



## UNSW Course Outline

# JURD7592 The High Court of Australia - 2024

Published on the 28 Jan 2024

## General Course Information

**Course Code :** JURD7592

**Year :** 2024

**Term :** Term 1

**Teaching Period :** T1

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Global and Public Law

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The role of the High Court of Australia as a legal, political and social institution in the framework of the Australian Government. Topics include: the relationship of the High Court to other institutions of government; the relationship of the Court to other courts within the judicial

system; the historical development of the Court and the distinctive features through different periods of that development; the Court's composition and internal workings; its style of legal reasoning; its contribution to the development of distinctively Australian law in selected areas and the place of its individual members in the Australian judicial tradition.

## Main Topics

- The history of the Court and its justices
- Appointment and removal of justices
- The jurisdiction and operation of the Court
- the Court's role and record in private and public law
- the Court's relationship with the political branches of Government, including its public accountability

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate effective oral communication skills by discussing and debating basic aspects of the practice and procedure of the High Court of Australia in a scholarly, reflective and respectful manner (PLO 9)
CLO2 : Demonstrate effective written and oral communication skills by articulating one or more of the following debates regarding: oral advocacy, and amicus curiae, in Court proceedings; current practices, and proposals for reform, in relation to the process of judicial appointment; the role of the Chief Justice, and of judicial associates and the role of concurring and dissenting opinions; the concept of legal formalism and legal realism and the merits of different modes of constitutional interpretation, and their relevance. (PLO 4, PLO 5 and PLO 6)
CLO3 : Engage in critical analysis, by assessing the available evidence, of the relationship between High Court decisions and broader political developments in Australia (PLO 1 and PLO 4)
CLO4 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
CLO5 : Examine and engage in critical analysis of current practices and theoretical debates regarding the High Court's engagement with international and comparative sources (PLO 4)
CLO6 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLO 6)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate effective oral communication skills by discussing and debating basic aspects of the practice and procedure of the High Court of Australia in a scholarly, reflective and respectful manner (PLO 9)	<ul style="list-style-type: none"> <li>• Essay Presentation</li> <li>• Class Participation</li> </ul>
CLO2 : Demonstrate effective written and oral communication skills by articulating one or more of the following debates regarding: oral advocacy, and amicus curiae, in Court proceedings; current practices, and proposals for reform, in relation to the process of judicial appointment; the role of the Chief Justice, and of judicial associates and the role of concurring and dissenting opinions; the concept of legal formalism and legal realism and the merits of different modes of constitutional interpretation, and their relevance. (PLO 4, PLO 5 and PLO 6)	<ul style="list-style-type: none"> <li>• Essay Presentation</li> <li>• Class Participation</li> </ul>
CLO3 : Engage in critical analysis, by assessing the available evidence, of the relationship between High Court decisions and broader political developments in Australia (PLO 1 and PLO 4)	<ul style="list-style-type: none"> <li>• Research Essay OR 4 x Memorandum</li> <li>• Essay Presentation</li> <li>• Class Participation</li> </ul>
CLO4 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)	<ul style="list-style-type: none"> <li>• Research Essay OR 4 x Memorandum</li> </ul>
CLO5 : Examine and engage in critical analysis of current practices and theoretical debates regarding the High Court's engagement with international and comparative sources (PLO 4)	<ul style="list-style-type: none"> <li>• Research Essay OR 4 x Memorandum</li> </ul>
CLO6 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLO 6)	<ul style="list-style-type: none"> <li>• Research Essay OR 4 x Memorandum</li> <li>• Class Participation</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Essay Presentation Assessment Format: Individual	10%	
Research Essay OR 4 x Memorandum Assessment Format: Individual	60%	
Class Participation Assessment Format: Individual	30%	

## Assessment Details

### Essay Presentation

#### Assessment Overview

The specifics of assessment change each term the course is offered and can be found on the Moodle course page.

Feedback includes, formative feedback, peer feedback in class and online and the use of rubric.

#### Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication skills by discussing and debating basic aspects of the practice and procedure of the High Court of Australia in a scholarly, reflective and respectful manner (PLO 9)
- CLO2 : Demonstrate effective written and oral communication skills by articulating one or more of the following debates regarding: oral advocacy, and amicus curiae, in Court proceedings; current practices, and proposals for reform, in relation to the process of judicial appointment; the role of the Chief Justice, and of judicial associates and the role of concurring and dissenting opinions; the concept of legal formalism and legal realism and the merits of different modes of constitutional interpretation, and their relevance. (PLO 4, PLO 5 and PLO 6)
- CLO3 : Engage in critical analysis, by assessing the available evidence, of the relationship between High Court decisions and broader political developments in Australia (PLO 1 and PLO 4)

### Research Essay OR 4 x Memorandum

#### Assessment Overview

The specifics of assessment change each term the course is offered and can be found on the Moodle course page.

Feedback includes, formative feedback, peer feedback in class and online and the use of rubric.

### **Course Learning Outcomes**

- CLO3 : Engage in critical analysis, by assessing the available evidence, of the relationship between High Court decisions and broader political developments in Australia (PLO 1 and PLO 4)
- CLO4 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CLO5 : Examine and engage in critical analysis of current practices and theoretical debates regarding the High Court's engagement with international and comparative sources (PLO 4)
- CLO6 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLO 6)

### **Class Participation**

#### **Assessment Overview**

The specifics of assessment change each term the course is offered and can be found on the Moodle course page.

Feedback includes, formative feedback, peer feedback in class and online and the use of rubric.

### **Course Learning Outcomes**

- CLO1 : Demonstrate effective oral communication skills by discussing and debating basic aspects of the practice and procedure of the High Court of Australia in a scholarly, reflective and respectful manner (PLO 9)
- CLO2 : Demonstrate effective written and oral communication skills by articulating one or more of the following debates regarding: oral advocacy, and amicus curiae, in Court proceedings; current practices, and proposals for reform, in relation to the process of judicial appointment; the role of the Chief Justice, and of judicial associates and the role of concurring and dissenting opinions; the concept of legal formalism and legal realism and the merits of different modes of constitutional interpretation, and their relevance. (PLO 4, PLO 5 and PLO 6)
- CLO3 : Engage in critical analysis, by assessing the available evidence, of the relationship between High Court decisions and broader political developments in Australia (PLO 1 and PLO 4)
- CLO6 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLO 6)

### **General Assessment Information**

#### **Grading Basis**

Standard

# Course Schedule

## Attendance Requirements

Students are strongly encouraged to attend all classes and review lecture recordings.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Rosalind Dixon					No	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check

updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think

about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.