SAMPLE

Chapter 3 Discussion Questions

|  |  |
| --- | --- |
|  | Australian Constitutional LawJonathan CroweDiscussion questions by Jonathan Crowe  |
|  |
| **COPYRIGHT NOTICE**This instructor’s resource manual is copyright Oxford University Press 2022. It is intended for use only by lecturers prescribing *Australian Constitutional Law* in their courses and should not be distributed or copied for any other purpose or for use with any other text. |

Chapter 3: Interpreting Legislative Powers

Textbook pages 50-70

Question 1

1. How does the Australian Constitution divide legislative powers between the Commonwealth and the states?
2. What is the process for determining whether a statute falls within the power of the Commonwealth Parliament?
3. How is this different from the process for assessing the validity of a state law?

Question 2

1. What impact has the *Engineers’ Case* (1920) 28 CLR 129 had on the balance of power between the Commonwealth and the states?
2. Has the case had positive or negative consequences overall for constitutional government in Australia?

Question 3

How does the approach to constitutional interpretation in the *Engineers’ Case* differ from that employed in earlier High Court decisions such as *D’Emden v Pedder* (1904) 1 CLR 91 and *R v Barger* (1908) 6 CLR 41?