

LAWS 7046 CONSTITUTIONAL LAW

Credit Points 10

Legacy Code 201058

Coordinator Azadeh Dastyari ([https://directory.westernsydney.edu.au/search/name/Azadeh Dastyari/](https://directory.westernsydney.edu.au/search/name/Azadeh%20Dastyari/))

Description Constitutional Law introduces the legal rules and doctrines governing Commonwealth Constitutional systems in Australia. Topics covered include: 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; First Nations peoples and Constitutional change.

School Law

Discipline Constitutional Law

Student Contribution Band HECS Band 4 10cp

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. Explain the rules, doctrines and conventions that govern the Commonwealth constitutional system in Australia
2. Construct solutions to complex 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 with a particular focus on First Nations peoples and Constitutional change
5. Assess legal information from a range of primary and secondary sources to support legal arguments, constitutional interpretation and reasoning

Subject Content

1. Introduction to Australian Constitutional Law
2. Constitutional Amendment
3. Separation of Judicial Power
4. The Executive
5. Constitutional Interpretation
6. Characterisation
7. The Scope of Commonwealth Legislative Power, including:
 - Trade and Commerce and Incidental Powers
 - Corporations Power
 - External Affairs Power
 - Appropriation and Expenditure Powers
8. Inconsistency between Commonwealth and State Laws
9. Intergovernmental Immunities

10. Freedom of Political Communication
11. Express rights
12. First Nations peoples and Constitutional change

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.

Type	Length	Percent	Threshold	Individual/ Group Task
Professional Task	2,500 words	40	N	Individual
Quiz	10 Quizzes each worth 1 mark. Each quiz is approximately 10 minutes in duration	10	N	Individual
Final Exam	2 hours	40	N	Individual
Participation	Participation in seminars weekly either online or face-to-face, according to explicit criteria	10	N	Individual

Prescribed Texts

- Sarah Joseph and Melissa Castan, *Federal Constitutional Law: A Contemporary View* (Thomson Reuters, 5th ed. 2019)

Teaching Periods

Autumn (2023)

Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7046_23-AUT_ON_2#subjects)

Parramatta - Victoria Rd

On-site

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