



LAW 314

Constitutional Law

S1 Day 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Iain Stewart

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Contact via iain.stewart@mq.edu.au

Joel Harrison

joel.harrison@mq.edu.au

Contact via joel.harrison@mq.edu.au

Credit points

3

Prerequisites

6cp in LAW or LAWS units at 200 level including LAW214

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:

Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.

Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.

Facilitate peer discussion by summarising and analysing central arguments within specific areas of constitutional law.

Defend your conclusions and views before your peers through reasoned and supported argument.

Critically examine the practice of constitutional law and its application to new contexts, in light of the distinctive features of legal culture, political and economic considerations, and concerns for justice.

Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	10%	N/A
<u>Class Presentation</u>	10%	N/A
<u>Essay 1</u>	35%	Tue 29 April 2014
<u>Essay 2</u>	45%	Tue 24 June 2014

Class Participation

Due: **N/A**

Weighting: **10%**

Listen to the previous week's lecture, do the reading set for the tutorial, and participate in discussion both in small groups and in the class as a whole.

On successful completion you will be able to:

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Defend your conclusions and views before your peers through reasoned and supported argument.

Class Presentation

Due: **N/A**

Weighting: **10%**

For each week (at the latest in the previous week), students will select one of the topics for that week and give a 2-3 minute presentation on that topic. The presenter will be a spokesperson for a small group, who will then comment further on the topic, after which the topic will be opened for discussion by the whole class.

A presentation must be accompanied by one or more slides - in any form, including PowerPoint - or leasts by a 1-page handout. Satisfactory presentations will receive a mark of 5, notified by the end of the class.

In the course of the unit, each student must do 2 presentations.

On successful completion you will be able to:

- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Facilitate peer discussion by summarising and analysing central arguments within specific areas of constitutional law.
- Defend your conclusions and views before your peers through reasoned and supported argument.

Essay 1

Due: **Tue 29 April 2014**

Weighting: **35%**

Issued: Monday 31 March 2014. Research essay on a topic from a set list, with a choice of questions. Length: six A4 pages - format to be detailed in the essay instructions. Essays must be submitted by the due time - only extensions applied for beforehand and on proven grounds will be accepted. Essays must be submitted through Turnitin (Macquarie Law School policy).

On successful completion you will be able to:

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Critically examine the practice of constitutional law and its application to new contexts, in light of the distinctive features of legal culture, political and economic considerations, and concerns for justice.

Essay 2

Due: **Tue 24 June 2014**

Weighting: **45%**

Issued: Monday 26 May 2014. Research essay on a topic from a set list, with a choice of questions. Length: eight A4 pages - format to be detailed in the essay instructions. Essays must be submitted by the due time - only extensions applied for beforehand and on proven grounds will be accepted. Essays must be submitted through Turnitin (Macquarie Law School policy).

On successful completion you will be able to:

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Critically examine the practice of constitutional law and its application to new contexts, in light of the distinctive features of legal culture, political and economic considerations, and concerns for justice.

Unit Schedule

LECTURES WILL BEGIN IN WEEK 1 (on Thursday 6 March), TUTORIALS IN WEEK 2 (on Thursday 13 March)

All classes will begin at 5 minutes past the hour and finish at 5 minutes before the hour. Each lecture will have a 10-minute break in the middle. All lectures will be recorded in ECHO360 (which has replaced iLecture) and ordinarily available online within half an hour after the end of the lecture. Tutorials will not be recorded.

Tutors will include Iain Stewart and Joel Harrison.

	<u>Day</u>	<u>Start</u>	<u>End</u>	<u>Room</u>	<u>Lecturer/ Tutor</u>
<u>LECTURES</u>	<u>THURSDAY</u>	<u>11:00</u>	<u>13:00</u>	<u>X5B T1</u>	Iain Stewart
<u>TUTORIALS</u>	<u>THURSDAY</u>	13:00	14:00	W6B320	TBA
		13:00	14:00	W6B354	
		14:00	15:00	W6B286	
		14:00	15:00	W5C335	

		15:00	16:00	W6B286	
		15:00	16:00	W5A101	
		16:00	17:00	W5C335	
		16:00	17:00	W6B286	
		16:00	17:00	X5B136	
		17:00	18:00	W6B286	
		17:00	18:00	E5A180	
	-	17:00	18:00	W5A205	

Learning and Teaching Activities

Lectures

Lectures - hopefully interesting

Tutorials

Tutorials - hopefully enjoyable

Policies and Procedures

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

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

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

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning and teaching activities

- Tutorials - hopefully enjoyable

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Assessment tasks

- Essay 1
- Essay 2

Learning and teaching activities

- Tutorials - hopefully enjoyable

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Assessment tasks

- Essay 1
- Essay 2

Learning and teaching activities

- Lectures - hopefully interesting
- Tutorials - hopefully enjoyable

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to

have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Defend your conclusions and views before your peers through reasoned and supported argument.

Assessment tasks

- Class Participation
- Essay 1
- Essay 2

Learning and teaching activities

- Lectures - hopefully interesting
- Tutorials - hopefully enjoyable

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Assessment tasks

- Class Participation
- Class Presentation
- Essay 1
- Essay 2

Learning and teaching activities

- Tutorials - hopefully enjoyable

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be

imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Assessment tasks

- Class Presentation
- Essay 1
- Essay 2

Learning and teaching activities

- Lectures - hopefully interesting

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Defend your conclusions and views before your peers through reasoned and supported argument.

Assessment tasks

- Class Participation
- Class Presentation
- Essay 1
- Essay 2

Learning and teaching activities

- Tutorials - hopefully enjoyable

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's

historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Describe the history of constitutional change within Australia, the place of Indigenous peoples in a constitutional order, major methods of constitutional interpretation, and central concepts and debates of constitutional law.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Defend your conclusions and views before your peers through reasoned and supported argument.

Assessment tasks

- Essay 1
- Essay 2

Learning and teaching activities

- Tutorials - hopefully enjoyable