

# LAWS 4015 CONSTITUTIONAL LAW

**Credit Points** 10

**Coordinator** Robert Mezyk ([https://directory.westernsydney.edu.au/search/name/Robert Mezyk/](https://directory.westernsydney.edu.au/search/name/Robert%20Mezyk/))

**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/](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:

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

## Subject Content

- Introduction:
  - Principles of State and Commonwealth Constitutions.
  - The Commonwealth Constitution and constitutional system.
- Characterisation of Commonwealth Laws
- The scope of Commonwealth legislative power
  - External Affairs
  - Corporations Power
- Relations between the different Commonwealth and States laws and Intergovernmental Immunities
  - Inconsistency
  - Commonwealth Legislative power over the states
  - State legislative power over the commonwealth
- Separation of Powers
- Spending government revenue
  - Grants
  - Expenditure
- Express rights

- Acquisition of property on Just Terms
  - Trial by jury
  - Interstate intercourse
- Implied rights
    - Freedom of political communication.
    - Freedom of movement, association and participation
    - Voting equality and voting rights
  - 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/](https://directory.westernsydney.edu.au/search/name/Azadeh%20Dastyari/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS4015\\_24-AUT\\_CA\\_1#subjects](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/](https://directory.westernsydney.edu.au/search/name/Robert%20Mezyk/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS4015\\_24-AUT\\_ON\\_2#subjects](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/](https://directory.westernsydney.edu.au/search/name/Azadeh%20Dastyari/))

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