

730-416 Advanced Constitutional Law

Credit Points:	12.500
Level:	Undergraduate
Dates & Locations:	This subject is not offered in 2008.
Time Commitment:	Contact Hours: One 2-hour lecture per week and one 1-hour lecture/presentation per fortnight Total Time Commitment: Estimated total time commitment 144 hours.
Prerequisites:	Torts; Principles of Public Law; Constitutional Law; Administrative Law or equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Associate Professor S Evans
Subject Overview:	<p>This subject is about some of the fundamental questions of Australian constitutional law that the High Court has been grappling with in recent years: How do the elements of the Commonwealth fit together to form the Australian nation? And what rights do people in Australia have?</p> <p>These topics have been chosen to enable students to focus on the most relevant, current and challenging aspects of Australian Constitutional Law. They offer students the chance to deepen and broaden their understanding of Australian constitutional law beyond the core topics covered in Constitutional and Administrative Law. The subject will also include guest lectures from constitutional practitioners and/or judges. It will develop students' practical skills in preparing written advice in constitutional matters, presenting oral argument in constitutional matters and writing outlines of argument in constitutional matters. The principle topics covered will include:</p> <ul style="list-style-type: none"> # The constitutional relationship between states, territories and the Commonwealth: # the states; # the territories; # the common law and the Constitution; # extraterritoriality and conflicts of laws within Australia; # intergovernmental immunities; and # discrimination and equal treatment. # The constitutional relationship between governments and people, including: # discrimination and equal treatment; # popular sovereignty; # citizenship; # implied political rights;

	<ul style="list-style-type: none"> # express rights; and # due process and the rule of law.
Assessment:	Written opinion in a constitutional matter, 2500 words, 50% (due week 9); and either one written outline of an argument on a constitutional matter, 2500 words, 50% (due at the start of the examination period); or a one-page skeleton outline of argument and presentation of 20-minute oral argument in a constitutional matter, 50% (during the examination period).
Prescribed Texts:	The Commonwealth Constitution (NO_AUTHOR), (Cth) Australian Government Publishing Service
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # the capacity to participate as a member of a team # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following generic skills specific to the discipline of law beyond the level reached in the core subjects Principles of Public Law and Constitutional Law and their equivalents:</p> <ul style="list-style-type: none"> # case reading and analysis, including an ability to: <ul style="list-style-type: none"> # read complex constitutional cases, including unedited cases in the law reports # extract important features from judgments # reconcile judgments # evaluate the development of legal principles # apply legal principles arising from case law to new situations # statutory reading, interpretation and analysis, including an ability to: <ul style="list-style-type: none"> # extract important features from statutes (and in particular constitutions) # use, interpret and apply statutory (and in particular constitutional) provisions to new situations # apply the distinct principles of constitutional interpretation # legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> # critically analyse legal rules with reference to fundamental principles # identify and analyse constitutional issues arising in complex fact situations # apply constitutional principles and provisions to unfamiliar fact situations # develop and present an appropriately structured and supported legal argument # legal research skills, including an ability to: <ul style="list-style-type: none"> # find primary historical sources relevant to constitution-making and amendment # find case law # find statutes and constitutions # find secondary sources # identify the most relevant and up-to-date primary and secondary sources and justify the research process # legal writing skills, including an ability to:

- # use case law as part of legal analysis
- # use statutes and constitutions as part of legal analysis
- # use secondary sources as part of legal analysis
- # identify and summarise legal principles
- # identify and summarise fundamental principles
- # use proper referencing and citation
- # present an appropriately structured and supported complex legal argument
- # oral communication skills in
- # participating in classroom problem solving and discussion
- # (optionally) presenting an oral argument on a constitutional question for assessment
- # an ability to work in groups to solve problems and critically analyse legal materials in a classroom setting