary View (Thompson Reuters, 6th Edition, 2024).

Unit information based on version 2024.03 of the [Handbook](#)