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CASEBOOKS

Lane P, A Digest of Australian Constitutional Cases, 5th ed, LBC Information Services, Sydney, 1996.

REFERENCE BOOKS

Annotations of Commonwealth Constitution

Lane PH, Lane’s Commentary on the Australian Constitution, 2nd ed, Law Book Co, Sydney, 1997 (First Supplement, 1999).

Historical Background

Select Bibliography


Barton GB, Notes on Australian Federation and the Draft Constitution Bills Framed by the Conventions of 1891 and 1897, Government Printer, Sydney, 1897.


Bennett S (ed), Federation, Cassell Australia, Melbourne, 1975.


*Publications of the Founding Era*


Modern Scholarship

[Scholarship on specific topics covered in this book is included under relevant Chapter headings below.]


Carling R (ed), *Where to for Australian Federalism?*, Centre for Independent Studies, St Leonards, 2008.


House of Representatives Standing Committee on Legal and Constitutional Affairs, Aspects of Section 44 of the Australian Constitution: Subsections 44(i) and (iv), AGPS, Canberra, July 1997.


Kenny S, Constitutional Facts and their Judicial Ascertainment in the United States Supreme Court with a Comparative Reference to the Practice of the Australian High Court, D Phil thesis, Oxford University, Michaelmas Term, 1988.


Lane PH, Lane’s Commentary on the Australian Constitution, First Supplement, Law Book Co, Sydney, 1999.


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</thead>
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**Constitutional Reform Proposals: Official Publications**


**Bibliographies**


**High Court**


McQueen R, “The High Court of Australia: Institution or Organisation?” (1987) 57(1) Australian Quarterly 43.
O’Brien D, Special Leave to Appeal: The Law and Practice of Applications for Special Leave to Appeal to the High Court of Australia, LBC Information Services, Sydney, 1996.


Thomson JA, *Some Notes on the History of Section 72(ii) of the Australian Constitution*, Occasional Paper No 2, Department of the Parliamentary Library, AGPS, Canberra, 1984 (reprinted as “Removal of High Court and Federal Judges: Some Observations Concerning Section 72(ii) of the Australian Constitution” (1984) *Australian Current Law* 36033 (Pt 1), 36055 (Pt 2)).


**Justices**

**General**

[APP.90] *Australian Dictionary of Biography* (entry for individual justices).

*Australian Law Journal* (entry for individual justices under “Personalia”).


**Individual Justices**

**Griffith**


Barton


Isaacs


Higgins


**Gavan Duffy**


**Powers**


**Piddington**


**Dixon**

Select Bibliography


Evatt

Cowen Z, “Mr Justice HV Evatt and the High Court” (1966) 2(1) Australian Bar Gazette 3.

McTiernan


Latham


Webb


Kitto


Windeyer

Barwick


Gibbs


Mason


Lobez S, “Interview with Chief Justice Sir Anthony Mason” (Winter 1994) 89 *Victorian Bar News* 44.

Murphy

Venturini VG (ed), In the Name of Lionel, Never Give In Press, Melbourne, 2000.

Aickin

Wilson


Brennan


Deane


Sunderland F, Justice Deane and the Constitution, LLB (Hons) thesis, University of Western Australia, Perth, October 1996.

Dawson


Toohy


Gaudron


McHugh


Gummow


Kirby


Hayne


Lee HP, “Hayne is his Own Man”, Sydney Morning Herald, 22 August 1997, p 17.
Select Bibliography

Callinan


Gleeson


Lane B, “Praise From All Quarters, But …”, Australian, 1 April 1998, p 2.


Heydon


Crennan


Kiefel


French


Bell


Gageler


Gageler S, “Gnawing at a File: An Analysis of Re Tracey; Ex Parte Ryan” (1990) 20 University of Western Australia Law Review 47.


Select Bibliography

[GAG.460] 29

Keane


CHAPTER 1: CONSTITUTIONAL FUNDAMENTALS


Select Bibliography


[APP.480] 31


Sawer G, Australian Federalism in the Courts, Melbourne UP, Melbourne, 1967.


Weller P and Jaensch D (eds), Responsible Government in Australia, Drummond, Melbourne, 1980.


CHAPTER 2: PARLIAMENTARY SOVEREIGNTY AND STATE CONSTITUTIONAL LAW


Select Bibliography


Steytler C and Field I, “The 'Institutional Integrity' Principle: Where Are We Now, and Where Are We Headed?” (2011) 35 University of Western Australia Law Review 227.

Southwood E, “Extending the Kable Doctrine: South Australia v Totani” (2011) 22 Public Law Review 89.


Zines L, Recent Developments in Chapter III: Kirk v Industrial Relations Commission of New South Wales & South Australia v Totani (CCCS/AACL Seminar, Melbourne Law School, Melbourne, 26 November 2010).


CHAPTER 3: THE EXECUTIVE


Select Bibliography


CHAPTER 4: INCONSISTENCY


CHAPTER 5: COMMERCE AND CORPORATIONS

Commerce Power


Lane PH, Section 51(i) and s 92 of the Constitution: In Themselves and in Relation to Each Other, LLM thesis, University of Sydney, 1960.


Corporations Power


CHAPTER 6: EXTERNAL AFFAIRS AND DEFENCE

External Affairs Power


Defence Power


CHAPTER 7: COMMONWEALTH FINANCIAL POWERS

Taxation


Grants


Banting KG, Brown DM and Courchene TJ (eds), The Future of Fiscal Federalism, Institute of Intergovernmental Relations, Queen’s University, Kingston, Ontario, 1994.


Lane WR, “Financial Relationships and Section 96” (1975) 34 Public Administration 45.


**Appropriation**


**CHAPTER 8: FREEDOM OF INTERSTATE TRADE AND COMMERCE**


CHAPTER 9: EXCISE DUTIES


CHAPTER 10: EXPRESS RIGHTS AND FREEDOMS

General


Alston P (ed), Towards an Australian Bill of Rights, CIPL (ANU) and HREOC, Canberra, 1994.


Creighton P, An Examination of the Judicial Interpretation of Sections 80, 116 and 117 of the Australian Constitution, LLB (Hons) thesis, University of Western Australia, Perth, 1975.


**Acquisition of Property**


Brennan S, “Section 51(xxxi) and the Acquisition of Property under Commonwealth-State Arrangements: The Relevance to Native Title Extinguishment on Just Terms” (2011) 15 Australian Indigenous Law Review 74.


Hsieh W, “Section 51(xxxi) of the Australian Constitution and the Compulsory Acquisition of Native Title” (2011) 32 Adelaide Law Review 287.


Winnett C, “‘Just Terms’ or Just Money? Section 51(xxxi), Native Title and Non-Monetary Terms of Acquisition” (2010) 33 University of New South Wales Law Journal 776.

**Right of State Electors**


Robson KG, A Prospective and Workable Construction of Section 41 of the Commonwealth Constitution, B Juris (Hons) thesis, Faculty of Law, University of Western Australia, Perth, September 1983.

**Trial by jury**


Editorial, “Right to Trial by Jury, the Constitution and the High Court” (1986) 19 Australian and New Zealand Journal of Criminology 65.

Religion


**Rights of Residents**


**CHAPTER 11: IMPLIED RIGHTS AND FREEDOMS**


CHAPTER 12: INTERGOVERNMENTAL IMMUNITIES


Sawer G, Australian Federalism in the Courts, Melbourne UP, Melbourne, 1967.


CHAPTER 13: THE SEPARATION OF JUDICIAL POWER


CHAPTER 14: CONSTITUTIONAL INTERPRETATION


Twomey A, Constitutional Recognition of Indigenous Australians in a Preamble, Report No 2, Constitutional Reform Unit, Sydney University, 2011.


INTERNET CONSTITUTIONAL LAW SITES

[APP.710]  Australia

• Australasian Federation Conference (February 1890) and Convention Debates (1891–1898), available at: http://parlinfo.aph.gov.au

• Australian Federation Full Text Database (University of Sydney), available at: http://setis.library.usyd.edu.au


• Australian Public Law, Charles Darwin University, available at: http://www.cdu.edu.au/law

• Centre for Comparative Constitutional Law, University of Melbourne, available at: http://law.unimelb.edu.au/cccs

• Constitution Alteration Referendum Results, available at: http://www.aph.gov.au

• Creating and Changing the Constitution (Australian Policy Online), available at: http://www.apo.org.au

• Gilbert and Tobin Centre for Public Law, University of New South Wales, available at: http://www.gtcentre.unsw.edu.au

• National Archives of Australia, Documenting a Democracy, available at: http://www.foundingdocs.gov.au

• Northern Territory University, available at: http://www.ntu.edu.au


[APP.720]  National Constitutions

• Constitution Finder, University of Richmond, available at: http://confinder.richmond.edu
United States

- Avalon Project, Yale Law School, available at: http://www.law.yale.edu
- Patriotic Post, Historic Documents, available at: http://patriotpost.us/histdocs