



LAWS8070

Constitutional Law

Session 1, Special circumstances 2021

Macquarie Law School

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Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

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

Jemimah Roberts

[Contact via iLearn page only](#)

6 First Walk, Room 521

12-1pm, Mondays (via zoom)

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.

General Assessment Information

Late Submission Penalty

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.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>In class and/or online activities</u>	20%	No	Ongoing
<u>Constitutional Law Essay</u>	30%	No	Monday 19th April 2021
<u>Final Unit Assessment</u>	50%	No	Monday 7th June 2021

In class and/or online activities

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **Ongoing**

Weighting: **20%**

A series of online/in class discussions, role plays, debates and problem solving activities

On successful completion you will be able to:

- Describe and analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify and critique theories of constitutional interpretation and understand their relationship to different doctrinal positions.
- Analyse the legal dimensions of contemporary constitutional law controversies, examining these within their social, political and historical context.
- 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.

Constitutional Law Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 30 hours

Due: **Monday 19th April 2021**

Weighting: **30%**

The essay topic will be set by the convenor and will require independent research on primary and secondary constitutional law sources

On successful completion you will be able to:

- Describe and analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify and critique theories of constitutional interpretation and understand their relationship to different doctrinal positions.
- Analyse the legal dimensions of contemporary constitutional law controversies, examining these within their social, political and historical context.
- 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.

Final Unit Assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 6 hours

Due: **Monday 7th June 2021**

Weighting: **50%**

A time limited take-home assessment that will cover all of the unit materials

On successful completion you will be able to:

- Describe and analyse central constitutional law concepts, structural features, and implications arising from the constitutional text.
- Identify and critique theories of constitutional interpretation and understand their relationship to different doctrinal positions.
- Analyse the legal dimensions of contemporary constitutional law controversies, examining these within their social, political and historical context.
- 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.

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 **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.apf.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).

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 \(https://students.mq.edu.au/support/study/policies\)](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

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.

Changes since First Published

Date	Description
02/02/2021	Update to staff contact details