

**LAWS1021:  
PUBLIC LAW AND STATUTORY  
INTERPRETATION**

Aniket Sinha

November 2025



# Contents

<b>1</b>	<b>Introduction and History of Australian Constitutions</b>	<b>1</b>
1.1	Ideas . . . . .	1
1.2	History . . . . .	1
<b>2</b>	<b>Legislative Power</b>	<b>3</b>
2.1	The Representative Nature of Parliament . . . . .	3
2.2	Legislative Powers of Australian Parliaments . . . . .	3
2.3	Plenary Legislative Power and the Influence of Parliamentary Sovereignty . . . . .	3
<b>3</b>	<b>Constitutional Change</b>	<b>5</b>
3.1	Referendums Under s 128 of the Australian Constitution . . . . .	5
3.2	Flexible State Constitutions, and the Idea of ‘Manner and Form’ . . . . .	5
<b>4</b>	<b>First Nations and Australian Public Law</b>	<b>7</b>
<b>5</b>	<b>The Representative Parliament</b>	<b>9</b>
5.1	The Right to Vote . . . . .	9
5.1.1	Equality of the Franchise? . . . . .	9
5.1.2	Limits on Voting Rights . . . . .	9
5.2	Eligibility of Federal Parliamentarians: s 44(i) of the Constitution . . . . .	9
<b>6</b>	<b>The Executive</b>	<b>11</b>
6.1	The Executive . . . . .	11
6.2	Responsible Government . . . . .	11
6.2.1	Reserve Powers . . . . .	11
6.3	Executive Power: An Overview . . . . .	11
6.4	Delegated Legislative Power . . . . .	11
6.5	Non-Statutory Executive Power . . . . .	11
6.5.1	Prerogative Powers and Capacities . . . . .	11
6.5.2	Capacities Derived from a Polity’s Legal Personality . . . . .	11
6.5.3	‘Nationhood Power’ . . . . .	11
6.5.4	Case Study: Detention in the Border Control Context . . . . .	11
<b>7</b>	<b>Chapter III and the Separation of Judicial Power</b>	<b>13</b>
7.1	Overview of Chapter III . . . . .	13
7.2	Judicial Power . . . . .	13
7.3	The Separation Rules . . . . .	13
7.3.1	The Insulation of Separated Judicial Power . . . . .	13
7.3.2	The Integrity of Australian Courts . . . . .	13

7.3.3	‘Off Court’ Roles for Judges . . . . .	13
<b>8</b>	<b>The Separated Judicial Power in Context</b>	<b>15</b>
8.1	Statutory Interpretation and the Principle of Legality . . . . .	15
8.2	Punishment . . . . .	15

# Topic 1

## Introduction and History of Australian Constitutions

### 1.1 Ideas

### 1.2 History



## Topic 2

### Legislative Power

- 2.1 The Representative Nature of Parliament
- 2.2 Legislative Powers of Australian Parliaments
- 2.3 Plenary Legislative Power and the Influence of Parliamentary Sovereignty





## Topic 3

### Constitutional Change

3.1 Referendums Under s 128 of the Australian Constitution

3.2 Flexible State Constitutions, and the Idea of 'Manner and Form'



## **Topic 4**

### **First Nations and Australian Public Law**



# Topic 5

## The Representative Parliament

### 5.1 The Right to Vote

#### 5.1.1 Equality of the Franchise?

#### 5.1.2 Limits on Voting Rights

### 5.2 Eligibility of Federal Parliamentarians: s 44(i) of the Constitution



# Topic 6

## The Executive

### 6.1 The Executive

### 6.2 Responsible Government

#### 6.2.1 Reserve Powers

### 6.3 Executive Power: An Overview

### 6.4 Delegated Legislative Power

### 6.5 Non-Statutory Executive Power

#### 6.5.1 Prerogative Powers and Capacities

#### 6.5.2 Capacities Derived from a Polity's Legal Personality

#### 6.5.3 'Nationhood Power'

#### 6.5.4 Case Study: Detention in the Border Control Context





## Topic 7

# Chapter III and the Separation of Judicial Power

### 7.1 Overview of Chapter III

### 7.2 Judicial Power

### 7.3 The Separation Rules

#### 7.3.1 The Insulation of Separated Judicial Power

#### 7.3.2 The Integrity of Australian Courts

#### 7.3.3 'Off Court' Roles for Judges



## Topic 8

# The Separated Judicial Power in Context

8.1 Statutory Interpretation and the Principle of Legality

8.2 Punishment