Constitutional Sections in the Syllabus

a.k.a. ones they can directly ask questions about

(and three elements of each)

**UNITS 3&4**

Section 7 - Senate “directly chosen by the people”, no less than 6 per original state, 6 year term

Section 24 - HoR “directly chosen by the people”, “twice the number of the senators” (nexus clause), at least 5 members per original state

Section 28 - HoR lasts 3 years, may be dissolved by GG sooner (reserve power)

Section 51 - legislative powers of the Parliament, exclusive and concurrent powers, some powers are exclusive by nature like military defence

Section 51(ii) - taxation power, concurrent, Uniform Tax Case 1942 made income tax exclusive

Section 51(xxix) - external affairs power, allows Cth to legislate under signed treaties, Tasmanian Dams Case 1983

Section 51(xxxvii) - referral of powers, states can refer concurrent powers to Cth, only applies to the referring state

Section 52 - exclusive Cth powers, seat of government, anything else in Constitution declared to be exclusive

Section 53 - Senate cannot initiate money bills, cannot amend, equal powers to HoR

Section 57 - GG double dissolution power, cannot be six months before HoR expires, GG can convene joint sitting

Section 61 - exec power vested in Queen, exercisable by GG, GG as Queen’s representative

Section 62 - establishes EXCO, GG chooses EXCO, serve at his pleasure

Section 63 - GG must act on the advice of EXCO

Section 64 - GG appoints Ministers (PM does conventionally), hold office during GG’s pleasure, must be a member of Parliament

Section 68 - GG is command in chief of naval and military forces

Section 71 - establishes HC, gives Parliament power to create courts (Family Court), cross vesting power (Jurisdiction of Courts (Cross-Vesting Act) 1987)

Section 72 - judges appointed by GG, removed on grounds of “proven misbehaviour or incapacity”, fixed pay, forced retirement at 70 years old

Section 73 - appellate jurisdiction of HC, HC has final judgement

Section 75 - original jurisdiction of HC, treaty cases, Cth as a party cases

Section 76 - additional original jurisdiction, constitutional cases, Parliament can confer jurisdiction to HC

Section 87 - Braddon’s Blot (spent section), 10% of Cth tax given to States, expired 10 years after Federation

Section 90 - customs, excise, and bounties power, exclusive, federalism (favours Cth)

Section 92 - free trade between States (one of the main reasons why States combined into a Federation)

Section 96 - grants power, “financial assistance to the States”, “terms and conditions as the Parliament thinks fit”

Section 107 - preserves State legislative power, preserves state laws

Section 109 - Cth law “prevails” and conflicting State law is made “invalid”

Section 128 - referendum, proposed law needs partisan support, State and population majority required, GG gives Royal Assent