

AUSTRALIAN CONSTITUTIONAL LANDMARKS

Edited by
H. P. Lee & George Winterton

Australian Constitutional Landmarks Australian Constitutional Landmarks

Michel Rosenfeld, András Sajó



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Australian Constitutional Landmarks H. P. Lee, George Winterton, 2004-01-12 Australian Constitutional Landmarks presents the most significant cases and controversies in the Australian constitutional landscape up to its original publication in 2003 Including the Communist Party case the dismissal of the Whitlam government the Free Speech cases a discussion of the race power the Lionel Murphy saga and the Tasmanian Dam case this book highlights turning points in the shaping of the Australian nation since Federation Each chapter clearly examines the legal and political context leading to the case or controversy and the impact on later constitutional reform With contributions by leading constitutional lawyers and judges as well as two former chief justices this book will appeal to members of the judiciary lawyers political scientists historians and people with a general interest in Australian politics government and history

Australian Constitutional Landmarks Hoong Phun Lee, 2003 *The Oxford Handbook of the Australian Constitution* Cheryl Saunders, Adrienne Stone, 2018-03-01 Constitutional law provides the legal framework for the Australian political and legal systems and thus touches almost every aspect of Australian life The Handbook offers a critical analysis of some of the most significant aspects of Australian constitutional arrangements setting them against the historical legal political and social contexts in which Australia's constitutional system has developed It takes care to highlight the distinctive features of the Australian constitutional system by placing the Australian system where possible in global perspective The chapters of the Handbook are arranged in seven thematically grouped parts The first Foundations deals with aspects of Australian history which have influenced constitutional arrangements The second Constitutional Domain addresses the interaction between the constitution and other relevant legal systems and orders including the common law international law and state constitutions The third Themes identifies themes of special constitutional significance including the legitimacy of the constitution citizenship and republicanism The fourth Practice and Process deals with practical issues relevant to constitutional litigation including the processes techniques and authority of the High Court of Australia The final three parts deal with the structural building blocks of the Australian Constitutional system Separation of Powers Federalism and the Protection of Rights Written by a team of experts drawn from academia and practice the Handbook provides Australian and international readers alike with a reliable source of knowledge understanding and insight into the Australian Constitution

State Constitutional Landmarks George Winterton, 2006 Fifteen landmark cases and controversies of parliamentary government in the Australian colonies and States are recounted in all their political and legal drama by some of Australia's leading constitutional scholars Topics covered include the amazing saga of Justice Boothby in the 1860s Privy Council decisions establishing the plenary power of colonial legislatures the dismissal of New South Wales NSW Premier Jack Lang in 1932 the resolution of deadlocks between State legislative Houses the making of the Australia Acts 1986 debate on the separation of judicial power in the States the survival of the NSW Legislative Council the power to expel an MP in NSW one vote one value in Western Australia

affirmation of the rule of law in Western Australia the Franca Arena saga in NSW and the power to force ministers to produce documents in NSW *Australian Critical Decisions* Ann Genovese, 2018-02-02 The 1980s was a time of significant social political and cultural change In Australia law was pivotal to these changes The two High Court cases that this book explores Koowarta v Bjelke Petersen in 1982 and the Tasmanian Dams case in 1983 are famous legally as they marked a decisive reckoning by the Court with both international law and federal constitutionalism Yet these cases also offer a significant marker of Australia in the 1980s a shift to a different form of political engagement nationally and internationally on complex questions about race and the environment This book brings these cases together for the first time It does so to explore not only the legal legacy and relationship between Koowarta and Tasmanian Dams but also to reflect on how Australians experience their law in time and place and why those experiences might require more than the usual legal records The authors include significant figures in Australian public life some of whom were key participants in the cases as well as established and respected scholars in law history Indigenous and environmental studies The book offers a combination of personal recollections of the cases the drama of how they were brought before the courts and decided as well as a consideration of the cases ongoing significance in Australian life This book was previously published as two special issues in the Griffith Law Review *A First Nations Voice in the Australian Constitution* Shireen Morris, 2020-08-06 This book makes the legal and political case for Indigenous constitutional recognition through a constitutionally guaranteed First Nations voice as advocated by the historic Uluru Statement from the Heart It argues that a constitutional amendment to empower Indigenous peoples with a fairer say in laws and policies made about them and their rights is both constitutionally congruent and politically achievable A First Nations voice is deeply in keeping with the culture design and philosophy of Australia s federal Constitution as well as the long history of Indigenous advocacy for greater empowerment and self determination in their affairs Morris explores the historical political theoretical and international contexts underpinning the contemporary debate before delving into the constitutional detail to craft a compelling case for change *Public Law in East Asia* Albert H.Y. Chen, 2017-07-05 Public Law in East Asia is a collection of the leading English language articles on constitutional and administrative law in the Asian region written by many of the leading scholars from this area The region has its own distinct legal and political traditions and its systems of government have facilitated dynamic economic growth but the role of public law has not been well understood Covering a wide range of jurisdictions in a single volume this collection provides insights into the ways in which institutions of Western origin have been integrated into Asian political and legal cultures producing new syntheses *Australia's Constitution after Whitlam* Brendan Lim, 2017-04-06 Australia s constitutional crisis of 1975 was not simply about the precise powers of the Senate or the Governor General It was about competing accounts of how to legitimate informal constitutional change For Prime Minister Gough Whitlam and the parliamentary tradition that he invoked national elections sufficiently legitimated even the most constitutionally transformative of his goals For his

opponents and a more complex tradition of popular sovereignty more decisive evidence was required of the consent of the people themselves This book traces the emergence of this fundamental constitutional debate and chronicles its subsequent iterations in sometimes surprising institutional configurations the politics of judicial appointment in the Murphy Affair the evolution of judicial review in the Mason Court and the difficulties Australian republicanism faced in the Howard Referendum Though the patterns of institutional engagement have varied the persistent question of how to legitimate informal constitutional change continues to shape Australia's constitution after Whitlam *The Oxford Handbook of Comparative Constitutional Law* Michel Rosenfeld, András Sajó, 2012-05-17 A comprehensive reference resource on comparative constitutional law this title examines the history and development of the discipline its core concepts institutions rights and emerging trends Political Theory and Australian Multiculturalism Geoffrey Brahm Levey, 2012 This book is the product of a workshop sponsored by the Academy of the Social Sciences in Australia and the Australian Government Department of Immigration and Multicultural and Indigenous Affairs T p verso

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