

CONTENTS

<i>Preface</i>	<i>page xi</i>	
<i>Table of statutes and executive instruments</i>		xiv
<i>Table of cases</i>	xviii	
Introduction: Australia as a federal commonwealth		1
PART I Federalism	15	
1 Conceptualising federalism	17	
The conventional approach	17	
Federal or national?	21	
Compact or constitution?	24	
Federation or confederation?	28	
Avoiding sovereignty	32	
Conclusion	37	
2 Reframing the analysis	39	
Integrative and disintegrative federalism	40	
The formation of integrative federations	41	
Representation and amendment in federal constitutions	46	
Formation, representation and amendment	52	
Formation, representation and configuration of power	61	
Conclusion	62	
PART II Federating Australia	65	
3 Models and sources	67	
James Madison	73	
James Bryce	78	
Edward Freeman	87	
A. V. Dicey	92	
John Burgess	96	

4	Australian appropriations	101
	Thomas Just	103
	Andrew Inglis Clark	108
	Richard Baker	111
	Samuel Griffith	114
	John Quick and Robert Garran	119
	Charles Kingston	128
	Isaac Isaacs and H. B. Higgins	130
5	Constitutional foundations	134
	The formative preconditions of Australian federation	135
	The conference of 1890	149
6	Formative institutions	158
	The convention of 1891	158
	The Commonwealth Bill of 1891	161
	The parliaments and the peoples	164
	The Enabling Acts	167
	The convention of 1897–8	172
	Ratification and enactment	176
	Conclusion	180
	PART III Australian federation	185
7	Principles of representation	187
	Parkes's resolutions – consensus and division	191
	The presuppositions of federalism – autonomy and equality	193
	Responsible government and the powers of the Senate	200
	Barton's resolutions – conceptions of democracy and federalism	206
8	Representative institutions	215
	The composition of the Senate	217
	The composition of the House of Representatives	224
	The relative powers of the two houses	237
	Conclusion	244
9	The states and the Commonwealth	247
	Statements of fundamental principle	247
	The continuing states	255
10	Configurations of power	272
	Distributing competencies	272
	Configurations of power	282

11	Amendment procedures	299
	Amendment by state conventions	301
	Amendment by state referendums	308
	Amendment by unanimous consent	323
	Conclusion	332
	PART IV Conclusions	335
12	A federal commonwealth	337
	Federative logic	337
	Interpretive implications	345
	Final remarks	368
	Select provisions	371
	Commonwealth of Australia Constitution Act 1900 (UK)	371
	Statute of Westminster 1931 (UK)	381
	Australia Act 1986 (Cth)	384
	<i>Bibliography</i>	389
	<i>Index</i>	411