



# LAWS8070

## Constitutional Law

Session 1, Weekday attendance, North Ryde 2020

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

Convenor / Lecturer

Jemimah Roberts

[jemimah.roberts@mq.edu.au](mailto:jemimah.roberts@mq.edu.au)

6 First Walk Rm 521

12-1pm, Mondays

Credit points

10

Prerequisites

(LAWS803 or LAWS8030) and (LAWS805 or LAWS8005)

Corequisites

Co-badged status

Unit description

This unit analyses the Constitution of the Commonwealth of Australia and the New South Wales Constitution. The Commonwealth Constitution is the founding, national document that sets out the powers of the Commonwealth and its structure of government. In this unit students will examine how the constitutional texts are interpreted, analyse practices affecting the operation of government in Australia, and reflect on constitutional change. The unit examines the fundamental distributions of power in Australia between the States and the Commonwealth; between the legislature, executive, and judiciary; and between the government and individual citizens.

## 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:** Describe and analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.

**ULO2:** Identify and critique theories of constitutional interpretation and understand their relationship to different doctrinal positions.

**ULO3:** Analyse the legal dimensions of contemporary constitutional law controversies,

examining these within their social, political and historical context.

**ULO4:** Identify and resolve the constitutional dimensions of legal problems, recognizing the impact that the High Court has had on the development of constitutional principles, the character of the federal system and federal institutions of government.

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## Delivery and Resources

### Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

The **required text** is: George Williams, Sean Brennan and Andrew Lynch, *Blackshield and Williams Australian Constitutional Law and Theory: Commentary and Materials* (Federation Press, 7th ed, 2018). (Please note - we will be using the standard text NOT the abridged version). Additional set readings will be available via iLearn or else publicly available.

Please ensure you also acquire a copy of the Commonwealth Constitution and bring it to your classes. A pdf version is available here: [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Constitution](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution)

### OTHER RESOURCES

Some further resources that might be of use as recommended reading are:

- Melissa Castan and Sarah Joseph, *Federal Constitutional Law: A Contemporary View* (Thomson Reuters, 5th ed).
- Cheryl Saunders, *The Constitution of Australia: A Contextual Analysis* (Hart Publishing, 2010)
- James Stellios, *Zines' The High Court and the Constitution* (Federation Press, 2015, 6th ed).

## Unit Schedule

### Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Week 1: Foundations of Australian Constitutional Law

Week 2: Constitutional Interpretation and Characterisation

Week 3: External Affairs Power

Week 4: Corporations Power

Week 5: Federalism and State Constitutional Law

Week 6: The Executive Part 1

Week 7: The Executive Part 2

Week 8: Separation of Judicial Power

Week 9: Limits on Power 1: Express Rights and Bills of Rights

Week 10: Limits on Power 2: Implied Freedom of Political Communication

Week 11: Limits on Power 3: Freedom of Interstate Trade and Intergovernmental Immunities

Week 12: Constitutional Change

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## 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](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [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

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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](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 since First Published

Date	Description
24/02/2020	Take home exam date changed to reflect new date (initial date changed due to exam clash). Students have already been advised via email and on iLearn.