

# Interaction Between Power

- s 51(i) is affected by s 92, interstate trade and commerce thus needs to be absolutely free: ANA Case.
- s 51(ii)
  - Laws made under s 51(ii) cannot deal with other matter: s 55
  - State taxation law cannot impose exercise and customs duties: s 90.
- s 51(vi) is subject to this Constitution, for example s 92 (Gratwick), s 51(xxxi) (Dalziel).
- s 96
  - Not subject to s 99 (Federal Roads Case); s 51(ii) and s 51(iii) (Moran)
  - But subject to s 116 (DOGS); s 51(xxxi) (ICM v Cth)
- s 51(xxxi)
  - s 51(xxxi) does not apply to s 51(ii) (taxation power) (Ninendo); s 51(xvii) (bankruptcy law) and social security law (Schmidt); s 51(xviii) (Copy rights).

# Trade and Commerce (9)

- **Sufficient connection test.**
- Meaning of Trade & Commerce
  - Can regulate activities Including all mutual communings, the negotiations, the bargain, the transport and the delivery of the sale of goods and services: [W&A McArthur](#).
  - Can regulate intangible goods and service: [Bank Nationalisation Case](#)
- Limitations
  - With other countries or among the States, **not within the States**: [W&A McArthur](#).
  - **Need to be harmonised with s 92**: [ANA Case](#).
- Incidental Powers
  - To protect against danger of physical interference with the interstate and international trade: [Second Airline Case](#).
  - Extend to all matters which may beneficially or adversely affect the export trade of Australia, including **packing, get-up, description, labelling, handling**: O'Sullivan.
  - But **commercial consideration**, like efficiency, competitive and profitability is not permitted: [AG\(WA\) v ANA](#).