



LAWS8070

Constitutional Law

Session 1, Online-scheduled-weekday 2024

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Catherine Greentree

catherine.greentree@mq.edu.au

Contact via iLearn in the first instance

Office: 17 Wally's Walk room 218

Consultations: Tuesdays 2-3pm in person or via zoom (zoom consultations require prior arrangement)

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

Supplementary Exam

If a student is unable to sit the Main Exam, they will need to apply for Special Consideration via <https://www.ask.mq.edu.au> to sit the Supplementary Exam.

The Supplementary Exam is scheduled for 17/06/2024 at 2pm-5pm (3hrs).

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Please note that the Unit Convenor does not have personal discretion to waive the late penalty. All requests for extensions or to waive late penalties must be made via <https://www.ask.mq.edu.au>.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Participation</u>	20%	No	Ongoing - Weeks 2-13
<u>Constitutional Law Essay</u>	30%	No	14/04/2024, 11:55pm
<u>Final Unit Assessment</u>	50%	No	4/06/2024, 10am-1pm (3hrs)

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing - Weeks 2-13**

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: 24 hours

Due: **14/04/2024, 11:55pm**

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: **4/06/2024, 10am-1pm (3hrs)**

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

Please note that Lectures commence in week 1 (w/c Mon 19th February 2024) and tutorials commence in week 2 (w/c Mon 26th February 2024). If you are attending online evening tutorials, please see iLearn for details for Group 1 and Group 2 tutorials.

There will be a 1hr live lecture each Monday from 2-3pm in 21WW Macquarie Lecture Theatre, and a 1hr prerecorded lecture. Both the live and prerecorded lectures will be uploaded to Echo360.

There are set materials and required readings for this unit:

- **Required Textbook:** Sarah Joseph and Melissa Castan, *Federal Constitutional Law: A Contemporary View* (Thompson Reuters, 6th Edition, 2024). This book will be on pre-order and should be available from mid-February, 2024.

- [Australian Constitution](#). Please have a copy downloaded on your computer to bring to class. Alternatively, a copy of the *Australian Constitution* is provided at the back of the set textbook.

- Cases: please use a legal database such as Westlaw Australia (through the MQ Library) for High Court cases and notable state cases

- Legislation: please use www.legislation.gov.au for all Commonwealth legislation and the *Australian Constitution*. All Australian States and Territories have a similar official website for state or territory-based legislation, include state constitutions.

- Additional readings will be linked on iLearn or will be accessible via LEGANTO (which is linked in iLearn).

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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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 from Previous Offering

Please note that we will be using the 6th Edition of the textbook in 2024.

The new set text is: Sarah Joseph and Melissa Castan, *Federal Constitutional Law: A Contemporary View* (Thompson Reuters, 6th Edition, 2024)

The previously set text was: Sarah Joseph and Melissa Castan, *Federal Constitutional Law: A Contemporary View* (Thompson Reuters, 5th Edition, 2019)

Students may access the 5th edition via the MQ Library should they want to get started on reading for the semester before their textbook arrives, but note that there are additions in the 6th edition and therefore students will need to catch up on those extra pages. Once the 6th edition has been sent out, the MQ Library will add an online read-only copy of the text which students will be able to access by signing in to the Library website with their MQ ID. However, please note that there is usually a restriction placed on the number of licences available, meaning that only 3 students can access the textbook at once. Therefore you should not rely on the online textbook for the exam as you may not be able to access it.

Unit information based on version 2024.01 of the [Handbook](#)