



LAW 314

Constitutional Law

S1 Day 2015

Dept of Law

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General Information

Unit convenor and teaching staff

Joel Harrison

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W3A 512

TBA

Iain Stewart

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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:

Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure

and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.

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 constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.

Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	10%	N/A
<u>Class Presentation</u>	10%	N/A
<u>Research Essay 1</u>	35%	Tue 21 April 2015
<u>Research Essay 2</u>	45%	Tue 16 June 2015

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:

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.

- 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.

Class Presentation

Due: **N/A**

Weighting: **10%**

If possible in Week 2 - or, at the latest, in Week 3 - you must select among the listed topics for two future weeks. In each of those weeks, you will give a class presentation of 3 minutes on that topic. There will be no set questions: an important part of this exercise is to formulate questions and answers relating to the topic. Following the presentation, the topic will be opened for discussion by the whole class. The discussion must reflect upon the topic, not just offer a list of "interesting things" about it.

A presentation must be accompanied by one or more slides - in any form, including PowerPoint - or least by a 1-page handout distributed to the class. The presentation may be divided among 2 or 3 students, in which case its length will be 6 or 9 minutes respectively. Each student will then receive an individual mark.

Each presentation, for each student, will be marked out of 10; the overall mark for the two presentations will be the average of those two marks.

In each class, each week, no more than 5 students will be permitted to give presentations - unless special consideration has been given, normally due to illness.

On successful completion you will be able to:

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.
- 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.

Research Essay 1

Due: **Tue 21 April 2015**

Weighting: **35%**

Issued: Monday 23 March 2015. 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 - extensions must be sought through an "Ask" application on the ground of disruption to studies. Essays must be submitted both through Turnitin (Macquarie Law School policy) and to the Faculty of Arts office in W6A (a box will be available 24/7). This duplication is necessary partly because of unreliability of Turnitin and partly because at least one marker will not be able to use GradeMark.

On successful completion you will be able to:

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Critically examine constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.

Research Essay 2

Due: **Tue 16 June 2015**

Weighting: **45%**

Issued: Monday 18 May 2015. 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 - extensions must be sought through an "Ask" application on the ground of disruption to studies. Essays must be submitted both through Turnitin (Macquarie Law School policy) and to the Faculty of Arts office in W6A (a box will be available 24/7). This duplication is necessary partly because of unreliability of Turnitin and partly because at least one marker will not be able to use GradeMark.

On successful completion you will be able to:

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.
- Assess the relative strengths and weaknesses of constitutional law arguments and defend, through critique and analysis, reasoned conclusions.
- Critically examine constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.

Delivery and Resources

N/A

Unit Schedule

LECTURES WILL BEGIN IN WEEK 1 (on Thursday 26 February), TUTORIALS IN WEEK 2 (from Wednesday 4 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 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.

	Day	Start	End	Room	Lecturer/ Tutor
LECTURES	THURSDAY	16:00	18:00	W2.4A Macquarie Theatre	Iain Stewart
TUTORIALS	WEDNESDAY	13:00	14:00	X5B 039	Joel Harrison
		13:00	14:00	E8A 341	Holly Doel-Mackaway
		14:00	15:00	X5B 039	Joel Harrison

		14:00	15:00	W6B 338	Holly Doel-Mackaway
		15:00	16:00	W5A 205	Joel Harrison
		15:00	16:00	E8A 341	Holly Doel-Mackaway
	THURSDAY	10:00	11:00	W5C 335	Tanim Bari
		10:00	11:00	W5C 232	Iain Stewart
		11:00	12:00	C5A 304	Iain Stewart
		11:00	12:00	W5C 335	Tanim Bari
		12:00	13:00	X5B 134	Joel Harrison
		13:00	14:00	X5B 132	Tanim Bari
		13:00	14:00	E6A 133	Iain Stewart

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/

Results

Results shown in *iLearn*, 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.

Additional Macquarie Law School Policy on Assessment

In the absence of a successful application on the ground of disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Length limits will be strictly applied and work above the length limit will not be marked.

All assessments in the unit are to be submitted electronically and in hard copy. Plagiarism detection software is used in this unit.

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

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:

Learning outcomes

- 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.
- Critically examine constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.

Assessment tasks

- Class Presentation
- Research Essay 1
- Research Essay 2

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 outcomes

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.

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

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:

Learning outcomes

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.
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Assessment tasks

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

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

- Understand the fundamental principles of constitutional theory and practice in Australia, including: introduction of British law to Australia, position and future of Indigenous Australian law, basic structures of representative and responsible government, structure and content of the Constitution of the Commonwealth of Australia; relationship between the Commonwealth and the States; the rule of law; parliamentary sovereignty; relationships among the legislative, executive and judicial powers; and introduction of bills of rights.
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Assessment tasks

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

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:

Learning outcomes

- 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 constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.

Assessment tasks

- Class Presentation
- Research Essay 1
- Research Essay 2

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

- 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.

Assessment tasks

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

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 outcome

- Critically examine constitutional law and its application to new contexts, in light of political and economic considerations as well as concerns for justice.