

730-729 Common Law Constitutionalism

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 1, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Professor Jeffrey Jowell QC
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Understand the concept of common law constitutionalism, including its origins and significance # Be able to identify and evaluate theoretical and doctrinal differences between the United Kingdom and Australia in key aspects of common law constitutionalism # Be able to evaluate the significance of the Australian Constitution, from this perspective # Be able to engage at a high level in theoretical and doctrinal debates on particular aspects of common law constitutionalism relating to, for example, the authority for judicial review, statutory interpretation, rights protection and the status of international law # Have enhanced knowledge of the latest theoretical and doctrinal developments in public law in common law countries # Have enhanced skills in comparative public law method. <p>Syllabus:</p> <p>This subject will examine the concept of common law constitutionalism as understood in the first decade of the 21st century, with particular reference to the United Kingdom and Australia. Reference will also be made to other common law jurisdictions, including especially South Africa, Canada, New Zealand and India.</p> <p>Topics will include:</p> <ul style="list-style-type: none"> # The constitutional justification of judicial review # Is administrative justice a constitutional right? # Codification and non-codification of the grounds of judicial review: A comparative survey # Express constitutional rights # Implied constitutional rights # Judicial power # International standards and domestic law # Substantive judicial review: Unreasonableness and proportionality.
Assessment:	Take-home examination (100%) (11-14 July) or Research paper 10,000 words (100%) (4 September) (topic approved by the subject coordinator)

Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
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:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730729