



LAWS8070

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

Holly Doel-Mackaway

Contact via via ilearn

Wednesday @ 1pm (via zoom link on iLearn page)

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 – **10 marks out of 100 credit (10% per day) will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven 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 any words above the word limit will not be marked. Students may submit 10% less words than the word limit for an assessment (however, it is strongly recommended to use all the words possible as generally students who adhere to the recommended word limit perform better than students who do not). Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

All assessments in the unit are to be submitted electronically via the appropriate Turnitin link. Plagiarism detection software is used in this unit. Marking rubrics are available on iLearn.

Crucially, students should carefully check that they **submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.**

The convenor moderates all assessments. All high distinctions and fails are double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Participation</u>	20%	No	Ongoing throughout the semester
<u>Constitutional Law Essay</u>	30%	No	27 April @ 5pm
<u>Final Unit Assessment</u>	50%	No	8 June: 10-3pm

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **Ongoing throughout the semester**

Weighting: **20%**

Activities such as discussions, role plays, debates and problem-solving exercises.

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: **27 April @ 5pm**

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: **8 June: 10-3pm**

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 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 lectures 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 a compulsory face-to-face weekly tutorial or a 2 hr fortnightly online tutorial.

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 will be made available on Leganto.

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).

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>) 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.

Changes since First Published

Date	Description
20/02/2022	change to the consultation hour time - new time Wednesdays @ 1pm
04/02/2022	needed to change assessment dates and times so as not to conflict with other JD units