



LAWS11065 *Constitutional Law*

Term 2 - 2024

Profile information current as at 26/06/2024 09:16 pm

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

Co-requisite LAWS11057

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 - 2024

- 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. **Take Home Exam**

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 Student evaluations

Feedback

Learning materials can be strengthened to provide a clearer and more streamlined learning environment

Recommendation

Review and revise learning materials

Feedback from Student evaluations

Feedback

Students valued the tutorial content and tutorial discussions as a mechanism for clarifying and applying their understanding of the learning materials

Recommendation

Maintain and extend tutorial discussions and use of problem-solving exercises in tutorials

Unit Learning Outcomes

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

1. Examine and apply the constitutional law principles through discussion of the Commonwealth's legislative powers, and Commonwealth and state relations.
2. Identify and interpret the appropriate constitutional provisions and case authorities to support the application of constitutional principles to factual legal problems.
3. Critically analyse the scope and application of rights and liberties expressly stated or implied into the Constitution, including those of Aboriginal and Torres Strait Islanders.
4. Communicate effectively through writing or in collaboration with others regarding the impact of High Court decisions on the development of constitutional principles on the character of the federal system in Australia and the separation of powers.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	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			•	

Textbooks and Resources

Textbooks

LAWS11065

Prescribed

Australian Constitutional Law: Principles in Movement

(2022)

Authors: Jonathan Crowe

Oxford University Press

Docklands , Victoria , Australia

ISBN: 9780190311414

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Webcam and microphone to enable invigilation of exam

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

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

Schedule

Week 1 - 08 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Australian Constitutional Law: Constitutional Law in Movement	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 1	

Week 2 - 15 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
Interpreting Legislative Powers	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 3	

Week 3 - 22 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
Economic Powers of the Commonwealth	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 4	

Week 4 - 29 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
International Powers of the Commonwealth	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 5	

Week 5 - 05 Aug 2024

Module/Topic	Chapter	Events and Submissions/Topic
Federalism and Governance	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 7	

Vacation Week - 12 Aug 2024

Module/Topic	Chapter	Events and Submissions/Topic
Break Week		

Week 6 - 19 Aug 2024

Module/Topic	Chapter	Events and Submissions/Topic
Executive Power and Responsible Government	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 6	Reflective Essay Due: Week 6 Wednesday (21 Aug 2024) 7:00 pm AEST

Week 7 - 26 Aug 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Judicial Power of the Commonwealth	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 8	Written Assessment Due: Week 7 Wednesday (28 Aug 2024) 7:00 pm AEST
Week 8 - 02 Sep 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Judicial Power in the States	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 9	
Week 9 - 09 Sep 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Constitutional Rights I: Express Rights	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 10	
Week 10 - 16 Sep 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Constitutional Rights II: Implied Rights	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 11	
Week 11 - 23 Sep 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Constitutional Change	Jonathan Crowe, <i>Australian Constitutional Law: Principles in Movement</i> (Oxford University Press, 2022) Chapter 12	
Week 12 - 30 Sep 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Review Week		
Review/Exam Week - 07 Oct 2024		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 14 Oct 2024		
Module/Topic	Chapter	Events and Submissions/Topic
		Take Home Examination Due: Exam Week Friday (18 Oct 2024) 11:45 pm AEST

Assessment Tasks

1 Reflective Essay

Assessment Type

Group Work

Task Description

This task involves writing a: 1) reflective essay of between 500-600 words on a constitutional issue outlined in the task sheet, and 2) team/group work reflection of between 100-150 words on the interpersonal

experience of working with a partner on the essay. While the reflective essay is submitted as a group work, each student must write his/her own reflection on the interpersonal experience of working with a partner on the essay.

The reflective essay can be separated into sections where each partner writes part of the essay, or it can be done wholly as a collaborative project. This is up to you and your partner.

To complete this assessment, you will be designated a partner at random. Grouping will take place after the Census Date. The assessment allows you to display your ability to work with another student in a team on a research topic. Students should take the initiative to organise and collaborate to complete a law project together.

The total word count for your reflective essay, including footnotes, should not exceed 600 words. This word count will be strictly applied. Any text that exceeds the word count limit will not be marked.

In addition, the total word count for your team/group work reflection should not exceed 150 words. This word count will be strictly applied. Any text that exceeds the word count limit will not be marked. No reference is required for the team/group work reflection.

Submission: The reflective essay must be submitted in your group name and will be marked as a collaborative project.

Note: The final submission should be a **single submission** in Microsoft Word doc. format and posted on Moodle as a group on or before the due date.

Assessment Due Date

Week 6 Wednesday (21 Aug 2024) 7:00 pm AEST
Online (via Moodle)

Return Date to Students

Week 10 Wednesday (18 Sept 2024)

Weighting

10%

Assessment Criteria

Collegiality and ability to engage in group work: 50% of mark

Content, critical thinking ability, and writing style: 50% of mark

** Further details of the assessment will be posted on Moodle.

Referencing Style

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

Submission

Online Group

Submission Instructions

Online in Moodle, and emailed to team members

Learning Outcomes Assessed

- Examine and apply the constitutional law principles through discussion of the Commonwealth's legislative powers, and Commonwealth and state relations.
- Critically analyse the scope and application of rights and liberties expressly stated or implied into the Constitution, including those of Aboriginal and Torres Strait Islanders.
- Communicate effectively through writing or in collaboration with others regarding the impact of High Court decisions on the development of constitutional principles on the character of the federal system in Australia and the separation of powers.

2 Written Assessment

Assessment Type

Written Assessment

Task Description

This written assessment involves answering two (2) questions based on hypothetical case scenarios. It will cover any of the topics from **weeks 1-6**.

The task sheet will be available on Moodle on **21** August 2024 (Wednesday) at 7 PM (AEST) and due on 28 August 2024 (Wednesday) at 7 PM (AEST).

The total word count for all the answers, including references, should not exceed **1,500** words. This word count will be strictly applied.

Any text that exceeds the word count limit will not be marked.

Adherence to AGLC4 is required.

Must be submitted via Turnitin in Word Doc. format

Assessment Due Date

Week 7 Wednesday (28 Aug 2024) 7:00 pm AEST

Online, via Moodle

Return Date to Students

Week 10 Wednesday (18 Sept 2024)

Weighting

40%

Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification of the legal issue(s) (10%) and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) and the facts (40%); well thought-out conclusion (10%); and quality of the language usage and observance of proper structure, format, and instructions (10%). A detailed marking rubric is available on the Moodle site.

Referencing Style

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

Submission

Online

Submission Instructions

Link on Moodle

Learning Outcomes Assessed

- Examine and apply the constitutional law principles through discussion of the Commonwealth's legislative powers, and Commonwealth and state relations.
- Identify and interpret the appropriate constitutional provisions and case authorities to support the application of constitutional principles to factual legal problems.
- Communicate effectively through writing or in collaboration with others regarding the impact of High Court decisions on the development of constitutional principles on the character of the federal system in Australia and the separation of powers.

3 Take Home Examination

Assessment Type

Take Home Exam

Task Description

1. This unit has an invigilated take-home examination of 2.5 hours (150 minutes) duration. Students should consult the Invigilated Take-home Examination Guidelines, College of Law, Criminology and Justice, available from the Laws Moodle site. A requirement of these guidelines is that students must obtain a student card for verification purposes.
2. Students must also have access to a reliable and adequate internet connection, and a computer, tablet, or laptop equipped with a working webcam, working microphone, Zoom installed and access to the unit Moodle site via an Internet browser.
3. Extensions for invigilated take-home examinations are not permitted.
4. Submissions after the deadline has passed will not be accepted and will receive a mark of zero.
5. Failure to attend the invigilated take-home examination will result in a mark of zero.
6. Exam conditions apply to all invigilated take-home examination.

Assessment Due Date

Exam Week Friday (18 Oct 2024) 11:45 pm AEST

During the University examination period (TBA)

Return Date to Students

Exam Week Friday (18 Oct 2024)

The final exam marks and final grade will be released only after the Certification of Grades.

Weighting

50%

Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification of the legal issue(s) (10%) and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) and the facts (40%); well thought-out conclusion (10%); and quality of the language usage and observance of proper structure, format, and instructions (10%). A detailed marking rubric is available on the Moodle site.

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Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Examine and apply the constitutional law principles through discussion of the Commonwealth's legislative powers, and Commonwealth and state relations.
- Identify and interpret the appropriate constitutional provisions and case authorities to support the application of constitutional principles to factual legal problems.
- Critically analyse the scope and application of rights and liberties expressly stated or implied into the Constitution, including those of Aboriginal and Torres Strait Islanders.

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