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LIBERALISM IN AUSTRALIA

LIB. IMPACT ON FEDERATION	EXAMPLES
<p>Australian settlement → Australian political ideology became institutionalised with the federation of British colonies that formed the Commonwealth of Australia 5 key features of Australian Settlement (Paul Kelly) Industry protection Wage arbitration State paternalism Imperial benevolence White Australia</p> <p>Industry protection protectionism was essential part of settlement – 1901 states joined and created internal free trade, adopted a common external tariff → VIC favoured protectionism, noticed international goods were cheaper (NSW favoured market liberty) → Transport between colonies (trains couldn't travel cross-country)</p> <p>Wage arbitration 'fair go' institutionalised conciliation between labour and employees (dignified jobs, paying decently) → sought to resolve industrial conflict, providing reasonable wages & conditions, whilst minimizing damage caused by unions → recently affected (see e.g.)</p> <p>State paternalism individual happiness best achieved through state intervention → characterised by state intervention in economy, subduing effects of market mechanism on the entrepreneur</p> <p>Imperial Benevolence the idea that Australian prosperity and security was underwritten by the Empire → Security & economic prosperity guaranteed through protection and trade of Empire</p> <p>White Australia policies to make sure Australia was populated by 'British-like people' in order to avoid different qualities of non-British cultures</p>	<p>protection vs. free trade Car industry: functioned w/out Gov. intervention up until 1985 plan to reduce quotas & tariffs → Gillard assistance revived debate criticism that continuing Gov. subsidies to manufacturers was 'bad economics' & actually impeded competitiveness typically, VIC protectionist (QLD too), NSW market liberty → Around Federation, Aus. Did enjoy strong growth (would've been stronger with laissez-faire approach)</p> <p>Work Choices vs. Fair Work → Liberal Howard Gov. disagreed with system of awards & state managed minimum wages – Work Choices policy (traditional elements of old system remained, but greatly diminished in scope & significance) → Howard limited union power in wage negotiation, took away worker's rights to holidays & overtime → a 'refinement' of old arbitration → implemented gov. objective of moving toward single, national system of regulation Labour Fair Work → award simplification → reinstated rights lost (entitlements – sick leave, holidays) → didn't reinstate as far as Kelly's Arbitration</p> <p>Welfare state paternalism = social policies, aiming to provide a better life for all decrease in paternalistic policy Successive governments cut tariffs (industry protection) and infringed on worker's rights (wage arbitration), destroying paternal instincts of Settlement → deregulation of government agencies increase 'Nanny State' → plain package cigarettes, banning junk food ads, lockout laws constitutional amendment (1967) – enables special laws in respect of Aus. Indigenous people → institutions developed to provide political representation (sorry day, reconciliation)</p> <p>Imperial Benevolence became irrelevant in after 1942 → the fall of Singapore → Australia wouldn't count on Empire for security</p> <p>Immigration Restriction White Australia policy was dismantled by Holt → contemporary implications still remain remnants of the ideology remain in conservative immigration policies and politicians reasoning for them → cultural differences (pretty self-explanatory)</p>

SEPERATION OF POWERS	EXAMPLES	PROS & CONS	INSTITUTIONS
<p>Australian constitution considers a formal separation of powers within the government to be essential to freedom</p> <p>federalism → division of powers between national governments and states divides institutions of government into three branches: legislative (makes the laws), executive (puts laws into operation) & judicial (interprets the laws)</p> <p>describes the way in which the law gives power to the arms of government in Australia ensures government remains fair and accountable by creating checks and balances on the use of power</p> <p>it is essential under the rule of law that the use of power is lawful and can be challenged</p> <p>— Australian Gov. doesn't strictly comply with separation of powers doctrine → the legislature and executive are not completely separated → ministers are members of both the executive and the legislature (responsible government sees that executive is responsible to the legislature) → legislature may confer power and delegate legislation to the executive government common for Parliament to delegate the power to make laws to the executive – not only to government ministers, but also government agencies such as ATO & Australian Securities and investments commission (ASIC)</p> <p>essential element of doctrine is that judiciary be completely separate from the executive and the legislature law makers shouldn't be law enforcers</p> <p>separation of powers doctrine is asymmetrical – the legislative and executive arms of Gov. have become quite compromised</p> <p>— division of powers → refers to the separation or allocation of law making powers to Commonwealth and the States determined at the time of federation</p>	<p>Boilermakers Case (1956), High Court ruled industrial relations bodies that made awards and orders could not exercise any enforcement power ^ precedence</p> <p>Fair Work Australia (Rudd Gov.) most basic legal problem is it breaches separation between law makers and law enforces → new body could enforce compliance and impose penalties However, only courts can interpret and enforce the law or impose penalties for breaches Rudd said 'superagency' would enforce and make the wage obligations</p> <p>Proposed Anti-Terror Laws (Turnbull) argument over whether breaches separation proposed law to allow terrorism suspects to be held without charge for 14 days → Turnbull considers constitutional because a judge will have to approve extended detention</p>	<p>CONS complicates policy process can result in a stalemate could also be incompatible with true democracy → force the majority to give in to minority interests</p> <p>— PROS no one body holds too much power → decentralisation prevents prejudiced government accountability can slow down the actions of any branch (good example → Trumps travel ban – many disproved of the policy)</p>	<p>1) The role of the High Court as the ultimate independent and impartial arbiter of judicial review. 2) The accountability of Government Departments, agencies and statutory bodies to the Parliament.</p> <p>3) Fundamental characteristics of laws in terms of the way in which they delegate power, and do not include arbitrary, overly discretionary or retrospective provisions.</p>