

Chapter 3: Australia's High Court

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Chapter 3: Australia's High Court

Overview

As citizens we are all subject to the rules and laws set by society — by the organisations and groups we associate with and by the governments we elect. When governments create laws, they also create a mechanism for dealing with situations where an individual, group or organisation breaches one of these laws. The mechanism used is our system of courts.

Courts deal with different types of disputes depending upon the **jurisdiction** they are provided with by parliament. The most serious disputes are dealt with by the most experienced legal personnel in the most superior court in our legal system — the High Court of Australia. The High Court of Australia is unique. It is the only court in Australia established and specifically mentioned in our Constitution, and it is also the only court with a set number of justices who sit on the court at any one time.



FIGURE 1 The High Court of Australia building is located in Canberra but the justices travel to capital cities around the country settling disputes.

The *Commonwealth of Australia Constitution Act 1900* is the document that established Australia as a **federation** and also created the High Court and established its jurisdiction. Sections 71–80 deal with the establishment of the High Court and its jurisdiction. It determines that the court shall be presided over by a Chief Justice and at least two other justices, the number being determined by parliament. Justices of the High Court are appointed for a period of time that expires when they turn 70.

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Weblink

High Court of Australia

Follow the weblink to watch a short documentary on the High Court of Australia.

STARTER QUESTIONS

1. Follow the **High Court of Australia** weblink in your Resources section explaining how the High Court of Australia works. Then answer the following questions:
 - a. Why does the High Court exist?
 - b. How many justices sit on the High Court bench?
 - c. Who is the current Chief Justice of the High Court of Australia?
 - d. What type of cases does the High Court deal with?

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2. Follow the **History of the High Court** weblink in your Resources section and write a brief report on the history of the High Court. In your report include the following information:
 - a. In what year did the High Court first sit?
 - b. Who was the first Chief Justice of the High Court of Australia??
 - c. How many justices sat on the bench in its first case?
 - d. What happened to the composition of the High Court in 1906 and 1913?

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3.1 Resolving disputes between governments

— state and federal

When the Constitution established the Commonwealth of Australia (effective 1 January 2001), it granted the Commonwealth parliament the power to make laws in certain areas. These are known as specific powers. They are called 'specific' because they are specified in sections of the Constitution. It also allowed the colonial parliaments (known as state parliaments after federation) to retain their individual constitutions and some of their law-making powers, known as residual powers. It further provided some areas of law making where both the states and the federal parliaments could make laws, referred to as concurrent powers. Having concurrent powers made it inevitable that some conflict might develop between laws made by the Commonwealth and laws made by the states. In these circumstances it is the role of the High Court to settle such disputes.

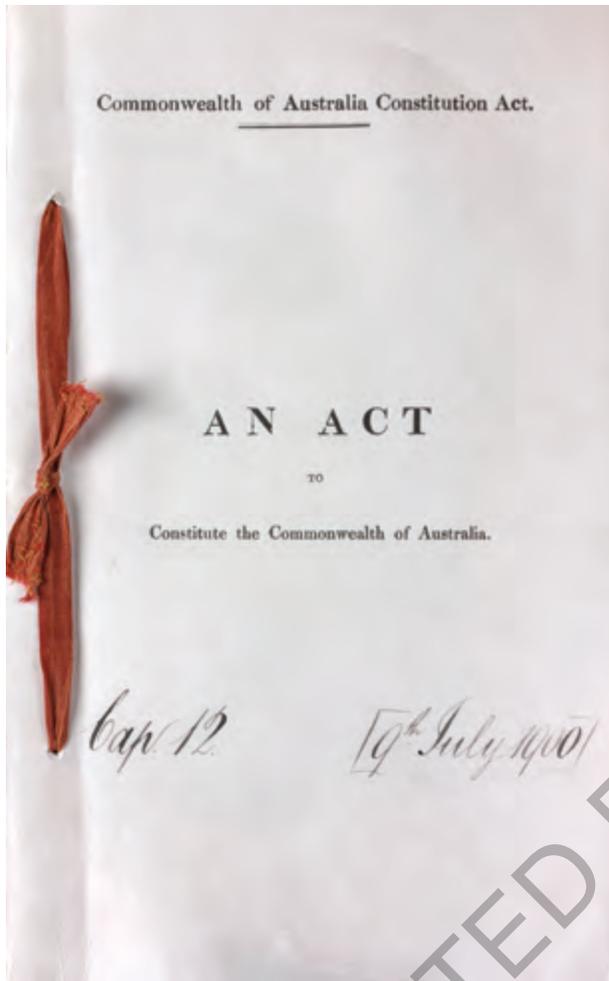


FIGURE 1

The Commonwealth of Australia Constitution Act 1900 establishes the law-making powers of the federal and state parliaments.

Concurrent powers

Section 51 of our Constitution identifies 40 areas where the Commonwealth (or federal) Parliament 'shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth'. As noted earlier, these powers are referred to as specific powers. They are also referred to as 'concurrent', which means both the state and the federal parliaments are free to make laws in these areas. These 40 powers include the power to make laws in the areas of taxation, marriage, naturalisation and aliens, external affairs and acquiring property on just terms.



FIGURE 2

The popular Australian film *The Castle* involved a family fighting a large company who wanted the government to compulsorily acquire their house so it could expand the airport. Section 51 of the Constitution was mentioned in the film.

The framers of the Constitution were aware that, by creating these concurrent powers, there was potential for conflict to arise between a law made by a state parliament and a law made by the federal parliament. To that end, the framers put in place a mechanism for resolving such a conflict – section 109.

Section 109 of the Constitution states that ‘When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.’ A problem arises when the state doesn’t believe that an inconsistency exists or believes that the Commonwealth didn’t have the power to create a law in this area. It is at this point that the High Court is often called upon to resolve the dispute.

The original version of the Constitution included only 39 specific powers and they were referred to as the ‘39 heads of power’. An additional power was added after the 1946 referendum.

Resolving conflicts between state and federal laws

The framers of the Constitution recognised that the members of the state governments would be more familiar with their own citizens and circumstances, and so the state governments were left with the power to make laws in certain areas. The framers also recognised that there were certain areas where it would be in the national interest for citizens to recognise only one law.



FIGURE 3

With six separate states and two self-governing territories, it is possible for eight different laws to exist on the one issue.

One area where laws have conflicted in recent years is marriage. In 1961 the Commonwealth Parliament passed the *Marriage Act 1961* (Cwlth). This act of parliament codified the law to explicitly state that “*marriage*” means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life’. In 2004 the Commonwealth Parliament passed the *Marriage Amendment Act 2004* (Cwlth) that further extended the existing law to define marriage as ‘a union of a man and a woman; and clarify that same-sex marriages entered into under the law of another country will not be recognised in Australia’.

In 2013 the government of the Australian Capital Territory passed a new law, the *Marriage Equality (Same Sex) Act 2013* (ACT), which allowed for same-sex marriage in the ACT. After it was proclaimed, a challenge was raised in the High Court in December 2013 in the case of *Commonwealth v. Australian Capital Territory* [2013] HCA 55.

The High Court was asked to decide whether section 51 (xxi) and section 51 (xxii), which relate to marriage and divorce, allowed the ACT government to pass a law that was contrary to the federal law identifying marriage as a union between a man and a woman. On 12 December 2013 the High

Court ruled that the ACT law legalising same-sex marriage was inconsistent with the federal law passed under section 51(xxi) of the Constitution. Hence the ACT law was deemed to be invalid and has since been repealed. The High Court was able to resolve a conflict between two laws on the same topic and has therefore provided for a consistent law in this area.



FIGURE 4

For a five-day period in 2013, same-sex couples were married in ceremonies in the ACT.

Influencing state governments

The High Court not only resolves disputes over Commonwealth and state laws; it is also asked to review decisions made in state courts. As part of its jurisdiction the High Court has the ability to hear appeals from the Supreme Courts of each state and territory, and to comment on legislation passed by the states. In making its judgements the court, and the justices sitting on a particular case, will offer comments on the validity and suitability of the laws in question. The state parliaments often act on these comments.

The case of *Trigwell v. State Government Insurance Commission* (1979) is an example of such a case. A woman was driving along a road at night when she swerved to avoid a sheep that had strayed onto the road. In doing so, she crossed onto the other side of the road and hit an oncoming car. The woman was killed and the people in the other vehicle were injured. The injured parties sued the farmer for negligence, stating that the farmer was at fault for not maintaining the fence through which the sheep escaped. The High Court was unable to find the farmer liable as the court was bound by a decision made in the House of Lords in England which still applied to Australian courts. In making their decision, the justices noted that the parliaments of the various states had known of this **precedent** for some time but had not acted. Following this decision, many state governments (including Victoria) passed legislation to amend the Wrongs Act so this decision could not occur again. Farmers would henceforth be liable for their animals.



FIGURE 5

Animals straying onto a road can cause a hazard for other road users – sometimes leading to accidents, as occurred in the Trigwell case.

ACTIVITIES

REMEMBER

1. Which sections of the Constitution establish the High Court of Australia and its jurisdiction?
2. How many justices sit on the High Court at any one time?
3. At what age do High Court justices retire?

EXPLAIN

4. Use the **Constitution of Australia** weblink in your Resources section to help you answer the following questions:
 - a. Using examples, explain what is meant by concurrent powers.
 - b. Select two of the areas of concurrent powers listed in section 51 and explain how both a state parliament and the Commonwealth Parliament could make laws in those areas that do not conflict.

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DISCOVER

5. Use the **High Court justices** weblink in your Resources section to help you complete the following:
 - a. Write a summary of the life and career of the current (or a former) Chief Justice of the High Court.
 - b. Write a summary of the life and career of one of the current justices of the High Court.



3.2 Interpreting the Constitution

The Commonwealth of Australia Constitution was passed by the British Parliament in 1900 after ten years of negotiations and drafting by the premiers of the six colonies and a number of constitutional conventions. This process served to develop a constitution that served the interests of all the states and the citizens of Australia at that time. It also aimed to provide a framework for governing that would serve Australia into the future by including in the Constitution provisions to take future changes in society into account. Of course, the framers could not envisage all possible future changes. By establishing the High Court, they provided a means for interpreting the Constitution that allows the document to take into account future circumstances, thereby bringing the law-making powers into the twenty-first century and beyond.

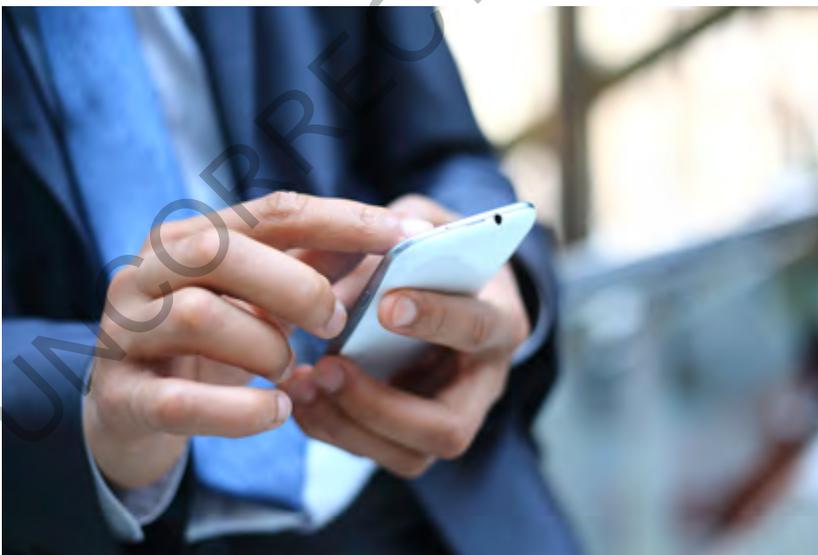


FIGURE 1

When the Constitution was drafted in the late 1890s, it could not anticipate the vast changes in society brought about by technology.

The power to interpret the Constitution

The High Court obtains its jurisdiction from sections 75 and 76 of the Constitution (see figure 2). Effectively it has the power to hear and determine 'all matters' that are listed below, such as matters arising under any treaty and matters in which the Commonwealth is a party. Since its first case in 1903, the High Court has played a significant role in interpreting the words and phrases of the Constitution to determine whether a law or a decision is valid.

Section 75 of the Constitution gives the High Court jurisdiction to hear cases

In all matters:

- i. arising under any treaty
- ii. affecting consuls or other representatives of other countries
- iii. in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party
- iv. between states, or between residents of different states, or between a state and a resident of another state
- v. in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth the High Court shall have original jurisdiction.

Section 76 of the Constitution further elaborates on the High Court's powers

The parliament may make laws conferring original jurisdiction on the High Court in any matter:

- i. arising under this Constitution, or involving its interpretation
- ii. arising under any laws made by the parliament
- iii. of admiralty and maritime jurisdiction
- iv. relating to the same subject matter claimed under the laws of different states.

FIGURE 2 Sections 75 and 76 of the Constitution give the High Court its jurisdiction to hear cases and interpret the Constitution.

The Constitution contains clear rules about the law-making powers of both the state and Commonwealth parliaments. However, as already noted, there are still occasions when conflicts over law-making power arise between the Commonwealth and the state parliaments. What is yet to be discussed is the power of individuals to challenge whether or not a particular law made by the Commonwealth is constitutional.

When called upon to interpret the Constitution, the High Court is actually making a law — the decision made will be followed by other courts and parliaments in all future cases and legislation. This is an important function of the High Court because it provides for consistency and certainty in laws across Australia.

A case study in interpretation

Section 51(v) of the Constitution gives the Commonwealth the power to make laws with respect to 'postal, telegraphic, telephonic, and other like services'. At the time the Constitution was written, this section related to controlling telegraph services, telephones (still in their infancy) and the issuing of stamps for letters and packages. The 1880s saw the development of the telegraph and the telephone, and so it was foreseen that technology would continue to evolve and other means of communication might develop. It is possible that this thought encouraged the framers of the Constitution to include the phrase 'other like services' in this section, indicating that they knew some form of technology would develop but were not sure what that might be. The meaning of this phrase has been tested a number of times, with the most commonly sourced case being *R v. Brislan* (1935).



FIGURE 3

When wireless sets (radios) were introduced, it was necessary for people to have a licence to own and use one.

R v. Brislan

In 1905 the Commonwealth Parliament passed the *Wireless Telegraphy Act* (1905). This Act allowed the government, through the Postmaster-General, to issue licences to those who transmitted or listened to wireless broadcasts. It also allowed the government to collect fees from those who were issued with licences.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Wireless Telegraphy Act 1905*.
2. In this Act,—

“Australia” includes the territorial waters of the Commonwealth and any territory of the Commonwealth;

“Wireless telegraphy” includes all systems of transmitting and receiving telegraphic messages by means of electricity without a continuous metallic connexion between the transmitter and the receiver.
3. This Act shall not apply to ships belonging to the King's Navy.
4. The Postmaster-General shall have the exclusive privilege of establishing, erecting, maintaining, and using stations and appliances for the purpose of—
 - a. transmitting messages by wireless telegraphy within Australia, and receiving messages so transmitted, and
 - b. transmitting messages by wireless telegraphy from Australia to any place or ship outside Australia, and
 - c. receiving in Australia messages transmitted by wireless telegraphy from any place or ship outside Australia.
5. Licences to establish, erect, maintain, or use stations and appliances for the purpose of transmitting or receiving messages by means of wireless telegraphy may be granted by the Postmaster-General for such terms and on such conditions and on payment of such fees as are prescribed.

FIGURE 4

Section 5 of the Wireless Telegraphy Act allowed the Postmaster-General to collect licence fees from those who listened to a wireless.

In 1934 Dulcie Williams purchased and had installed an electric wireless receiving set. A week after installation she was visited by officers of the Postmaster-General's department and fined £1 for failure to have a licence. Williams challenged the law on the basis that the Commonwealth did not have the power under the Constitution to impose the requirement of the licence. She argued that the term 'other like services' did not cover wireless sets and licences to use such sets. The High Court decided that section 51(v) included the power to regulate radio broadcasting and so the 1905 legislation was valid law. In a majority decision, the justices found radio to be an item covered by section 51(v) and that the phrase 'other like services' should encompass developments in technology not anticipated at federation and therefore not explicitly listed in the Constitution.

Television, fax machines and the internet all developed after the *Brislan* case was heard, and at times the High Court has had to expand upon the judgement in *R v. Brislan* to determine whether these items are covered by the Constitution. The result of the judgement in the *Brislan* case is that these words in the Constitution have been interpreted and a meaning has been given to them.

A question of rights

The Constitution not only provides for our system of government and the division of law-making powers between the states and the Commonwealth; it also provides citizens of Australia with certain **rights**. These rights are referred to as express rights because they can be clearly identified in the words of the Constitution. Through its ability to interpret the Constitution, the High Court, as the guardian of the Constitution, therefore protects our rights as well. If a person or a group feels that an act of a government infringes upon their rights, they may ask the High Court to declare the action unconstitutional or the law *ultra vires*.

The High Court may also determine that other rights exist within the words of the Constitution even though those words do not expressly provide that right. The High Court can still **infer** that a right exists and that the words imply that right. There are a number of cases that involve the determination of implied rights by the High Court. All but one of these cases revolve around the implied right to freedom of political communication.

Theophanous v. Herald and Weekly Times (1994)

Dr Andrew Theophanous was a member of the Australian Labor Party (ALP) who had been elected to the House of Representatives in 1980. In 1992, while he was still a member of parliament, the *Sunday Herald Sun* published a letter written by Bruce Ruxton, the then-president of the Victorian branch of the Returned and Services League (RSL). This letter raised some concerns about the qualities of Dr Theophanous as a politician. Theophanous sued Ruxton and the Herald and Weekly Times (publishers of the *Sunday Herald Sun*) for **defamation**.

In resolving this dispute the High Court was required to look at the words of the Constitution, in particular sections 7 and 24, to determine if they allowed for freedom of political speech. The sections themselves state that members of the Senate (section 7) and the House of Representatives (section 24) are to be chosen by the people. The High Court was asked to examine if the requirement of being elected by the people gave the people the right to comment on political matters. The High Court ruled that the Constitution did protect freedom of political speech. Therefore the fact that Ruxton was expressing a view about a political matter provided him with a defence so that he could not be sued for defamation.

ACTIVITIES

REMEMBER

1. What sections of the Constitution give the High Court the power to interpret the Constitution?
2. What impact does an interpretation of the Constitution have?
3. What is meant by an implied right?

EXPLAIN

4. Use the **Constitution of Australia** weblink in your Resources section to help you answer the following questions:
 - a. Look at section 51(vi) of the Constitution. Explain any term in this section that might require an interpretation to bring the term into modern usage.
 - b. Look at section 51(xiii) of the Constitution. Explain any term in this section that might require an interpretation to bring the term into modern usage.
 - c. Identify another subsection of section 51 of the Constitution that might be open to interpretation. Explain why you think this may be the case.



THINK

5. Do you believe that a document as important as the Constitution should include vague terms such as 'other like services'? Justify your answer.

3.3 Applying international treaties

As noted in section 3.2, the High Court of Australia is empowered to make decisions in relation to any disputes relating to an international [treaty](#). Australia is a signatory to many international treaties, and the Australian parliament may be required to pass laws that support or confirm the application of a treaty within Australia. Treaties are signed for a number of reasons:

- A peace treaty is signed to formally end a conflict or war. In 1919, six months after the end of World War I, the Treaty of Versailles was signed setting out the provisions for peace.
- Trade agreements are signed between two or more countries that agree to trade certain goods on certain conditions. It is common for these trade agreements to be 'free-trade agreements'; that is, to have no taxes or conditions imposed on them.
- International conventions are agreements drafted by the United Nations or other world bodies and signed (or ratified) by a majority of the countries of the world. The Universal Declaration of Human Rights (discussed in chapter 2) is an example.



FIGURE 1 International courts are convened as a result of international treaties; (a) International Criminal Court, The Hague; (b) and (c) the Nuremberg war crime trials following World War II.

The signing of international treaties can lead to international disputes that require international courts to resolve them. International treaties can also lead to internal or domestic disputes, and the High Court will be asked to resolve these disputes.

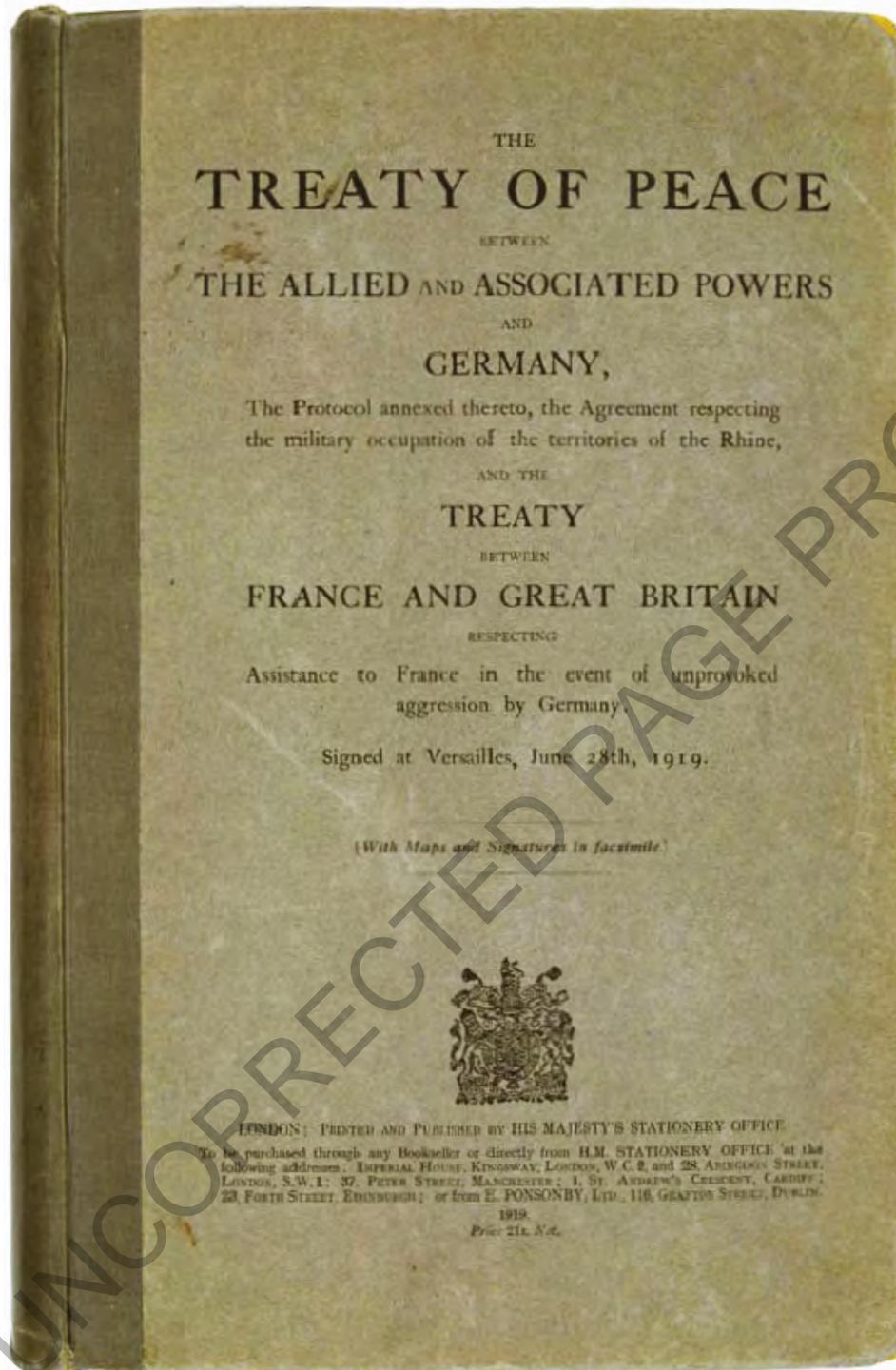


FIGURE 2

The Treaty of Versailles. Treaties are signed between countries to formalise agreements.

The Universal Declaration of Human Rights

Following the end of World War II and the creation of the United Nations (UN) in 1945, the UN General Assembly adopted the Universal Declaration of Human Rights in 1948. Australia was one of the 48 countries to **ratify** the Declaration out of the 58 countries that made up the United Nations. Since then, nearly every country in the world has signed this document. The Declaration lists 30 rights that are afforded to all citizens of the world. These rights attempt to provide a structure and protection for the citizens of the world no matter where they live, where they travel, or what race, sex or religion they are. Despite the adoption of these rights by most countries, disputes still arise from perceived breaches of the Declaration or as a result of attempts to enforce the terms of the Declaration within a domestic environment.

In this regard Australia is no different. The High Court has been asked to rule on the application of the Declaration to events in this country that are believed to have infringed on the rights of a citizen or a group of citizens.

Koowarta v. Bjelke-Petersen & Ors (1982)

In 1974 John Koowarta, an Indigenous Australian who lived in Queensland, collaborated with a group of Indigenous persons with a view to purchasing an extensive tract of land being used as a cattle station. The owner of the station agreed to the sale and had contracts drawn up. As Koowarta was using funds from the Aboriginal Land Fund Commission, the intended purchase was brought to the attention of the Queensland government. Before the sale could be completed, it was blocked by the state government.



FIGURE 3 Indigenous Australians have had to protest to gain land rights.

Joh Bjelke-Petersen, the premier of Queensland at the time, did not approve of the sale. He did not believe that Aboriginal people should be able to acquire large areas of land, a view that was reflected in official Cabinet policy. Accordingly, he directed the Queensland minister of lands not to approve the sale. Koowarta initially made a complaint to the Human Rights and Equal Opportunity Commission on the basis that blocking the sale was discriminatory. (The Human Rights and Equal

Opportunity Commission was established under the Commonwealth *Racial Discrimination Act 1975* as a result of Australia ratifying the Universal Declaration of Human Rights in 1948 and then signing the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 13 October 1966.)

The commission upheld Koowarta's complaint, but the Queensland government appealed to the Supreme Court of Queensland. The argument put forward by Bjelke-Petersen, and the issue before the High Court, was that the Racial Discrimination Act was invalid because the Commonwealth did not have the power to pass such a law as it was not a concurrent or specific power — the Commonwealth had interfered in a state matter. He also argued that the constitutional provisions regarding external affairs did not apply because the Racial Discrimination Act only applied to Australians and so was not 'external' in nature. The Commonwealth Government and Koowarta argued that the external affairs provisions of section 51(xxix) meant the Commonwealth could pass laws that would give effect to Australia's international obligations as a signatory to the CERD.

The High Court agreed with Koowarta and the decision to block the land sale was deemed discriminatory. In 1988 the Queensland Supreme Court was allowed to rule on the original case and it allowed the sale to go ahead. The High Court had upheld an international treaty and its domestic application.

ACTIVITIES

REMEMBER

1. What is meant by a treaty?
2. Give two reasons why a treaty could be signed.

EXPLAIN

3. Why do you think the High Court should be allowed to resolve disputes involving international treaties?

THINK

4. Why do you think not all countries in the world would sign the Universal Declaration of Human Rights?
5. What other areas do you think might be covered by the external affairs provisions of section 51(xxix) of the Constitution?

SkillBuilder: You be the judge

Tell me

The High Court of Australia is the most senior court in our legal system, and it deals with the most serious domestic and international cases. Those appointed to sit on the High Court bench are therefore our most senior and experienced barristers and solicitors.

The cases brought before the High Court often have political ramifications. When Tony Abbott was elected prime minister in 2013, border protection and stopping the influx of asylum seekers via boats were key components of his election strategy. In June and July 2014, the commitment of Tony Abbott and his government to the protection of our borders through the policy of 'turning back the boats' was tested in the High Court.



Weblink

Asylum seekers video

Follow this weblink to watch an ABC News report on asylum seekers.



Weblink

High Court and asylum seekers

Follow this weblink to read an article about how the High Court has dealt with the asylum seeker issue.

Let me do it

Allocate roles

As a class, you need to allocate roles and responsibilities to class members. To deliberate in this case, you will need students to assume the following roles:

- 7 High Court justices
- 7 judge's associates — these people assist the justices with legal research
- 2 barristers to present the case for the asylum seekers and 1 solicitor to support them
- 2 barristers to present the case for the Australian government and 1 solicitor to support them
- any student not allocated a specific role can act as an assistant or junior lawyer for the barristers.

Prepare and argue the case

- Each of the two parties to the dispute (the asylum seeker team and the government team) must prepare a case to present to the High Court in relation to the plight of the asylum seekers referred to in the article and video.
- Working in pairs, the justices with their associates must familiarise themselves with the relevant laws so they can adjudicate on each team's case.
- Draw on your knowledge of the High Court, the Constitution and other legislation, as well as the information contained in this chapter and previous chapters. Refer to the relevant sections of the Constitution, Australian legislation and the Universal Declaration of Human Rights to provide information that will assist in the presentation or adjudication of the case.
- Finally, each team is to argue its case before the justices.

Reach a verdict

- Those students appointed justices are to work independently of each other.
- Each justice is to write and deliver his or her verdict on the case after the evidence has been presented by both parties to the dispute.

Review and reflect

Review

Wherever a large group of people live together, it is inevitable that disputes between people will arise. It is also true that wherever a large group of people live together, laws will be created to set a standard of behaviour and to protect those people. It is the role of the government to establish a system of dispute-resolution bodies to deal with conflict. In Australia the High Court is the superior court, charged with resolving the most serious disputes that arise. The High Court has been given the jurisdiction to allow it to:

- hear appeals from decisions in cases heard in state and territory Supreme Courts
- settle disputes between the states
- interpret the Constitution to determine law-making power
- interpret the Constitution to infer rights for the citizens
- resolve disputes arising from international treaties.

In doing so, the High Court guards our Constitution and our rights, and provides a check and balance on the laws made by government.


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Interactivity
True/false
Searchlight ID: INT-5525


Interactivity
Crossword
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Reflect

Work in pairs and select one of the cases below; they all relate to a High Court case.

- A. *C.A.L. No 14 Pty Limited t/as Tandara Motor Inn & Anor v. Motor Accidents Insurance Board* [2009] HCA 47
- B. *New South Wales & Ors v. Commonwealth* [2006] HCA 52
- C. *Amalgamated Society of Engineers v. Adelaide Steamship Co. Ltd* (the Engineers Case) HCA 30
- D. *South Australia v. The Commonwealth* (the First Uniform Tax Case) [1942] HCA 14
- E. *The Commonwealth of Australia v. State of Tasmania* [1983] HCA 21
- F. *State of Victoria v. The Commonwealth* (the Roads Case) [1926] HCA 48
- G. *Roach v. Electoral Commissioner* [2007] HCA 43
- H. *Australian Capital Television Pty Ltd v. Commonwealth of Australia* (1992) (the Political Advertising Case) 177 CLR 106
- I. *David Russell Lange v. Australian Broadcasting Corporation* (1997) 189 CLR 520
- J. *Mabo and Others v. Queensland (No. 2)* [1992] HCA 23
- K. *The Wik Peoples v. State of Queensland & Ors* [1996] 187 CLR 1

Research your chosen case, then prepare a report that includes the following:

1. a brief summary of the facts of the case — one student is to present one side of the case and the second student is to present the case for the other party to the dispute
2. an explanation of the area of the High Court's jurisdiction that led to the High Court hearing the selected case
3. a brief outline of the decision in the case and any residual effects of this decision on the Australian parliamentary system.