



LAWS8070

Constitutional Law

Session 1, Online-scheduled-weekday 2025

Macquarie Law School

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General Information

Unit convenor and teaching staff

Shireen Morris

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Contact via iLearn

see iLearn

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, recognising 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.

ULO5: Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.

ULO6: Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

General Assessment Information

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via the Service Connect portal, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|-------------------------------------|-----------|--------|------------------------|
| Professional Skills | 20% | No | Ongoing |
| Practice-Based Task | 40% | No | 14/04/2025 |
| Exam | 40% | No | University Exam Period |

Professional Skills

Assessment Type ¹: Practice-based task

Indicative Time on Task ²: 0 hours

Due: **Ongoing**

Weighting: **20%**

Students will develop essential legal professional skills through structured classroom activities such as oral advocacy, critical reasoning, strategic problem-solving, collaborative work, team leadership, mooting, simulated client consultations, legal presentations or demonstrations, doctrinal analysis and problem solving, and/or collaborative legal research. These activities are designed to develop students' professional capabilities including capacity to communicate legal concepts clearly and engage professionally with diverse audiences in diverse contexts.

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, recognising 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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

Practice-Based Task

Assessment Type ¹: Practice-based task

Indicative Time on Task ²: 15 hours

Due: **14/04/2025**

Weighting: **40%**

An assessment on professional skills and knowledge relevant to the unit. This could be a legal or policy brief, a report, an essay, a law reform proposal, legal pleadings or other related professional task. This assessment may require students to prepare a response through research and adhere to discipline-specific scholarly conventions.

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, recognising 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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

Exam

Assessment Type ¹: Examination

Indicative Time on Task ²: 15 hours

Due: **University Exam Period**

Weighting: **40%**

An invigilated examination. The exam may cover any or all topics and materials covered in the unit.

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, recognising 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.
- Communicate professionally, effectively and in a timely manner, and participate in verbal and non-verbal exchanges with diverse audiences and in diverse contexts.
- Learn and work independently, meet deadlines, and reflect on performance using feedback to support personal and professional development.

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

Delivery

Please note that this unit is worth 10 credit points, which equates to 150 hours of work across the semester. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Lectures

Session 1 commences on Monday 24 February (Week 1 of the teaching calendar).

Commencing in Week 1, there will be a weekly 1hr live lecture and a 1hr prerecorded lecture, both of which will be made available on Echo360 in iLearn. Students are strongly encouraged to attend the live lectures in person in order to keep up with the weekly content, and students will have an opportunity to ask questions. The schedule of topics to be covered in the lectures, and corresponding required readings, will be available in detail on iLearn. **Please note that there are no lectures in Week 13.**

Tutorials

See iLearn and university timetable.

Resources

Required text: Sarah Joseph and Melissa Castan, Federal Constitutional Law: A Contemporary View (Thompson Reuters, 6th Edition, 2024)

Students can purchase this textbook online. If students purchase directly from the [Thomson Reuters eStore](#), they can use student promo code UNIS15 for free shipping and a 20% discount off the hard copy textbook or the eBook, and if students choose to purchase a bundle of both the hard copy text and the eBook, the discount increases to 25% for the bundle.

Additional readings will also be identified and accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

See iLearn for the full lecture and tutorial schedules. This unit will cover the following topics:

- Introduction to Australian Constitutional Law
- Indigenous Peoples and the Constitution
- Characterisation and Constitutional Interpretation, Federalism, and State Constitutional Law
- Corporations Power
- External Affairs Power
- Statutory Executive Power, Prerogative Power, and Nationhood Power
- Defence Power
- Federal and State Separation of Judicial Power
- Financial Powers and Grants
- Intergovernmental Immunities and Inconsistency of Laws
- Freedom of Interstate Trade
- Approaches to Rights Protection
- Express and Implied Rights and Freedoms
- Constitutional Reform

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 connect.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 the [Service Connect Portal](#), 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.

Unit information based on version 2025.03 of the [Handbook](#)