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Making Of The Australian Constitution

John Andrew La Nauze

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The Oxford Handbook of the Australian Constitution Cheryl Saunders, Adrienne Stone, 2018-02-22 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 The making of the Australian constitution John Andrew La Religious Freedom and the Australian Constitution Luke Beck, 2018-03-19 This book examines the origins of Nauze. Australia s constitutional religious freedom provision It explores on the one hand the political activities and motives of religious leaders seeking to give the Australian Constitution a religious character and on the other the political activities and motives of a religious minority seeking to prevent the Australian Constitution having a religious character The book also interrogates the argument advanced at the Federal Convention in favour of section 116 dealing with separation of religion and government and argues that until now scholars and courts have misunderstood that argument The book casts new light to show how the origins of the provision lead to section 116 being conceptualised as a safeguard against religious intolerance on the part of the Commonwealth Written in an accessible style the work has potential to influence the development of constitutional doctrine by the High Court through its challenge of historical assumptions on which the High Court's current doctrine is based Given the ongoing political debates concerning the interaction of discrimination law and religious freedom the book will be of interest to academics and policy makers working in the areas of law and religion constitutional law and The Making of the Australian Constitution J. A. La Nauze,1974 Australian Constitutional Law Luke comparative law Beck, 2019-10-04 Australian Constitutional Law Concepts and Cases is 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 With focussed rather than lengthy case extracts the book explains what the law is and why various interpretations have been adopted Clear explanations enable students to understand and engage with constitutional law including its complexity and nuance The book's explicit linkages between topics and clear delineation between case extracts and commentary help students make sense of Australian constitutional law as a whole Conceptual and discussion questions at the end of each chapter facilitate student thinking and discussion about how the law has evolved and how the law is applied Written by leading constitutional law scholar Luke Beck Australian Constitutional Law Concepts and Cases is invaluable for students engaging with Australian constitutional law The Cambridge Legal History of Australia Peter Cane, Lisa Ford, Mark McMillan, 2022-08-18 Featuring contributions from leading lawyers historians and social scientists this path breaking volume explores encounters of laws people and places in Australia since 1788 Its chapters address three major themes the development of Australian settler law in the shadow of the British Empire the interaction between settler law and First Nations people and the possibility of meaningful encounter between First laws and settler legal regimes in Australia Several chapters explore the limited space provided by Australian settler law for respectful encounters particularly in light of the High Court's particular concerns about the fragility of Australian sovereignty Tracing the development of a uniquely Australian law and the various contexts that shaped it this volume is concerned with the complexity plurality and ambiguity of Australia s legal history 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 Responsible Government and the Australian Constitution Benjamin B Saunders, 2023-06-15 This book looks at change 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

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