Abstracts for Poster Session

Contemporary Constitutional Law in a co-learning classroom

Gabrielle Appleby, Sean Brennan and Andrew Lynch (UNSW)

The elective, Contemporary Constitutional Law, was developed to provide students with an opportunity to study current and topical constitutional issues arising in cases recently decided or currently before the High Court of Australia. It was designed to deepen students’ understanding of core themes in contemporary constitutional law, while pushing their skills in case analysis and critical engagement with legal argument and judicial reasoning, as well as developing an appreciation of the political and legal context in which cases reach the High Court and the consequences of its decisions.

There were a number of ways those objectives might have been realised. But what emerged was a genuine co-learning classroom environment between the three co-teachers of the course and the students. This poster will explore a number of the design aspects of the course that we believe contributed to this particular dynamic. These included, first, the decision to co-teach the course between three academics in each class, allowing for the rare absence of one of the team on occasion. The investment of academic time to co-teach allowed students to observe critical discussion, and sometimes very frank disagreement, between academics in a robust but respectful manner. Second, the selection of readings, which were either a single recent High Court judgment, or submissions in a case currently before the High Court, facilitated more in-depth critical engagement by students and teachers alike with these texts. The selection of recent cases (some of which were handed down in the course of the semester) also meant that we as teachers were very often coming to the cases not having read or taught them before, and therefore bringing our own very genuine questions for discussion. Third, each week, a different group of students was pre-allocated to prepare a short ‘preliminary case analysis’ document (this was assessed) on the case or submissions to be discussed, and that group also led that class, although this did not preclude the contribution of other students or teachers. This gave students particular ‘buy-in’ to these classes. Fourth, in each class, the more detailed case analysis was preceded by a brainstorm of ‘issues’ or ‘themes’ that all the students wanted to discuss. This was prompted by a list of critical questions that they could ask about any particular case, which had been prepared and given to the students at the start of semester. Students were able to thus focus class discussion and debate on the areas of the case that they found interesting, particularly thematic ideas or approaches that they wanted to follow through from previous classes. Finally, we included in the course a panel discussion with practitioners who had been involved in constitutional litigation. We as teachers shared the floor with students to ask questions of these practitioners about the broader context behind the judgments and running of cases.

Finding a path through the maze of Public Law: some core questions to map the way

Elisa Arcioni (University of Sydney)

Public Law means many things to many people. Students may be overwhelmed by the interpretation of the constitutional provisions, the number and variety of High Court cases, the uncertainty in some areas of doctrine, the sheer extent of the subject. One way to finding a path through the breadth, depth and developing nature of the subject of Public Law is to
focus on key questions. This poster outlines and explores the questions I have used to guide students over several years, focusing on the central concept of Public Law = Public Power. The key questions include: Who has power? What kind of power is involved? What are the limitations on the power? Who can guard the boundaries of power?

When do, and when should, students study Constitutional Law in their law degrees?

*Luke Beck (Western Sydney University)*

The study of state and federal constitutional law is mandated as a prescribed academic area of knowledge for the purposes of satisfying requirements for admission as a lawyer in Australia. However, neither the admitting authorities in each jurisdiction nor the Council of Australian Law Deans prescribe at what point in the study of a law degree Constitutional Law should be studied.

This poster maps the structure and location of teaching this prescribed area of academic knowledge at Australian law schools. This exercise shows that Australian law schools have come to quite different decisions about how (one compulsory unit or two?) and when (first, second, or third year?) law students should study Constitutional Law in the law degree sequence. The poster/presentation also offers some thoughts as to what explains the different structuring and sequencing decisions.

Evaluating the Benefits of Public Law Internships

*Laura Grenfell and Cornelia Koch (University of Adelaide)*

Like most universities, the University of Adelaide aims to ensure that ‘students are ready for graduate employment’ through ‘offering tailored work experience and career mentoring in the workplace’. Career-readiness is to be achieved by way of ‘strategies that … produce in our graduates the core skills and attributes employers want’. This calls for a learning experience where students can develop professional and practical skills which enable a smooth transition into the workforce.

Since 2009 the Adelaide Law School has been offering student internships in public law through an elective internship course. The course is designed to enable students to gain real life experience of professional legal practice and develop professional skills that assist them with their transition from University into the workforce. At the same time the elective must fulfil the requirements of academic rigour expected of every course in the law curriculum.

The question that arises is how to evaluate the success of an internship course. Anecdotal and SELT feedback from students and professional supervisors at placement offices suggests that our Public Law Internship is successful, in that students and employers see mutual benefits in this arrangement. Supervisors often comment on the high quality of the students and the usefulness of their work to the office. Students feel that they get an insight into their future work environment and gain skills relevant to professional legal practice.

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2 As above, p 6.
While this is encouraging, we believe that a more rigorous evaluation of the internship experience, and its benefits, is called for. Therefore, we are conducting research that examines ways to evaluate internship courses and aims to suggest useful criteria for evaluation of these courses in law schools. Based on a literature review of how these evaluations are done elsewhere, we are designing criteria for our own evaluation. We are also carrying out empirical research, surveying our former internship students and graduates as to their perspective on what they have gained from undertaking the Public Law Internship course.

In our presentation, we would like to explain the current design of our Public Law Internship course, present our findings on evaluation, and comment on the impact of our findings on future course design.

**Law, Government and Criminal Justice**
*Keiran Hardy (Griffith University)*

Students studying criminology need a solid foundation in Australia’s system of law and government in order to work for state and federal agencies and to understand the theories and values underlying the criminal justice system. Many degrees in human services, social work and related disciplines also require students to undertake an introductory subject in law and government. These introductory courses fill important gaps in the civics education provided in primary and secondary school.

These law and government courses contain much of the same content that is taught in public law courses in law schools, at an introductory level. In contrast to law students, however, many criminology students have little or no intrinsic interest in politics, law or theories of government. For students who want to work as a police or corrective services officer, theories of liberalism, democracy and federalism seem too far removed from the daily work they will undertake in their profession.

A key problem is that these introductory law and government courses do not speak directly to students in criminology, social work and related disciplines. The courses rely heavily on readings and structures that would be used in a law or politics faculty, and these materials are not adapted to the needs of more vocational social science degrees.

In this presentation I will explain changes I am making to the introductory law and government course in the Griffith criminology program so that it speaks more directly to criminology students. To solidify these changes, I aim to write a new textbook that will reflect a more vocational understanding of public law.

**The Diamond of Constitutional Reasoning**
*Matt Harvey (Victoria University)*

The Diamond of Constitutional Reasoning is a powerful visual aid for public law students. Drawing on the concept of a baseball diamond, it demonstrates a process of constitutional reasoning involving progress around the bases. There are several such diamonds set out in my book M Harvey, M Longo, J Ligertwood, D Babovic and D Parker, *Constitutional Law* (2nd ed, LexisNexis, 2015). For the poster, the Commonwealth Legislative and Executive diamonds are used. Essentially to get to first base requires a source of power, second base
Involves limitations on the power and third base involves judicial review. The diamond is adaptable to particular exercises of power and different diamonds can be used in conjunction eg to examine a possible conflict between Commonwealth and State law.

Inquiry-Based Learning in Public Law: Adelaide’s Small Group Discovery Experience
Cornelia Koch and Matthew Stubbs (University of Adelaide)

The Small Group Discovery Experience (SGDE) has become a ‘signature pedagogy’ at the University of Adelaide. It is defined as ‘a small group of students, meeting to work at the discovery of new knowledge under expert guidance’. This pedagogy has been made available to every first-year student at the University from 2014, and to students at all levels of their undergraduate studies from 2016.

We were at the frontline of this development, implementing an SGDE in the Principles of Public Law course in 2014 and running it each year since then. Principles of Public Law is a large compulsory course in the first year of the law curriculum. The SGDE runs over a number of weeks and constitutes a significant part of students’ assessment. The assessment is tailored to involve students in inquiry-based learning and co-creation of knowledge.

With ‘our’ SGDE now in its third iteration, our research is evaluating how this inquiry-based learning approach in a large compulsory public law course has worked. This is done by considering and reflecting on our law students’ responses to targeted surveys on their SGDE experience in Principles of Public Law, and in their student evaluation of learning and teaching responses. We also compare our insights with those gained by the University of Adelaide’s Community of Practice on the Small Group Discovery Experience.

In this presentation, we explain the way in which the inquiry-based learning has been implemented in our public law course, how it is perceived by students and teachers, and how it compares with inquiry-based learning conducted in other large first year courses within the University of Adelaide. We also reflect on lessons learned from this research and how we have made use of them in an effort to improve our students’ experience, to intensify student and staff engagement in the co-creation of knowledge within a large first-year undergraduate public law course.

From Public Law in the Classroom to the Park and Professional Practice
Suzanne Martinez (NSWYL Public Law and Government Committee)

The Committee offers the following unique opportunities for Australian undergraduate students with an interest in public law, and their teachers, to extend public law outside of the classroom:

- **Public Law in the Park sessions:** lawyers and students gather together during a weekend day, hear from an esteemed speaker on public law and network in a relaxed setting. In 2016, we heard from Anna Mitchelmore on ‘park-themed’ judicial review

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4 Enrolment of around 400 students.
cases and practising as barrister in public law, and Peter King, barrister, on the state of public law.

- **At our monthly meetings (at the Law Society, 170 Phillip St, Sydney)** we have a focus on substantive law, careers and skills in public law:
  - Guest speakers and convenors who provide regular updates on recent administrative and constitutional law developments – cases, policies, legislation;
  - Fellow Committee members partake in an informal careers panel – with a short talk on their current role and (the often varied) steps in their career that have led them there to date.
  - Skills series: fellow practitioners provide a short talk on skills in public law (advocacy, legal writing, interpretation).

- **Sir Anthony Mason Constitutional Law Essay Competition**: an initiative to allow undergraduate students across Australia to write on a range of contemporary constitutional issues, with a focus on areas not necessarily explored as part of an ordinary undergraduate law program. The winners are selected by Sir Anthony Mason AC KBE GBM QC and an Awards Night is held to celebrate the entrants' achievements.

  It is hoped that the competition will continue to attract high quality entries, nationally, as was the case in 2016 - where Sir Anthony commented that the prize-winning essay of a UNSW student, Ms Ammy Singh, on “Arrested development: advancing implied rights jurisprudence in a post-McCloy world” was the best essay in the Constitutional Law Essay competition since it was established in 2011.

**The Impact of Integrated Learning and Assessments on the Engagement and Learning of Law Students**

*Manjo Oyson (Central Queensland University) and Dr Gloricris Abbu (UTS)*

Amidst a decline of student engagement with their educational institutions (James, Krause, & Jennings, 2010; Radloff & Coates, 2010), educators face the twin challenges of enhancing student retention and reducing student attrition (Tinto, 2006). These challenges are particularly more acute in the context of distance education where the attrition rate is higher compared to conventional education (Simpson, 2012). High student dropout rates not only represent a significant cost to the revenues of educational institutions, but they also reflect a significant toll on the students themselves who often suffer from depression and physical ailments as a consequence of non-completion (Bynner, 2001). Studies show, however, that teaching practices can have a significant impact on student retention and engagement (Tinto, 2006).

This presentation reports on an ongoing research project that seeks to study the impact of integrated learning and assessments on the engagement and learning of two cohorts of undergraduate LLB students who were enrolled in Public International and Human Rights Law (LAWS12070) and Administrative Law (LAWS12061) at a regional university that delivers its LLB program by distance.

The innovative teaching practice involved the provision of three integrated assessments that all revolved around one central problem, event or issue (current or historical) chosen by a
group of students that had either a Public International and Human Rights Law dimension or an Administrative Law dimension, depending on the course that they were enrolled in. They worked on the same central problem, event or issue for all three assessments of the course, comprising 1) a group discussion; 2) the creation of a group Web Page; and 3) a research essay.

In doing so, it is envisioned that students would develop and deepen their understanding around that central problem, event or issue, and examine it from the relevant field of law as they research on and do the different assessment tasks. Because the students choose the topic for their assessments, their learning is expected to be more meaningful and relevant (Laur, 2013). The assessments are also authentic assessments which have been shown to increase student engagement (Meuller, 2011).

Data will be collected through: 1) an online survey using Survey Monkey, 2) in-depth interviews, and 3) students’ records of their marks and engagement in the courses.

This presentation discusses how as a result of the integrated learning and assessments innovation, students are likely to: 1) engage more with the course early in, and throughout, the term; 2) provide motivation and support to each other; 3) receive higher marks; and 4) have a higher course completion, especially those who may have limited intrinsic motivation.

Indigenous Cultural Competence in Australian Public Law
Charlotte Steer (Charles Sturt University)

Indigenous Cultural Competence in Public Law illustrates the process of teaching and writing subjects that embed Indigenous cultural competence. I am teaching Introduction to the Australian Legal System and writing the Administrative Law and Constitutional Law subjects for the new law school at Charles Sturt University, the Centre for Law and Justice. Charles Sturt University’s Bachelor of Laws is unique across the world for its incorporation of compulsory Indigenous Australian content and cultural competence as a Graduate Attribute. The work of CSU on embedding Indigenous cultural competence was chosen as an exemplar for the National Best Practice Framework for Cultural Competency In Australian Universities. The poster uses the framework to map my journey towards Indigenous cultural competence.

Judgment Writing as Assessment
Charlotte Steer (Charles Sturt University)

Judgment Writing as Assessment argues that judgment writing should be taught at law school to prepare students for professional legal practice and to provide skills to promote access to justice. The deconstruction and reconstruction of judgments allows students to deeply engage with aspects of legal reasoning such as the doctrine of precedent, statutory interpretation, judicial restraint and the separation of powers. The skills of critical legal analysis provide a foundation for further study and professional practice across disciplines. At the new law school at Charles Sturt University, the Centre for Law and Justice, first year law students from diverse backgrounds have successfully engaged with this task as their final assessment, The design of this assessment task was based on my experiences of writing draft judgments in my first year of practice (as an Associate in the High Court of Australia), as a member of various tribunals, and in the Australian Feminist Judgments Project.