

## Preface

The 150 years of responsible government enjoyed by the Australian States have certainly not been marked by constitutional torpor. On the contrary, they have been filled with all the drama and pressing of constitutional boundaries one would expect from a young and robust nation seeking to adapt notions of law and government, evolved over centuries in England, to a new, more egalitarian society in an expansive, but underdeveloped, continent on the other side of the world. Nevertheless, the ultimate commitment of Australians to moderation and the rule of law ensured that, although occasionally stretched, the boundaries of legality were never broken.

One of the books which commemorated the centenary of the High Court of Australia in 2003 was *Australian Constitutional Landmarks*, edited by HP Lee and me. That book demonstrated that leading judicial decisions and other constitutional controversies could be made intelligible to an audience beyond the narrow circle of constitutional lawyers if they were explained in their political and social context. This book has a similar objective, which seems a very appropriate way to celebrate those 150 years of responsible government. The cause for celebration is not the mere effluxion of time, but the notable achievement of Australians in containing the passions and drama of political dispute within essentially stable democratic government governed by the rule of law. Despite fears engendered in New South Wales in the early 1930s, not once was there resort to violence; the rule of law always ultimately prevailed, and the judgments of courts were always complied with. That alone is surely worth celebrating.

Opinions will, inevitably, differ on which “landmarks” should be included in a work such as this. *Attorney-General (WA) v Marquet* (2003) 217 CLR 545 has a strong claim to inclusion, but was omitted because it was decided after the content of the book had been settled and space constraints excluded further additions. However, the omission is diminished by substantial reference to the case in several chapters.

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