

JOHN WAUGH

THE RULES

An Introduction to the Australian
Constitutions

THE CONSTITUTION

(63 & 64 VICTORIA, CHAPTER 12)

An Act to constitute the Commonwealth of Australia

[1899-1900]

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland; and under the Constitution hereby established;

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen;

He it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Commonwealth of Australia Constitution Act.

Act to extend to the Queen's successors

2. The provisions of this Act relating to the Queen shall extend to Her Majesty's heirs and successors, and the provisions of the United

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The Rule of Law and the Australian Constitution Lisa Burton Crawford, 2017-04-27 The Rule of Law and the Australian Constitution has been cited with approval and discussed by Edelman J in *Graham v Minister for Immigration and Border Protection* handed down by the High Court today at 106 at 175

The rule of law is one of the most cherished political ideals in the modern world Even though we disagree about what the rule of law means we all seem to agree that it is a worthy goal to which any good legal system should aspire Yet some argue that this is not enough that the rule of law is too important to be left in the realm of politics and must be protected by legal means References to the rule of law now appear with apparently increasing frequency in case law from across the common law world In some countries it has been claimed that the government can never validly act in a way that is contrary to the rule of law The position in Australia remains unclear There is no mention of the rule of law in our constitutional text but in the *Communist Party Case* Dixon J said that the rule of law forms an assumption of the Australian Constitution This statement has often been repeated but never properly analysed Taking Dixon J's statement as its starting point this book examines the extent to which the rule of law is protected and promoted by the Australian Constitution indeed how the complex and contested concept of the rule of law should be understood within the Australian constitutional order This wide ranging and engaging book combines theoretical analysis of the concept of the rule of law and constitutionalism with doctrinal analysis of the case law of the Australian High Court It examines the nature and limits of legislative executive and judicial power and so should appeal to constitutional and administrative lawyers scholars and practitioners The book adds an Australian voice to global debates and a novel perspective on that enduring question of how to create a government of laws rather than of men

Australian Constitutional Law Luke Beck, 2019-10-04 A highly accessible clear and methodical overview of Australian constitutional law integrating theory and doctrine It is both comprehensive and concise This book takes a conceptual rather than chronological approach to topics and is invaluable for students engaging with Australian constitutional law

An Introduction to the Study of the Law of the Constitution A.V. Dicey, 1985-09-30 A starting point for the study of the English Constitution and comparative constitutional law The *Law of the Constitution* elucidates the guiding principles of the modern constitution of England the legislative sovereignty of Parliament the rule of law and the binding force of unwritten conventions

Australia's Constitution Australia, 2017 **Introducing the Law** CCH Australia, Limited, 2011-01-05

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.

Introducing the Law Gary N. Heilbronn, Gary N. Heilbronn, Paul Latimer, Jennifer M. Nielsen, Tony Pagone, 2008. Introducing the Law 7th edition was previously published by CCH Australia. Introducing the Law provides students with a solid understanding of the Australian legal system. The 7th edition has a continued focus on tertiary legal studies and related courses. It contains a broad range of topics including the legislative process and the role of courts in law making, changing the law, processes and institutions for settling legal disputes and a critical evaluation of the legal system.

The Annotated Constitution of the Australian Commonwealth Sir John Quick, 1901. **The Rules** John Waugh, 1996. Shape of the constitutions: Federation, Parliament, Executive government, Queen and her representatives, Courts, Finance and trade, Basic rights, Republic.

Australian Senate Practice Australia. Parliament. Senate, J. R. Odgers, 1953. **Introduction to the Study of the Law of the Constitution** Albert Venn Dicey, 1908. First edition published in 1885 under title Lectures introductory to the study of the law of the constitution.

Responsible Government and the Australian Constitution Benjamin B. Saunders, 2023-06-15. This book looks at responsible government under the Australian Constitution. It undertakes a detailed examination of the history leading to the incorporation of responsible government into the Constitution, examining the political history and constitutional ideas which informed the framers' views. It draws on this history to develop a theory of responsible government and explore its implications for the interpretation of the Constitution and the structure of modern government in Australia. The book fills a major gap in our knowledge of the intellectual background of the Australian Constitution by explaining the constitutional ideas that have shaped the text and structure of the Australian Constitution. It contributes to worldwide debates about constitutional interpretation by showing how rigorous use of history can lead to novel interpretations of constitutions without being tied to the dead hands of the founders.

Interpreting Constitutions Charles J. G. Smpford, Kim Preston, 1996. Constitutions can be viewed as the road map of liberal democracies. And like any road map they need to be

constantly reconsidered and redrawn as the territory develops and changes The contributors undertake this re interpretation on a number of levels They examine first the theoretical approaches to constitutional interpretation and then move on to implied rights There then follows a consideration of the role of the judiciary and parliament in constitutional interpretation drawing upon a number of examples from around the world *Introducing the Law* Lorraine Griffiths,1990 **The Constitution of the Commonwealth of Australia** Nicholas Aroney,Peter Gerangelos,Sarah Murray,James Stellios,2015-09-11 This book provides an engaging and distinctive treatment for anyone seeking to understand the significance and interpretation of the Constitution **Democracy** Richard McGarvie,1995-09-28 It is of vital importance to the future of Australia s democracy and federation that the right decision be made on the republic issue This is not a simple question of choosing between a monarchy and a republic between the Queen and an Australian head of state though that choice does need to be made But before Australians can make that choice they need a proper understanding of our present system and they must be offered a republic that preserves the quality of democracy of that system not one that would degrade it In *Democracy* Richard McGarvie explains the evolution of our system of government the safeguards provided by the roles of the governor general and state governors and why the reserve powers and the constitutional conventions are so important McGarvie s meticulous examination of the proposed models for a republic including the Turnbull model proposed in the November 1999 referendum question exposes the dangers in choosing the wrong republic He warns that the method of appointment and dismissal of the head of state are crucial to the maintenance of our democracy If Australia does choose to become a republic there is a safe way to proceed *Democracy* shows the way *The Rule of Law and the Separation of Powers* Richard Bellamy,2017-07-05 The rule of law is frequently invoked in political debate yet rarely defined with any precision Some employ it as a synonym for democracy others for the subordination of the legislature to a written constitution and its judicial guardians It has been seen as obedience to the duly recognised government a form of governing through formal and general rule like laws and the rule of principle Given this diversity of view it is perhaps unsurprising that certain scholars have regarded the concept as no more than a self congratulatory rhetorical device This collection of eighteen key essays from jurists political theorists and public law political scientists aims to explore the role law plays in the political system The introduction evaluates their arguments The first eleven essays identify the standard features associated with the rule of law These are held to derive less from any characteristics of law per se than from a style of legislating and judging that gives equal consideration to all citizens The next seven essays then explore how different ways of separating and dispersing power contribute to this democratic style of rule by forcing politicians and judges alike to treat people as equals and regard none as above the law **Power Beyond Constitutions** Miloš Brunclík,Michal Kubát,Attila Vincze,Miluše Kindlová,Marek Antoš,Filip Horák,Lukáš Hájek,2023-07-12 This research monograph examines presidential constitutional conventions and the role they play in the political systems of four Central European countries the Czech Republic Slovakia

Hungary and Poland As primarily unwritten rules of constitutional practice constitutional conventions represent political arrangements and as such are political in origin Not only this constitutional conventions in general and presidential constitutional conventions in particular have significant political implications They shape both the everyday operation and character of regimes Central Europe represents a particularly useful example on which this role of constitutional conventions can be studied and assessed Jacaranda Humanities Alive 7 Victorian Curriculum, LearnON and Print Robert Darlington, Judy Mraz, Graeme Smithies, Matthew Richardson, Ben Rood, Cathy Bedson, Anne Low, Simon Phelan, 2019-11-13

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