

LAWS 7046

CONSTITUTIONAL LAW

Credit Points 10

Legacy Code 201058

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

Description Constitutional Law introduces the legal rules and doctrines governing Commonwealth Constitutional systems in Australia. Topics covered include: Commonwealth Constitutions; legislative powers of the Commonwealth and State governments; Executive; the separation of powers doctrine; the legal relations between State and Commonwealth laws; Constitutional freedoms and restrictions on Commonwealth legislative powers; First Nations peoples and Constitutional change.

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 Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7057 Government and Public Law

Incompatible Subjects LAWS 4015 Constitutional Law

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Explain the rules, doctrines and conventions that govern the Commonwealth constitutional system in Australia
2. Construct solutions to complex legal problems that demonstrate deep comprehension of Constitutional Law
3. Assess techniques of constitutional interpretation and reasoning
4. Present persuasive and appropriately substantiated constitutional arguments with a particular focus on First Nations peoples and Constitutional change
5. Assess legal information from a range of primary and secondary sources to support legal arguments, constitutional interpretation and reasoning

Subject Content

1. Introduction to Australian Constitutional Law
2. Constitutional Amendment
3. Separation of Judicial Power
4. The Executive
5. Constitutional Interpretation
6. Characterisation
7. The Scope of Commonwealth Legislative Power, including external affairs and corporations power
8. Inconsistency between Commonwealth and State Laws
9. Intergovernmental Immunities

10. Freedom of Political Communication
11. Express rights
12. First Nations peoples and Constitutional change

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 | Mandatory |
|-------------------|--|---------|-----------|------------------------|-----------|
| Professional Task | 2,500 words | 40 | N | Individual | Y |
| Final Exam | 2 hours | 50 | N | Individual | Y |
| Participation | Participation in weekly seminars either online or face-to-face, according to explicit criteria | 0 | N | Individual | Y |

Prescribed Texts

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

Teaching Periods

Autumn (2025)

Campbelltown

On-site

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

View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7046_25-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/odd/timetable/?subject_code=LAWS7046_25-AUT_ON_2#subjects)

Parramatta - Victoria Rd

On-site

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

View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS7046_25-AUT_PS_1#subjects)