LAWS11065 *Constitutional Law*

Term 2 - 2017

Profile information current as at 12/10/2024 06:27 pm

All details in this unit profile for LAWS11065 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student).The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit examines the organization, source and limits of Commonwealth and State powers, and the relations between the three branches of government at Commonwealth and State levels. It focuses on the Commonwealth of Australia Constitution as the supreme law in Australia under which the Commonwealth of Australia operates and was created, and the power of the States as former colonies was preserved. The unit also examines the fundamental principles of Constitutional Law such as constitutionalism, rule of law, representative democracy, responsible government, parliamentary supremacy, separation of powers, federalism and individual rights and freedoms, and how they guide and control the operation and powers of the executive, legislature, and judiciary. At the end of the unit, students will be able to explain, discuss, and demonstrate the impact of Constitutional Law on, and its practical importance to society.

Details

Career Level: *Undergraduate*
Unit Level: *Level 1*
Credit Points: *6*
Student Contribution Band: *10*
Fraction of Full-Time Student Load: *0.125*

Pre-requisites or Co-requisites

There are no requisites for this unit.
Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the Assessment Policy and Procedure (Higher Education Coursework).

Offerings For Term 2 - 2017

- Distance

Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

Regional Campuses
Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

Metropolitan Campuses
Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Group Discussion**
Weighting: 10%
2. **Presentation and Written Assessment**
Weighting: 40%
3. **Written Assessment**
Weighting: 50%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the University's Grades and Results Policy for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the CQUniversity Policy site.
You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the CQUniversity Policy site.

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Course evaluation

Feedback

Manjo went to great lengths to explain concepts. The best aspects were the tutorials in which he went through each problem question and constructed the answer through class participation. Very informative and thorough. Plenty of examples were given of assessment structure, which has been fantastic, as it will help with overall framework for other courses.

Recommendation

Although some students express some discomfort with the Socratic method and prefer a more directive approach where the lecturer just provides the answers to Discussion Question, I can sense the pedagogical value of engaging students in a question-and-answer exercise at tutorials.

Feedback from Course evaluation

Feedback

All the course materials were available from day one, the short videos in the first week were very informative and easy understandable, model answers were provided for weekly problem questions.

Recommendation

The accessibility of learning resources will continue to be a strength of our LLB program.

Feedback from Course evaluation

Feedback

Delay in returning an assessment

Recommendation

Review and improve the system of employing casual markers to ensure that assessments are returned on time.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Explain and discuss key constitutional law principles such as Australian federalism, the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, and responsible and representative government.
2. Research case law and demonstrate critical thinking in applying case law, and key provisions and legal principles of the Australian Commonwealth Constitution, State constitutions, and statutes, to constitutional law issues and problems.
3. Critically examine, evaluate, and explain the theoretical and actual operation and relationship of the Australian legislature, executive, and judiciary, at both federal and state levels.
4. Explain, discuss, and demonstrate the impact of Constitutional Law on, and its practical importance to society.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

N/A Level | Introductory Level | Intermediate Level | Graduate Level | Professional Level | Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Group Discussion - 10%	•	•	•	•
2 - Presentation and Written Assessment - 40%	•	•	•	•
3 - Written Assessment - 50%	•	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•
2 - Problem Solving	•	•	•	•
3 - Critical Thinking	•	•	•	•
4 - Information Literacy		•	•	•
5 - Team Work				
6 - Information Technology Competence				
7 - Cross Cultural Competence		•		•
8 - Ethical practice				•
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Group Discussion - 10%	•	•	•	•	•		•	•		
2 - Presentation and Written Assessment - 40%	•	•	•	•				•		
3 - Written Assessment - 50%	•	•	•	•						

Textbooks and Resources

Textbooks

LAWS11065

Prescribed

Australian Constitutional Law: Foundations and Theory
Edition: 3rd (2012)
Authors: Suri Ratnapala and Jonathan Crowe
Oxford University Press
Victoria , Australia
Binding: Paperback

View textbooks at the CQUniversity Bookshop

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

All submissions for this unit must use the referencing style: Australian Guide to Legal Citation, 3rd ed
For further information, see the Assessment Tasks.

Teaching Contacts

Manjo Oyson Unit Coordinator
m.oyson@cqu.edu.au

Schedule

Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction: The Idea of a Constitution and Australian Constitutionalism	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapters 1 and 2.	

Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
The Executive: The Idea of a Responsible Government in a Parliamentary System of Government	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 3.	

Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
The Parliament: Role of the Upper House in a Parliamentary Democracy and the Representative Principle in Australian Constitutionalism	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapters 4 and 5.	

Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Separation of Powers	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 6.	

Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Judicial Powers A: Separation of Judicial and Non-Judicial Powers	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 7.	

Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Mid-Term Break		**Presentation and Written Assessment** Due: Vacation Week Friday (18 Aug 2017) 9:00 pm AEST

Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Judicial Powers B: The Prohibitions and the Exceptions	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapters 8 and 9.	

Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Federal-State Relations	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 11.	

Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Trade, Commerce and Industrial Relations	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 12.	

Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Taxation, Appropriation and Spending	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 13.	

Week 10 - 18 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
The International Powers of the Commonwealth: Defence and External Affairs	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 14.	

Week 11 - 25 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Constitutional Rights and Freedoms	Ratnapala, S. & Crowe, J. (2012). Australian Constitutional Law: Foundations and Theory (3rd ed.). VIC, Australia: Oxford, Chapter 15.	**Quizzes** Due: Week 11 Friday (29 Sept 2017) 8:00 pm AEST

Week 12 - 02 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Revision		

Review/Exam Week - 09 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Review/Exam Week		**Final Written Take-Home Assessment (Individual)** Due: Review/Exam Week Wednesday (11 Oct 2017) 9:00 pm AEST

Exam Week - 16 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Exam Week		

Assessment Tasks

1 Quizzes

Assessment Type
Group Discussion

Task Description
For this assessment task, there will be a weekly online quiz corresponding to the respective topics of weeks 1 to 10. Each quiz involves one multiple-choice question (problem-type or conceptual). Hence, there will be ten weekly online quizzes throughout the term up to the week 10 topic.

Each weekly online quiz, which comprises 1% of the final grade, shall be opened and made visible to students at the start of each week (Monday) at 11 a.m. The first quiz corresponding to the week 1 topic shall be opened and made visible on the Monday of week 2 (17 July). The second quiz corresponding to the week 2 topic shall then be opened and made visible on the Monday of week 3 (24 July), et seq.

Students have seven calendar days (or until Sunday at 10 pm, AEST) to answer each weekly online quiz. After the lapse of the seven-day period, students shall lose the opportunity to answer the quiz for that particular week.

The questions and answers shall be the bases of group discussions in Moodle after the end of the period during which students are meant to do the quiz.

There will be no online quiz during the mid-term break.

Assessment Due Date
Week 11 Friday (29 Sept 2017) 8:00 pm AEST

Students have seven calendar days (or until Sunday at 10 pm, AEST) to answer each weekly online quiz. After the lapse of the seven-day period, students shall lose the opportunity to answer the quiz for that particular week.

Return Date to Students
Week 12 Friday (6 Oct 2017)

Weighting
10%

Assessment Criteria
The answer shall be assessed according to whether it is correct or incorrect.

Referencing Style

- Australian Guide to Legal Citation, 3rd ed

Submission
Online

assessmentOutcome

- Explain and discuss key constitutional law principles such as Australian federalism, the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, and responsible and representative government.
- Research case law and demonstrate critical thinking in applying case law, and key provisions and legal principles of the Australian Commonwealth Constitution, State constitutions, and statutes, to constitutional law issues and problems.
- Critically examine, evaluate, and explain the theoretical and actual operation and relationship of the Australian legislature, executive, and judiciary, at both federal and state levels.
- Explain, discuss, and demonstrate the impact of Constitutional Law on, and its practical importance to society.

assessmentGradAttribute

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work
- Cross Cultural Competence
- Ethical practice

2 Presentation and Written Assessment

Assessment Type
Presentation and Written Assessment

Task Description
Assessment Two requires the online submission of answers, both individually and in groups, to four problem-type questions. Two of the questions must be answered individually and the other two must be answered in groups of three to four students. The Course Coordinator will determine and indicate which questions must be answered individually or in groups. Further guidelines on the group mechanics (selection, number of members, problems, etc.) shall be posted in Moodle at the start of the term.

Each answer must consist of 500-550 words (excluding footnotes). Hence, the total word count for the two individual answers is 1,000-1,100 words (excluding footnotes). The same is true for the group answers.

Appropriate legal principles and case law must be cited. No bibliography is required. The word count must be indicated at the end of the submitted document, which must be in MS Word (and not in PDF). There is no allowance for a word count below or above the designated word count range of 500-550 words for each answer.

Each student must submit his or her individual answers to Moodle. As to the group answers, only one group-designated student must make an online submission in behalf of the group. If more than one online submission is made by a group, the succeeding or later one will not be marked.

The marks for the individual answers comprise 20% of the final grade, and the marks for the group answers comprise 20% of the final grade. Group members receive the same mark for the group answers.

There is a group component to the assessment because group work has been shown to lead to better student engagement, learning and completion. The ability to work in groups is also a CQUniversity graduate student attribute and is crucial in the workplace.

Aim to be concise and direct to the point. Follow the IRAC/CIRAC format that is the common approach to answering Law problem-type questions. In your submission, please provide only your answers and do not include or repeat the questions.

The assessment covers the topics up to and including week 5 on “Judicial Powers A: Separation of Judicial and Non-Judicial Powers”.

There will be separate submission links for the individual and group answers.

The MS Word file containing the individual answers must be saved and submitted in the following format: LastName_FirstName_Answers.docx.

Please state the complete names and student numbers of all the group members in the group answers. The MS Word file containing the group answers must also be saved and submitted in the following format: LastName (Student

1)_LastName (Student 2)_ LastName (Student3)_LastName (Student 4)_Group_Answers.docx. For example: Smith_Ascot_Wright_Goldman_Answers.docx.

Assessment Due Date
Vacation Week Friday (18 Aug 2017) 9:00 pm AEST

Return Date to Students
Week 8 Friday (8 Sept 2017)

Weighting
40%

Assessment Criteria
This assessment will be assessed according to the following criteria: correct and thorough identification and description of the issues (20%) and rules/legal principles (20%), correct and thorough analysis of the issues with exceptional critical insight (40%), well thought-out conclusion (10%), and exemplary language use and observance of proper structure and format (10%).

A detailed marking rubric is available on the Moodle site.

Referencing Style

- Australian Guide to Legal Citation, 3rd ed

Submission
Online Group

assessmentOutcome

- Explain and discuss key constitutional law principles such as Australian federalism, the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, and responsible and representative government.
- Research case law and demonstrate critical thinking in applying case law, and key provisions and legal principles of the Australian Commonwealth Constitution, State constitutions, and statutes, to constitutional law issues and problems.
- Critically examine, evaluate, and explain the theoretical and actual operation and relationship of the Australian legislature, executive, and judiciary, at both federal and state levels.
- Explain, discuss, and demonstrate the impact of Constitutional Law on, and its practical importance to society.

assessmentGradAttribute

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Ethical practice

3 Final Written Take-Home Assessment (Individual)

Assessment Type
Written Assessment

Task Description
This final written (individual take-home) assessment involves the online submission of answers to problem-type questions. Students are given a non-extendible period of 48 hours within which to submit their answers to the questions, which will be made available on 9 October (Monday) at 9:00 p.m. (AEST). The answers must be saved in MS Word (not as a PDF) and submitted on **11 October (Wednesday)** at 9:00 p.m. (AEST).
The MS Word file must be saved in the following format: LastName_FirstName_Final_Assessment.docx.

Assessment Due Date
Review/Exam Week Wednesday (11 Oct 2017) 9:00 pm AEST

No late submission is permitted. In the absence of an approved extension at the discretion of the Deputy Dean (Learning and Teaching), there will be no opportunity to complete the task after this date, nor will there be an opportunity to apply any late penalty.

Return Date to Students

As per university policy, the marked assessment will be returned to students after the Certification of Grades.

Weighting
50%

Assessment Criteria
This assessment will be assessed according to the following criteria: correct and thorough identification and description of the issues (20%) and rules/legal principles (20%), correct and thorough analysis of the issues with exceptional critical insight (40%), well thought-out conclusion (10%), and exemplary language use and observance of proper structure and format (10%). A detailed marking rubric is available on the Moodle site.

Referencing Style

- Australian Guide to Legal Citation, 3rd ed

Submission
Online

assessmentOutcome

- Explain and discuss key constitutional law principles such as Australian federalism, the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, and responsible and representative government.
- Research case law and demonstrate critical thinking in applying case law, and key provisions and legal principles of the Australian Commonwealth Constitution, State constitutions, and statutes, to constitutional law issues and problems.
- Critically examine, evaluate, and explain the theoretical and actual operation and relationship of the Australian legislature, executive, and judiciary, at both federal and state levels.
- Explain, discuss, and demonstrate the impact of Constitutional Law on, and its practical importance to society.

assessmentGradAttribute

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the **Student Academic Integrity Policy and Procedure**. This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?
A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?
A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?
For academic advice and guidance, the Academic Learning Centre (ALC) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?

Be Honest
If your assessment task is done by someone else, it would be dishonest of you to claim it as your own

Seek Help
If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)

Produce Original Work
Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem