

LAWS 7046 CONSTITUTIONAL LAW

Credit Points 10

Legacy Code 201058

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Description Constitutional Law introduces the legal rules and doctrines governing State and Commonwealth Constitutional systems in Australia. Topics covered include: State and Commonwealth Constitutions; legislative powers of the Commonwealth and State governments; Executive; the separation of powers doctrine; the legal relations between State and Commonwealth laws; Constitutional freedoms and restrictions on Commonwealth legislative powers.

School Law

Discipline Constitutional Law

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7057 Government and Public Law

Incompatible Subjects LAWS 4015 Constitutional Law

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Examine the rules, doctrines and conventions that govern the Commonwealth and State constitutional systems in Australia;
2. Construct solutions to legal problems that demonstrate deep comprehension of Constitutional Law;
3. Assess techniques of constitutional interpretation and reasoning;
4. Present persuasive and appropriately substantiated constitutional arguments;
5. Ethically and accurately reference (using the Australian Guide to Legal Citation) legal information from a range of primary and secondary sources.

Subject Content

- introduction to Australian constitutional Law
- state Legislative powers
- constitutional Amendment
- separation of Judicial power
- The Executive
- constitutional interpretation
- Characterisation
- trade and commerce and Incidental powers
- Corporations power
- external affairs power
- Inconsistency between Commonwealth and state laws
- freedom of political communication

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/ Group Task
Presentation	10 minutes	20	N	Individual
Research paper	3,000 words	35	N	Individual
Exam	2 hours	45	N	Individual

Prescribed Texts

- George Williams, Sean Brennan and Andrew Lynch, Blackshield and Williams Australian Constitutional Law and Theory: Commentary and Materials (Federation Press, 7th ed, 2018).

Teaching Periods