

730-857 Constitutional Litigation

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 2, - 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:	Asoc Prof Kristen Walker
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Understand the way in which constitutional disputes arise # Have an overview of the issues involved in the management of constitutional litigation # Be familiar with the documentation used in constitutional litigation # Be familiar with the remedies for relief in constitutional litigation and their potential use # Understand the doctrinal impediments to litigation: Jurisdiction of courts, standing, justiciability # Understand and be able to analyse and apply the principles of constitutional interpretation used by the High Court # Understand the relevance on international and comparative law in constitutional litigation # Be familiar with oral advocacy techniques in the High Court # Be familiar with the consequences of invalidity of legislation in particular contexts. <p>Syllabus:</p> <p>The objectives of the subject will be pursued through a series of lectures (including expert guest lecturers) and case studies. Classes will cover the following topics:</p> <ul style="list-style-type: none"> # Initiating a constitutional case # Bases of jurisdiction # Remedies Applications for special leave # Written submissions # Oral argument # Use of comparative and international materials # Interpretation and overruling Interventions and amicus curiae # Consequences of invalidity. <p>The case studies will be based on recent major constitutional litigation before the High Court. Issues to which attention will be paid in relation to each case study include:</p> <ul style="list-style-type: none"> # The basis of the decision to litigate # Any impediments to litigation <ul style="list-style-type: none"> # The jurisdiction of the High Court, including the need for special leave # Standing

	<ul style="list-style-type: none"> # Justiciability # The choice of remedy or remedies # Forensic strategy # Methodology of the High Court, as revealed by decision # Reflection on the nature of judicial review.
Assessment:	Practical exercise (100%) (19 January 2009) Alternatively, with special permission from the subject coordinator, a research paper 10,000 words (100%) (23 February 2009) (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/730857