



LAWS3000

Constitutional Law

Session 1, Special circumstances, Other 2021

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	5
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	6

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Convenor

Holly Doel-Mackaway

[contact via iLearn page only](#)

Tuesday 12-1 pm

Credit points

10

Prerequisites

20cp in LAW or LAWS units at 2000 level

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.

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

ULO3: Assess different theories of constitutional interpretation and understand their

relationship to different doctrinal positions.

ULO5: Apply constitutional law to new fact problems.

General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Word limits will be strictly applied and work above the word limit will not be marked.

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

Moderation

Detailed marking guidelines will be made available on iLearn. The convenor moderates all assessments. All high distinctions and fails are double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
Tutorial Participation	15%	No	Ongoing throughout the semester
Essay	40%	No	19 April 2021
Take Home Test	45%	No	7 June 2021

Tutorial Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **Ongoing throughout the semester**

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.
- Evaluate what is necessary for a constitution, assessing current deficiencies and strengths in the Commonwealth Constitution.
- Assess different theories of constitutional interpretation and understand their relationship to different doctrinal positions.
- Apply constitutional law to new fact problems.

Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **19 April 2021**

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: 4 hours

Due: **7 June 2021**

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.
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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

The course content (lectures and other learning materials) will be delivered online, every week during weeks 1-12. Each week students will be required to read the required readings and listen to approximately 2 hours of pre-recorded lecture or other course material that will be available on iLearn. Lectures being in week 1 and finish in week 12. Tutorials being in week 2 and finish in week 13. Given the current COVID situation the mode of delivery for this unit could change to 'online only' at short notice. Until that time however, tutorials will be run both online and face to face.

All students are required to prepare for, attend and actively participate in either compulsory weekly face-to-face or online tutorials or a 2-day compulsory online OCS. **Students who cannot attend both days of the OCS due to a clash with another subject should choose a different subject as all students are required to attend both days of the OCS.** If a student is not able to attend the OCS due to an unforeseen circumstance they will be allocated alternative work that will require the student to undertake the same degree of preparation, pre-reading and participation (amounting to 2 full days and additional preparation time). Only students with an approved special consideration will be allocated alternative work.

Students require access to a computer and a secure and reliable internet provider.

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 also be made 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

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

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 \(https://policies.mq.edu.au\)](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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/su\)](https://students.mq.edu.au/su)

[port/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

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 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

If you are a Global MBA student contact 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/.

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.