



LAWS3000

Constitutional Law

Session 1, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff

Professor of Constitutional Law and Unit Convenor

Professor Tina Hunter-Schulz

tina.solimanhunter@mq.edu.au

Contact via via iLearn Page

6 First Walk, office 445

11-12 Wednesday

Tutor

Maureen Klar

[TBA](#)

Contact via via iLearn

3-4pm Thursday

Unit Co-Convenor and Tutor

Catherine Greentree

catherine.greentree@mq.edu.au

Contact via via iLearn

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

Late Submission Penalty Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – ten (10) 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>Essay</u>	40%	No	15 April 2022 23:59
<u>Tutorial Participation</u>	15%	No	End of Week 13
<u>Take Home Test</u>	45%	No	Exam Week

Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **15 April 2022 23:59**

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.

Tutorial Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **End of Week 13**

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.

Take Home Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 4 hours

Due: **Exam Week**

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.

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

Thirteen one-hour lectures weekly at 12pm (Wednesdays, weeks 1-13)

Thirteen one-hour online lectures (Released Wednesdays weeks 1-13)

Twelve one-hour tutes, weeks 2-13

Unit Schedule

Unit Schedule: Constitutional Law – Semester 1

Week number	Lecture topic	Tutorial topic
1	Fundamentals of Constitutional Law	NO TUTORIAL
2	Commonwealth States and territories (1)	Federation and the Constitution
3	Commonwealth States and territories (2)	States and the Commonwealth – inconsistency of laws

4	Constitutional Interpretation and Characterisation	The Territories and Commonwealth intervention
5	Parliament and Power (1) - Overview and trade and commerce power	Constitutional scope and interpretation
6	Parliament and Power (2) - Acquisition of property on just terms	Overview T&C power
7	Parliament and Power (3) - external affairs	Just terms: The Castle
8	Parliament and Power (4) – Finance: Taxation, revenue and spending	External Affairs – treaties and domestic law
9	The Executive	Revenue and spending
10	High Court: Scope, Jurisdiction, Activism	Scope and limits of the executive's power
11	Judicial power – commonwealth and states	Judicial activism
12	Constitutional Rights and Freedoms	Scope and limits of the judiciary
13	The Constitution and Indigenous freedoms	Constitutional rights and freedoms

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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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)

[du.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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)

- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.