

Sources

Generally

- Sawer's *Australian Constitution*, Guy Aitken and Robert Orr (eds), Australian Government Solicitor, 3rd edn, 2001
- Helen Irving (ed), *The Centenary Companion to Australian Federation*, Cambridge University Press, 1999
- J A La Nauze, *The Making of the Australian Constitution*, Melbourne University Press, 1972
- John Hirst, *The Sentimental Nation: the making of the Australian Commonwealth*, Oxford University Press, 2000
- Helen Irving, *To Constitute a Nation, A Cultural History of Australia's Constitution*, Cambridge University Press, 1999, pages 6-8
- W J Hudson and M P Sharp, *Australian Independence: colony to reluctant kingdom*, Melbourne University Press, 1988
- Nationality and Citizenship Act 1948*, Commonwealth Act No 83 of 1948, s 25, read in conjunction with s 4(1)(b) of the *Australian Citizenship Act 2007*

Colonial foundations

- Michael Pembroke, *Arthur Phillip Sailor Mercenary Governor Spy*, Hardie Grant Books, Melbourne, 2013, especially chapter 8
- Pamela Statham (ed), *The Origins of Australia's Capital Cities*, Cambridge University Press, 1989
- Peter Cochrane, *Colonial Ambition: foundations of democratic Australia*, Melbourne University Press, 2006

Further sources of information

- Parliamentary Education Office** www.peo.gov.au
- High Court Bulletin** www.hcourt.gov.au/library/high-court-bulletin
- Constitution Education Fund Australia (CEFA)** www.cefa.org.au
- Melbourne Law School - Opinions on High**
blogs.unimelb.edu.au/opinionsonhigh/about/this-blog
- Australasian Legal Information Institute** (Australian law generally)
www.austlii.edu.au
- Australian Dictionary of Biography**
(Information on delegates to the Constitutional Conventions)
adb.anu.edu.au (eg. Search '1891 Constitutional Convention')
- Records of the Australasian Federal Conventions of the 1890s**
https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Records_of_the_Australasian_Federal_Conventions_of_the_1890s



CONVERSATIONS ABOUT OUR AUSTRALIAN FEDERAL CONSTITUTION

with John Christensen

Where to get a copy of the Constitution

Electronic copy: The constitution is available from your App Store or on the internet: <https://www.legislation.gov.au/Browse/ByTitle/Constitution/>. If you do NOT have internet access, you should be able to find the Constitution through your public library's internet service.

Hard copy (printed booklet): A printed copy can be purchased from CanPrint Communications in Canberra, phone (02) 6293 8387 or online at <https://www.legislation.gov.au/Content/PrintCopies>. A delivery charge is also payable. You should receive your copy within a week.

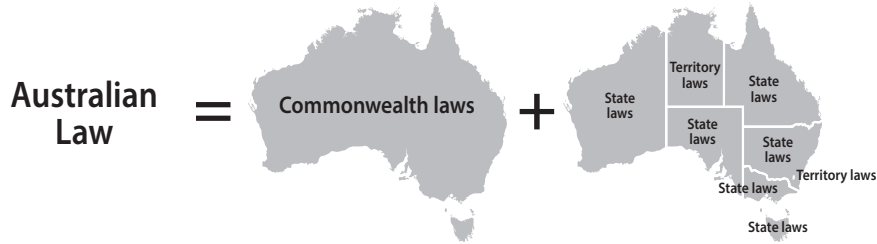
Which version? The Constitution is published in two versions. The longer version, numbered C2005Q00193 (suitable for library acquisition) also contains related legislation, as well as notes on various topics prepared by the Australian Government Solicitor. The version numbered C2013Q00005 is limited to the text of the Constitution with the publication notes normally appearing in legislation.

What does it mean?

Some detailed information may be found in:

- Cheryl Saunders, *It's Your Constitution: governing Australia today*, Federation Press, 1998
- Helen Irving, *Five Things to Know About the Australian Constitution*, Cambridge University Press, 2004.
- Murray Gleeson, 'The Rule of Rule of Law and the Constitution', 2000 Boyer Lectures
<http://www.abc.net.au/radionational/programs/boyerlectures/the-rule-of-law-and-the-constitution/3341020>

Our system of law



Law making powers

Commonwealth

Commonwealth Parliament has specific law making powers. Most are listed in section 51 of the Constitution which includes the following selection from the 40 paragraphs:

- (i) interstate trade & commerce
- (ii) taxation
- (v) postal, telegraphic & telephonic
- (vi) defence
- (ix) quarantine
- (xi) census
- (xii) currency
- (xiii) banking
- (xiv) insurance
- (xv) weights & measures
- (xvii) bankruptcy
- (xviii) copyright, patents, trade marks
- (xix) naturalisation & aliens
- (xx) foreign corporations & trading & financial corporations
- (xxi) marriage
- (xxii) divorce
- (xxiii) invalid & old age pensions
- (xxiiiA) 'social security'

(items have been abbreviated)

States

Each State has general law making powers along the following lines:

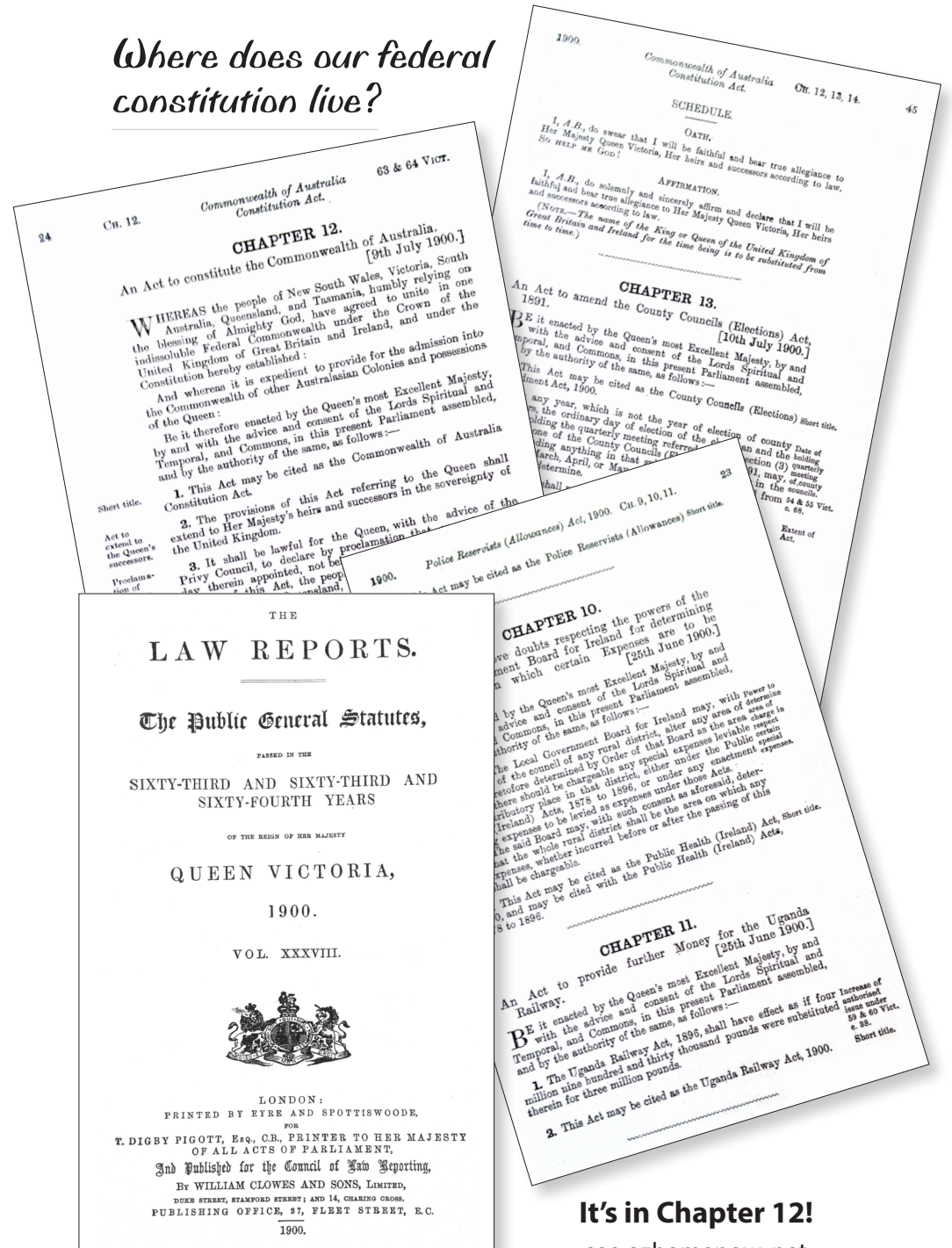
... to make laws for the peace, order, and good Government of the Colony of Western Australia and its Dependencies ...

[Constitution Act 1889, 2(1)]

Laws made in exercise of this power could cover virtually any topic, including such things as land, education, road traffic, navigation, crimes, town planning, contracts, mining, wills, environment, public health, torts (civil wrongs), charities, trusts, fisheries, roads...

A State Parliament may make laws on most items in the Commonwealth list, but if the State and Commonwealth laws conflict, the Commonwealth law prevails over the State law (see Constitution, s 109)

Where does our federal constitution live?



It's in Chapter 12!
see ozhomenow.net