Overview

This course introduces students to the study of public law, including its history, institutions, methods of reasoning and fundamental principles. Students will acquire an understanding of the introductory principles and theories of administrative and constitutional law as they apply to the essential features of the Australian system of government, and their implications for human rights and the rule of law. The course exposes students to this material through an examination of Australia’s hybrid constitutional inheritance from the United Kingdom and United States, as adapted in the creation and subsequent development of the federal Commonwealth. In doing so it also examines the implications of colonisation for Indigenous legal systems and assertions of Crown sovereignty. The role, powers and interrelationship of the three arms of government are considered in contemporary as well as historical context, as are the issues of rights protection and constitutional change. The course prepares students for their later study of the courses LAWS1160: Administrative Law and LAWS2150: Federal Constitutional Law, and also introduces students to the fundamentals of the skill of statutory interpretation in the public law context.

Main Topics

Constitutionalism Australia’s ‘Washminster’ Inheritance

- The Westminster Tradition
- The American Tradition

The Creation of the Federated Commonwealth of Australia

- Colonisation, Indigenous Sovereignty and Crown Sovereignty
- The Colonial Laws Validity Act 1865 and the Path to Federation
- The Acquisition of Legal Independence and Popular Sovereignty
The Legislature

- History and Development
- The Franchise and the Composition of Parliament
- Legislative Power
- Judicial Review of Legislation
- Statutory Interpretation
- State Constitutions and State Legislative Power

The Executive

- History and Development
- Federal and State Executive Power
- Judicial Review of Executive Action
- Non-Judicial Forms of Executive Accountability

The Judiciary

- History, Development and Composition
- A Foundation of Judicial Independence

Rights Protection and Australian Constitutionalism

Constitutional Change
Faculty
Faculty of Law

Study Level
Postgraduate

Offering Terms
Term 2, Term 3

Campus
Kensington

Indicative contact hours
4

Timetable
Visit timetable website for details
Conditions for Enrolment

Prerequisite: Academic Program must be 9150.
## Exclusion Courses

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Course Outline

To access course outline, please visit:

JURD7141 Course Outline
Fees

Commonwealth Supported Students  $1395
Domestic Students  $5250
International Students  $5790

DISCLAIMER
Please note that the University reserves the right to vary student fees in line with relevant legislation. This fee information is provided as a guide and more specific information about fees, including fee policy, can be found on the fee website.

For advice about fees for courses with a fee displayed as "Not Applicable", including some Work Experience and UNSW Canberra at ADFA courses, please contact the relevant Faculty. Fees for courses delivered through UNSW Global are published and charged by UNSW Global and thus appear as "Not Applicable" on this site.

Where a Commonwealth Supported Students fee is displayed, it does not guarantee such places are available.
Pre-2019 Handbook Editions

Access past handbook editions (2018 and prior)

Pre-2019 Handbook Editions