



# **LAWS11065 Constitutional Law**

## **Term 2 - 2020**

Profile information current as at 05/05/2024 02:27 pm

All details in this unit profile for LAWS11065 have been officially approved by CQUUniversity 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

LAWS11065 Constitutional law 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. In this unit you will examine State and Commonwealth constitutions and constitutional systems; the constitution and operation of the legislature, executive and judiciary; the relationship between the different institutions of government and the separation of powers; and the relationship between the different levels of government. This unit meets the LPAB requirements for federal and state constitutional law.

### 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 - 2020

- Online

### 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 Work**

Weighting: 10%

#### 2. **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 unit evaluations/personal observation

##### Feedback

Blackshield and Williams is an excellent text however it is lengthy making it difficult for some students to complete the weekly reading.

##### Recommendation

Review other textbooks to assess if there are any other books of similar quality but shorter length.

#### Feedback from Student emails, unit evaluation

##### Feedback

Students enjoyed the contextual/historical approach

##### Recommendation

Continue to teach material in context

## 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 constitution and operation of the legislature, executive and judiciary, the relationship between the different institutions of government and the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, the relationship between the different levels of government, 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.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

| Assessment Tasks                    | Learning Outcomes |   |   |
|-------------------------------------|-------------------|---|---|
|                                     | 1                 | 2 | 3 |
| <b>1 - Written Assessment - 40%</b> | •                 | • | • |
| <b>2 - Group Work - 10%</b>         | •                 | • | • |
| <b>3 - Written Assessment - 50%</b> | •                 |   | • |

## Alignment of Graduate Attributes to Learning Outcomes

| Graduate Attributes                                 | Learning Outcomes |   |   |
|---|-------------------|---|---|
|   | 1                 | 2 | 3 |
| 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 - Written Assessment - 40% | •                   | • | • | • |   |   |   |   |   |    |
| 2 - Group Work - 10%         | •                   | • | • | • |   |   |   | • |   |    |
| 3 - Written Assessment - 50% | •                   | • | • |   |   |   | • | • |   |    |

## Textbooks and Resources

### Textbooks

LAWS11065

#### Prescribed

##### **Australian Constitutional Law and Theory**

Edition: 7th (2018)

Authors: George Williams, Sean Brennan and Andrew Lynch

The Federation Press

Annandale , New South Wales , Australia

ISBN: 9781760021511

Binding: Paperback

LAWS11065

#### Supplementary

##### **Australian Constitutional Law: Concepts and Cases**

Edition: 1 (2020)

Authors: Luke Beck

Cambridge University Press

Port Melbourne , Vic , Australia

ISBN: 9781108758192

Binding: eBook

#### Additional Textbook Information

This book is an eBook and chapters will be made available as part of your eReading list for the unit.

[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, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Susan Bird** Unit Coordinator

[s.p.bird@cqu.edu.au](mailto:s.p.bird@cqu.edu.au)

## Schedule

### Week 1 - 13 Jul 2020

| Module/Topic  | Chapter  | Events and Submissions/Topic |
|---|--|------------------------------|
| <b>Introduction:</b> What is a constitution?<br>Constitutional law basics | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018) Chapter 1 'Foundations'<br>Appendix 1 Australian Constitution pp 1436-1453 | Tutorial 1                   |

**Week 2 - 20 Jul 2020**

| Module/Topic   | Chapter   | Events and Submissions/Topic |
|--|---|------------------------------|
| <b>Constitution in Context:</b> the history of the Australian Constitution | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018) Chapter 3 | Tutorial 2                   |

**Week 3 - 27 Jul 2020**

| Module/Topic   | Chapter  | Events and Submissions/Topic |
|--|--|------------------------------|
| <b>Federalism and the Division of Power between Commonwealth and the States; State Constitutions</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 7; 7.1-7.14; 7.42-7.49. Chapter 8; 8.1-8.8. | Tutorial 3                   |

**Week 4 - 03 Aug 2020**

| Module/Topic  | Chapter  | Events and Submissions/Topic |
|---|--|------------------------------|
| <b>The Parliament and the Constitutional Heads of Power I:</b> The External Affairs Power | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 21. Chapter 13 - Section on Standing 13.73. | Tutorial 4                   |

**Week 5 - 10 Aug 2020**

| Module/Topic   | Chapter | Events and Submissions/Topic |
|--|---------|------------------------------|
| <b>Skills Week:</b> Research and Writing in Constitutional Law | n/a     | Tutorial 5                   |

**Study Break - 17 Aug 2020**

| Module/Topic   | Chapter | Events and Submissions/Topic |
|----------------|---------|------------------------------|
| Mid-Term Break |         | No tutorial                  |

**Week 6 - 24 Aug 2020**

| Module/Topic          | Chapter   | Events and Submissions/Topic   |
|-----------------------|---|--|
| <b>Express Rights</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 27 | Tutorial 6<br><b>Resource Summary</b> Due: Week 6 Monday (24 Aug 2020) 10:00 pm AEST |

**Week 7 - 31 Aug 2020**

| Module/Topic          | Chapter   | Events and Submissions/Topic |
|-----------------------|---|------------------------------|
| <b>Implied Rights</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 29 | Tutorial 7                   |

**Week 8 - 07 Sep 2020**

| Module/Topic                                  | Chapter   | Events and Submissions/Topic |
|---|---|------------------------------|
| <b>Citizenship, voting and representation</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 17 | Tutorial 8                   |

**Week 9 - 14 Sep 2020**

| Module/Topic  | Chapter   | Events and Submissions/Topic  |
|---|---|---|
| <b>Separation of powers, including separation of judicial powers; The Executive</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 1 1.48- 1.50 and Chapter 12 para 12.10-12.21 (Whitlam and the Governor-General). | Tutorial 9<br><b>Research Paper</b> Due: Week 9 Monday (14 Sept 2020) 10:00 pm AEST |

**Week 10 - 21 Sep 2020**

| Module/Topic   | Chapter  | Events and Submissions/Topic |
|--|--|------------------------------|
| <b>Parliament and Heads of Power II:</b><br>Immigration and Aliens Power | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018); Chapter 22. | Tutorial 10                  |

**Week 11 - 28 Sep 2020**

| Module/Topic                     | Chapter  | Events and Submissions/Topic |
|----------------------------------|--|------------------------------|
| <b>Changing the Constitution</b> | George Williams et al, <i>Constitutional Law and Theory: Commentary and Materials</i> (7th Ed) (Federation Press, 2018), Chapter 30 (pp1408-1434). | Tutorial 11                  |

**Week 12 - 05 Oct 2020**

| Module/Topic    | Chapter | Events and Submissions/Topic |
|-----------------|---------|------------------------------|
| <b>Revision</b> | n/a     | Tutorial 12                  |

**Review/Exam Week - 12 Oct 2020**

| Module/Topic            | Chapter | Events and Submissions/Topic |
|-------------------------|---------|------------------------------|
| <b>Review/Exam Week</b> |         |                              |

**Exam Week - 19 Oct 2020**

| Module/Topic     | Chapter | Events and Submissions/Topic |
|------------------|---------|------------------------------|
| <b>Exam Week</b> |         |                              |

## Assessment Tasks

### 1 Resource Summary

**Assessment Type**

Group Work

**Task Description**

To complete the two written assessments in this unit, you will need to find another student (or two) to work with. A Moodle forum will be set up to facilitate this process. Part of this assessment allows you to display your ability to work with another student in a team, and students should take the initiative to organise the pairings themselves. You will be placed into a pair by week 4 if you have not found someone to work with, so ensure that you inform your coordinator if you have found a partner.

Two topics will be posted to the Moodle site. You and your chosen partner will select one topic each. To assist each other, you will prepare a summary of a resource related to your team member's chosen topic. In return, they will produce a summary of a resource on your chosen topic. The summaries should aim to be 500 words in length. There will be many resources on the topic in the textbook. You may also find resources through your own research, with the agreement of your partner.

Submit the summary you prepared for the other student to Moodle. Ensure that your name and that of your partner appears on the summary. It should be clear to me who has written the summary, and who is the partner.

The idea in this assessment is to work as a team, where you each act as a research assistant for your partner in locating and assessing the suitability of a resource for them. This will assist your partner in the preparation of the larger research project, and lead to discussions between partners (or wider groups) around the topics.

You will receive an individual grade for your work.

**Assessment Due Date**

Week 6 Monday (24 Aug 2020) 10:00 pm AEST

Online (via Moodle)

**Return Date to Students**

Week 8 Friday (11 Sept 2020)

Feedback will be supplied on Moodle and/or Gradebook

**Weighting**

10%

**Assessment Criteria**

Collegiality, ability to assist others with their learning.

Writing and communication skills - write in an appropriate style.

Further details of assessment details will be posted to Moodle.

**Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

**Submission**

Online

**Submission Instructions**

Online (to Moodle), and emailed to team members

**Learning Outcomes Assessed**

- Explain and discuss key constitutional law principles such as Australian federalism, the constitution and operation of the legislature, executive and judiciary, the relationship between the different institutions of government and the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, the relationship between the different levels of government, 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.

**Graduate Attributes**

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

## 2 Research Paper

**Assessment Type**

Written Assessment

**Task Description**

This is a written assessment which will allow you to research your choice of two topics posted to Moodle. The Assessment should refer to both cases and commentary on Constitutional law, and show a critical understanding of the law, including connections to social, political and/or theoretical perspectives. You may draw on current political or historical events in the research paper.

Expected length is 2000 words.

This exercise ties in with the group exercise (see above). Students are to select the topic which was not chosen for assessment one.

Topics will be released on the Moodle site during semester.

**Assessment Due Date**

Week 9 Monday (14 Sept 2020) 10:00 pm AEST

Online, via Moodle

**Return Date to Students**

Week 11 Friday (2 Oct 2020)

Feedback on Moodle and/or Gradebook

**Weighting**

40%



**Assessment Criteria**

The paper will be assessed on:

- Depth and breadth of research
- Critical thinking skills
- Coherence and structure of discussion/argument

Further details for assessment, including a rubric, will be provided on Moodle.

**Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

**Submission**

Online

**Submission Instructions**

Link on Moodle

**Learning Outcomes Assessed**

- Explain and discuss key constitutional law principles such as Australian federalism, the constitution and operation of the legislature, executive and judiciary, the relationship between the different institutions of government and the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, the relationship between the different levels of government, 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.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

### 3 Take Home Paper

**Assessment Type**

Written Assessment

**Task Description**

A take home paper will be released to students during exam week.

This paper will be similar to past invigilated exams, but will be sat at home and submitted via Moodle.

There will be a timeframe of 24 hours to complete and submit the paper.

More details about this assessment will be supplied on Moodle.

**Assessment Due Date****Return Date to Students****Weighting**

50%

**Assessment Criteria**

Criteria for this assessment includes: knowledge of Australian constitutional law, history and theory, ability to spot issues and apply constitutional law to unique problem scenarios, ability to write in a clear and convincing way.

More details will be supplied via Moodle.

**Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

**Submission**

Online

**Submission Instructions**

Online, via Moodle

## Learning Outcomes Assessed

- Explain and discuss key constitutional law principles such as Australian federalism, the constitution and operation of the legislature, executive and judiciary, the relationship between the different institutions of government and the doctrine of separation of powers, constitutionalism, rule of law, parliamentary sovereignty, the relationship between the different levels of government, and responsible and representative government
- 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.

## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Cross Cultural Competence
- Ethical practice

## 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