
THE INTENTIONS OF THE FRAMERS OF THE
COMMONWEALTH OF AUSTRALIA CONSTITUTION
IN THE CONTEXT OF THE DEBATES AT THE
AUSTRALASIAN FEDERATION CONFERENCE OF 1890,
AND THE AUSTRALASIAN FEDERAL CONVENTIONS
OF 1891 AND 1897-8.

THE UNDERSTANDING OF THE FRAMERS OF THE
CONSTITUTION AS TO THE MEANING AND PURPOSE
OF THE PROVISIONS OF THE CONSTITUTION WHICH
THEY DEBATED AT THESE ASSEMBLIES.

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ABSTRACT

The thesis examines the speeches and debates in the Australasian Federation Conference of 1890, and the Australasian Federal Conventions of 1891 and 1897-8 for the purpose of establishing what the framers of the Commonwealth Constitution understood to be the meaning and purpose of the individual sections of the Constitution upon which they were called upon either to support or oppose.

The particular matters involved in the examination are the manner and form in which the principles of responsible government were incorporated into the constitution, and the relationship of these principles to the powers of the Senate; the crisis in the 1891 Convention in relation to the powers of the Senate over money bills; the significance of the difference in composition of the Convention of 1891 compared with that of 1897-8; the significance of the classification of the Constitution as an indissoluble federation under the Crown; the principles of responsible government and the provisions of s.57 in the context of the deadlock over Supply in 1975; the meaning and purpose of s.41 preserving the rights of voters qualified to vote in State elections for the lower Houses, and the misconceptions in relation thereto; the position of aborigines under the Constitution; the meaning and purpose of the “special laws power” in the light of the 1967 Constitutional referendum, and its interpretation by the High Court in the *Hindmarsh Island Bridge case*; the relationship of the intentions of the framers of the Constitution to the interpretation by the High Court of the Financial Clauses of the Constitution, and the provisions of s.92; and the meaning and purpose of the “external affairs” power, and the “corporations power” as understood by the framers of the Constitution.

DECLARATION

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been accepted for the award of any other degree or diploma of a university or other institute of higher learning, except where due acknowledgment is made in the text.

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ABBREVIATIONS

ALJ	The Australian Law Journal
CLR	Commonwealth Law Reports
UNSWLJ	University of New South Wales Law Journal
ANL	Australian National Library.
ALJR	The Australian Law Journal Reports.
C.O.	Colonial Office, Kew, London.
UNSWLR	The University of New south Wales Law Review.
HCA	The High Court of Australia On Line.

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