

LECTURE 1: INTRODUCTION TO AUSTRALIAN CONSTITUTIONAL LAW

Course overview

- This course provides an introduction to the Australian constitutional system, covering both Commonwealth and state constitutions.
- The course covers the following areas:
 - o **Representative government:** How is the Parliament elected? What are the scope and limits of the right to vote and run for office?
 - o **Commonwealth powers:** What are the scope and limits of the Commonwealth's powers to pass legislation? What are the powers of the Commonwealth executive?
 - o **The federal framework:** What rules govern the resolution of conflicts between Commonwealth and state laws? What immunities do Commonwealth and state governments enjoy?
 - o **The separation of powers doctrine:** How are legislative, executive and judicial powers defined and separated under the Commonwealth and state constitutions? (tripartite separation of powers)
 - o **Constitutional rights:** What are the foundations and scope of the express and implied rights conferred by the Constitution?

* **s109** constitution: in the case of the inconsistency between state and commonwealth laws the commonwealth laws prevail

Lecture topics

- Week 1: Introduction to Aust Const Law
- Week 2: Representative Government
- Week 3: Interpreting Commonwealth Powers
- Week 4: Economic Powers of the Cth
- Week 5: International Powers of the Cth
- Week 6: Conflicts Between Cth and States
- Week 7: Executive Power of the Commonwealth
- Week 8: Judicial Power of the Commonwealth
- **Week 9: No Class**
- Week 10: Judicial Power of the States
- Week 11: Implied Constitutional Rights
- Week 12: Express Constitutional Rights

Recommended resources

- **Textbook:** Suri Ratnapala and Jonathan Crowe, *Australian Constitutional Law: Foundations and Theory* (3rd ed, OUP, 2012)
 - o Draft chapters from Jonathan Crowe, *Australian Constitutional Law: Principles in Movement* (OUP, 2022) will also be posted on iLearn.
- **Statutes:** *Constitution of the Commonwealth of Australia*; *Commonwealth of Australia Constitution Act 1900*; *Statute of Westminster 1931*; *Australia Act 1986*

Study Guide For Constitutional Law

Glenn Smith, Patricia Fusco



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