LAWS 4015 CONSTITUTIONAL LAW

Credit Points 10

Coordinator Robert Mezyk (https://directory.westernsydney.edu.au/search/name/Robert Mezyk/)

Description This subject introduces the legal rules and doctrines governing State and Commonwealth Constitutional systems in Australia. Topics covered include: Principles of State and Commonwealth Constitutions; Characterisation of Commonwealth Laws; The scope of Commonwealth legislative power; Relations between the different Commonwealth and States laws; Intergovernmental Immunities; Separation of Powers; Spending government revenue; Indigenous people and the Constitution and Express and Implied rights under the Australian Constitution.

School Law

Discipline Constitutional Law

Student Contribution Band HECS Band 4 10cp

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

Level Undergraduate Level 4 subject

Pre-requisite(s) LAWS 2008 Government and Public Laws (200984)

Equivalent Subjects 200009 Constitutional Law

Learning Outcomes

After successful completion of this subject, students will be able to:

1. Analyse the rules, doctrines and conventions that govern the Commonwealth and State constitutional systems in Australia.
2. Examine the implications of developments in Constitutional Law for Aboriginal and Torres Strait Islander peoples.
3. Apply principles of Constitutional Law to analysing and solving practical problems.
4. Apply techniques of constitutional interpretation and reasoning.
5. Select and assess legal information from a range of primary and secondary sources to support legal arguments, constitutional interpretation and reasoning.

Subject Content

1. Introduction:
   • Principles of State and Commonwealth Constitutions.
   • The Commonwealth Constitution and constitutional system.
2. Characterisation of Commonwealth Laws
3. The scope of Commonwealth legislative power
   • External Affairs
   • Corporations Power
4. Relations between the different Commonwealth and States laws and Intergovernmental Immunities
   • Inconsistency
   • Commonwealth Legislative power over the states
   • State legislative power over the commonwealth
5. Separation of Powers
6. Spending government revenue
   • Grants
   • Expenditure
7. Express rights
   • Acquisition of property on Just Terms
   • Trial by jury
   • Interstate intercourse
8. Implied rights
   • Freedom of political communication.
   • Freedom of movement, association and participation
   • Voting equality and voting rights
9. General themes of Australian Constitutional Law
   • Indigenous people and the Constitution
   • Constitutional Prohibition on Discrimination
   • Proportionality

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	2,000 words	40	N	Individual
Final Exam	2 hours	50	N	Individual
Participation	Ongoing - weekly	10	N	Individual

Prescribed Texts

- Melissa Castan and Sarah Joseph, *Federal Constitutional Law: A Contemporary View* (Thomson Reuters, 6th ed, 2024)

Teaching Periods

Autumn (2024)

Campbelltown
On-site
Subject Contact Azadeh Dastyari (https://directory.westernsydney.edu.au/search/name/Azadeh Dastyari/)

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4015_24-AUT_CA_1#subjects)

Online
Online
Subject Contact Robert Mezyk (https://directory.westernsydney.edu.au/search/name/Robert Mezyk/)

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4015_24-AUT_ON_2#subjects)

Parramatta - Victoria Rd
On-site
Subject Contact Azadeh Dastyari (https://directory.westernsydney.edu.au/search/name/Azadeh Dastyari/)

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4015_24-AUT_PS_1#subjects)