

# LAW5 4002 ADVANCED CONSTITUTIONAL LAW

**Credit Points** 10

**Legacy Code** 200755

**Coordinator** Elizabeth Handsley ([https://directory.westernsydney.edu.au/search/name/Elizabeth\\_Handsley/](https://directory.westernsydney.edu.au/search/name/Elizabeth_Handsley/))

**Description** This subject builds upon the compulsory subject Constitutional Law, and provides a deeper and broader understanding of Australian constitutional law. It examines the constitutional aspects of Australian parliamentary democracy and citizenship, the constitutional powers of the Commonwealth Executive Government, constitutional issues relating to the raising and spending of government revenues and the complexities of the relationship between the Commonwealth and State as independent polities. The subject also examines the limited way in which the Australian Constitution operates to protect particular rights, liberties and freedoms.

**School** Law

**Student Contribution Band** HECS Band 4 10cp

Check your fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 4 subject

**Pre-requisite(s)** LAWS 4015

## Learning Outcomes

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

1. Demonstrate an advanced understanding of, and ability to apply, techniques of constitutional interpretation and reasoning.
2. Apply an understanding of constitutional law concepts to analysing and solving practical problems.
3. Critically evaluate how the Australian Constitution can be said to protect rights, liberties and freedoms.
4. Develop and present coherent legal arguments about complex constitutional issues.
5. Write effectively and appropriately, displaying clear and logical structure and using accurate grammar and punctuation.
6. Ethically and accurately reference (using the Australian Guide to Legal Citation) legal information from a range of primary and secondary sources.

## Subject Content

1. Federal Parliament.
2. The High Court.
3. Detention.
4. Appropriation and Grants.
5. Taxation and Excise.
6. Intergovernmental Immunities.
7. Immigration and Aliens Powers.
8. Freedom of Interstate Trade.
9. Rights of Out of State Residents.
10. Acquisition of Property on Just Terms.
11. Freedom of Religion.

## 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 | Mandatory |
|---|--|---------|-----------|------------------------|-----------|
| Take-Home Assessment                                    | 3000 words   | 50      | N         | Individual             |           |
| (A) Group Report (20%) and (B) Group Presentation (10%) | Group Report 2,000 words and Group Presentation 20 min | 30      | N         | Group                  |           |
| Class Participation                                     | Duration of 10 min                                     |         | N         | Individual             |           |
| Feedback on Project Presentation                        | 30 minutes   | 10      | N         | Individual             |           |

Prescribed Texts

- George Williams, Sean Brennan and Andrew Lynch, Blackshield and Williams Australian Constitutional Law and Theory (Federation Press, 7th ed, 2018)
- Sarah Joseph and Melissa Castan, Federal Constitutional Law: A Contemporary View (Thomson Reuters, 5th ed, 2019)