

The University of Queensland

LAWS1703: Principles of Public Law

Summary Revision Notes

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Week 1: Introduction – The Idea of Public Law

What is Public Law:

- Public law regards the government of the state; private law, the interest of individuals
 - Justinian, *Institutes* (535)
- Public Law focuses on constitutional law and administrative law, however criminal law, tax law, corporations law, and labour law should not be classed as purely ‘private’

Principles Structure of Constitution:

‘Whereas the people’ of the six colonies, now States ‘have agreed to unite in one indissoluble Federal Commonwealth under the Crown ... and under the Constitution’
Preamble of the Commonwealth of Australia Constitution Act 1900 (Imperial)

Chapter 1: The Parliament	Commonwealth Legislative power
Chapter 2: The Executive Government	Commonwealth Executive Power
Chapter 3: The Judicature	Commonwealth Judicial Power
Chapter 8: Altercation of the Constitution	Referendums

Constitutionalism:

- Written Constitution:
 - A constitution is a general law for the government of a political community, unamendable and unrepealable, except in the manner ... prescribed by the authority which created it
 - Deals with the sovereign power of Government and the various forms, organs, and agencies through which that power is brought into action and their relations, interdependence, and co-operation [in the] work of government
 - Quick and Garran, *The Annotated Constitution of the Australian Commonwealth* (1901) [18]
- Unwritten Constitution (e.g. United Kingdom, New Zealand and Australian States):
 - No single written ‘Constitution’
 - Various basic documents and acts
 - Can evolve easily, usually without referendums