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HELEN IRVING

# FIVE THINGS TO KNOW ABOUT THE AUSTRALIAN CONSTITUTION

*"In this book, Helen Irving provides a neat and innovative way of looking at Australia's constitution. She simplifies difficult and complex issues that go to the heart of our system of government."*

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# Five Things To Know About The Australian Constitution

**Jeffrey Goldsworthy, Tom  
Campbell, Adrienne Stone**



## **Five Things To Know About The Australian Constitution:**

Five Things to Know About the Australian Constitution Helen Irving, 2004-11-25 In this excellent new book Helen Irving delves into the mystery that is the Australian constitution by discussing the major national debates of recent years Many people want to understand and take part in the debate about constitutional issues but they face a significant hurdle the constitution is almost unreadable It does not mean what it says and nor does it say what it means There are many myths in circulation about what the constitution says and as many assumptions about what it does Helen Irving one of this country's foremost constitutional experts puts various constitutional confusions to rest and invites a general audience into an understanding of the issues that were once reserved for experts The Naked Australian Constitution Ian Killey, 2022-07-07 Despite the Australian Constitution having been one of the most stable since its commencement in 1901 it is becoming fatally flawed The Naked Australian Constitution examines these flaws and the lack of public appreciation of those defects This is due to several serious errors including the racial basis of its origin and the misleading nature of its text with the High Court having interpreted it in a remarkably subjective manner undermining the few express requirements and freedoms in the Constitution while also applying concepts that are not required by the constitutional text As a result the Constitution is now what the High Court says it is instead of what it was expected to be by its drafters Most Australians have no knowledge of the Constitution or its operation but with the growing subjective application of the Constitution this constitutional digression requires remedy by a Constitutional review Ian Killey argues that without review the Australian people will eventually see the Australian Constitution for what it is rapidly becoming an Emperor with no clothes **Australian Political Institutions** Gwynneth Singleton, Don Aitkin, Brian Jinks, John Warhurst, 2012-11-07 Australian Political Institutions 10e introduces students to the structure and organisation of the institutions and functions of government in Australia with reference to contemporary issues and debates A lot has changed in recent times in the Australian political environment Finally there is a text that incorporates all these important changes As an introduction to the principles of political science the text provides an analysis of key issues in the Australian political system in a clear and concise manner This new tenth edition retains its core focus on the Australian political system but also includes expanded comparative analysis of the similarities and differences in the structure and operation of political institutions in other countries which students can use to consider the strengths and weaknesses of the Australian political system and whether it could be improved 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

Keywords in Australian Politics Rodney Smith,Ariadne Vromen,Ian Cook,2006-06-13 Publisher description      **The Politico-Legal Dynamics of Judicial Review** Theunis Roux,2018-09-06 Provides a comparative analysis of the ideational dimension of judicial review and its potential contribution to democratic governance      **Anglicanism** John A. Moses,2019-11-01 In this collection of essays the author combines the critical eye of a professional historian with the passion of a dismayed churchman in his analysis of the current malaise of the Anglican Church in Australia His analysis is indebted to his study of totalitarianisms in Nazi Germany and Soviet Russia as he calls for a recovery of tolerance      **Protecting Rights Without a Bill of Rights** Jeffrey Goldsworthy,Tom Campbell,Adrienne Stone,2017-11-30 Australia is now the only major Anglophone country that has not adopted a Bill of Rights Since 1982 Canada New Zealand and the UK have all adopted either constitutional or statutory bills of rights Australia however continues to rely on common law statutes dealing with specific issues such as racial and sexual discrimination a generally tolerant society and a vibrant democracy This book focuses on the protection of human rights in Australia and includes international perspectives for the purpose of comparison and it provides an examination of how well Australian institutions governments legislatures courts and tribunals have performed in protecting human rights in the absence of a Bill of Rights      *Managing Diversity* Linda Cardinal,Nicholas Brown,2007-10-15 Australia Canada and Ireland are all engaged in questions of multiculturalism and in the politics of recognition and reconciliation the opportunities and pressures of geographic regionalism shifts in political agendas associated with the impact of neo liberalism and moves to frame political agendas less at the macro level of state intervention and more at the level of community partnership and empowerment In related but distinct ways each state is being challenged to devise policies and offer outcomes that address an unfolding and unsteady synthesis of issues relating to citizenship the role of nation states in a borderless world and the management of economic change while preserving an enabling sense of national identity and social cohesion Analyzing issues ranging from urban planning and the provision of broadcasting services for minority languages to principled debates over basic rights and entitlements these essays offer penetrating summaries of each political culture while also prompting comparative reflection on the broad theme of democracy and difference Analyzing issues ranging from urban planning and the provision of broadcasting services for minority languages to principled debates over basic rights and entitlements these essays offer penetrating summaries of the political cultures of Australia Canada and Ireland Published in English      The Oxford Handbook of Deliberative Democracy André Bächtiger,John S. Dryzek,Jane Mansbridge,Mark E. Warren,2018-08-23 Deliberative democracy has been one of the main games in contemporary political theory for two decades growing enormously in size and importance in political science and

many other disciplines The Oxford Handbook of Deliberative Democracy takes stock of deliberative democracy as a research field in philosophy in various research programmes in the social sciences and law and in political practice around the globe It provides a concise history of deliberative ideals in political thought and discusses their philosophical origins The Handbook locates deliberation in political systems with different spaces publics and venues including parliaments courts governance networks protests mini publics old and new media and everyday talk It engages with practical applications mapping deliberation as a reform movement and as a device for conflict resolution documenting the practice and study of deliberative democracy around the world and in global governance Australian Book Review ,2004 *Proportionality and Facts in Constitutional Adjudication* Anne Carter,2022-01-27 This book considers the relationship between proportionality and facts in constitutional adjudication Analysing where facts arise within each of the three stages of the structured proportionality test suitability necessity and balancing it considers the nature of these facts vis vis the facts that arise in the course of ordinary litigation The book s central focus is on how proportionality has been applied by courts in practice and it draws on the comparative experience of four jurisdictions across a range of legal systems The central case study of the book is Australia where the embryonic and contested nature of proportionality means it provides an illuminating study of how facts can inform the framing of constitutional tests The rich proportionality jurisprudence from Germany Canada and South Africa is used to contextualise the approach of the High Court of Australia and to identify future directions for proportionality in Australia at a time when the doctrine is in its formative stages The book has three broad aims First it considers the role of facts within proportionality reasoning Second it offers procedural insights into fact finding in constitutional litigation Third the book s analysis of the dynamic Australian case law on proportionality means it also serves to clarify the nature and status of proportionality in Australia at a critical moment Since the 2015 decision of *McCloy v New South Wales* where four justices supported the introduction of a structured three part test of proportionality the Court has continued to disagree about the utility of such a test These developments mean that this book with its doctrinal and comparative approach is particularly timely **I am Tim** Peter Rees,2023-08-08 My name is Tim and that is what I want you to call me except if another officer is present and especially if it is the CO Lt Col Bennett then I am Sir At all other times I am Tim When Tim Fischer s elder son was diagnosed with autism spectrum disorder it triggered Tim s resignation as federal National Party leader and deputy prime minister of Australia An outpouring of emotion across the political divide greeted his decision a rarity in a political environment where few leaders choose to give up power and prominence In *I am Tim* Peter Rees uncovers the influences that shaped a key figure of twentieth century Australian political life from a Jesuit boarding school to the rigours of officer training and the battlefields of Vietnam time in state and federal politics marriage to Judy Brewer and life at home Fischer s interests and activities after politics were many and varied spanning a diplomatic posting to the Holy See new historical studies and chairing the Global Seed Vault in Svalbard Norway Tim Fischer emerges as a man of energy and ambition but

also of humanity courage and love      **What's Wrong with the British Constitution?** Iain McLean, 2010 A bravura critique of the traditional interpretation of the British constitution The book demolishes many of the myths surrounding it but also goes on to suggest a constructive alternative      *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

**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      [The Australian Constitution and National Identity](#) Anna Olijnyk, Alexander Reilly, 2023-05-11

What does Australia's Constitution say about national identity A conventional answer might be not much Yet recent constitutional controversies raise issues about the recognition of First Peoples the place of migrants and dual citizens the right to free speech the nature of our democracy and our continuing connection to the British monarchy These are constitutional questions but they are also questions about who we are as a nation This edited collection brings together legal historical and political science scholarship These diverse perspectives reveal a wealth of connections between the Australian Constitution and Australia's national identity

[Nationhood, Executive Power and the Australian Constitution](#) Peta Stephenson, 2022-09-08 The first comprehensive study of the nature and scope of the nationhood power this book brings a fresh perspective to the scholarship on the powers of the executive branch in Australia The question of when the Federal Executive Government can act without the authorisation of the Parliament is contested and highly topical in Australia In recent judicial decisions Australian courts have suggested that statutory authorisation may not be required where the Federal Executive Government is exercising the nationhood power that is the implied executive power derived from the character and status of the Commonwealth as the national government

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This book describes how ideas about federalism influenced those who drafted the Australian Constitution     **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

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