

Australian Constitutional Convention 1973-1985:  
A Guide to the Archives

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Centre for Comparative Constitutional Studies  
The University of Melbourne  
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## ACKNOWLEDGMENTS

This project has been the result of the hard work of many colleagues over a number of years.

Jenni Davidson, Manager Records Services, The University of Melbourne acted as honorary consultant to the project and was a source of excellent and friendly advice on all aspects of the project.

Others working directly with the collection were Shane Kyriakou, who completed the initial listing of the materials while an undergraduate student in the Law School, and Lesley Williams, Records Officer at The University of Melbourne, who assisted with the labelling and boxing of the files. Rosie Freemantle of The University of Melbourne's Ian Potter Conservation Centre gave valuable advice and assistance on conservation matters.

The staff of Australian Archives, Gillian Braybrook in particular, were very helpful on issues of cross-referencing of this collection with that of the Australian Archives.

Of those associated directly with the Convention, Don Blackwood, who was an Assistant to John Finemore during the life of the Convention, assisted in the early stages of the project, and Cheryl Saunders, in her capacity as Director of the Centre for Comparative Constitutional Studies, was unwaveringly committed to the project and showed unbounded enthusiasm. John Finemore, of course, was integral to the project and was always generous with his time and memories; his loss in early 1996 was deeply felt.

The project would not have got off the ground without the generous financial support of The University of Melbourne, through its then Vice-Chancellor, David Penington AC. It was able to be finally completed as a result of a grant made possible through the generosity of the Victoria Law Foundation. To both contributors, the project team is most grateful.

Finally, the sheer volume of material in the collection seemed often to be in inverse proportion to the financial resources which could be given to the project. This meant that devotion to the project had often to be its own reward. Heather McRae, the project's archivist, gave enormous amounts of time and care to the project and was responsible for the listing, organising and boxing of the material, as well as for the text of the guide. The quality of all her archival work is superb, and the guide is a great credit to her.

Anne Mullins

Project Manager, Centre for Comparative Constitutional Studies

## INTRODUCTION TO THE COLLECTION

This collection provides researchers with records of the activities and achievements of the Australian Constitutional Convention (ACC) 1973-85, and the Australian Constitutional Convention Council which carried the Convention's work into the early 1990s. The collection also includes files dating from 1972 to 1973 recording preparations for the first Convention, and historical documents from the nineteenth century onwards relevant to the Australian Constitution and its review.

The Convention met six times between 1973 and 1985. These plenary sessions were attended by delegates from Commonwealth, State and Territory Parliaments, local government representatives, and observers from the general public. Between these meetings, an energetic Chief Executive Officer, Secretariat, and various committees and consultants continued the research and deliberations of the Convention, and planned the next plenary session. Some of the State, Territory and Commonwealth delegations held separate meetings and circulated their own briefing notes as a Convention approached. The work and achievements of the Convention, and the context in which it operated, are set out further in the Historical Overview (pp. ).

Records accumulated by the Convention Secretariat form the bulk of this collection. Over 500 files house records such as correspondence, submissions, minutes, working papers and reports. There are also bound volumes, audiotapes, videocassettes, photographs and other items. The collection includes records of attendance, debates and decisions at the plenary sessions, such as signed rolls of delegates and printed proceedings; and records of meetings of committees during the intervening months and years. Many of the files in the collection were compiled by Chief Executive Officer John Finemore, one of his assistants, or one of the research officers connected with the Secretariat. As the Secretariat was located in Melbourne, records of associated people such as secretaries to the Victorian Delegation have found their way into the collection, as has a set of files originally belonging to Victoria's A.R.B. McDonnell (Clerk of the Parliaments and Clerk of the Legislative Council) who became one of the clerks to the Convention.

Although this collection is very extensive, it does not include all relevant records. Some related records are held at the Australian Archives (see pp. ). Researchers might also wish to consult State and Territory archives offices regarding any other records connected with the work of the ACC and delegations, and/or the Australian Constitutional Convention Council.

The custodian of this collection is the Centre for Comparative Constitutional Studies (CCCS), at The University of Melbourne, and the collection is housed in the John Finemore Room at the Centre.

John Finemore's hand is evident throughout this collection. As Chief Executive Officer, he became the Convention's main spokesperson and point of contact. He corresponded with committee members, delegates and members of the public, oversaw the compilation of reference material and encouraged research. The richness of the ACC collection, and its survival, is largely attributable to John Finemore.

Heather McRae  
Archivist

## HISTORICAL OVERVIEW

The Australian Constitutional Convention (ACC) comprised delegations of Members of Parliament from the Commonwealth and all States, and the two mainland Territories. It also included representatives of local government. The parliamentary delegations were appointed by resolutions of their respective Parliaments. In order to reflect the range of opinion in each Parliament as fully as possible, most delegations for most plenary sessions comprised equal numbers of government and non-government Members and representatives of both Houses, where the Parliament was bicameral. The Convention committees, including the Executive Committee, were a microcosm of the plenary sessions, with members representing both sides of politics in each participating jurisdiction.

In origin the ACC was a Victorian initiative, which attracted bipartisan support. The idea for a Convention was first suggested by a Labor Member, the Hon. J.W. Galbally, MLC in 1969. It was taken up again in the following year by the Hon. R.J. Hamer, MLC, soon to become Victorian Premier. By 1972, the Commonwealth and all States had agreed to participate. During its active phase, the Convention met in plenary session six times, in 1973, 1975, 1976, 1978, 1983 and 1985. Standing committees or sub-committees carried on the work in the intervals between plenary sessions.

These were some of the most heady times in Australian politics and the formal records of the ACC should be considered against that background. The Convention met for the first time in plenary session in 1973 in Sydney, in the first year of the Whitlam Labor Government. A planned 1974 session was cancelled four days before it was scheduled to meet because of political manoeuvrings in the Commonwealth Parliament. The 1975 session was held in Melbourne just before battle was joined in the Commonwealth Parliament over the passage of the supply Bills which ultimately led to the dismissal of the Whitlam Government; only a small number of non-Labor delegates attended.

The Hobart Convention of 1976, by contrast, had its full complement of delegates and delegations including the two principal antagonists of the previous year Malcolm Fraser, now Prime Minister and Gough Whitlam, now Leader of the Opposition. The Adelaide session in 1983 was held in the first year of the Hawke Government and at the height of controversy between the Commonwealth and the States over the use of the external affairs power to block the building of the Franklin River Dam.

By the time of the Brisbane session in 1985, the Federal Government was planning a new process of constitutional review which ultimately became the Constitutional Commission. Divisions within the ACC over the establishment of the Commission ultimately led to the withdrawal of the Commonwealth and two States from the ACC and created opposition to the Commission from the other States and the non-Labor side of politics, simultaneously weakening both bodies.

Twelve proposals were put to referendum between 1973 and 1985, only four of which had ACC endorsement on even the most generous interpretation. All those without ACC endorsement were lost and one with long-standing ACC support also fell victim to the party

politics of the time: Constitution Alteration (Interchange of Powers) 1984. In 1988, four further proposals were put to referendum, following the Interim Report of the Constitutional Commission. These four were rejected as well, by historically large majorities.

The ACC agenda ranged over the entire Constitution and was responsible for a wide array of papers, opinions and records of political deliberations on current constitutional issues. And while for a time it was fashionable to decry the achievements of the ACC, in fact they were significant, in comparison with other efforts at constitutional review before and since. Three of the eight successful referendums to amend the Constitution since federation followed the 1976 Hobart session of the ACC and were directly or indirectly attributable to its proceedings: Senate Casual Vacancies, Retirement of Judges and Referendums, all in 1977.

Other important developments of a constitutional kind, falling short of formal Commonwealth constitutional change but which also were the result of ACC deliberations included the recognition and entrenchment of local government in most State Constitutions, the statutory requirement for consultation with the States over High Court appointments in the *High Court of Australia Act 1979*, an agreed political statement of all but the most contentious conventions associated with the Commonwealth Constitution, the cross-vesting of jurisdiction between Federal, State and Territory Courts, improved consultation between levels of government over Australian decisions to enter into treaty commitments and the device of a partial fixed term for the lower House of the Parliament, presently in use in Victoria and South Australia. In addition, less tangibly, the ACC provided a forum for Members of Parliament from all parts of the country to meet and deliberate on constitutional matters, engendering a greater degree of understanding and tolerance of each other's perspectives than generally had existed in the past.

The ACC had shortcomings as well, however, which impeded its progress and affected assessments both of its achievements and its potential. Its membership, consisting as it did solely of politicians, was a threshold difficulty which two leading delegates, Gareth Evans and Haddon Storey, suggested in 1983 might be overcome by reconstituting the Convention with an elected component.<sup>1</sup> The media was sceptical about the exercise from the outset and the concept of successive meetings of parliamentarians failed to arouse the interest of the public.

Other problems might have been remedied more readily. Chief amongst them was the lack of a clear and agreed view of the status of ACC recommendations and of the course of action that would or should be followed in relation to them, by the Commonwealth Government and Parliament and by delegates themselves. In consequence, relatively few ACC recommendations were introduced into the Commonwealth Parliament as Constitution Alteration Bills for submission to referendum and the reputation of the Convention suffered accordingly. Further, as the failure of the interchange of powers referendum showed, ACC support was not sufficient to guarantee success at referendum, at least when the referendum

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<sup>1</sup>John McMillan, Gareth Evans and Haddon Storey, *Australia's Constitution, Time for Change?* (George Allen and Unwin, 1983), pp. 364-370.



was held in conjunction with a general election and party priorities intervened.

With hindsight, more clearly defined ground rules would have assisted the Convention process considerably, including agreement on the circumstances in which Convention recommendations would be put to referendum, involvement of the Convention executive in decisions about the timing and conduct of the referendums and a degree of self-restraint on the part of the Commonwealth Government and Parliament in putting proposals to popular vote which had received no ACC endorsement or, worse, no ACC consideration at all.

It took two Conventions in the 1890s to achieve federation under the Constitution of the Commonwealth of Australia. The National Australasian Convention met in Sydney in 1891. The Australasian Federal Convention met in Adelaide, Sydney and Melbourne in 1897-98. In 1997 it is possible to discern parallels between these meetings and the process of constitutional review in the Australia of the late 20th century, which may yet prove instructive. Like the ACC, the Convention of 1891 consisted of delegations of parliamentarians, lacked a process to follow through Convention recommendations and failed to fire public imagination. The draft Constitution which it produced lapsed, although the work of the Convention remained influential. Federation in fact was achieved through the second, largely elected Convention, based on enabling legislation which prescribed a procedure to be followed to the point of enactment of the Constitution by the British Parliament but which also included, importantly, a requirement for popular approval first.

As this guide was being completed, a partially elected Constitutional Convention was scheduled to be held in 1998 to consider issues connected with an Australian republic. This Convention could learn from the experience of the Convention of 1897-99 by which the Constitution was framed. But more recent experience is also to hand. The records of the ACC and an understanding of its successes and failures are an important resource on which any other Convention and other reviews of the Australian Constitution will be able to draw.

The Chief Executive Officer of the ACC throughout its entire operations was J.C. Finemore, QC, also Chief Parliamentary Counsel of Victoria until his retirement in 1984. The successes of the ACC, the goodwill and camaraderie within committees, its very survival in difficult times were largely the result of his patience, perception and tenacity. His belief in the benefits of an approach to constitutional review which transcended party political divisions influenced all who had the privilege to work with him and is a legacy for future generations.

Cheryl Saunders  
August 1997

## USING THE COLLECTION

The records in the collection have been organised by a number of people over the years, and have moved with the Secretariat from office to office. Consequently there is some duplication of material and overlap of subject matter, and many of the files contain diverse papers that are difficult to summarise. No single comprehensive filing system appears to have been used by the Secretariat, although certain parts of the collection have clearly been arranged or rearranged in particular ways. These include some of the committee files, personal sets of subject files compiled by individuals, and an extensive sequence of files arranged under the 15 topics discussed at the first Convention. During archiving of the collection, an attempt has been made to retain these sequences or *series* where identifiable. The remainder of the collection has been arranged and listed as logically as possible, but some of the resulting series are inevitably miscellaneous. Researchers are encouraged to range widely rather than assuming that all material relevant to any particular inquiry will be found in one part of the collection.

In the following guide to the Australian Constitutional Convention archives, each series of documents has been allocated a number prefixed by ACC, e.g. ACC 1, ACC 2 ... The description of each series comprises a summary of its contents together with background details such as an indication of the role of the committee or person(s) responsible for the records. Sometimes a series includes documents pre-dating the involvement of a person with the Convention or outside the life of a committee: in such cases, the wider date range is indicated in [square brackets]. *Previous* and *subsequent* series are mentioned in cases where, for example, functions or concerns of one committee were taken over by another. Of course all series in the collection are interrelated, but particular connections are highlighted under *related series*. The series description is followed by a list of the individual files, volumes or other items in the series. Within each series, items have been sequentially numbered from 1 upwards.

On the shelves, the documents have been rehoused in archival quality boxes and folders, and labelled with series and item numbers and titles. Where appropriate, original file titles have been copied from the folders or suspension files in which documents were formerly held. If the title appears in [square brackets] on the file cover, this means that it has been composed by the archivist. Most of the file covers also indicate the date range of the file contents (often approximate).

Those wishing to have access to the collection should contact

Centre for Comparative Constitutional Studies  
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157 Barry Street  
Carlton, Victoria 3053  
Australia

Telephone: 61 3 9344 5152  
Facsimile: 61 3 9344 5584

E-mail: [cccs@law.unimelb.edu.au](mailto:cccs@law.unimelb.edu.au)

to make an appointment to visit the Centre.

Finally, users are reminded that this is an archival collection, containing many original documents. Please help to preserve the collection by treating the material with care and following the Centre's rules regarding its use. You are also asked to show consideration to future researchers by leaving material in the order in which you found it, and by citing series and item numbers in any written work based on the collection.

## RELATED RECORDS AT AUSTRALIAN ARCHIVES

Before the decision was made by the Australian Constitutional Convention Council in 1993-94 to store and archive the ACC collection at the Centre for Comparative Constitutional Studies (CCCS) at The University of Melbourne, some series of records had been transferred to the custody of Australian Archives. These series include duplicates of items available in the collection at the CCCS (and in some libraries) such as published Convention proceedings and committee reports, together with some records which may not be available outside Australian Archives. During archiving of the collection at the CCCS, an additional series (ACC 16) was identified as a series of Commonwealth records controlled by the Attorney-General's Department, and was therefore transferred to Australian Archives (see B6225). Although the bulk of the records created and collected by the Australian Constitutional Convention Secretariat and the Australian Constitutional Convention Council are housed at the CCCS, researchers should be aware that some related series are held at Australian Archives, and that these series are identified by different reference numbers from the ones used in this guide.

Known series of ACC records held at the Australian Archives are listed below, with Australian Archives series numbers, series titles and date ranges. The list also indicates which State office of Australian Archives currently holds each series, and the relevant 'controlling agency'. Australian Archives identifies the controlling agency for these series as the Commonwealth Attorney-General's Department.

Under the *Archives Act* 1983, Commonwealth records become available for public access once they are 30 years old. Researchers seeking earlier access to series of records held at Australian Archives can make requests under the Commonwealth *Freedom of Information Act* 1982 directly to the Attorney-General's Department in Canberra for access to the records controlled by the Department.

Inquiries about procedures for requesting earlier access to the remaining records listed below, or about other matters relating to the holdings of Australian Archives, may be directed to the Australian Archives Victorian Office:

Level 2, 2 Lonsdale Street  
Melbourne, Victoria 3000  
Australia

GPO Box 4325PP  
Melbourne, Victoria 3001  
Australia

Telephone: 61 3 9285 7999  
Facsimile: 61 3 9285 7979

### List of Series at Australian Archives

Controlling Agency: Commonwealth Attorney-General's Department

B6225 Briefing notes for Commonwealth Delegates to the Australian Constitutional Conventions, 1975-1985 (located at Victorian Office)

MP1621/1 Australian Constitutional Convention audio-tapes, Sydney, 1973 (located at NSW Office)

MP1621/2 Australian Constitutional Convention audio-tapes, Melbourne, 1975 (located at NSW Office)

MT2085/1 Papers relating to Steering Committee meetings held prior to the 1973 Sydney Convention, 1972-1973 (located at Victorian Office)

MT2085/2 Organizational Material, Submissions and Reports of the Victorian Delegation to Sydney Convention 1973, 1972-1973 (located at Victorian Office)

MT2085/5 Proofs of Handbooks and Standing Committee Reports, 1973-1974 (located at Victorian Office)

For the records below, inquiries at first instance should be made to the Commonwealth Attorney-General's Department, although at the time of publication, they have not yet formally been acknowledged as coming under the Department's control.

A6361/2 Publications of the Australian Constitutional Convention, 1973-1975 (located at ACT Office)

## LIST OF SERIES

Series No. Title

ACC 1 Steering Committee Files

ACC 2 Executive Committee Files

ACC 3 Standing Committee 'A' Files

ACC 4 Standing Committee 'B' Files

ACC 5 Standing Committee 'C' Files

ACC 6 Standing Committee 'D' Files

ACC 7 Standing Committee Files

ACC 8 Judicature Sub-Committee Files

ACC 9 Structure of Government Sub-Committee Files

ACC 10 External Affairs Sub-Committee Files

ACC 11 Industrial Relations Sub-Committee Files

ACC 12 Fiscal Powers Sub-Committee Files

ACC 13 Constitutional Amendment Sub-Committee Files

ACC 14 Submissions

ACC 15 Plenary Sessions Files

ACC 16 Briefing Notes for Commonwealth Delegates to the Australian Constitutional Conventions (now located at Australian Archives, series B6225)

ACC 17 Rolls of Delegates

ACC 18 Minutes of the ACC

ACC 19 Printed Proceedings, Reports and Papers

ACC 20 Audiotapes of ACC Proceedings

ACC 21 Videotape of Perth Plenary Session

ACC 22 Press Releases

ACC 23 Press Clippings

ACC 24 Newspapers: Bound Volumes

ACC 25 Photographs

ACC 26 Newsletter Files

ACC 27 Agenda Items: Index to Sources

ACC 28 Historical Background Papers

ACC 29 Papers on Agenda Items

ACC 30 Comparative Reference Material: Other Countries

ACC 31 Bodies associated with the Constitution and Intergovernmental Relations:  
Correspondence and Reference Material

ACC 32 Referendum Material

ACC 33 Bibliographies and Reference Material

ACC 34 Research Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 36 Secretariat Correspondence

ACC 37 A.R.B. McDonnell's Files

ACC 38 Cheryl Saunders' Files

ACC 39 Australian Constitutional Convention Council Files

ACC 40 *Whereas the People* Video Files

ACC 41 *Whereas the People* Videos

ACC 42 Printing (Correspondence with Printers etc.)

ACC 43Office Administration Files

ACC 44Constitutional Commission Papers and Reports

ACC 45Stationery

ACC 46Flags

ACC 47Satchels

ACC 48Signs



## SERIES DESCRIPTIONS AND ITEM LISTS

### ACC 1 Steering Committee Files, 1972-1973

8 files

#### Description

This series comprises files relating to Steering Committee meetings and certain associated meetings held prior to the 1973 Constitutional Convention. The files contain agendas, transcripts, summaries and minutes of meetings, press releases, correspondence and other papers.

The earliest of these files relate to two meetings of a Steering Committee of State Attorneys-General, in Melbourne on 25 February 1972 and in Adelaide on 19 April 1972.

In July 1972, the Commonwealth Attorney-General joined the State Attorneys in discussions held at Broadbeach, Gold Coast City concerning the Convention. The Broadbeach Steering Committee meeting was arranged for 12 July, the day preceding a Conference of the Standing Committee of Commonwealth and State Attorneys-General, 13-14 July. The transcript and papers of that Conference form part of this series, though most of the proceedings were not related to the Convention proposals. Discussions on the Convention concluded during the proceedings of the Standing Committee on 14 July.

The Attorneys-General attended the Steering Committee meetings as Ministers representing the Governments of their States and the Commonwealth. The Committee therefore was sometimes referred to as a Steering Committee of Ministers. The Attorneys-General were accompanied by various officers, and Solicitors-General from some States also attended meetings.

Subsequent planning for the first Convention was undertaken by a Steering Committee of Delegates from Commonwealth and State Parliaments, comprising two delegates from each State and four delegates from the Commonwealth Parliament. The delegates were generally representative of government and opposition parties. At the second meeting of the Committee the Minister for Territories was included, increasing the number of Commonwealth delegates to five. Sometimes additional Members of Parliament and officers attended meetings. The Steering Committee of Delegates met for the first time in Adelaide on 5-6 October 1972, then in Sydney on 12-13 April 1973, and for the last time in Hobart on 26 July 1973.

The Steering Committee considered matters such as the time and place of the Convention, the composition of delegations to the Convention, the establishment of a Secretariat and the appointment of a Chief Executive Officer. They received submissions and recommended

topics for discussion at the first Convention. The task of the Steering Committee came to an end with the opening of the Convention in Sydney on 3 September 1973. However, the Steering Committee was soon reconstituted as the Executive Committee.

Most of the material in this series is filed under meeting dates, although a small number of papers within the files are not clearly associated with any particular meeting. The papers appear to have been collected by more than one person. Some bear handwritten annotations and corrections.

The series contains, separately, a report of a meeting of Clerks of State Parliaments in Perth on 19 May 1972 in connection with arrangements for the proposed Constitutional Convention (records of some of the subsequent discussions of Clerks of Parliaments/Table Officers are filed with transcripts of Steering Committee meetings); and papers relating to the first meeting of the Victorian Delegation to the Constitutional Convention, 31 July 1972.

Subsequent Series: ACC 2 Executive Committee Files

Related Series: ACC 19 Printed Proceedings, Reports and Papers

ACC 36 Secretariat Correspondence

ACC 37 A.R.B. McDonnell's Files

### **Item List**

File No.	Contents
1	Melbourne 25.2.72: Meeting of State Attorneys-General.
2	Adelaide 19.4.72: Meeting of State Attorneys-General.
3	Perth 19.5.72: Meeting of Clerks of State Parliaments.
4	Broadbeach 12.7.72 and 14.7.72: Meeting of Commonwealth and State Attorneys-General. Broadbeach 13.7.72 and 14.7.72: Conference of the Standing Committee of Commonwealth and State Attorneys-General.
5	Melbourne 31.7.72: First Meeting of Victorian Delegation.
6	Adelaide 5.10.72 and 6.10.72: Meeting of Steering Committee of Delegates.
7	Sydney 12.4.73 and 13.4.73: Meeting of Steering Committee of Delegates.
8	Hobart 26.7.73: Meeting of Steering Committee of Delegates.

## **ACC 2 Executive Committee Files, 1973-1985**

[includes papers 1972-1985]

9 files

### **Description**

This series comprises files relating to the role and work of the Executive Committee of the Constitutional Convention.

During the 1973 Constitutional Convention, the Steering Committee of Delegates, which had been responsible for arranging the Convention, was reconstituted as the Executive Committee. Like the Steering Committee, the Executive Committee included two delegates from each State Parliament and five delegates from the Commonwealth. In addition, the Convention decided that the Committee would include two local government representatives and one delegate from the Northern Territory. (Convention Debates 1973, pp. 43, 113, 149)

At the following Constitutional Convention held in Melbourne in 1975, it was agreed that the Executive Committee should also include a delegate nominated by the leader of the delegation of the recently formed Legislative Assembly of the Australian Capital Territory. Mr Peard from the ACT had apparently been attending meetings of the Executive Committee up to that time as a representative of local government. (Convention Debates 1975, pp. 156-7)

The Executive Committee was responsible for continuing the work of the Constitutional Convention between plenary sessions, and arranging further sessions of the Convention and meetings of committees of the Convention. The Chief Executive Officer, John Finemore, first appointed by the Steering Committee in October 1972, worked under direction from the Executive Committee.

This series of files falls into several categories, outlined below.

**Terms of Reference and Members:** One file containing extracts from transcripts and minutes of Steering Committee, Executive Committee and Convention meetings; related papers and correspondence; and membership lists. The file relates to the appointment, powers and functions of the Chief Executive Officer, and the appointment, membership, powers and responsibilities of Convention committees.

**Correspondence:** Three files containing original inward letters to the Chief Executive Officer and copies of his outward letters. The files also include letters to or from the Assistant to the Chief Executive Officer, the Chairman of the Executive Committee, the Chairman of the Convention, and the Clerk/Assistant Clerk to the Convention. The inward correspondence includes some copies of letters sent to the Chief Executive Officer for information. The files also contain memoranda, phone messages, telegrams, telexes, notes, drafts of letters, and miscellaneous papers.

The correspondence relates to meetings of the Executive Committee, matters considered by the Committee, and membership of Convention committees and delegations.

The letters within each file are arranged roughly in alphabetical order by the surname of the sender or recipient. The files contain lists of contents, giving the names of senders/recipients and the dates of letters. However, these lists should not be regarded as complete descriptions of the contents of the files. Certain items, such as file copies of letters distributed to committee members, do not appear on the lists - most of these items are located towards the back of each file.

**Agendas and Minutes:** Four files of agendas, minutes (including some draft minutes) and papers, relating to meetings of the Executive Committee between November 1973 and August 1985. The Agenda and Recommendations from a meeting of an Executive Sub-Committee formed prior to the 1985 Convention are also included. The files also contain membership lists and some correspondence. Lists of contents can be found inside the files, giving dates, times and locations of meetings, etc.

**Reports and Recommendations:** This file includes reports and recommendations by the Chief Executive Officer, the Executive Committee, and the Chairman of the Executive Committee, reports by standing committees to the Executive Committee, financial statements, correspondence, and other papers, notes and information. A list of contents can be found inside the file.

Previous Series: ACC 1 Steering Committee Files

Subsequent Series: ACC 39 Australian Constitutional Convention Council Files

Related Series: ACC 3 Standing Committee 'A' Files

ACC 4 Standing Committee 'B' Files

ACC 5 Standing Committee 'C' Files

ACC 6 Standing Committee 'D' Files

ACC 7 Standing Committee Files

ACC 8 Judicature Sub-Committee Files

ACC 9 Structure of Government Sub-Committee Files

ACC 10 External Affairs Sub-Committee Files

ACC 11 Industrial Relations Sub-Committee Files

ACC 12 Fiscal Powers Sub-Committee Files

ACC 13 Constitutional Amendment Sub-Committee Files

ACC 18 Minutes of the ACC

ACC 19 Printed Proceedings, Reports and Papers

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 36 Secretariat Correspondence

ACC 37 A.R.B. McDonnell's Files

## Item List

File No.	Contents
1	Terms of Reference and Members, 1972 - c.1985.
2	Correspondence, 1973 - 1975.
3	Correspondence, 1973 - 1983.
4	Correspondence, 1983 - 1985.
5	Agendas and Minutes, November 1973 - July 1978. (Note: There were no meetings between July 1978 and December 1982.)
6	Agendas and Minutes, December 1982 - July 1983.
7	Agendas and Minutes, December 1983 - July 1985.
8	Agendas and Minutes, July - August 1985 and Correspondence, 1984.
9	Reports and Recommendations, 1973 - 1983.

## ACC 3 Standing Committee 'A' Files, 1973-1978

3 files

### Description

These files relate to the work of Standing Committee A, which was appointed by the 1973 Constitutional Convention. Standing Committee A consisted of two Commonwealth delegates, two delegates from each State, two representatives of local government, and a member from the ACT. The Northern Territory Delegation does not appear to have nominated a member for the Committee. Four of the Items listed under the heading 'Topics for Discussion' on the 1973 Convention Agenda were referred to Standing Committee A. These Items were:

#### *Item No. 2*

Additional powers that might be conferred to enable the Commonwealth to exercise adequate powers to manage the Australian economy.

#### *Item No. 3*

The financial provisions of the Constitution, with particular reference to -  
(a) the legal and de facto limitations on the States' powers to tax (s. 51 (ii), 90);  
(b) the Financial Agreement (s. 105A and the Financial Agreement);  
(c) the power and procedures in relation to the grant of financial assistance (s. 96);  
(d) the taxation of the property and operations of the Commonwealth and States (s. 114); and  
(e) the position of Local Government in relation to Commonwealth and State taxation and immunities (s. 114).

#### *Item No. 4*

The legislative powers and immunities with respect to trade and commerce with particular reference to -  
(a) the power of the Parliament of the Commonwealth in relation to overseas and interstate trade (s. 51 (i));  
(b) the power with respect to corporations (s. 51 (xx));  
(c) the power with respect to industrial relations (s. 51 (xxxv)); and  
(d) the freedom of interstate trade and intercourse (s. 92).

#### *Item No. 7*

The place of Local Government under the Constitution.

Standing Committee A established working parties to deal with the separate Agenda Items. The working parties presented reports to Standing Committee A, and Standing Committee A

prepared reports to the Executive Committee which were printed with the Proceedings of the ACC and/or issued separately.

A short report by Standing Committee A dated 1 August 1974 appears to have been superseded by the Committee's 13 August 1975 report (later known as its *First Report*), tabled at the Constitutional Convention in Melbourne in September 1975. The Convention received the report and resolved that the Committee be required to continue its consideration of Items 2, 3 and 4. The 1976 Convention in Hobart adopted a resolution on local government which included the reference of certain matters to Standing Committee A for further consideration. The Committee appointed a new working party to deal with this resolution. The *Second Report* of Standing Committee A, dealing with Items 2, 3 and 4 and the local government resolution adopted in Hobart, was received by the 1978 Convention in Perth.

The files include:

**Correspondence:** Letters received and sent by the Chief Executive Officer, the Assistant to the Chief Executive Officer, the Secretary to Standing Committee A, and the Secretary to the Victorian Parliamentary Delegation.

**Agendas and Minutes:** Agendas, minutes, notes and summaries of meetings of Standing Committee A, together with associated correspondence and various papers.

**Reports:** Draft(s) and final printed version of a report to the Executive Committee by Standing Committee A, 1 August 1974. This report seems to have been subsequently updated and incorporated in the 1975 report of the Standing Committee presented to the Convention in Melbourne that year. (The transcript/summary of a meeting of officers on 7 December 1973 covering matters under consideration by Standing Committee A is also enclosed in this file.)

Subsequent Series: ACC 9 Structure of Government Sub-Committee Files  
ACC 11 Industrial Relations Sub-Committee Files  
ACC 12 Fiscal Powers Sub-Committee Files

Related Series: ACC 2 Executive Committee Files  
ACC 18 Minutes of the ACC  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC  
ACC 36 Secretariat Correspondence

## Item List

File No.	Contents
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- 1 Correspondence, 1974 - 1978.
- 2 Agendas and Minutes, November 1973 - April 1978.
- 3 Report, August 1974 and Meeting of Officers, December 1973.



## ACC 4 Standing Committee 'B' Files, 1973-1975

4 files

### Description

Standing Committee B was constituted by the 1973 Convention, and consisted of two Commonwealth delegates, two delegates from each State, one Northern Territory delegate, one representative of the ACT, and one person representing local government. From the Items listed under the heading 'Topics for Discussion' on the 1973 Agenda, the Convention referred Items 1, 11, 13 and 15 to Standing Committee B:

#### *Item No. 1*

The methods of amending the Constitution and varying the distribution of powers, with particular reference to -

- (a) the uncertainties concerning the power of State Parliaments to refer power to the Parliament of the Commonwealth (s. 51 (xxxvii));
- (b) the operation of the power to alter the Constitution by referendum (s. 128);
- (c) the exercise of powers by the Parliament of the Commonwealth under s. 51 (xxxviii); and
- (d) alternative methods of initiating alterations and altering the Constitution.

#### *Item No. 11*

The procedure for the creation of new States (s. 124).

#### *Item No. 13*

The relationship of the Commonwealth and the States to the Crown and the United Kingdom, and the extent and area of State sovereignty.

#### *Item No. 15*

The Constitutional Provisions affecting Territories (ss. 81, 92, 99, 116, 117, 118, Chapter VI and s. 128).

Standing Committee B appointed three sub-committees, allocating Item 1 and later Item 13 to one sub-committee, Item 11 to the second and Item 15 to the third. Towards the end of 1973, the Committee advertised in the press for submissions on the four Items. The Committee also commissioned opinions on certain aspects of Item 1. Copies of the Committee's *Report to Executive Committee*, 1 August 1974, can be found both in this series and with the Proceedings of the ACC, 1975. Standing Committee B also considered further matters referred to it by the Executive Committee, and initiated Agenda Items for the 1975 Constitutional Convention.

In November 1975, the Executive Committee decided that Standing Committees B and C should be amalgamated, but the subsequent role of the resulting Committee 'B/C' is unclear. Certain proposals relating to Territories and new States were referred to Standing Committee B by the Convention in Perth 1978 but, as Standing Committee B no longer existed by then, Standing Committee D was requested to consider the issues.

The files in this series include:

**Terms of Reference and Members:** Details of the Agenda Items referred to Standing Committee B and membership of the Committee and its working parties or sub-committees.

**Correspondence:** Letters concerning meetings and matters discussed by the Committee, including inward and outward correspondence of the Chief Executive Officer, the Assistant to the Chief Executive Officer, the Chairman of Standing Committee B (L.A. Punch), the Secretary to the Committee (J.C. Potts), the Secretary to the Victorian Parliamentary Delegation (Ann Riordan), and others. This file also contains various papers and notes.

**Agendas and Minutes:** Agendas, minutes and related papers.

**Reports:** Drafts and printed version of Report to Executive Committee, 1 August 1974. This file also includes a list of Agenda Items initiated in Standing Committee B.

Subsequent Series: ACC 6 Standing Committee 'D' Files  
ACC 9 Structure of Government Sub-Committee Files  
ACC 13 Constitutional Amendment Sub-Committee Files

Related Series: ACC 2 Executive Committee Files  
ACC 18 Minutes of the ACC  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 32 Referendum Material  
ACC 34 Research Files  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC  
ACC 36 Secretariat Correspondence

### **Item List**

File No.	Contents
1	Terms of Reference and Members (no date).
2	Correspondence, 1973 - 1975.
3	Agendas and Minutes, November 1973 - August 1975.
4	Report(s), 1974 and Agenda Items, 1975.

## ACC 5 Standing Committee 'C' Files, 1973-c.1975

4 files

### Description

Standing Committee C was appointed by the 1973 Constitutional Convention, and comprised two Commonwealth delegates, two delegates from each State Parliament, and a representative of local government. This Standing Committee considered the following Items from the 'Topics for Discussion' on the 1973 Convention Agenda:

#### *Item No. 5*

Other legislative powers of the Parliament of the Commonwealth, with particular reference to

- 
- (a) power in relation to external affairs (s. 51 (xxix));
- (b) the operation of the provisions giving paramountcy to Commonwealth law (s. 109); and
- (c) the exclusive powers in relation to places acquired by the Commonwealth (s. 52 (i)).

#### *Item No. 6*

Additional legislative powers that might be conferred on the Parliament of the Commonwealth, with particular reference to energy resources.

#### *Item No. 9*

Matters that might be referred to the Parliament of the Commonwealth, with particular reference to -

- (a) Family Law;
- (b) Defamation;
- (c) Shipping and Navigation.

#### *Item No. 14*

The modernization of outmoded provisions of the Constitution of a legal or technical character, including -

- (a) removal of expended provisions;
- (b) revision of existing powers to take account of 20th century developments such as new forms of intellectual property, television and electronic developments.

Members of Standing Committee C were allocated to four working parties to deal with these Agenda Items. Advertisements for submissions were placed in the press towards the end of 1973. Standing Committee C presented two *Interim Reports* to the Executive Committee, which can be found in this series of files and in the Proceedings of the ACC, 1975. In November 1975, the Executive Committee decided to amalgamate Standing Committees B

and C, but the subsequent role of the resulting Committee 'B/C' is unclear.

This series of files includes:

**Members:** Lists of members of the four working parties.

**Correspondence:** Inward and outward letters, including correspondence of the Chairman of Standing Committee C (Vernon F. Wilcox), the Acting Secretary to the Committee (Don Blackwood) and the Secretary to the Committee (Ken Allan). This file also contains other papers such as press advertisements, lists of submissions and legislation, references to historical background material, and summaries of the 1973 Convention Debates.

**Agendas and Minutes:** Agendas, minutes and associated correspondence and papers.

**Reports:** Draft reports, and printed copies of the First and Second Interim Reports to the Executive Committee, 1974. This file also includes a list of 'Suggested Movers of Motions' in preparation for the 1975 Convention.

Subsequent Series: ACC 8 Judicature Sub-Committee Files  
(The Judicature Sub-Committee formed in 1983 continued discussions on family law.)  
ACC 10 External Affairs Sub-Committee Files  
ACC 12 Fiscal Powers Sub-Committee Files

Related Series: ACC 2 Executive Committee Files  
ACC 18 Minutes of the ACC  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC  
ACC 36 Secretariat Correspondence

### **Item List**

File No.	Contents
1	Members (no date).
2	Correspondence, 1973 - 1974.
3	Agendas and Minutes, November 1973 - September 1974.
4	Reports, 1974 and Suggested Movers of Motions, c.1975.

## ACC 6 Standing Committee 'D' Files, 1973-1983

17 files

### Description

Standing Committee D was constituted by the 1973 ACC and initially included two delegates of the Australian Parliament, two delegates from each State, and a representative of local government. The Convention resolved at its 1978 plenary session in Perth that one member from the Northern Territory Delegation and one member from the ACT Delegation be added to Standing Committee D; and also that two members of the Senate (one Government, one Opposition) be added to Standing Committee D during consideration of the matter of the Senate and Supply which was referred to the Committee by the Perth Convention.

Items 8, 10 and 12 under the heading 'Topics for Discussion' on the 1973 Convention Agenda were referred to Standing Committee D. These Items were:

#### *Item No. 8*

The Constitutional Provisions governing the Parliament of the Commonwealth, with particular reference to -

- (a) the relationship between the Senate and the House of Representatives (ss. 24, 57);
- (b) elections and electoral divisions (ss. 29, 30, 41); and
- (c) the synchronisation of elections for the Senate and House of Representatives.

#### *Item No. 10*

Constitutional guarantees under the Constitution, including guarantees of democratic processes of election for the Parliaments of the Commonwealth and the States.

#### *Item No. 12*

The judicial power of the Commonwealth, with particular reference to -

- (a) the appointment of High Court judges;
- (b) the power of the High Court to give advisory opinions;
- (c) the judicial system.

Standing Committee D considered and reported on the above Items and on other matters which arose, such as matters later referred to it by the Executive Committee and the Convention. Continuing to meet until 1983, Standing Committee D was the longest-lived of the four standing committees appointed in 1973.

At its first meeting, Standing Committee D appointed an Agenda Sub-Committee. The Agenda Committee agreed by correspondence on the Agenda for the second meeting of Standing Committee D and approved a list of recommendations relating to matters for which

the Standing Committee was responsible. At further meetings up to 1974, Standing Committee D considered these recommendations and prepared its first *Report to Executive Committee*, 1 August 1974.

Standing Committee D subsequently appointed a Judicature Committee, whose *Interim Report* was tabled at the 1976 Convention in Hobart. The Judicature Committee completed a further *Report to Standing Committee D* in 1977.

Standing Committee D presented its *Second Report* on 1 October 1976. At the plenary session in Hobart later in October 1976, the Convention referred a motion and amendment to Standing Committee D for consideration, which became the subject of a *Special Report* to the Executive Committee on *The Senate and Supply*, tabled at the 1978 Convention in Perth along with the *Third Report* of Standing Committee D.

The Perth Convention also referred certain matters to Standing Committee D for consideration and report. These matters were covered in the Committee's *Fourth Report*, 27 August 1982. Certain proposals relating to Territories and new States were initially referred by the Perth Convention to Standing Committee B, but as that committee no longer existed Standing Committee D was requested to consider the issues.

In 1980, Standing Committee D appointed an Advisory Opinions Sub-Committee to confer with members of the Senate Standing Committee on Constitutional and Legal Affairs on advisory opinions of the High Court. A Conventions Sub-Committee was appointed in 1980, and re-appointed in 1981. A Jurisdiction of Courts Sub-Committee, a Territories Sub-Committee and a Sub-Committee on Terms of the Parliament were also appointed in 1981. The reports of these sub-committees were incorporated in the *Fourth Report* of Standing Committee D. The Committee produced a *Supplementary Fourth Report* in 1983, which comprised a Supplementary Report of the Jurisdiction of Courts Sub-Committee with accompanying comments from Standing Committee D.

A Legislative Powers Sub-Committee was appointed in February 1983 to examine and compile material relating to certain items appearing on the Agenda Paper for the forthcoming Adelaide plenary session. (This Sub-Committee reported verbally to the next meeting of Standing Committee D and drew attention to relevant background papers.)

Printed reports produced by Standing Committee D and its sub-committees, together with various papers and opinions, were bound with the Proceedings of the ACC, 1975, 1976, 1978 and 1983, and/or issued separately. Membership lists, correspondence, agendas, minutes, and some of the papers and reports can be found in files in this series.

The series falls into the following categories:

**Members:** Lists of members of Standing Committee D.

**Correspondence:** Letters, memoranda, telegrams, notes and miscellaneous papers relating to meetings and matters considered by Standing Committee D and its sub-committees. The

correspondence includes original inward letters to and copies of outward letters from the Chief Executive Officer, Assistants to the Chief Executive Officer, the Chairmen of Standing Committee D, and the Secretary to the Victorian Parliamentary Delegation (Ann Riordan). There are some letters from and copies of letters to the Secretary to Standing Committee D (Geoff Muecke). The collection also contains copies of other correspondence for information; agendas and minutes; submissions; copies of draft reports; comments on reports.

**Agendas and Minutes:** Agendas, minutes, and associated papers, notes and reports.

**Reference Material:** Background and miscellaneous resource material connected with the terms of reference and work of Standing Committee D and its Judicature Committee.

**Reports and Papers:** Drafts and printed versions of reports and papers of Standing Committee D and its sub-committees, together with comments, amendments and other material. The majority of these files relate to the *Fourth Report* of Standing Committee D, 27 August 1982.

Previous Series: ACC 4 Standing Committee 'B' Files

Subsequent Series: ACC 8 Judicature Sub-Committee Files

(The Judicature Sub-Committee formed in 1983 continued deliberations on matters including the jurisdiction of courts, the appointment of High Court judges, and trial by jury.)

ACC 9 Structure of Government Sub-Committee Files

ACC 13 Constitutional Amendment Sub-Committee Files

Related Series: ACC 2 Executive Committee Files

ACC 19 Printed Proceedings, Reports and Papers

ACC 18 Minutes of the ACC

ACC 29 Papers on Agenda Items

ACC 34 Research Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 36 Secretariat Correspondence

## **Item List**

File No.	Contents
1	Members (no date).
2	Correspondence, 1973 - 1983.
3	Agendas and Minutes, November 1973 - March 1983 (includes a contents list at front of file).
4	Agendas and Minutes, Judicature Committee, September 1976 - September 1977.

- 5           Judicature Committee: reference material (?John Finemore's file), includes material of various dates, compiled c.1976.
- 6           Report to Executive Committee, 1 August 1974.
- 7           A Paper prepared for Standing Committee D identifying the Conventions associated with the Commonwealth Constitution, by Dr Cheryl Saunders and Ewart Smith, OBE, 1980 (became Appendix G in Volume II of the Fourth Report to Executive Committee).
- 8           Fourth Report, Volume I: Draft, June 1982.
- 9           Fourth Report, Volume I: Draft, July 1982 and List of Appendices.
- 10          Fourth Report, Volume I: Draft, c. 27 August 1982 and Report of the Conventions Sub-Committee to Standing Committee D.
- 11          Fourth Report, Volume I: Draft, 24 September 1982 and other material, including reports of sub-committees.
- 12          Fourth Report, Volume I: Draft, 24 September 1982, Report of Conventions Sub-Committee, List of Appendices, and other papers.
- 13          Fourth Report, Volume I: Draft, 1 October 1982 and other papers.
- 14          Fourth Report, Volume I: Draft, 5 October 1982 and comments by Senator Evans.
- 15          Fourth Report, Volume I: Draft, 28 October 1982 marked up for typesetting, comments by Senator Evans, and other papers, 1982 - 1983 (includes a contents list inside file).
- 16          Fourth Report, Volume I: Draft, 5 November 1982 and various comments and notes.
- 17          Fourth Report, Volume II, Appendices.



## ACC 7 Standing Committee Files, 1983-1985

6 files

### Description

The 1983 Constitutional Convention in Adelaide recommended the appointment of one Standing Committee in lieu of Standing Committees A, B/C and D, to consider and report on matters referred to it by the Convention and the continuing work of the Convention. The Standing Committee comprised two delegates of the Australian Parliament to the Convention, two delegates from each State, one delegate of the Legislative Assembly for the Northern Territory, one representative of the ACT, and one local government representative.

The following matters were referred to the Standing Committee by the 1983 plenary session of the Convention:

- Integrated Courts
- Constitutional Practices/Conventions of the Constitution
- Qualifications of Members of Parliament
- External Affairs
- Family Law
- States' Fiscal Powers
- Industrial Relations
- Commonwealth Immunities
- Paramourncy of Commonwealth Law
- Composition of the Australian Constitutional Convention
- Convention Secretariat
- Implementation of Convention Resolutions
- States' Initiation of Referendums
- Popular Initiative
- Amendments to Section 128

Additional matters were referred to the Standing Committee from the Executive Committee, including recognition of local government in the Constitution, civil aviation in Australia, and the reference to State Parliaments of international treaties involving matters of domestic concern to those States.

The Standing Committee appointed six sub-committees to which it referred the above matters and others which arose (see ACC 8 - ACC 13).

The files in this series include:

**Terms of Reference, Members, Meetings:** Two files relating to the workings of the Standing Committee and sub-committees, matters referred from the Convention and the Executive Committee, membership and initial meetings.

**Agendas, Minutes, Correspondence, Papers:** File No. 3 contains inward and outward letters of the Chief Executive Officer (or Assistant to the Chief Executive Officer) concerning meetings and matters considered by the Standing Committee and its sub-committees, filed in roughly chronological order together with agendas and minutes of Standing Committee meetings, membership lists, and other papers. A few early letters concerning sub-committees can be found in a separate file (No. 4). A further file (No. 5) contains agendas, minutes and various papers, including reports of sub-committees to the Standing Committee and press release(s); this file appears to have been compiled by Lynette Lenaz-Hoare, Legal Research Officer.

**Report:** Drafts of Standing Committee Report.

Related Series: ACC 2 Executive Committee Files

ACC 8 Judicature Sub-Committee Files

ACC 9 Structure of Government Sub-Committee Files

ACC 10 External Affairs Sub-Committee Files

ACC 11 Industrial Relations Sub-Committee Files

ACC 12 Fiscal Powers Sub-Committee Files

ACC 13 Constitutional Amendment Sub-Committee Files

ACC 19 Printed Proceedings, Reports and Papers

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### **Item List**

File No.	Contents
1	Standing Committee: Terms of Reference and Members, c.1983 (Agenda Items referred from the Adelaide Convention; Standing Committee members).
2	Standing Committee and Sub-Committees: General, Terms of Reference, Members, Meetings, c.1983 (References from Adelaide Convention and Executive Committee Meeting 3 June; Chief Executive Officer's Report on Workings of the Convention Standing Committee; nominations to sub-committees; Agenda for first meetings of sub-committees).
3	Agendas, Minutes and Correspondence, 1983 - 1985.
4	Correspondence re Sub-Committees, June - July 1983.
5	Agendas, Minutes and Papers (Legal Research Officer's file), June 1983 - October 1984.
6	Report of Standing Committee, 1984.

## **ACC 8Judicature Sub-Committee Files, 1983-1985** [includes papers 1968-1985]

21 files

### **Description**

The Judicature Sub-Committee was appointed by the Standing Committee in 1983. This series relates to the work of the Judicature Sub-Committee, and includes material produced prior to the formation of the Sub-Committee. The matters considered by the Judicature Sub-Committee fell under four major headings.

#### *Integrated Courts*

The Standing Committee referred this matter to the Judicature Sub-Committee following the adoption of the resolution below at the ACC in Adelaide, 1983:

That this Convention recommends that the Constitution be amended to provide for Federal courts and State courts of Supreme Court level and above to be integrated into a single system of Australian courts with three distinct levels:

- (a) a trial level;
- (b) an appellate level; and
- (c) the High Court as the final court of appeal.

That this proposal be referred to the Standing Committee of the Convention and that the Committee be empowered to co-opt additional persons with particular expertise in the field as full committee members.

That the committee be asked to recommend a model for an integrated system of Australian courts taking into account views expressed by the Convention in its committee reports and in plenary session, and views expressed to the Australian Institute of Judicial Administration.

That the committee should be asked further to recommend in what manner the proposal should be implemented.

The Standing Committee requested the Judicature Sub-Committee not to co-opt additional members but to consult with members of the judiciary and members of the legal profession.

After consultations with judges and the profession, the Judicature Sub-Committee prepared a preliminary report on this reference in mid-1984 and invited comments. Their revised *Report to Standing Committee on an Integrated System of Courts*, October 1984, was printed with the Proceedings of the Brisbane Convention, 1985. This was also known as the first report of the Sub-Committee.

The matter of integrated courts had formerly been discussed by Standing Committee D, and by the Judicature Committee (1975-77) and the Sub-Committee on Jurisdiction of Courts (1981-82), reporting to Standing Committee D. The new Judicature Sub-Committee drew upon some of the work of these earlier committees.

### *Family Law*

The following resolution of the Adelaide Convention was also referred by the Standing Committee to the Judicature Sub-Committee:

That the Standing Committee consider and report to the next plenary session upon the proposal that the Constitution be amended to enable the Parliament of the Commonwealth to legislate with respect to -

- (a) the custody and guardianship of children, but not so as to detract from the powers of the States to legislate with respect to the protection and welfare of children;
- (b) the maintenance of children, and the payment of expenses in relation to children and child bearing; and
- (c) rights and liabilities in relation to property, being rights and liabilities of husbands and wives arising out of the marital relationship.

The Judicature Sub-Committee made family law the subject of Chapter 2 of their *Second Report to Standing Committee*, May 1985. The Sub-Committee sought an opinion from Professor James Crawford, which was printed as Appendix A to the *Second Report*.

Family law matters had previously been considered by Standing Committee C. These matters were also under consideration outside the ACC by the Standing Committee of Attorneys-General.

### *Appointment of High Court Justices*

At its meeting on 13 July 1983, the Standing Committee considered motions listed for discussion from the Attorney-General of Queensland. One of these motions was:

That the Commonwealth Constitution be amended to provide that judges shall be appointed to the High Court of Australia by the Commonwealth Government only after obtaining the concurrence of at least the majority of the governments of the Australian States.

This matter was referred to the Judicature Sub-Committee, and became the subject of Chapter 3 of the Sub-Committee's *Second Report*. Papers from the Commonwealth Government and from Queensland relating to the appointment of High Court judges were printed as Appendices B and C to the report, and a paper from the Commonwealth Attorney-General's Department regarding judicial appointments in other federations became Appendix D.

The procedure for the appointment of High Court judges was first discussed by the Convention in Sydney in 1973 and referred to Standing Committee D. The matter was raised at the Melbourne Convention in 1975 but debate was adjourned. Debate continued in 1978 in Perth, where the Convention agreed to a motion supporting consultation between the Commonwealth and States concerning High Court appointments. Later, the practice of consultation between Commonwealth and State Attorneys-General initiated at the Perth Convention was reflected in section 6 of the *High Court of Australia Act 1979*.

While recommending further debate on appointment procedures, the Judicature Sub-Committee was unable to agree that the Constitution should be amended along the lines proposed by the Queensland motion above.

### *Trial by Jury*

At its meeting on 23 May 1984, the Standing Committee referred the matter of trial by jury to the Judicature Sub-Committee for consideration and report. This matter related to section 80 of the Constitution:

80. The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

The Judicature Sub-Committee produced a Report on Trial by Jury, initially known as Part 3 and later incorporated in the *Second Report to Standing Committee* as Chapter 4.

In its deliberations, the Judicature Sub-Committee made use of a paper on trial by jury commissioned by Standing Committee D from Sam Ricketson (Lecturer in Law, University of Melbourne).

ACC 8 comprises files compiled by different people including Chief Executive Officer John Finemore and Legal Research Officer Lynette Lenaz-Hoare. The files contain the following kinds of material:

**Correspondence:** Inward and outward letters of the Chief Executive Officer (and Assistant to the Chief Executive Officer), the Chairman of the Judicature Sub-Committee (Haddon Storey), the Secretary to the Sub-Committee (Denis O'Brien), Research Officer Vanessa Mitchell, and others, together with various reports and papers. The main correspondence file contains lists and an alphabetical index to some (not all) of its contents.

**Agendas and Minutes:** Agendas and minutes of meetings of the Judicature Sub-Committee, and related correspondence and papers.

**Papers:** Research and discussion papers, articles, newspaper cuttings, notes on cases, submissions, opinions and comments.

**Reports:** Drafts and proofs of the Sub-Committee's reports. The final *Report to Standing Committee on an Integrated System of Courts*, October 1984 and *Second Report to Standing Committee*, May 1985 can also be found with the printed Proceedings of the Brisbane Convention, 1985.

Previous Series: ACC 5 Standing Committee 'C' Files  
ACC 6 Standing Committee 'D' Files

Related Series: ACC 7 Standing Committee Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items

(Note: ACC 8 overlaps particularly with a small collection of files on integrated courts and appointment of High Court judges which can be found in series ACC 29. These files include a mixture of early papers relating to the reference to Standing Committee D of Item 12 (a) and (c) by the 1973 Convention and later papers connected with the work of the Judicature Sub-Committee from 1983 onwards.)

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

## Item List

File No.	Contents
1	Correspondence (with contents lists), 1983 - 1985.
2	Correspondence and comments on reports, 1984 - 1985.
3	Agendas and Minutes, June 1983 - December 1984.
4	Australian Institute of Judicial Administration, An Integrated Court System for Australia: Proceedings of the Seminar held at International House, University of Melbourne, Saturday 13 August 1983 (typescript, proofs etc., and correspondence re printing), 1983 - 1984.
5	Report to Standing Committee on an Integrated System of Courts: Preliminary Report, July 1984 (drafts, proof, list of correspondence in connection with preliminary report, miscellaneous letters and papers).
6	Report to Standing Committee on an Integrated System of Courts, October 1984 (drafts, proofs).
7	Integrated Courts: separate collection of Chief Executive Officer's papers (correspondence, submissions, research and discussion papers, articles, opinions, comments, responses to report), 1983 - 1984.
8	Integrated Courts: separate collection of Chief Executive Officer's papers (drafts of preliminary and revised reports, and related correspondence and papers), 1984.

- 9 Integrated Courts: collection of numbered papers with index, nos. 1 - 28, c.1927 - c.1983, continued in next file. Note: There are gaps in the collection.
- 10 Integrated Courts: collection of numbered papers (including draft report on reference), nos. 29 - 57, c.1983 - c.1984. See previous file for index. Papers may also cover other references of the Judicature Sub-Committee.
- 11 Integrated Courts: papers found with numbered collection above but not indexed (letter from Sir John McIntosh Young to Mr Cain, 18 April 1983; 'The High Court and the Judicial Power of the Commonwealth'; Extract from Opinion of Dr Gavan Griffith).
- 12 Integrated Courts: *Fencott v Muller* (1983) 57 ALJR 317, *Bargal v Force* (1983) 57 ALJR 731, *Australian Ocean Line v West Australian Newspapers* (1983) 47 ALR 497.
- 13 Miscellaneous Papers on the References of the Judicature Sub-Committee, 1983 - 1984.
- 14 Miscellaneous Papers and Correspondence on the References of the Judicature Sub-Committee, 1968 - 1985.
- 15 'Constitutional Difficulties Encountered in Australian Family Law', Paper by Peter Waters, 1984.
- 16 Family Law (correspondence, submissions, other papers and notes, and draft Chapters 1 and 2 of Second Report to Standing Committee), 1974 - 1985.
- 17 Trial by Jury: Paper by Sam Ricketson and associated correspondence and notes, 1980 - 1984.
- 18 Report on Trial by Jury (typescript, proofs, and preparation of Chapter 4 of Second Report to Standing Committee), c.1984 - 1985.
- 19 Second Report to Standing Committee, May 1985 (drafts, proofs and notes).
- 20 Legal Research Officer's Papers, 1983.
- 21 Legal Research Officer's Papers, 1984.

## **ACC 9 Structure of Government Sub-Committee Files, 1983-1985** [includes papers c.1902-1986]

19 files

### **Description**

The Structure of Government Sub-Committee was established by the Standing Committee in June 1983, and considered the four matters outlined below. This series includes documents created by the Structure of Government Sub-Committee and research material on the Sub-Committee's four references, including copies of documents dating back to the early twentieth century.

#### *Constitutional Practices (Conventions of the Constitution)*

At the 1983 plenary session in Adelaide, it was proposed in Agenda Item A.4 that 34 constitutional practices should be recognised and declared by the Convention. Agenda Item A.4 was moved in accordance with the recommendation of Standing Committee D, whose Conventions Sub-Committee had been considering the matter of conventions applicable to the operation of the Australian Constitution.

The Convention recognised and declared that practices 1-19, 28-30 and 32-34 should be observed as conventions in Australia. Practices 20-27 and 31 were referred to the Standing Committee for further consideration. (See Resolution 4, 1983 plenary session.) These included practices dealing with the power of the Governor-General to appoint and dismiss Ministers (Practices 20-22), the powers of the Governor-General in relation to the Houses of Parliament (Practices 23-27), and the power of the Governor-General in relation to Bills to alter the Constitution that have passed both Houses (Practice 31). The Standing Committee referred these practices to the Structure of Government Sub-Committee.

The Structure of Government Sub-Committee commissioned papers on this reference and appointed a working party on constitutional practices. The Sub-Committee discussed constitutional practices in Part 2 of its *Report to Standing Committee*, August 1984.

The Structure of Government Sub-Committee sought the opinions of the Constitutional Amendment Sub-Committee on Practice 31, so other material connected with this reference may be found in the files (ACC 13) and report of the Constitutional Amendment Sub-Committee.

#### *Qualifications of Members of Parliament*

This matter was the subject of Agenda Item A.8 at the 1983 plenary session in Adelaide. The 1983 Convention referred the matter to the Standing Committee in Resolution 7:

That the recommendations of the Senate Standing Committee on Constitutional and Legal



Affairs as to the constitutional qualifications of Members of Parliament together with the Explanatory Paper by Mr Lindell be referred to a Standing Committee for consideration and report to the next plenary session.

The Standing Committee allocated this reference to the Structure of Government Sub-Committee. The Sub-Committee dealt with this matter in its *Report on Constitutional Qualifications of Members of Parliament*, February 1985.

#### *Recognition of Local Government in the Australian Constitution*

In June 1983 the Executive Committee referred this matter to the Standing Committee, which in turn allocated it to the Structure of Government Sub-Committee. The *Local Government Report*, April 1984 was the outcome of work by a Local Government Sub-Committee (or Working Party), with amendments by the Structure of Government Sub-Committee.

Note that Standing Committee A had previously considered and reported on the recognition of local government.

#### *The proposal to break the nexus between the size of the House of Representatives and the size of the Senate*

This matter was referred by the Executive Committee to the Structure of Government Sub-Committee in December 1983. An opinion sought from Mr G. Lindell assisted the Sub-Committee in the preparation of its *Report on Breaking of the Nexus between the Sizes of the Federal Houses of Parliament*, February 1985. In his paper Mr Lindell made reference to earlier deliberations by Standing Committee D and its Territories Sub-Committee concerning Territories and new States. He also mentioned an opinion given to Standing Committee B by Professor J.E. Richardson relating to section 128 of the Constitution.

ACC 9 includes files compiled by the Chief Executive Officer (and Assistant to the Chief Executive Officer) and Legal Research Officers. The files contain the following kinds of material:

**Correspondence:** Letters to/from the Chief Executive Officer, the Assistant to the Chief Executive Officer and Secretary to the Structure of Government Sub-Committee (Don Blackwood), the Chairman of the Sub-Committee (Doug Lowe), Legal Research Officers (Lynette Lenaz-Hoare and Vanessa Mitchell), and others. These files also contain notes and papers.

**Agendas and Minutes:** Agendas, minutes and associated correspondence and papers.

**Papers:** Material relating to the terms of reference of the Sub-Committee, including commissioned opinions and papers, research material, Bills, Acts, etc.

**Reports:** Drafts and proofs of the Structure of Government Sub-Committee's several reports. The printed versions of these reports can also be found with the Proceedings of the ACC,

Brisbane, 1985.

Previous Series:ACC 3 Standing Committee 'A' Files  
ACC 4 Standing Committee 'B' Files  
ACC 6 Standing Committee 'D' Files

Related Series:ACC 7 Standing Committee Files  
ACC 13 Constitutional Amendment Sub-Committee Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 34 Research Files  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### **Item List**

File No.	Contents
1	Correspondence, 1983 - 1985.
2	Agendas and Minutes, June 1983 - May 1984.
3	Agendas and Minutes, July 1984 - February 1985.
4	Agendas and Minutes (Legal Research Officers' file), 1983 - 1984.
5	Miscellaneous Papers and Correspondence on the References of the Structure of Government Sub-Committee, 1983 - 1984 (background research material on Qualifications of Members of Parliament Reference; comments by Attorney-General, Western Australia on the Sub-Committee's references; summaries of comments and papers; and other items).
6	Research Material (Constitutional Practices): copies of correspondence, official papers and historical notes re appointments and resignations of Prime Ministers etc., 1903 - 1983 (and letter concerning this material, 1986).
7	Conventions of the Constitution: correspondence, comments, commissioned papers (including Standing Committee D papers), summaries, notes etc., 1978 - 1984 (?Legal Research Officer's file).
8	Local Government: correspondence, comments, background information, miscellaneous papers and notes, and Local Government Report, 1945 - 1986 (Legal Research Officer's file).
9	Constitutional Qualifications of Members of Parliament Reference: Research Material (correspondence, papers, draft report), c.1902 - 1984.
10	Nexus Reference: Research Material, 1976 - 1984.

- 11 Paper re Qualifications of Members of Parliament Reference; draft report and various papers on Constitutional Practices; associated correspondence, minutes etc., 1983 - 1984.
- 12 Report to Standing Committee, August 1984: drafts and various papers, including additions and amendments, 1983 - 1984.
- 13 Report to Standing Committee, August 1984: draft.
- 14 Report to Standing Committee, August 1984: typescript marked up for printing.
- 15 Report to Standing Committee, August 1984: proofs, 1984 - 1985.
- 16 Local Government Report, April 1984; Report on Constitutional Qualifications of Members of Parliament (working copy); *The Constitutional Qualifications of Members of Parliament* (Report by the Senate Standing Committee on Constitutional and Legal Affairs, 1981); Constitution Alteration (Qualification of Members) Bill 1985; Law Council of Australia responses to the Sub-Committee's Local Government Report and Report on Constitutional Practices; other papers associated with the Sub-Committee's references, 1981 - 1985.
- 17 Constitutional Qualifications of Members of Parliament (papers and drafts of report); and miscellaneous papers on the Sub-Committee's references, 1952 - 1985.
- 18 Report on Constitutional Qualifications of Members of Parliament, February 1985: drafts and proof.
- 19 Report on Breaking of the Nexus between the Sizes of the Federal Houses of Parliament, February 1985: drafts and proof.

## **ACC 10 External Affairs Sub-Committee Files, 1983-1985**

[includes papers 1976-1985]

8 files

### **Description**

The External Affairs Sub-Committee was formed by the Standing Committee in 1983 and held its first meeting on 30 June. The Standing Committee referred to the External Affairs Sub-Committee the following motion passed in April 1983 at the plenary session of the ACC:

That this Convention, expressing its concern that the traditional balance of legislative, executive and judicial powers between the Commonwealth and the States may be destroyed by an expansionary interpretation of section 51 (xxix) of the Constitution, directs that a subcommittee be established to -

- (a) examine the scope of powers arguably possessed by the Commonwealth Parliament under section 51 (xxix);
- (b) consider the possible effect of these powers on the division of legislative, executive and judicial powers which has traditionally existed in the Australian federation;
- (c) suggest mechanisms involving both the Commonwealth and the States whereby Australia's international obligations may be met whilst, at the same time, preserving the traditional distribution of legislative, executive and judicial powers under the Constitution; and
- (d) formulate such mechanisms into proposals to be submitted to the next session of this Convention.

In addition, the Executive Committee at its meeting on 3 June 1983 referred the following matters to the External Affairs Sub-Committee:

1. Civil aviation within Australia, and in particular, the right of States to determine access by airlines to airports within those States.
2. The reference to State Parliaments of international treaties involving matters of domestic concern to those States.

The civil aviation reference seems to have arisen in Queensland. This matter was subsequently dropped after the Sub-Committee was informed that Queensland no longer wished to pursue it.

The following matter (one of several raised in a telex from Queensland's Attorney-General) was referred to the External Affairs Sub-Committee by the Standing Committee on 13 July 1983:

That the Commonwealth Government hold an early referendum to limit the effect of the

expansive interpretation of the external affairs power adopted by the High Court in the Tasmanian Dam Case, the question and arguments to be put to be framed by the External Affairs sub-committee.

The Standing Committee also passed a motion that the External Affairs Sub-Committee give priority to consideration of the above proposal and that a first report be finalised by 31 October 1983. The Sub-Committee considered this matter at their next meeting on 19 December 1983. It was agreed, however, to defer consideration of the matter pending the further work of the Sub-Committee.

The External Affairs Sub-Committee produced a *Report to Standing Committee* dated September 1984, together with 14 Appendices including research papers, speeches and other material. One major preoccupation of the Sub-Committee was the *Tasmanian Dam Case* (1983) and the significance of the High Court's decision, particularly in relation to the external affairs power of the Commonwealth under section 51 (xxix) of the Constitution. The Sub-Committee considered and reported on existing practices and procedures for Commonwealth/State treaty consultation and a range of related proposals. The Sub-Committee also recommended the establishment of an Australian Treaties Council.

This series of files falls into the following categories:

**Agendas, Minutes and Correspondence:** The main file (No. 1) contains agendas, minutes and correspondence of the External Affairs Sub-Committee, filed together in a roughly chronological sequence. The correspondence includes letters to and from the Chief Executive Officer, the Assistant to the Chief Executive Officer, and the Secretary to the Sub-Committee (Kevin Martin). A smaller file (No. 2), possibly compiled by Legal Research Officer Lynette Lenaz-Hoare, contains agendas, minutes and some associated correspondence. Both files also include other relevant material such as membership lists, research papers and drafts of the Sub-Committee's report.

**Papers:** Research papers, articles, opinions, comments etc.

**Report:** Drafts and proofs of the Sub-Committee's report, filed separately or with minutes or papers. The final printed report can be found with the Proceedings of the Brisbane Convention, 1985.

Previous Series: ACC 5 Standing Committee 'C' Files

Related Series: ACC 7 Standing Committee Files

ACC 19 Printed Proceedings, Reports and Papers

ACC 29 Papers on Agenda Items

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

**Item List**

File No.	Contents
1	Agendas, Minutes and Correspondence, 1983 - 1985 (associated papers include First Report of the Treaties Commission, Queensland, 1976).
2	Agendas and Minutes, 1983 - 1984 (?Legal Research Officer's file).
3	Paper on the Sub-Committee's original reference, by John Finemore (no date).
4	Research Material: External Affairs, International Treaties (including research papers and advice/comments from States), 1983 - 1984.
5	Report to Standing Committee (drafts) and Papers (research papers, articles, minutes, extract from <i>Australian Law Reports</i> on <i>Dam Case</i> , comments from Commonwealth Government re Commonwealth/State consultation), 1983 - 1984.
6	Report to Standing Committee: draft and typescript marked up for printing, 1984.
7	Report to Standing Committee: proofs, 1984 - 1985.
8	Report to Standing Committee: page proofs, 1985.

## **ACC 11 Industrial Relations Sub-Committee Files, 1983-1985**

[includes papers 1972-1985]

17 files

### **Description**

The Industrial Relations Sub-Committee was formed by the Standing Committee in 1983. The following resolution adopted that year at the plenary session of the ACC was referred by the Standing Committee to the Industrial Relations Sub-Committee:

That this Convention recommends that the Standing Committee of the Australian Constitutional Convention consider and report to the next plenary session on the present operations and limitations of section 51 (xxxv) with a view to providing, whether by way of referendum, reference of State powers, interchange of State and Commonwealth powers or otherwise, a more appropriate distribution of responsibility between the Commonwealth and the States with respect to or arising out of or in connection with the terms and conditions of employment and analogous relations.

In the course of its work, the Industrial Relations Sub-Committee requested information from relevant Commonwealth and State Ministers concerning work already done in this field, and invited submissions. Papers were commissioned from Professor Di Yerbury, Mr Malcolm Gray and Professor C.P. Mills. The Sub-Committee was able to obtain additional papers and information from a variety of sources.

In 1983 the Federal Government appointed a Committee of Review into Australian Industrial Relations Law and Systems, also known as the Hancock Committee. There was some debate about whether the Industrial Relations Sub-Committee should suspend its deliberations pending the report of the Hancock Committee due in March 1985. The Sub-Committee met in June and October 1983, a meeting scheduled for December 1983 was cancelled, and a long time elapsed before its next meeting in August 1984. The Sub-Committee presented an interim report to the plenary session of the ACC at Brisbane in July - August 1985 and asked to be allowed to continue its work now that the Hancock Report had become available (see Convention Proceedings and ACC 15 File No. 59). The Convention resolved that the new Australian Constitutional Convention Council should establish a sub-group to give further consideration to industrial relations matters.

Another motion relating to industrial relations was moved at the Brisbane Convention by Lance Milne, who drew the attention of the Convention to the Austrian Parity Commission (or Social Partnership) on which he had written a paper (see Convention Proceedings and ACC 15 File No. 60).

This series of files contains:

**Agendas, Minutes and Correspondence:** Agendas and minutes of meetings of the

Industrial Relations Sub-Committee, correspondence of the Sub-Committee (and letters concerning the proposed Industrial Relations Sub-Group), together with membership lists and various other papers. The correspondence includes letters to/from the Chief Executive Officer, the Assistant to the Chief Executive Officer, the Secretary to the Industrial Relations Sub-Committee (Richard Kleinig), the Chairman of the Sub-Committee (Senator Nick Bolkus), and Research Officer Vanessa Mitchell.

**Papers:** A range of research and background papers, including certain papers commissioned by the Sub-Committee, submissions to the Hancock Inquiry, and other material relating to industrial relations.

Note: The interim report of the Industrial Relations Sub-Committee, 30 July 1985 ('Precis of work of Industrial Relations Sub-Committee'), can be found with papers of the Brisbane plenary session in ACC 15 (File No. 59).

Previous Series: ACC 3 Standing Committee 'A' Files

Related Series: ACC 7 Standing Committee Files

ACC 15 Plenary Sessions Files

ACC 19 Printed Proceedings, Reports and Papers

ACC 29 Papers on Agenda Items

(Note: There is a heavy overlap between ACC 11 and the papers in series ACC 29 on Item 4 (c) (industrial relations) which was referred to Standing Committee A by the 1973 Convention. ACC 29 includes papers connected with the work of the Industrial Relations Sub-Committee.)

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

## Item List

File No.	Contents
1	Correspondence, Agendas and Minutes, 1983 (and associated papers dating back to 1972).
2	Correspondence, Agendas and Minutes, 1983 - 1985 (with attachments dating back to 1972).
3	Commonwealth/State Review of Industrial Relations Systems: First to Fifth Reports of a Working Party to Commonwealth and State Ministers for Labour, 1979 - 1980.
4	Commonwealth/State Review of Industrial Relations Systems: Sixth Report of Working Party, 1981.
5	Reports of Working Party on a Complementary Industrial Relations System within Australia to Commonwealth and State Labour Ministers,



1982.

- 6 Papers: W.B. Creighton, 'Changing Industrial Law - The Question of Enforcement', September 1983; W.J. Ford, 'The Federal Industrial Disputes Power: Comments on some Constitutional Considerations', c.1983; Mr Justice J.T. Ludeke, 'Is Now The Time for Radical Change?', September 1983; Judge A.V. Russell, QC, 'The Federal and State Jurisdictions', September 1983; Professor D. Yerbury, 'The Duality of Constitutional Powers in Australian Industrial Relations', August 1983, and Summary of paper; 'Is Referral of Industrial Powers Necessary?' (anon).
- 7 Papers: M.F. Gray, QC, 'Deficiencies in the Present Allocation of Federal and State Powers in the Industrial Relations Area', December 1983; Ann Harding, 'The Australian Industrial Relations System', 1983.
- 8 Correspondence, Minutes and Papers (Legal Research Officer's file), c.1983 - 1984.
- 9 Hancock Inquiry: Terms of Reference and notes re Hearings, 1983 - 1984.
- 10 Compilation of Summaries of Submissions by various Governments and Authorities to the Hancock Committee of Inquiry (1983 - 1984), prepared by Richard Kleinig, 1984.
- 11 Hancock Inquiry: Submission by Queensland Government, 1984.
- 12 Hancock Inquiry: Submissions by New South Wales Government, Victorian Government, South Australian Government, Western Australian Government, Tasmanian Government, 1984.
- 13 Hancock Inquiry: Submission by Department of Employment and Industrial Relations and Summary of Submission, 1984.
- 14 Hancock Inquiry: Department of Employment and Industrial Relations Supplementary Submissions, 1984.
- 15 Hancock Inquiry: Submission by Australian Council of Trade Unions, 1984.
- 16 Hancock Inquiry: Submission by Confederation of Australian Industry Industrial Council, 1984.
- 17 Hancock Inquiry: Submission by Sir John Moore, President, Australian Conciliation and Arbitration Commission, 1983.

## **ACC 12 Fiscal Powers Sub-Committee Files, 1983-1985** [includes papers 1964-1986]

25 files

### **Description**

The Standing Committee established the Fiscal Powers Sub-Committee in June 1983, and referred to it the following three matters which were originally referred to the Standing Committee in April by the 1983 plenary session of the ACC:

#### *States Fiscal Powers*

The effect of the provisions of the Constitution, including section 90, in relation to the fiscal powers of the States. (Agenda Item A.14, Resolution 11, 1983 plenary session.)

The Sub-Committee consulted various material relating to this reference, and sought submissions from State treasurers and shadow treasurers. Dr Cheryl Saunders prepared an issues paper for the Sub-Committee based on the submissions and other sources, and subsequently prepared a discussion paper which was widely distributed. The Sub-Committee received 19 submissions on this discussion paper from a range of interested people, organisations and government departments, all of which were taken into account in its final report.

#### *Commonwealth Immunities*

Whether the Constitution should be amended or Commonwealth legislation enacted so as to provide that the Commonwealth in its operations within a State is bound by all relevant State laws purporting to bind the Commonwealth save insofar as those laws are inconsistent with a law of the Commonwealth. (Agenda Item A.16, Resolution 13, 1983 plenary session.)

In its deliberations on this matter, the Sub-Committee referred to a background paper which had been prepared by New South Wales for the 1983 plenary session, a Commonwealth response to the New South Wales paper, and submissions from government departments and interested organisations.

#### *Paramountcy of Commonwealth Law*

Whether the present mechanism for the resolution of conflicts between Commonwealth and State laws provided by section 109 of the Constitution is satisfactory. (Agenda Item A.17, Resolution 14, 1983 plenary session.)

Dr Cheryl Saunders, Research Director to the Fiscal Powers Sub-Committee, commissioned a recent law graduate to find and analyse High Court decisions involving section 109, and

asked Gregory Craven from the Monash University Law School to prepare a brief issues paper based on this research. Following discussion with Greg Craven on his (interim) issues paper, the Sub-Committee commissioned him to undertake further work. His subsequent paper, 'The Operation of section 109 of the Commonwealth Constitution', examined difficulties in the operation of section 109 and suggested some possible solutions.

The three references to the Fiscal Powers Sub-Committee were covered in separate chapters of their *Report to Standing Committee*, July 1984, which was printed with the Proceedings of the 1985 plenary session of the ACC.

The series of Fiscal Powers Sub-Committee Files includes:

**Agendas and Minutes:** Agendas and minutes, filed with correspondence and papers relevant to meetings of the Sub-Committee.

**Correspondence and Submissions:** Submissions from governments, organisations and individuals, other correspondence connected with the work of the Sub-Committee, and miscellaneous papers. The correspondence includes letters to and from the Chief Executive Officer, the Assistant to the Chief Executive Officer and Secretary to the Fiscal Powers Sub-Committee (Don Blackwood), the Chairman (Robert Fordham), and the Research Director to the Sub-Committee (Cheryl Saunders).

**Papers:** Background and research papers, progress reports and other material.

**Report:** Drafts and proofs of the Sub-Committee's final report.

Previous Series: ACC 3 Standing Committee 'A' Files  
ACC 5 Standing Committee 'C' Files

Related Series: ACC 7 Standing Committee Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### Item List

File No.	Contents
1	Agendas and Minutes, June 1983 - February 1984 (with attached papers dating back to 1981).
2	Agendas and Minutes, May 1984 - July 1984 (earlier papers attached).
3	Agendas, Minutes, Correspondence and Papers, 1983 - 1984 (Legal Research Officers' file).

- 4 Correspondence (and submissions), 1983 - 1985.
- 5 Copies of certain submissions from States, 1983.
- 6 *Hematite Petroleum Pty Ltd v Victoria*: copy of High Court decision, 5 August 1983; notes; Minerals and Energy paper 'High Court Decision on Pipeline Licence Fees Act 1981 - Alternate Options open to Victoria'; paper by Cheryl Saunders re *Hematite* decision, October 1983.
- 7 Excise (s. 90, state fiscal powers): background paper, 25 February 1983.
- 8 State Fiscal Powers discussion paper by Cheryl Saunders, 1984.
- 9 Submissions received on State Fiscal Powers and other related correspondence, 1984 (with miscellaneous papers dating back to 1964).
- 10 Submissions received on State Fiscal Powers discussion paper, 1984 (nos. 1 - 19, including many of the original submissions received and some copies).
- 11 Submissions received on State Fiscal Powers discussion paper, 1984 (nos. 1 - 19).
- 12 Submissions received on State Fiscal Powers discussion paper, 1984 (copies returned by Economic and Budget Review Committee, 1986).
- 13 Commonwealth Immunities: background paper, 25 February 1983 and draft Commonwealth paper, c.July 1983.
- 14 Commonwealth Immunities: Commonwealth paper, December 1983.
- 15 Submissions received on Commonwealth Immunities, 1984.
- 16 'The Operation of section 109 of the Commonwealth Constitution', paper by Gregory Craven, 1984.
- 17 Research Material on the Sub-Committee's references, 1981 - 1984.
- 18 Research Material on section 114, 1976 - c.1983.
- 19 Miscellaneous papers, 1982 - 1984 (including *Inter-State Commission Amendment Act* 1983).
- 20 State Fiscal Powers discussion paper (and draft and summary), notes re Fiscal Powers reference, issues paper re Immunities reference, correspondence, submissions, draft chapters of Sub-Committee's report and proposed amendment(s), 1984.
- 21 Draft report, correspondence and miscellaneous notes, 1984.
- 22 Report, July 1984: typescript marked up for printing.
- 23 Report, July 1984: proofs.
- 24 Report, July 1984: page proofs.

25

Report: distribution lists, correspondence and miscellaneous papers  
(including 'A Consideration of the Australian Constitutional Convention  
Report of the Fiscal Powers Sub-Committee' by Law Council of Australia -  
Constitutional Law Committee), 1984 - 1985.

## **ACC 13 Constitutional Amendment Sub-Committee Files, 1983-1985** [includes papers 1918-1985]

11 files

### **Description**

The Constitutional Amendment Sub-Committee was established by the Standing Committee in June 1983. Senator Michael Tate was elected Chairman. This Sub-Committee considered and reported on a number of issues. These included several matters referred to the Standing Committee by the 1983 Adelaide Convention and passed on to the Constitutional Amendment Sub-Committee, plus matters referred from the Standing Committee and the Structure of Government Sub-Committee at later dates.

Most of the matters referred to the Constitutional Amendment Sub-Committee were discussed in its *Report to Standing Committee*, June 1984, which was printed with the Proceedings of the 1985 Brisbane Convention. Other matters seem to have been covered in separate communications to the Standing Committee.

Below is an introduction to the Sub-Committee's references.

#### *Composition of the Australian Constitutional Convention*

Resolution 16 of the 1983 Convention was referred to the Sub-Committee:

That this Convention recommends that the composition of the Australian Constitutional Convention be altered to provide that there shall be one full voting delegate from local government for each State and that the composition of delegations appointed by the Parliament of the Commonwealth and the Parliaments of the States be referred to the Standing Committee for consideration and report to the next plenary session of the Convention.

#### *Organisation of the Australian Constitutional Convention: Secretariat*

This was the subject of Resolution 17 (2) of the 1983 Convention:

That the Standing Committee consider the establishment of a small secretariat on a full-time basis for organisational and administrative purposes, and to co-ordinate research.

In December 1983 the Sub-Committee suggested to the Standing Committee that the existing Secretariat should not be expanded but that its functions should be expanded to include the production of a regular newsletter.

#### *Implementation of Convention Resolutions*

Agenda Item A.21 at Adelaide was referred by the 1983 Convention to the Standing Committee for consideration and report (Resolution 18):

That this Convention requests the Commonwealth to undertake to initiate referendums as soon as practicable in respect of any proposal for constitutional alteration passed by a two-thirds majority of the Convention.

*States Initiation of Referendums*

The proposals in Agenda Item A.22 were referred to the Standing Committee by the 1983 Convention (Resolution 19):

That this Convention recommends that the Constitution be altered by adding to it a new section to make provision for an additional method of effecting alteration to it in future, in terms substantially to the following effect:

(1)The Constitution may also be altered in the manner following initiated by laws enacted by the Parliaments of the States.

(2)If during any period of three calendar years the Parliaments of each of the States pass a law proposing an alteration to the Constitution, the alteration proposed by each such law being in identical terms, the Commonwealth shall submit the proposed alteration to a referendum within twelve months of the date of the last passage of the law proposing such alteration by a State Parliament.

(3)If the proposed alteration is approved at such referendum -

(i)by a majority of the electors voting in each of not less than the number of States required under section 128 to return a majority in favour of an alteration proposal in order that it be carried; and

(ii)by a majority of all the electors voting at the referendum to which it has been submitted in accord with paragraph (2) above the proposed alteration shall, by force of this provision, become operative and of full force and effect as an alteration of the Constitution.

(4)The repeal of any such Act by the Parliament of any State shall not operate to prevent the alteration of the Constitution contained in it becoming effective if the law is approved by the majorities of electors prescribed in this section.

*Popular Initiative*

This was the subject of Agenda Item A.23, referred to the Standing Committee by the 1983 Convention (Resolution 20):

That this Convention recommends that the Constitution be altered to provide that a proposed amendment to the Constitution may be initiated by petition to a House of the Parliament signed within the period of six months immediately preceding presentation of the petition by not less than two hundred and fifty thousand electors qualified to vote for the election of members of the House of Representatives.

Any such proposed amendment shall be submitted to the electors in each State and Territory at the same time as the next election for the House of Representatives or the Senate.

If a majority of all the electors voting approve the proposed amendment and in a majority of the States a majority of the electors voting also approve the proposed amendment such amendment will be presented to the Governor-General for the Queen's Assent.

#### *Amendments to section 128*

The following proposals contained in Agenda Item A.24 were referred by the 1983 Convention to the Standing Committee (Resolution 21):

That this Convention recommends that section 128 of the Constitution be altered -

##### *(a) Clarification of 'fails to pass'*

to clarify the course to be followed in the case of disagreement between the two Houses upon a law to alter the Constitution by making provision along the following lines, in lieu of the second substantive paragraph of section 128:

'If one House passes by an absolute majority of the total number of members a proposed law for the alteration of the Constitution and transmits it to the other House and the other House has not passed the proposed law within fifteen sitting days after the date on which the proposed law is received by it without amendment or with such amendments only as were agreed to by the first-mentioned House and the session has not ended; and if the first-mentioned House in the same or next session passes by an absolute majority of the total number of members the proposed law with or without any amendments made by or agreed to by the first-mentioned House and transmits it to the other House and the other House has not passed the proposed law within fifteen sitting days after the date on which the proposed law is received by it and the session has not ended, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments, subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.'

##### *(b) Further entrench penultimate paragraph of section 128*

to provide specifically that an amendment to the penultimate paragraph of section 128 must



be approved by a majority of electors voting upon the proposed alteration in each State.

(c) *Clarify categories of constitutional alterations to which penultimate paragraph applies* to make it clear that the words in section 128 'the provisions of the Constitution in relation thereto' in the penultimate paragraph apply to the three matters referred to in the penultimate paragraph.

(d) *Extend section 128 to alteration of the covering clauses* to make it clear that the procedure for amendment of the Constitution under section 128 extends to altering the covering clauses of the Constitution.

#### *Agreement of States to Referendum Proposals*

At a meeting of the Standing Committee on 13 July 1983, the following motion was referred to the Constitutional Amendment Sub-Committee. The Attorney-General of Queensland, Mr Doumany, had originally requested that this matter be listed for discussion at the Standing Committee meeting:

That the Commonwealth Constitution be amended to provide that when a matter is to be put to the people by a referendum the question to be put to the people and the arguments both for and against such proposition shall have been agreed to by the Government of the Commonwealth and the governments of a majority of the States and that this matter be referred to the Constitutional Amendment sub-committee.

In December 1983, the Sub-Committee recommended to the Standing Committee that the proposal as it stood was impracticable and that it was not appropriate as a matter for constitutional amendment, although Queensland should feel free to bring forward a more detailed proposal on this matter.

#### *Submission of Proposals to Referendum ('Practice 31')*

At its meeting on 25 November 1983, the Structure of Government Sub-Committee agreed to seek the opinions of the Constitutional Amendment Sub-Committee on Practice 31. Practice 31 was among a number of practices listed by the 1983 Convention for further consideration and subsequently referred to the Structure of Government Sub-Committee:

The Governor-General exercises on ministerial advice his power to submit to referendum Bills to alter the Constitution that have passed both Houses in accordance with section 128. He may, in accordance with such advice, refrain from so submitting a Bill, whether it originated in the House of Representatives or in the Senate.

#### *Public Funding of Referendum Proposals*

The Standing Committee passed the following motion at its meeting on 19 December 1983:

That the Constitutional Amendment Sub-Committee examine:-

- (a) the funding and nature of separate advertising and promotional campaigns for referendum proposals both for and against;
- (b) the supervision of expenditure for referendum proposals campaigns;
- (c) whether there should be any distinction between referendums supported by the Constitutional Conventions and those initiated by the Commonwealth;  
and
- (d) how any public funding pursuant to (a) should be apportioned.

### *Democratic Elections*

In response to a letter from the Commonwealth Attorney-General Gareth Evans, the Standing Committee on 23 May 1984 referred the proposal contained in the Constitution Alteration (Democratic Elections) Bill to the Constitutional Amendment Sub-Committee for consideration and report. Peter Ford, Secretary to the Constitutional Amendment Sub-Committee, prepared an issues paper on the Bill, and the Sub-Committee also received correspondence on the Bill from the Attorney-General of Western Australia. The Sub-Committee considered the Bill at its final meeting on 19 June 1984 and wrote to the Standing Committee drawing attention to certain matters and concluding that it was up to the Standing Committee to decide whether the proposal should be placed on the Agenda for the 1985 Convention in Brisbane.

The files in series ACC 13 include the following kinds of material:

**Agendas, Minutes and Correspondence:** Agendas, minutes and papers relevant to meetings, together with correspondence of the Sub-Committee, all arranged in roughly chronological order. The correspondence includes letters to/from the Chief Executive Officer, the Assistant to the Chief Executive Officer, and the Secretary of the Constitutional Amendment Sub-Committee.

**Papers:** Research and discussion papers, background material, notes, etc.

**Report:** Drafts and proofs of the Sub-Committee's final report, and associated notes, correspondence and papers.

Previous Series: ACC 4 Standing Committee 'B' Files  
ACC 6 Standing Committee 'D' Files

Related Series: ACC 7 Standing Committee Files  
ACC 9 Structure of Government Sub-Committee Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 32 Referendum Material  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

## Item List

File No.	Contents
1	Agendas, Minutes and Correspondence, June 1983 - May 1984 (also includes earlier correspondence relevant to the concerns of the Sub-Committee).
2	Agendas, Minutes and Correspondence, May 1984 - July 1984.
3	Agendas, Minutes and Correspondence (mainly duplicates), 1983 - 1984.
4	Correspondence and papers re a people-elected Convention and people-initiated referendums, 1976 - 1978.
5	Papers, 1958 - 1985 (list enclosed of some of contents): proposed recommendations of Constitution Review Committee, 1958; research and discussion papers, correspondence and miscellaneous items relating not only to the Sub-Committee's references but also to ACC plenary sessions (see also ACC 15).
6	Papers, notes and correspondence relating to the Sub-Committee's references, 1972 - 1984.
7	Constitution Alteration (Democratic Elections) Bill 1984: material re 1974 referendums including Constitution Alteration (Democratic Elections) Bill 1974; <i>McKinlay's Case</i> , 1975 ( <i>Australian Law Reports</i> ); background material re elections, including extract from <i>Commonwealth Electoral Act</i> 1918; material re Constitution Alteration (Democratic Elections) Bill 1984, including 'Critical Analysis'.
8	Report to Standing Committee, June 1984: drafts and miscellaneous correspondence, notes, minutes and papers.
9	Report to Standing Committee, June 1984: proofs.
10	Report to Standing Committee, June 1984: page proofs.
11	Law Council of Australia - Constitutional Law Committee, 'A Consideration of the Australian Constitutional Convention Constitutional Amendment Sub-Committee Report to Standing Committee'.

## **ACC 14 Submissions, 1972-1983**

[includes papers c.1969-1983]

14 files

### **Description**

This series contains various submissions to the Constitutional Convention from Commonwealth, State and Territory Governments, local government, political parties, and other interested organisations and individuals, and related material such as correspondence, lists and summaries of submissions. The bulk of the submissions date between 1972 and 1973, but the series also includes some later submissions to the ACC and relevant earlier documents.

In 1972-73, during the period leading up to the first plenary session of the Convention, press statements were issued and letters sent to specific organisations inviting submissions. Consequently, many submissions were received at the offices of Attorneys-General, Convention delegations, and Chief Executive Officer John Finemore.

The 1972-73 submissions filed in this series include a set of submissions received from 'outside' persons and bodies and numbered from 1 to 106 (see Files 7-10). Although these do not represent the full range of material submitted at the time, they form a useful collection. Printed summaries of submissions 1-90 (compiled August 1973) and 1-106 (November 1974) can be found with printed Convention papers in ACC 19.

It proved possible for Convention organisers to link many of the 1972-73 submissions to one or more of the 15 Agenda Items listed for discussion at the 1973 plenary session. Submissions were among the first resources drawn upon by the four standing committees appointed by the 1973 Convention to consider and report on particular Agenda Items. Later, some of the Convention committees called for further submissions themselves. Researchers may wish to check relevant series of files elsewhere in the ACC collection for submissions addressed to individual committees.

Note: Several of the files in ACC 14 contain lists of their contents which, though useful, are not necessarily complete.

Related Series: ACC 1 Steering Committee Files  
ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 8 - ACC 13 Files of Sub-Committees  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 29 Papers on Agenda Items  
ACC 35 Papers re the Origins, Organisation and Achievements of the ACC  
ACC 36 Secretariat Correspondence  
ACC 37 A.R.B. McDonnell's Files  
ACC 38 Cheryl Saunders' Files

## Item List

File No.	Contents
1	'Sundry Submission Material', c.1971 - c.1976 (submissions, correspondence, lists, summaries, reports and miscellaneous notes - includes 'Report by Chief Executive Officer on Submissions from Outside Bodies', 21 July 1973 [uses a slightly different numbering from that finally adopted for these submissions] and 'Submissions from Outside Persons and Organizations: Index to Relevant Agenda Items and Standing Committees').
2	'Sundry Submission Material', c.1969 - 1973 (submissions, correspondence, lists, summaries, etc. - includes draft and galleys of 'Summary of Submissions from Interested Persons and Bodies Forwarded by Delegations to the Chief Executive Officer', August 1973).
3	'Sundry Submission Material', 1972 - 1973 (submissions, correspondence, lists, summaries - includes 'Recommendations as to Submissions Received' by Bruce Pippett, Research Officer, May/June 1973).
4	Miscellaneous Submissions, 1972 - 1973.
5	(?)Submissions to Commonwealth, 1973; summary of submissions A-Z, at April 1973 (most of the submissions are addressed to Senator Murphy, Federal Attorney-General).
6	Victorian Delegation, 1972 - 1973 (circulation list of relevant organisations; miscellaneous correspondence/submissions; list and summary of submissions received by Victorian Delegation; lists of Victorian submissions forwarded to Chief Executive Officer and submissions received from outside Victoria required by the Victorian Delegation. Note: Victorian Delegation material can also be found elsewhere in the series.)
7	'Outside Submissions, Vol. I, Nos. 1 - 45', 1972 - 1973.
8	'Outside Submissions, Vol. II, Nos. 46 - 69', 1972 - 1973.
9	'Outside Submissions, Vol. III, Nos. 70 - 90', 1972 - 1973.
10	'Outside Submissions: Supplementary, 91 - ', 1972 - 1973 (Submissions 91 - 106, 'Supplement to Summary of Submissions', other correspondence and submissions).
11	Submissions and Correspondence: Australian Government, States (and Northern Territory) and Local Government, c.1971 - 1973 (letters/submissions from Victorian State Government Ministers etc.;

submissions from States, Northern Territory, local government; notes, lists and summaries, including summaries of Australian Government submissions and States' proposals).

- 12 Submissions and associated correspondence, 1972 - 1983:  
Australian Natives' Association; Nilsen Family and Friends (re People-Elected Convention - see also ACC 35, File No. 16); Mr H.R. Black.
- 13 Submission(s) re Item No. A.13, Adelaide Convention (and Executive Committee Recommendations re Adelaide), 1983.
- 14 'Legislative Powers Background Papers and Submissions', c.1983: Family Law (Agenda Item A.13) - Commonwealth Paper; Excise (Agenda Item A.14) - Background Paper by NSW; Interchange of Powers (Agenda Item A.18) - Background Paper by Dr C. Saunders.

## **ACC 15 Plenary Sessions Files, 1973-1985**

[includes papers 1891-1986]

72 files

### **Description**

These files contain correspondence, official documents and miscellaneous papers concerning preparations for and proceedings at plenary sessions of the ACC, and some material relating to the subsequent printing of proceedings. The series also includes historical background information, details about Convention committees, and reflections on the role and achievements of the Convention. Plenary sessions were held in 1973, 1975, 1976, 1978, 1983 and 1985. A plenary session was planned for 1974, but did not eventuate.

The majority of these files relate primarily to one of the six plenary sessions. However, a number contain information on more than one plenary session (including the proposed 1974 Convention), possibly because the organisers referred back to correspondence and papers concerning the running of previous Conventions and kept material on similar subjects together. Therefore it is important to read the contents description carefully to see whether a file contains details on more than one Convention. For ease of use, the files have been arranged and listed in roughly chronological order under the most relevant plenary session, with miscellaneous files at the end of the series.

Related Series: ACC 1 Steering Committee Files

ACC 2 Executive Committee Files

ACC 17 Rolls of Delegates

ACC 18 Minutes of the ACC

ACC 19 Printed Proceedings, Reports and Papers

ACC 20 Audiotapes of ACC Proceedings

ACC 21 Videotape of Perth Plenary Session

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 36 Secretariat Correspondence

ACC 37 A.R.B. McDonnell's Files

ACC 42 Printing (Correspondence with Printers etc.)

### **Item List**

File No.	Contents
1	Sydney 1973: Particulars of delegates, article on genesis of the Convention, Tables of Pre-Federation and Post-Federation History, other background papers, Steering Committee material, Standing Orders (see also File No. 67), various correspondence, article re outcome of 1973 Convention, c.1970 - 1973 (partial contents list enclosed).

- 2 Sydney 1973: Historical background papers and summaries, Minutes of Victorian Delegation meeting 1 February 1973, miscellaneous correspondence, 1973 (and earlier material).
- 3 Sydney 1973: Background papers and comments on the Convention and its outcome (various, including speeches/statements by Victorian Premier).
- 4 Sydney 1973: Resolutions of Parliaments re Convention and delegations, other official documents and background papers (including copies of early Acts), correspondence, notes etc. re Convention and formation of standing committees, 1896 - 1973.
- 5 Sydney 1973: Arrangements (includes correspondence and papers re preparations for Convention, speech by the Prime Minister during the opening session, and Ministerial Statement by Queensland Premier following the Convention), 1972 - 1973.
- 6 Sydney 1973: 'Travel Arrangements and Substituted Members in relation to Inaugural Meetings of Standing Committees' (includes correspondence and papers relating to the Sydney Convention and matters arising from it, including subsequent committee meetings).
- 7 Sydney 1973: Mementoes of State Dinner, 3 September 1973.
- 8 Melbourne 1975 (also proposed Convention 1974 and Sydney 1973): Correspondence and miscellaneous papers, 1972 - 1975.
- 9 Melbourne 1975: 'Position of Agenda Items Requiring Possible Redrafting'; 'Matters Adjourned or Referred to Committees'.
- 10 Melbourne 1975: Agenda Papers, Minutes and Resolutions Adopted.
- 11 Hobart 1976: Delegations (Resolutions of Parliaments, correspondence etc.), 1972 - c.1977.
- 12 Hobart 1976 (also Melbourne 1975, proposed Convention 1974 and Sydney 1973): Correspondence and miscellaneous papers re plenary sessions and associated matters, 1973 - 1976.
- 13 Hobart 1976 (and Melbourne 1975): Correspondence and various papers re Convention arrangements and proceedings, Executive Committee meetings, delegates, membership of committees, etc., c.1974 - 1976.
- 14 Hobart 1976: Original Papers, Day 1 (correspondence, forms etc. mostly re delegates and proceedings on 27 October 1976).
- 15 Hobart 1976: Original Papers, Day 2 (correspondence, forms etc. mostly re delegates and proceedings on 28 October 1976).
- 16 Hobart 1976: Original Papers, Day 3 (correspondence, forms etc. mostly re delegates and proceedings on 29 October 1976).
- 17 Hobart 1976: Resolutions Adopted.



- 18 Perth 1978 (and Hobart 1976): Delegates and Representatives, Resolutions of Parliaments, Convention procedural matters, travel arrangements, etc. (correspondence, forms, lists, notes, papers), 1972 - 1978.
- 19 Perth 1978: Travel, accommodation and other arrangements.
- 20 Perth 1978: Delegates, Agenda etc.
- 21 Perth 1978 (and Hobart 1976): Agenda and other preparations (Agenda Papers, correspondence and notes re Agenda and miscellaneous matters), 1976 - 1978.
- 22 Perth 1978 (and previous Conventions): Miscellaneous correspondence and papers, 1973 - 1979.
- 23 Perth 1978: Resolutions Adopted.
- 24 Perth 1978: Parliamentary Debates on the Perth Resolutions (tabling of Resolutions, and debate on the Convention), 1978 - 1979.
- 25 Adelaide 1983: Lists of Delegates and Representatives.
- 26 Adelaide 1983: Officers' Meeting, Adelaide, 18 January 1983 (correspondence, Agenda, notes on meeting, miscellaneous papers), 1982 - 1983.
- 27 Adelaide 1983 (and Perth 1978): Arrangements (correspondence, notes and papers re travel, accommodation, security, arrangements for exhibition, and other matters), c.1978 - 1983.
- 28 Adelaide 1983: Correspondence, Submissions, Information for Delegates and Representatives, List of Documents, and miscellaneous papers.
- 29 Adelaide 1983: Miscellaneous (arrangements re transport and Convention opening, lists of observers, motion re local government representation).
- 30 Adelaide 1983: Miscellaneous correspondence and papers (Convention administrative arrangements, procedures, Agenda, address by Sir Ninian Stephen).
- 31 Adelaide 1983 (and former Conventions): Agendas, Minutes and Debates (drafts, proofs, notes, summaries, correspondence, etc.), c.1973 - 1983.
- 32 Adelaide 1983: Agenda and miscellaneous Convention arrangements (includes draft Agenda Papers, miscellaneous correspondence and notes), 1982 - 1983.
- 33 Adelaide 1983: Agenda (correspondence, notes etc. re Agenda, origin and history of Agenda Items, and miscellaneous matters), c.1981 - 1983.
- 34 Adelaide 1983: Notes on Agenda Items, prepared by Cheryl Saunders for the Victorian Delegation.
- 35 Adelaide 1983: Agenda Paper No. 15, Tuesday 26 April (and drafts).

- 36 Adelaide 1983: Agenda Paper No. 17, Thursday 28 April (several copies, one with enclosures and notes); Division forms.
- 37 Adelaide 1983: Agenda Paper No. 18, Friday 29 April.
- 38 Adelaide 1983: Delegation Speakers (forms).
- 39 Adelaide 1983: 'A Short Historical Survey of the Activities of the Australian Constitutional Convention 1973-1978', Paper prepared by Don Blackwood and Peter Ford with assistance from Anne Schick, 1983; Address to the ACC by Bob Hawke, 28 April 1983.
- 40 Adelaide 1983: 'The Parliamentarians' approach to Constitutional reform - An Observer's view of the Adelaide Session of the Australian Constitutional Convention' by Terence Purcell, Director, Law Foundation of NSW, 1983.
- 41 Adelaide 1983: Debates (proofs) and Resolutions.
- 42 Adelaide 1983: Debates (proofs) and Resolutions - another copy.
- 43 Adelaide 1983: Printing of Proceedings (drafts, proofs, notes etc.)
- 44 Adelaide 1983: Printing of Proceedings (copies of Alphabetical List of Delegates and Representatives and Biographical Notes on Delegates and Representatives prepared for typesetting).
- 45 Adelaide 1983: Printing of Proceedings (Resolutions of the Respective Parliaments and Territorial Assemblies - also copy of Senate debate re ACC), 1980 - 1983.
- 46 Adelaide 1983: Printing of Proceedings (drafts and proofs of Minutes and Resolutions Adopted, and associated correspondence).
- 47 Adelaide 1983: Printing of Proceedings (proofs of Official Record of Debates, Index to Debates and Index to Speeches).
- 48 Adelaide 1983: Appendices to Fourth Report of Standing Committee D, Supplementary Fourth Report of Standing Committee D, Explanatory Paper on Constitutional Qualifications of Members of Parliament and correspondence from G.J. Lindell re corrections to paper.
- 49 Brisbane 1985: Delegates (Resolutions of the Parliaments and local government nominations, correspondence, notes, papers re composition of the ACC and Secretariat, and list of delegates and representatives to Adelaide Convention 1983), c.1972 - 1985.
- 50 Brisbane 1985: Accreditation of Observers (press advertisement inviting applications for accreditation, correspondence, lists, notes, miscellaneous papers), c.1983 - 1985.
- 51 Brisbane 1985: Correspondence, press releases and related papers re Brisbane and previous Conventions (including 'Previous Convention

- Resolutions on Organizational Matters'), 1973 - 1985.
- 52 Brisbane 1985: Preparations, information for delegates and representatives, miscellaneous papers (including some originals for reproduction), c.1984 - 1985.
- 53 Brisbane 1985 (also Adelaide 1983 and Perth 1978): Correspondence, notes and papers re Convention arrangements, c.1976 - 1985.
- 54 Brisbane 1985 (also Adelaide 1983 and Perth 1978): Accommodation, transport, security and other administrative arrangements, 1978 - 1985.
- 55 Brisbane 1985: Badges, name tags, press passes, staff passes, public gallery passes, transport/car parking information card, luggage labels (see Files 53 and 58 for related information).
- 56 Brisbane 1985 (and Adelaide 1983): Agendas, minutes and notes of meetings before and during Conventions, correspondence and papers re Convention arrangements and other matters, 1983 - 1985.
- 57 Brisbane 1985: Briefing notes for Victorian Delegation, papers re Agenda Items and Convention processes, miscellaneous papers, including copy of Constitution, c.1976 - 1985.
- 58 Brisbane 1985: Law Council of Australia Family Law Section Submission(s), National Council for the Single Mother and her Child correspondence/submission, Bills, lists of delegates and representatives, Convention information, papers re Agenda Items, background and miscellaneous papers, c.1960 - 1985.
- 59 Brisbane 1985: Programmes, papers re Agenda Items, Minutes (proofs), address by Sir Ninian Stephen, report of Industrial Relations Sub-Committee, miscellaneous papers.
- 60 Brisbane 1985: Miscellaneous papers ('The Social Partnership' by Lance Milne and text of speech, and Electoral Commission paper on referendums), c.1984 - 1985.
- 61 Brisbane 1985: Press clippings, press release, copy of *Intergovernmental Focus* No. 2 1985.
- 62 Brisbane 1985: Convention information and proceedings, and 'Report to Parliament on the Australian Constitutional Convention - An Assessment of the 1985 Brisbane Plenary Session; the Convention Generally and its Future' by Legal and Constitutional Committee (Victorian Parliament), c.1984 - 1986.
- 63 Brisbane 1985: Debates, Minutes and Resolutions (proofs only).
- 64 Brisbane 1985: Agenda Papers, Debates, Minutes, Index to Debates, Index to Speeches.
- 65 Brisbane 1985: Printing of Proceedings, 1985 - 1986.

- 66 Brisbane 1985: Printing of Proceedings, 1985 - 1986.
- 67 Misc: Draft Standing Orders (also material re Agenda Items and other organisational matters - includes copy of arrangements for National Australasian Convention, Sydney 1891), 1891 - c.1975.
- 68 Misc: Correspondence and papers re Conventions, c.1973 - c.1978.
- 69 Misc: Correspondence and papers re Conventions, committees and related matters, c.1973 - c.1978.
- 70 Misc: Printed Information for Delegates and Representatives Melbourne 1975, Hobart 1976, Perth 1978; Standing Orders 1976.
- 71 Misc: Papers re Conventions, committees, future of the ACC and related matters (including printed information, lists of delegates and representatives, Hansard, list of submissions, 'Notes on Future of Convention'), 1973 - c.1983.
- 72 Resolutions Adopted at the Australian Constitutional Convention, 1975 - 1985.

## **ACC 16 Briefing Notes for Commonwealth Delegates to the Australian Constitutional Conventions, 1975-1985**

**Note:** This series was created by the Commonwealth Attorney-General's Department and is now held at the Australian Archives Victorian Office under reference B6225. The records are subject to a 30 year closed period. Earlier access may be available by applying under the Commonwealth *Freedom of Information Act 1982* directly to the Attorney-General's Department.

### **Description**

This series contains briefing notes on Convention Agenda Items, prepared in the Commonwealth Attorney-General's Department for the information of the Commonwealth Parliamentary Delegation. The notes were known as Legal Secretary's Briefing Notes or Legal Secretary's Papers. They are accompanied by background material (of various dates) and lists of sources, etc.

The briefing notes cover items on the agenda at plenary sessions in 1975, 1976, 1983 and 1985. The notes for each Convention are arranged numerically according to Agenda Item number.

Certain files in the series also contain 'Notes for Government delegates'. The Commonwealth Delegation included members of Government and Opposition parties. The Notes for Government delegates indicate the proposed Government attitude to Agenda Items.

One file is solely devoted to reference material on Agenda Item A.1 (integrated system of courts) listed for consideration at the Adelaide Convention in 1983. This file is not a clear part of the sequence of briefing notes, but seems to be related to them.

The briefing notes were probably widely distributed to delegates and officers, but those now in the custody of Australian Archives are the only known surviving copies. The briefing notes were transferred to Australian Archives in 1996 because they were identified as Commonwealth records controlled by the Attorney-General's Department.

Related Series: ACC 15 Plenary Sessions Files  
ACC 19 Printed Proceedings, Reports and Papers

## **ACC 17Rolls of Delegates, 1973-1985**

6 rolls

### **Description**

This series comprises forms containing names and signatures of delegates and representatives who attended plenary sessions of the ACC. The forms covering plenary sessions held in 1973, 1975, 1976 and 1978 have been bound in volumes (called rolls of delegates). Those for 1983 and 1985 are not bound. In the bound volumes, Commonwealth delegates appear first, followed by members of State and Territory delegations, then local government representatives. In a few cases local government representatives are listed with the delegates from their State or Territory.

Note: These rolls may not all be complete. For comparison and further details, researchers may wish to consult printed lists of delegates and representatives and biographical notes in ACC 19.

Related Series:ACC 15 Plenary Sessions Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 36 Secretariat Correspondence  
ACC 37 A.R.B. McDonnell's Files

### **Item List**

Roll No.	Contents
1	Roll of Delegates, Sydney 1973.
2	Roll of Delegates, Melbourne 1975.
3	Roll of Delegates, Hobart 1976.
4	Roll of Delegates, Perth 1978.
5	Roll of Delegates, (?)Adelaide 1983.
6	Roll of Delegates, (?)Brisbane 1985.

## **ACC 18 Minutes of the ACC, 1973-1983**

3 volumes

### **Description**

This series comprises three books of handwritten minutes. The first book, labelled 'Manuscript Votes and Proceedings' and inscribed with the signature of A.R.B. McDonnell (Assistant Clerk to the Convention), contains rough minutes of the 1973 plenary session, followed by minutes of meetings of the Executive Committee and Standing Committees A, B, C and D in November 1973. The second volume contains rough minutes of plenary sessions from 1975 to 1983, occasionally signed by the Clerk to the Convention. In certain cases, typed copies of motions, amendments and other details have been enclosed or pasted into these volumes rather than copied by hand. The third volume contains final handwritten versions of minutes from 1973 up to 1976 only, signed both by the Chairman and Clerk. This volume has been specially bound. No handwritten minutes have been located for the 1985 plenary session.

Note: Printed minutes of each plenary session can be found with the printed Proceedings of the ACC. Minutes of committee meetings can generally be found with files of individual committees.

Related Series: ACC 2 Executive Committee Files  
ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 15 Plenary Sessions Files  
ACC 19 Printed Proceedings, Reports and Papers

### **Item List**

Vol. No.	Contents
1	Minutes (rough), Sydney September 1973, and meetings of Executive Committee and Standing Committees November 1973.
2	Minutes (rough), Melbourne 1975 - Adelaide 1983.
3	Minutes (signed and bound), Sydney 1973 - Hobart 1976.

## **ACC 19 Printed Proceedings, Reports and Papers, 1973-1985** [includes report on the ACC, 1986]

66 items (plus duplicates where available)

### **Description**

This series contains printed items ranging from bound volumes to pamphlets and single sheets. Some of the smaller items have been enclosed in folders for their protection and easier location.

The main volumes in this series are the bound hardcover *Proceedings* of plenary sessions of the ACC. The Proceedings include elements such as:

Alphabetical List of Delegates and Representatives

(Names of Commonwealth, State and Territory delegates and local government representatives are listed in one alphabetical sequence, followed by the names of the Chairman, Chief Executive Officer, Clerk and Assistant Clerk to the Convention. The Proceedings for 1983 and 1985 also contain Biographical Notes on Delegates and Representatives - Biographical Notes on Delegates and Representatives at the 1973 and 1976 plenary sessions can be found in separate booklets.)

Minutes and Index to Minutes

Agenda Papers

Resolutions of Parliaments

(Resolutions and certain other documents concerning participation in the ACC and membership of Commonwealth, State and Territory delegations. Note: Because of changes to the governing bodies in the Northern Territory and the ACT, the 1973 volume of Proceedings includes a Resolution of the Legislative Council for the Northern Territory, while later volumes contain Resolutions of Territorial Assemblies.)

Official Record of Debates, Index to Debates and Index to Speeches

Resolutions Adopted at the ACC

Committee Reports

The 1973 Proceedings include Reports and Recommendations of the Steering Committee. Reports and Recommendations of the Executive Committee may appear in later volumes.



Most of the reports to the Executive Committee by Standing Committees A, B, C and D appointed in 1973 and reports to the Standing Committee by sub-committees appointed in 1983 may be found with the hardcover Proceedings. The Proceedings of the 1983 and 1985 Conventions each extend to two volumes, one of which contains associated standing committee/sub-committee reports.

The softcover volumes of Proceedings are mostly not as comprehensive as the hardcover volumes, and do not include reports of standing committees and sub-committees.

Sometimes parts of the Proceedings such as committee reports were distributed separately while also appearing in the main volumes. The series includes many of these individual items.

In addition, the series contains some printed material which does not form part of the bound Convention Proceedings, including certain reports and papers produced by the ACC, its committees, and other bodies. Note that the series includes some material prepared for delegates and representatives planning to attend the 1974 plenary session of the Convention, which did not eventuate.

Where possible, two copies (a and b) of each item have been included in this series. A third copy (c) has been added in cases where a slightly different version of the item has been found. Another set of printed Proceedings, reports and papers, including copies of most but not all of the items available in ACC 19, is housed in the library at the Centre for Comparative Constitutional Studies.

Although ACC 19 is fairly comprehensive, it does not include all relevant printed items. Various lists of Proceedings, reports, papers and other items issued by the ACC can be found with bibliographies in ACC 33. Newsletters published by the ACC are filed separately in ACC 26. ACC 15 includes some printed material connected with plenary sessions, such as Standing Orders, Information for Delegates and Representatives, Agenda Papers, Minutes and Resolutions. Printed material may also be found in other parts of the ACC collection.

Related Series: ACC 1 Steering Committee Files

ACC 2 Executive Committee Files

ACC 3 - ACC 6 Files of Standing Committees A - D

ACC 8 - ACC 13 Files of Sub-Committees

ACC 15 Plenary Sessions Files

ACC 17 Rolls of Delegates

ACC 18 Minutes of the ACC

ACC 20 Audiotapes of ACC Proceedings

ACC 21 Videotape of Perth Plenary Session

ACC 26 Newsletter Files

ACC 33 Bibliographies and Reference Material

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 42 Printing (Correspondence with Printers etc.)

## Item List

Item No.	Contents
	<i>Proceedings (hardcover)</i>
1a	Proceedings of the ACC, Sydney 3-7 September 1973 (Don Blackwood's copy, with handwritten corrections to the text).
1b	Duplicate.
2a	Proceedings of the ACC and Standing Committee Reports, Melbourne 24-26 September 1975.
2b	Duplicate.
3a	Proceedings of the ACC and Second Report of Standing Committee D, Hobart 27-29 October 1976 (A.R.B. McDonnell's copy).
3b	Duplicate.
4a	Proceedings of the ACC and Standing Committee Reports, Perth 26-28 July 1978.
4b	Duplicate.
5a	Proceedings of the ACC, Adelaide 26-29 April 1983, Volume I (Minutes of Proceedings, Official Record of Debates, Biographical Notes on Delegates and Representatives, etc.)
5b	Duplicate.
6a	Proceedings of the ACC, Adelaide 26-29 April 1983, Volume II (Standing Committee D Reports).
6b	Duplicate.
7a	Proceedings of the ACC, Brisbane 29 July - 1 August 1985, Volume I (Minutes of Proceedings, Official Record of Debates, Biographical Notes on Delegates and Representatives, etc.)
7b	Duplicate.
8a	Proceedings of the ACC, Brisbane 29 July - 1 August 1985, Volume II (Standing Committee Reports).
8b	Duplicate.
	<i>Proceedings (softcover)</i>
9a	Proceedings of the ACC, Sydney 3-7 September 1973.
9b	Duplicate.
10a	Proceedings of the ACC, Melbourne 24-26 September 1975 (excluding

Standing Committee Reports).

- 10b Duplicate.
  - 11a Proceedings of the ACC, Hobart 27-29 October 1976 (Official Record of Debates, Resolutions Adopted).
  - 11b Duplicate.
  - 12a Proceedings of the ACC, Perth 26-28 July 1978 (Official Record of Debates, Resolutions Adopted).
  - 12b Duplicate.
  - 13a Proceedings of the ACC, Adelaide 26-29 April 1983 (Official Record of Debates, Alphabetical List of Delegates and Representatives, Resolutions Adopted).
  - 13b Duplicate.
  - 14a Proceedings of the ACC, Brisbane 29 July - 1 August 1985 (Official Record of Debates, Alphabetical List of Delegates and Representatives, Resolutions Adopted).
  - 14b Duplicate.
- Miscellaneous documents connected with plenary sessions*
- 15a Summary of Submissions from Interested Persons and Bodies Forwarded by Delegations to the Chief Executive Officer, August 1973 (A.R.B. McDonnell's copy).
  - 15b Duplicate.
  - 16a Alterations that have been Proposed to the Commonwealth Constitution, August 1973 (A.R.B. McDonnell's copy).
  - 16b Duplicate.
  - 17 Biographical Notes on Delegates and Representatives, Sydney September 1973.
  - 18a Delegates' and Representatives' Handbook, September 1973 (A.R.B. McDonnell's copy).
  - 18b Duplicate.
  - 19a Delegates' and Representatives' Handbook, September 1973 (softcover).
  - 19b Duplicate.
  - 20a Australian Constitutional Convention, Sydney 3-7 September 1973 (booklet containing Order of Proceedings for Official Opening, lists of delegates and representatives, background essay 'The Constitutional Convention 1973' and 'Tables of pre-Federation and post-Federation historical events').
  - 20b Duplicate.

- 21a Australian Constitutional Convention, Sydney 3-7 September 1973 (admission card and list of participants).
- 21b Duplicate.
- 22a Summary of Submissions from Interested Persons and Bodies Forwarded by Delegations to the Chief Executive Officer, November 1974.
- 22b Duplicate.
- 23a Alterations that have been Proposed to the Commonwealth Constitution, November 1974 (J.C. Finemore's copy).
- 23b Duplicate.
- 24a Relevant Source Material in relation to Agenda Items, Adelaide November 1974.
- 24b Duplicate.
- 25a Delegates' and Representatives' Handbook, November 1974.
- 25b Duplicate (dark blue cover).
- 25c Duplicate (brown cover).
- 26a Relevant Source Material in relation to Agenda Items, Melbourne September 1975.
- 26b Duplicate.
- 27a Relevant Material in relation to Hobart Agenda Items, October 1976.
- 27b Duplicate.
- 28a Biographical Notes on Delegates and Representatives, Hobart October 1976.
- 28b Duplicate.
- 29a A Short Historical Survey of the Activities of the Australian Constitutional Convention 1973-1978, Paper prepared by Don Blackwood (Australian Constitutional Convention) and Peter Ford (Commonwealth Attorney-General's Department) with assistance from Anne Schick (Commonwealth Attorney-General's Department) for the information of Delegates and Representatives attending the Plenary Session, Parliament House, Adelaide, April 1983.
- 29b Duplicate.
- 30 Biographical Notes on Delegates and Representatives, Brisbane July 1985.  
*Committee reports and associated papers*
- 31a Standing Committee A, Report to Executive Committee, 1 August 1974.
- 31b Duplicate.

- 32a Standing Committee A, Report to Executive Committee, 13 August 1975.
- 32b Duplicate.
- 33a Standing Committee B, Report to Executive Committee, 1 August 1974.
- 33b Duplicate.
- 34a Standing Committee C, Interim Reports to Executive Committee, 1 October 1974.
- 34b Duplicate.
- 35a Standing Committee D, Report to Executive Committee, 1 August 1974.
- 35b Duplicate.
- 36a Judicature Committee, Interim Report to Standing Committee D, 1 October 1976.
- 36b Duplicate.
- 37a Standing Committee D, Second Report to Executive Committee, 1 October 1976.
- 37b Duplicate.
- 38a Standing Committee A, Second Report to Executive Committee, 21 April 1978.
- 38b Duplicate.
- 39a Judicature Committee, Report to Standing Committee D, 26 September 1977.
- 39b Duplicate.
- 40 Opinion prepared for Standing Committee D by Professor K.W. Ryan, 1978.
- 41a Standing Committee D, Special Report to Executive Committee: The Senate and Supply, 23 June 1977.
- 41b Duplicate.
- 42a Standing Committee D, Special Report to Executive Committee: The Senate and Supply, 23 June 1977 (Revised Print, 1978).
- 42b Duplicate.
- 43a Standing Committee D, Third Report to Executive Committee, 3 February 1978.
- 43b Duplicate.
- 44a The Senate and Supply: Draft provisions to give effect to the Perth resolutions (Revised in accordance with decisions of Committee D at meeting held in Hobart on 14 February 1980).

- 44b Duplicate.
- 45a Paper by G.J. Lindell on Admiralty and Maritime Jurisdiction: Necessity for retaining section 76 (iii) of the Commonwealth Constitution (became Appendix C to Fourth Report of Standing Committee D).
- 45b Duplicate.
- 46 Paper by Ewart Smith, OBE, LLB, on Conventions regulating the relationship between the two Houses of the Commonwealth Parliament, 1980 (became Appendix F to Fourth Report of Standing Committee D).
- 47 A Paper prepared for Standing Committee D identifying the Conventions associated with the Commonwealth Constitution, by Dr Cheryl Saunders and Ewart Smith, OBE, 1980 (became Appendix G to Fourth Report of Standing Committee D), version 15074/79.
- 48a A Paper prepared for Standing Committee D identifying the Conventions associated with the Commonwealth Constitution, by Dr Cheryl Saunders and Ewart Smith, OBE, 1980 (became Appendix G to Fourth Report of Standing Committee D), version 29793/80.
- 48b Duplicate.
- 49 Report of Sub-Committee on Jurisdiction of Courts to Standing Committee D Australian Constitutional Convention, 1 July 1982 (became part of Fourth Report of Standing Committee D).
- 50a Standing Committee D, Fourth Report to Executive Committee, 27 August 1982, Volume I.
- 50b Duplicate.
- 51a Standing Committee D, Volume II, Appendices (to Fourth Report).
- 51b Duplicate.
- 52a Standing Committee D, Supplementary Fourth Report to Executive Committee, 10 February 1983.
- 52b Duplicate.
- 53a Standing Committee D, Papers relating to the Constitutional Alteration (Fixed Term Parliaments) 1982, February 1983.
- 53b Duplicate.
- 54a Explanatory Paper, Constitutional Recommendations: Report of Senate Standing Committee on Constitutional and Legal Affairs on the Constitutional Qualifications of Members of Parliament, Mr G.J. Lindell, February 1983 (copy of Senate Standing Committee's Report is filed with the Explanatory Paper for reference).
- 54b Duplicate.

- 55a Structure of Government Sub-Committee, Local Government Report, April 1984 (with handwritten corrections).
- 55b Duplicate.
- 56a Constitutional Amendment Sub-Committee, Report to Standing Committee, June 1984 (with handwritten annotations).
- 56b Duplicate.
- 57a Fiscal Powers Sub-Committee, Report to Standing Committee, July 1984.
- 57b Duplicate.
- 58a Structure of Government Sub-Committee, Report to Standing Committee, August 1984.
- 58b Duplicate.
- 59a External Affairs Sub-Committee, Report to Standing Committee, September 1984.
- 59b Duplicate.
- 60a Judicature Sub-Committee, Report to Standing Committee on an Integrated System of Courts, October 1984.
- 60b Duplicate.
- 61a Structure of Government Sub-Committee, Report on Breaking of the Nexus between the Sizes of the Federal Houses of Parliament, February 1985.
- 61b Duplicate.
- 62a Structure of Government Sub-Committee, Report on Constitutional Qualifications of Members of Parliament, February 1985.
- 62b Duplicate.
- 63a Judicature Sub-Committee, Second Report to Standing Committee, May 1985.
- 63b Duplicate.
- Other material relevant to the work of the ACC*
- 64a Australian Institute of Judicial Administration, Collection of Views Expressed to the AIJA on the Proposals for an Integrated Australian Court System, 8 April 1983.
- 64b Duplicate.
- 65a Australian Institute of Judicial Administration, An Integrated Court System for Australia: Proceedings of the Seminar held at International House, University of Melbourne, Saturday 13 August 1983.
- 65b Duplicate.

- 66 Legal and Constitutional Committee (Parliament of Victoria), First Report on the Australian Constitutional Convention (Report to Parliament on the Australian Constitutional Convention - issues before the 1985 Plenary Session), June 1985.
- 67a Legal and Constitutional Committee (Parliament of Victoria), Second Report on the Australian Constitutional Convention (Report to Parliament on the Australian Constitutional Convention - an assessment of the 1985 Brisbane Plenary Session; the Convention generally and its future), March 1986.
- 67b Duplicate.



## **ACC 20 Audiotapes of ACC Proceedings, 1976-1978**

3 reels and 13 cassettes

### **Description**

These tapes contain recordings of proceedings during the ACC plenary sessions held in Hobart, 27-29 October 1976 and Perth, 26-28 July 1978.

Note: Copies, not master tapes, should be used by researchers.

Related Series: ACC 19 Printed Proceedings, Reports and Papers  
ACC 21 Videotape of Perth Plenary Session

### **Item List**

Tape No.	Contents
1	Hobart 27.10.76, commencing at 9.31 a.m.
2	Hobart 27.10.76, commencing at 11.02 a.m.
3	Hobart 27.10.76, commencing at 12.25 p.m.
4	Hobart 27.10.76, commencing at 3.38 p.m.
5	Hobart 27.10.76, commencing at 5.05 p.m.
6	Hobart 28.10.76, commencing at 9.30 a.m.
7	Hobart 28.10.76, commencing at 10.55 a.m.
8	Hobart 28.10.76, commencing at 12.13 p.m.
9	Hobart 28.10.76, commencing at 3.15 p.m.
10	Hobart 28.10.76, commencing at 4.32 p.m.
11	Hobart 29.10.76, commencing at 9.32 a.m.
12	Hobart 29.10.76, commencing at 10.48 a.m.
13	Hobart 29.10.76, commencing at 12.20 p.m.
14	Perth 26.7.78.
15	Perth 27.7.78.
16	Perth 28.7.78.

## **ACC 21 Videotape of Perth Plenary Session, 1978**

1 videocassette

### **Description**

This video was recorded at Perth during the plenary session of the ACC in July 1978. The contents include the opening address by the Governor-General of Australia, Sir Zelman Cowen.

Note: Researchers should refer to a copy, rather than using the master video.

Related Series: ACC 19 Printed Proceedings, Reports and Papers  
ACC 20 Audiotapes of ACC Proceedings

### **Item List**

Video No.	Contents
1	'1978 Constitutional Convention, Opening Address (Governor-General), etc.'

## **ACC 22 Press Releases, 1972-1983**

6 files

### **Description**

This series contains a collection of press releases concerning the ACC, and also a number of press releases issued by the Commonwealth Attorney-General and the Shadow Attorney-General on a wide range of matters.

Press releases may also be found in other series such as files of ACC committees and files relating to plenary sessions.

Related Series: ACC 23 Press Clippings

### **Item List**

File No.	Contents
1	Press Releases re ACC, 1972 - 1978.
2	Attorney-General's Department Press Releases, July 1975.
3	Press Releases by the Attorney-General, 1981, Volume 1 (January - June, with contents list and subject index).
4	Constitutional Review: Statement to the Senate by the Attorney-General Senator Peter Durack, QC, 24 September 1981.
5	Law, Justice and Liberty for all Australians: Labor's Law Reform Policy (press release, together with a copy of the ALP Law and Justice Policy launched by Shadow Attorney-General Senator Gareth Evans), 23 February 1983.
6	Consensus and Constitutional Reform (press release, together with ALP Constitutional Reform Policy launched by Shadow Attorney-General Senator Gareth Evans), 28 February 1983.

## ACC 23 Press Clippings, 1898-1988

77 files

### Description

Newspaper clippings relating to the ACC, Commonwealth/State relationships and constitutional issues form the bulk of this series. Journal articles and other material can be found interspersed with the clippings. Some files include entire newspapers. The series also contains a few lists of newspaper articles.

The press clippings were compiled by more than one person and fall into a number of different sequences, including historical items dating back to 1898, clippings collected around the times of particular plenary sessions, monthly files of clippings on constitutional and related matters, and miscellaneous collections.

Researchers should carefully check the item list for relevant files, as the list is roughly but not wholly chronological, and some of the files overlap in relation to the time periods and the subjects they cover.

Press clippings may also be found in other ACC series, including some of the files of committees, files relating to individual Agenda Items (ACC 29), and files concerning plenary sessions. ACC 33 includes some lists/bibliographies of newspaper and journal articles.

Related Series: ACC 22 Press Releases  
ACC 24 Newspapers: Bound Volumes  
ACC 33 Bibliographies and Reference Material

### Item List

File No.	Contents
1	Press Clippings, 1898 - 1924 (including collections on Federal land tax, 1911, NSW <i>Wheat Acquisition Act</i> case, 1915, Premiers' Conference, 1918, Conference of Federal and State Ministers, 1919 and new arbitration scheme, 1921).
2	Press Clippings (photocopies), 1969 - 1972.
3	Press Clippings: Pre-Convention 1973 (re Convention and various matters), 1972 - September 1973.
4	Press Clippings: Convention 1973 (and related matters), August - September 1973.
5	Press Clippings: Convention 1973, August - September 1973.

- 6 Press Clippings: Post-Convention 1973 (various matters), 1973 - 1974.
- 7 Press Clippings: Federal Government Housing Policy, 1973.
- 8 *Bulletin* article, 'The Changing Constitution', 3 November 1973.
- 9 Press Clippings (photocopies, including transcript of a telecast on the Constitution, 27 April 1973), January - December 1973.
- 10 Cartoons, 1973 and 1975 Conventions.
- 11 Press Clippings (re Convention and related matters), 1974 - 1975.
- 12 Press Clippings (photocopies): Convention 1975.
- 13 Press Clippings: Constitutional and Commonwealth/State Relationships, September 1973 - May 1974.
- 14 Press Clippings: Commonwealth/State Relationships, June 1974.
- 15 Press Clippings: Commonwealth/State Relationships, July 1974.
- 16 Press Clippings: Commonwealth/State Relationships, August 1974.
- 17 Press Clippings: Commonwealth/State Relationships, September 1974.
- 18 Press Clippings: Commonwealth/State Relationships, October 1974.
- 19 Press Clippings: Commonwealth/State Relationships, November 1974.
- 20 Press Clippings: Commonwealth/State Relationships, December 1974.
- 21 Press Clippings: Commonwealth/State Relationships and Constitutional Matters, January 1975.
- 22 Press Clippings: Commonwealth/State Relationships and Constitutional Matters, February 1975.
- 23 Press Clippings: Commonwealth/State Relationships and Constitutional Matters, March - (?)July 1975.
- 24 Press Clippings, 1976.
- 25 Press Clippings, 1977.
- 26 Newspapers: *Mercury*, 13 December 1976 and *West Australian*, 21 February 1977 (reporting on Tasmanian and Western Australian elections).
- 27 Press Clippings following release of Senate and Supply report, February 1978.
- 28 Press Clippings relating to the Australian Constitutional Convention held in Perth, July 1978 (booklet with contents list, 18 July - 1 August).
- 29 Press Clippings: Constitutional Law, July - August 1978.
- 30 Press Clippings: Constitutional Law, September 1978 - June 1979.
- 31 Lists of Press Clippings re Commonwealth/State Relationships and

- Constitutional Matters, August 1980 - June 1981.
- 32 Press Clippings, July - September 1982.
- 33 Press Clippings, October 1982.
- 34 Press Clippings, November 1982.
- 35 Press Clippings, December 1982.
- 36 Press Clippings, January 1983.
- 37 Press Clippings, February 1983.
- 38 Press Clippings, March - April 1983.
- 39 Press Clippings: Adelaide Convention, April 1983.
- 40 Press Clippings, May 1983.
- 41 Press Clippings, June 1983.
- 42 Press Clippings, July 1983.
- 43 Press Clippings, August 1983.
- 44 Press Clippings, September 1983.
- 45 Press Clippings, October 1983.
- 46 Press Clippings, November 1983.
- 47 Press Clippings, December 1983.
- 48 Press Clippings, January 1984.
- 49 Press Clippings, February 1984.
- 50 Press Clippings, March 1984.
- 51 Press Clippings, April 1984.
- 52 Press Clippings, May 1984.
- 53 Press Clippings, June 1984.
- 54 Press Clippings, July 1984.
- 55 Press Clippings, August 1984.
- 56 Press Clippings, September 1984.
- 57 Press Clippings, October 1984.
- 58 Press Clippings, November 1984.
- 59 Press Clippings, December 1984.
- 60 Press Clippings, January 1985
- 61 Press Clippings, February 1985.

- 62 Press Clippings, March 1985.
- 63 Press Clippings, April 1985.
- 64 Press Clippings, May 1985.
- 65 Press Clippings, June 1985.
- 66 Press Clippings, July 1985.
- 67 Press Clippings, August 1985 and list of *Age* articles on Commonwealth/State matters, July - August 1985.
- 68 Press Clippings (photocopies), July - August 1985.
- 69 Press Clippings/Newspapers, 1982.
- 70 Press Clippings/Newspapers, March 1983.
- 71 Press Clippings, c.1982 - c.1984.
- 72 Press Clippings, c.1983 - c.1985.
- 73 Press Clippings, c.1983 - c.1985.
- 74 Press Clippings, journal articles and various papers, 1983 - 1986 (including Sir Samuel Walker Griffith Memorial Lecture by Sir Harry Gibbs, 1984; papers re Constitutional Commission, 1986; *Bulletin* articles re the Dismissal; articles on referendums; list of clippings, July - September 1985).
- 75 Press Clippings, January - May 1987.
- 76 Press Clippings, August 1987.
- 77 Press Clippings, c.1987 - 1988.

## ACC 24 Newspapers: Bound Volumes, 1974-1975

6 volumes

### Description

This series contains various newspapers from 1974 and 1975 which cover major constitutional issues of the time, elections and associated events. The newspapers were collected by the Australian Constitutional Convention and assembled into bound volumes. The volumes do not necessarily include complete sequences of newspapers.

Related Series: ACC 23 Press Clippings

### Item List

Vol. No.	Contents
1	'Double Dissolution, Referenda, Senate': <i>Australian</i> 28 February - 20 May 1974.
2	'Double Dissolution, Referenda, Senate': <i>Age</i> 4 March - 20 May 1974.
3	'Double Dissolution, Referenda, Senate': <i>Canberra Times</i> 5 March - 20 May 1974.
4	'Constitutional Crisis and Double Dissolution': <i>Australian</i> 14 October - 15 December 1975.
5	'Constitutional Crisis and Double Dissolution': <i>Age</i> 14 October - 15 December 1975.
6	'Constitutional Crisis and Double Dissolution': <i>Canberra Times</i> 14 October - 15 December 1975.



## ACC 25 Photographs, 1973-1986

110 photographs and negatives

### Description

This series contains black and white (b/w) and colour photographs, transparencies and negatives, showing subjects such as Convention delegates, representatives and officers, meetings of the Convention and committees, and meeting venues. A few of the photographs are accompanied by correspondence. Some of the photographs also appear in the ACC newsletter, *The Constitutional News*. Some of the descriptions of photographs in the list below are based on captions appearing in the newsletter. In other cases, descriptions are based on information written on the backs of photographs, accompanying notes, and/or other sources.

Where negatives are available, they have been stored under the same numbers as the matching prints of photographs. Where several prints of the same photograph exist, they have usually been listed under one number with each copy allocated a different letter (e.g. 51a - 51j).

Related Series: ACC 26 Newsletter Files

### Item List

Item No.	Contents
1	Plenary Session, Sydney 1973 (b/w photo).
2	Plenary Session, Sydney 1973: Gough Whitlam speaking (b/w photo).
3a - 3c	Delegates and Representatives, Sydney 1973 (b/w photo).
4a - 4e	Delegates and Representatives, Sydney 1973 (enlargements of above photo, mounted on card 64 cm x 86.5 cm) [stored separately].
5	NSW Delegation, Sydney 1973 (b/w photo).
6	Northern Territory Delegates and Representatives, Sydney 1973 (b/w photo).
7	Western Australian Delegation, Sydney 1973 (b/w photo).
8	(?) Western Australian Delegates and Representatives, Sydney 1973 (b/w photo).
9	Victorian Delegation (and advisers and officers), Sydney 1973 (b/w photo).
10	Executive Committee meeting, Brisbane, 11 June 1975 (b/w photo).
11	Executive Committee meeting, Brisbane, 11 June 1975 (b/w photo).

- 12 Executive Committee meeting, Brisbane, 11 June 1975 (b/w photo).
- 13 Executive Committee meeting, Brisbane, 11 June 1975 (b/w photo).
- 14 Executive Committee meeting, Brisbane, 11 June 1975 (b/w photo).
- 15 David Solomon (b/w photo).
- 16 Plenary Session, Melbourne 1975 (b/w photo).
- 17 Plenary Session, Melbourne 1975 (b/w photo).
- 18 Plenary Session, Melbourne 1975 (b/w photo).
- 19 Plenary Session, Melbourne 1975 (b/w photo).
- 20 Plenary Session, Melbourne 1975 (b/w photo).
- 21 Plenary Session, Melbourne 1975 (b/w photo).
- 22 Plenary Session, Melbourne 1975 (b/w photo).
- 23 Plenary Session, Hobart 1976 (b/w proof and negative).
- 24 Plenary Session, Hobart 1976 (b/w proof and negative).
- 25 Plenary Session, Hobart 1976 (b/w proof and negative).
- 26 Plenary Session, Hobart 1976 (b/w proof and negative).
- 27 Plenary Session, Hobart 1976 (b/w proof and negative).
- 28 Plenary Session, Hobart 1976 (b/w proof and negative).
- 29 Plenary Session, Hobart 1976 (b/w proof and negative).
- 30 Plenary Session, Hobart 1976 (b/w proof and negative).
- 31 Plenary Session, Hobart 1976 (b/w proof and negative).
- 32 Plenary Session, Hobart 1976 (b/w proof and negative).
- 33 Plenary Session, Hobart 1976 (b/w proof and negative).
- 34 Plenary Session, Hobart 1976 (b/w proof and negative).
- 35 Plenary Session, Hobart 1976 (b/w proof and negative, attached to sheet with instructions for reproduction).
- 36 Plenary Session, Hobart 1976 (b/w proof and negative).
- 37 Plenary Session, Hobart 1976 (b/w proof and negative).
- 38 Plenary Session, Hobart 1976 (b/w proof and negative).
- 39 Plenary Session, Hobart 1976 (b/w proof and negative).
- 40 Plenary Session, Hobart 1976 (b/w proof and negative).
- 41 Plenary Session, Hobart 1976 (b/w proof and negative).

- 42 Plenary Session, Hobart 1976 (b/w proof and negative).
- 43 Plenary Session, Hobart 1976 (b/w proof and negative).
- 44 Plenary Session, Hobart 1976 (b/w proof and negative).
- 45 Plenary Session, Hobart 1976 (b/w proof and negative).
- 46 Plenary Session, Hobart 1976 (b/w proof and negative).
- 47 Plenary Session, Hobart 1976 (b/w proof and negative).
- 48 Plenary Session, Hobart 1976 (colour transparency).
- 49 Plenary Session, Hobart 1976 (colour transparency).
- 50 Plenary Session, Hobart 1976 (colour transparency).
- 51a - 51j (?)Executive Committee meeting, c.1976 (b/w photo).
- 52 Group photo, Perth 1978 (b/w).
- 53 Liz Kinnaird, Steno-Secretary (negative only).
- 54 Liz Kinnaird, Steno-Secretary (b/w photo and negative: taken 23 May 1984 at Secretariat, Melbourne, used in Newsletter No. 1).
- 55 Standing Committee meeting, at Secretariat, Melbourne, 23 May 1984 (b/w photo and negative, used in Newsletter No. 1).
- 56 Standing Committee meeting, at Secretariat, Melbourne, 23 May 1984 (b/w photo and negative, used in Newsletter No. 1).
- 57 (?)Structure of Government Sub-Committee meeting, at Secretariat, Melbourne, 23 May 1984 (b/w photo and negative).
- 58 (?)Structure of Government Sub-Committee meeting, at Secretariat, Melbourne, 23 May 1984 (b/w photo and negative, used in Newsletter No. 1).
- 59 Standing Committee meeting, at Secretariat, Melbourne, 23 May 1984 (negative only).
- 60 Don Blackwood (b/w photo and negative: taken 23 May 1984 at Secretariat, Melbourne, used in Newsletter No. 1).
- 61a - 61h Don Blackwood (5 small b/w prints and 3 enlargements, and negative).
- 62a - 62e Cheryl Saunders (5 small b/w prints and negative, used in Newsletter No. 1).
- 63 John Finemore (b/w photo and negative: taken 23 May 1984 at Secretariat, Melbourne).
- 64 John Finemore, close-up (b/w photo and negative: taken 23 May 1984 at Secretariat, Melbourne, used in Newsletter No. 1).
- 65 John Finemore, close-up (negative only: taken 23 May 1984 at Secretariat, Melbourne).

- 66 Lynette Lenaz-Hoare, Research Officer (b/w photo and negative: taken 23 May 1984 at Secretariat, Melbourne, used in Newsletter No. 1).
- 67 W.A.M. Gunn, MLA (Queensland), Chairman of the Executive Committee (b/w photo, used in Newsletter No. 2).
- 68 John Dickie (right), the Convention's Press and Information Officer talking with the Convention's former Chairman, Terry McRae (centre) and Don Blackwood (left), (?)Perth, 12 October 1984 (b/w photo, used in Newsletter No. 2).
- 69 Delegation Secretaries during a break at the Standing Committee meeting, Perth, 12 October 1984, left to right: Joan Cunningham (Tas), Peter Webb (NSW), Kevin Martin (Qld) and Margaret Cross (SA) (b/w photo, used in Newsletter No. 2).
- 70 Some members of the Executive Committee, (?)Perth, 12 October 1984, left to right: Mr Griffin (SA), Mr Medcalf (WA), Mr Percival and Mr Maddern (local government) (b/w photo, used in Newsletter No. 2).
- 71 Standing Committee meeting, Perth, 12 October 1984, left to right (at table) Terry McRae (SA), Haddon Storey (Vic), Peter Ford (Commonwealth Attorney-General's Department), John Finemore, Gareth Evans (Cwth), Cheryl Saunders, Robert Fordham (Vic), (b/w photo, used in Newsletter No. 2).
- 72 Mr Finemore 'listening' to the press, Perth, 12 October 1984 (b/w photo, used in Newsletter No. 2).
- 73 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 74 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 75 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 76 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 77 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 78 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 79 Standing Committee meeting, Perth, 12 October 1984 (b/w photo).
- 80 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 81 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 82 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 83 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 84 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 85 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 86 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).

- 87 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 88 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 89 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 90 Tea break during meeting(s), Perth, 12 October 1984 (b/w photo).
- 91 Parliament House, Brisbane: interior (colour photo and negative/transparency).
- 92 Parliament House, Brisbane: interior (colour photo and negative/transparency).
- 93 Entrance to the old Parliament House, Brisbane (large colour photo and negative/transparency) [photo stored separately in flat box].
- 94 Parliament House, Brisbane: interior (b/w photo and negative).
- 95 Parliament House, Brisbane: interior (b/w photo and 3 similar/identical negatives, used in Newsletter No. 1).
- 96a - 96b Entrance to the old Parliament House, Brisbane (2 similar/identical b/w photos and 2 negatives, used in Newsletter No. 2).
- 97a - 97c Aerial view of Brisbane (3 colour photos, plus 1 transparency and 2 negatives).
- 98a - 98c Parliament House, Brisbane: exterior from street (3 colour photos, plus 1 transparency and 2 negatives).
- 99a - 99c Door, (?)interior of Parliament House, Brisbane (3 colour photos, plus 1 transparency and 2 negatives).
- 100 Painting of the Queensland Government Steamer *Lucinda*: the earliest drafts of the Australian Constitution were revised on board the *Lucinda* over Easter 1891 (1 colour transparency and 2 negatives).
- 101 Door, (?)interior of Parliament House, Brisbane (3 b/w negatives only).
- 102 Painting of the Queensland Government Steamer *Lucinda*: the earliest drafts of the Australian Constitution were revised on board the *Lucinda* over Easter 1891 (b/w photo and 3 negatives).
- 103 Convention Opening, Brisbane 1985 (colour photo).
- 104 Convention Delegates, Brisbane 1985 (colour photo).
- 105a - 105e Souvenir folder containing colour photos of Convention Opening and Convention Delegates, Brisbane 1985.
- 106 Plenary Session, Brisbane 1985 (b/w photo) [large item, stored separately in flat box].
- 107 John Finemore and others (b/w photo).

- 108 ABC interview (b/w photo).
- 109 John William Galbally, QC, c.1983 (b/w photo).
- 110 John Carter and others at launch of video *Whereas the People*, 1986 (colour photo).

## ACC 26 Newsletter Files, 1983-1985

6 files

### Description

These files contain correspondence and other material relating to the production and distribution of the newsletter of the Australian Constitutional Convention, *The Constitutional News*. In December 1983, the Executive Committee agreed that a periodical newsletter should be published. Two issues of the newsletter were subsequently produced, one (Vol. 1 No. 1) in 1984 and the second (Vol. 1 No. 2) in 1985 prior to the Brisbane plenary session. This series includes copies of the printed newsletters in addition to preparatory work and proofs. A number of the photographs now grouped in series ACC 25 were used as illustrations in the newsletter.

Related Series: ACC 19 Printed Proceedings, Reports and Papers  
ACC 25 Photographs  
ACC 42 Printing (Correspondence with Printers etc.)

### Item List

File No.	Contents
1	Newsletter No. 1: drafts, mock-ups, proofs, copies of similar newsletters, newspaper cuttings, other reference material, correspondence, notes, 1983 - 1984.
2	Newsletter No. 1: pasted-up pages from typesetter, 1984.
3	Front page heading design [large item, stored separately in flat box].
4	Newsletter No. 2: correspondence (re production and distribution of newsletters 1 and 2), drafts, mock-ups, proofs, notes, miscellaneous papers, 1984 - 1985.
5	Newsletter (distribution): mailing lists, correspondence etc., 1984 - 1985.
6	Newsletters 1 and 2 (printed), 1984 - 1985.

## **ACC 27 Agenda Items: Index to Sources, c.1973-c.1974**

1 volume

### **Description**

At the 1973 Constitutional Convention, 15 Items were listed on the Agenda as 'Topics for Discussion' and allocated by the Convention to four standing committees for further consideration. This volume contains select lists of background material relevant to these Items. The documents listed in the volume span many decades, but the lists were compiled around 1973-74.

The material listed falls under the following headings:

'Constitutional Review Committee Submissions', a selection of numbered papers most of which were written and/or circulated between 1956 and 1958 by J.E. Richardson, Legal Secretary to the Joint Committee on Constitutional Review 1956-59

'Bradshaw Papers', a selection of submissions to the Joint Committee on Constitutional Review 1956-59 and related documents, forwarded by K.O. Bradshaw, former Clerk of the Committee, to John Finemore in 1973 and renumbered for the purposes of the ACC

'Solicitor-General's Opinions and Reports' and associated documents, c.1953-72, numbered for ACC reference purposes

Miscellaneous papers, numbered by the ACC.

The volume contains two sections and an index. In the first section, the text of each Item from 1 to 15 has been pasted into the volume. Under each Item (except No. 13) is a list of numbers and titles/subjects of relevant Constitutional Review Committee papers (prefixed C.R.C.), Bradshaw papers (prefixed B.P.), and miscellaneous papers; opinions and reports of the Solicitor-General do not appear to be included in this section. The second section, towards the back of the volume, contains separate lists of Constitutional Review Committee papers, Bradshaw papers and Solicitor-General's opinions and reports, with document numbers, titles/subjects, and references to related Items (Topics); this section does not include the miscellaneous papers listed in the first section. Both sections of the volume should be consulted to obtain full information.

The majority of the Constitutional Review Committee papers, Bradshaw papers and Solicitor-General's opinions and reports listed in this volume can be found in ACC 28 (see Files 9 and 12-15). However, many of the other papers, though numbered, were not kept together by the Convention when new filing systems were instituted over the years, and not all of them are now easy to trace. They may be found scattered in the ACC collection (e.g. ACC 29, ACC 14), or elsewhere (e.g. in published journals).



Related Series: ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 14 Submissions  
ACC 28 Historical Background Papers  
ACC 29 Papers on Agenda Items  
ACC 33 Bibliographies and Reference Material

**Item List**

Vol. No.	Contents
1	c.1973 - c.1974.

## ACC 28 Historical Background Papers, 1886-1974

1 volume and 30 files

### Description

This series contains historical documents including opinions, reports, Bills, Acts, correspondence, notes and a variety of other published and unpublished material concerning the Constitution, constitutional change, referendums, Commonwealth/State relationships, and associated matters. Some of the papers are relatively recent, while others date back to the late nineteenth century. This material was collected by John Finemore and other Convention officers for reference and research purposes.

Some of the documents in this series are cross-referenced to Convention Agenda Items in an index volume located in series ACC 27.

Historical documents may also be found within other series in the ACC collection.

Related Series: ACC 27 Agenda Items: Index to Sources

ACC 29 Papers on Agenda Items

ACC 32 Referendum Material

ACC 33 Bibliographies and Reference Material

ACC 34 Research Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 37 A.R.B. McDonnell's Files

### Item List

Item No.	Contents
1	'Papers on Federation. Circulated on Consideration of Draft Federal Constitution 1897, by Legislature of Victoria' [fragile volume, stored separately in flat box].
2	President's Speech at first meeting of the Federal Council of Australasia, 1886.
3	Opinions and other documents (includes contents list of Files 3 and 4, indicating relevant sections of Constitution), 1907 - 1945.
4	Opinions re s. 92 of Commonwealth Constitution, 1935 - 1937.
5	Bills and Acts (with related correspondence, notes and papers), 1900 - 1973 (see also File 6 - letter at top of File 5 may refer to File 6).
6	Bills, 1903 - 1970 (see also File 5 - letter at top of File 5 may refer to File 6).

- 7 Reports by Professor Harrison Moore (with related correspondence, notes and papers - lists enclosed), 1907 - c.1918.
- 8 'Manuscript Notes (Mr Collins and Prof. Moore)' (contents and date range unclear - old file cover indicates that Professor Moore's manuscript notes were returned to him in 1925).
- 9 'Constitutional Review Committee: Agenda Items and Papers presented', c.1956 - 1958 (numbered papers, most of which were written and/or circulated by J.E. Richardson, Legal Secretary to the Joint Committee on Constitutional Review 1956-59).
- 10 Report from the Joint Committee on Constitutional Review, 1958.
- 11 Report from the Joint Committee on Constitutional Review, 1959.
- 12 Bradshaw Papers, Nos. 1 - 34 (documents of the Joint Committee on Constitutional Review 1956-59, associated correspondence in 1973 between John Finemore and K.O. Bradshaw, First Clerk-Assistant, Australian Senate and former Clerk of the Joint Committee, and other correspondence and papers), c.1956 - 1973.
- 13 Bradshaw Papers, Nos. 35 - 60, c.1955 - 1973.
- 14 Solicitor-General's Opinions and Reports, Nos. 1 - 83, c.1953 - 1963.
- 15 Solicitor-General's Opinions and Reports, Nos. 84 - 154, 1964 - 1972.
- 16 'Uniform Gauge, State Instrumentalities and Miscellaneous Papers Outside the Scope of the Standing Committees' (correspondence, notes and papers re a variety of subjects, some connected with Premiers' Conferences), c.1901 - 1974.
- 17 'State Instrumentalities', c.1919 - c.1923 (and notes re earlier cases).
- 18 Treasurers' Conference, Melbourne, 5 - 12 February 1904: States' Debts, Transferred Properties, Immigration, etc. (Debates and Appendices, including Resolutions adopted 11 February 1904).
- 19 Inter-State Conference (Premiers' Conference), Melbourne, 13 - 21 August 1909: Report of the Agreement, Resolutions, Proceedings, and Debates, together with Appendix; Correspondence between the Prime Minister and the Premier of New South Wales, 22 June to 26 July 1909 (printed); Agreement on Commonwealth and State Finance, also Tables prepared by the Treasurer. Inter-State Commission Bill 1909: Summary of English and American Legislation, October 1909.
- 20 Inter-State Conference (Premiers' Conference), Melbourne, 17 - 23 January 1912: Agenda Paper, Notice Papers, Debates, Proposals of the Commonwealth Government with regard to Commonwealth Bank and Commonwealth Savings Bank, Minutes (?proof), Summary of Resolutions (proof).

- 21 'Premiers' Conference' (numbered papers with list - see also File 22 - and miscellaneous additional material), c.1913 - c.1915.
- 22 'Uniform Gauge Proposals' (numbered papers - part of the sequence of papers in File 21 - and additional material), c.1911 - c.1914.
- 23 Inter-State Conference (Premiers' Conference), Melbourne, 31 March - 8 April 1914: Agenda Paper, Notice Papers, Debates (proofs), Speech and Tables presented by Sir John Forrest re 'Taking Over' State Debts.
- 24 Conference between Commonwealth and State Ministers (Premiers' Conference), May 1923: Agenda Papers and Decisions.
- 25 The Case for South Australia, 1933: Claim for a Special Grant from the Commonwealth Government, prepared by a Committee appointed by the Premier and Treasurer of South Australia.
- 26 Conference of Commonwealth and State Ministers, Adelaide, August 1936: subjects listed for discussion at the Conference, and Business Sheet.
- 27 Memoranda re Agenda Items for the forthcoming Premiers' Conference, 1947.
- 28 Parliamentary Papers/official documents (various), 1906 - 1908.
- 29 Parliamentary Papers/official documents (various), 1908 - 1911.
- 30 Report from the Select Committee appointed to consider and report upon the Constitution Alteration (Avoidance of Double Dissolution Deadlocks) Bill, 1950.
- 31 Joint Committee of Public Accounts (Parliament of the Commonwealth of Australia), Fifty-Fourth Report, 1961.

## ACC 29 Papers on Agenda Items, c.1883-c.1986

202 files

### Description

This series includes historical background documents, and papers collected or commissioned during the years when the Convention was active. Many of the files consist of single papers (e.g. speeches and conference papers, articles and monographs, legal opinions, issues and discussion papers and reports), or small quantities of material connected with the work of ACC committees, including correspondence and minutes of some committees. Duplicates of some of the papers can be found elsewhere in the ACC collection - e.g. with printed reports and papers of the Convention (ACC 19) or in files of relevant committees - while some of the material is unique to this series.

Collected by the ACC over a period of time, these diverse papers were at some stage grouped under Items 1-15 which were the original topics considered by the Convention in 1973. Where possible, this arrangement of the files has been maintained during archiving. The series chiefly consists of papers relating to the original 15 topics but also encompasses some of the Agenda Items considered at subsequent meetings of the ACC.

Researchers can narrow their searches down by using the topic headings in the list below, but are also advised to check individual file titles as some papers may be relevant to more than one Item.

Related Series: ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 8 - ACC 13 Files of Sub-Committees  
ACC 14 Submissions  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 27 Agenda Items: Index to Sources  
ACC 28 Historical Background Papers  
ACC 32 Referendum Material  
ACC 33 Bibliographies and Reference Material  
ACC 34 Research Files

### Item List

File No.	Contents
	<i>Item No. 1 Methods of amending the Constitution</i>
1	Commonwealth Powers: Notes of Cases (1904 - 1910).
2	'Constitutional Review and Amendment of the Constitution: Summary of [pre-1973] Resolutions and Recommendations', Secretariat paper.

- 3 Summary of ACC 1973 Debates, States' views, list of Outside Submissions, Bibliography.
- 4 The Parties' Attitudes Declared (with references to page numbers in ACC 1973 Debates).
- 5 Standing Committee B, Sub-Committee No. 1 (minutes, correspondence, reports and various papers), 1973 - c.1975.
- 6 s. 128 - Interpretation of the words 'absolute majority' (research material).
- 7 Opinion of Dr Enid Campbell, 'An Australian-Made Constitution for the Commonwealth of Australia', 1974.
- 8 Greg Craven, 'Methods of Initiating Amendments to the Commonwealth Constitution', 1984.
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- 10 R.J. Ellicott, QC, Attorney-General, 'Constitutional Change in Australia - The 1977 Referendums', address to the La Trobe Liberal Association, La Trobe University, 1977.
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- 13 L. Lenaz-Hoare, 'The History of the "Yes/No" Case in Federal Referendums, and a Suggestion for the Future', 1984.
- 14 R.D. Lumb, 'Reform of the Constitution: The Referendums and the Constitutional Convention', 1976.
- 15 R.D. Lumb, 'Methods of Alteration of State Constitutions in the United States and Australia', *Federal Law Review*, Vol. 13, 1982.
- 16 Miscellaneous Papers: 'Submission by the Hon. Michael Hodgman, MLC, on Proposed Amendments to Section 128 of the Constitution', 1973; 'Suggestions Submitted by Hon. C.J. Jamieson, MLA, to be Considered by Standing Committee "B" at its Proposed Meeting in December', 1973; Prue Myer, 'Changing the Constitution: A Look at Section 128', *Change*, Vol. 1, No. 3, 1979; other papers and newspaper cuttings, various dates.
- 17 'New Machinery for Amendment of the Constitution'.
- 18 Draft Opinion of J.E. Richardson, 'In the Matter of Section 128 of the Commonwealth Constitution', 12 February 1974 and Further Opinion of J.E. Richardson, 'In the Matter of Section 128 of the Commonwealth Constitution', 18 February 1974 (see File 19 for retyped versions of these

- papers).
- 19 Draft Opinion of J.E. Richardson, 'In the Matter of Section 128 of the Commonwealth Constitution', 12 February 1974 and Further Opinion of J.E. Richardson, 'In the Matter of Section 128 of the Commonwealth Constitution', 18 February 1974 (retyped versions of both papers, incorporating amendments - see File 18 for earlier versions).
- 20 Opinion of J.E. Richardson, 'In the Matter of Section 128 of the Commonwealth Constitution', 27 May 1974.
- 21 'Section 128 of the Commonwealth Constitution: Summary of views expressed by Professor J.E. Richardson' (Standing Committee B, Sub-Committee No. 1).
- 22 'Proposed Amendments to s. 128 of the Constitution', Secretariat paper, (?)Cheryl Saunders, c.1973.
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- 24 Cheryl Saunders, 'Referendum Procedures', a discussion paper prepared for the Constitutional Amendment Sub-Committee of the Australian Constitutional Convention, 1984.
- 25 John Sullivan (3rd year student), 'Can the Constitution be Changed Otherwise than under s. 128?', 1974.
- 26 Hobart 1976: Proposed Amendment to Item No. H.24.
- 27 Hobart 1976: Proposed Amendment to Item No. H.25.
- 28 Perth 1978: Proposed Amendments to Notices of Motion (Items Nos. W.12 and W.13).
- 29 'Adelaide Agenda Item A.24 - Amendments to s. 128', Commonwealth Paper, 1983.
- 30 *Constitution Alteration (Referendums) Act 1977*, and letter from Geoffrey Lindell to John Finemore re results of referendums held in May 1977.

*Item No. 2 Economic powers*

- 31 Summary of ACC 1973 Debates, Submissions from Delegations, list of Outside Submissions, Bibliography.
- 32 Standing Committee A: Secretariat paper, with references to ACC 1973 Debates.
- 33 The Parties' Attitudes (with references to page numbers in ACC 1973 Debates), press cutting, 1974, and the Liberal and Country Parties' Economic Policy, c.1975.

*Item No. 3 Revenue sharing*

- 34 Summary of ACC 1973 Debates, Submissions from Delegations, list of Outside Submissions, Bibliography.
- 35 The Parties' Attitudes (with references to page numbers in ACC 1973 Debates), and Paper on Commonwealth-State Relations by Senator I.J. Greenwood, QC, c.1970.
- 36 Reports, papers and correspondence re the work of Standing Committee A and Working Party on Topic/Item 3, c.1973 - 1974 (also includes 'Notes on Meetings held 23.6.71 and 24.6.71: Major Problems in Proposal for State Payroll Tax Legislation').
- 37 Reports and correspondence of Standing Committee A and Working Party on Topic/Item 3, and background and miscellaneous papers, c.1973 - c.1974 (and extract from 1966 Canadian document).
- 38 Standing Committee A correspondence, 1974, and miscellaneous correspondence and research notes.
- 39 K.H. Bailey, 'The Uniform Income Tax Plan' (article, 1944, read as a paper to the Victorian Branch of the Economic Society, 1942).
- 40 State Fiscal Powers: Letter from the Hon. J.C. Bannon, MP, Premier of South Australia, to John Finemore, 1983.
- 41 Letter to the Hon. T.R. Bavin, MP, Attorney-General, NSW, 1922.
- 42 Speech by the Hon. Sir Henry Bolte, KCMG, MLA, Premier and Treasurer of Victoria, as a Ministerial Statement on Commonwealth and State Financial Relationships, extracted from the Victorian Parliamentary Debates, 10 March 1970.
- 43 S.J. Butlin, 'The Problem of Federal Finance', Presidential address to Section G of ANZAAS, Canberra, 1954.
- 44 Centre for Research on Federal Financial Relations, Melbourne Interest Group papers, c.1981.
- 45 Report by Commonwealth and State Treasury Officers, 'Resumption of Income Tax by the States', 19 January 1953.
- 46 Constitutional Review - Report of Commonwealth Parliamentary Joint Committee: comments by H.A. Winneke, Solicitor-General, on the abovementioned Report, 1958.
- 47 New South Wales Treasury Corporation: Information Paper, 1983 and leaflet on Premier State Bonds.
- 48 The Hon. R.J. O'Connor, MP (Shadow Treasurer, WA), Submission in response to letter of 7 July 1983 from Chairman of the Fiscal Powers Sub-Committee.
- 49 W. Prest, 'Tax Sharing and Co-ordination', conference paper (and abstract),



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- 50 A.R.G. Prowse and E.A. Morey, 'The Financial Agreement and the Future of the Loan Council', 1976.
- 51 Cheryl Saunders, paper re *Hematite Petroleum Pty Ltd v Victoria* (1983), 1983.
- 52 Cheryl Saunders, State Fiscal Powers (and other matters referred to the Fiscal Powers Sub-Committee): progress report to the Fiscal Powers Sub-Committee, November 1983 and attached issues paper.
- 53 Cheryl Saunders, State Fiscal Powers: discussion paper prepared for the Fiscal Powers Sub-Committee (the file includes two versions of the paper, one a draft with attached summary and the other apparently the final version inviting comments), c.1984.
- 54 Geoffrey Sawyer, 'State Taxes', c.1974.
- 55 P.B. Wade, State Treasury, Victoria, 'Recent Developments in Fiscal Federalism in Australia with Special Reference to Revenue Sharing and Fiscal Equalization', c.1974.
- 56 Kenneth Wiltshire, 'Setting State Priorities: The Role of the States in Public Policy', 1975.
- 57 *Income Tax Assessment Act (No. 5) 1973*, and 1977 Bill for an Act to amend the *States (Personal Income Tax Sharing) Act 1976*.
- 58 Overseas revenue sharing arrangements and related matters: documents and papers explaining systems operating in New Zealand, Canada and Germany, 1966 - c.1974.
- 59 Opinions, 1926 - 1930.
- 60 *Dickenson's Arcade Pty Limited v The State of Tasmania and Another*, copy of High Court decision, 1974.
- 61 'Uniform Tax Case 1957' (examination of High Court decision and background).
- 62 Other Cases (historical).
- 63 Miscellaneous Papers: 'Reference'; 'Notes for Seminar on State Taxes', with Tables, 1974; extracts from *Australian Master Tax Guide* and *Australian Federal Tax Reporter*; papers re Excise Power; extract from Quick and Garran, *Commentaries on the Constitution*; 'Powers of the Commonwealth Parliament'; 'Australian Constitutional Convention - The authority of the Commonwealth Parliament in the field of income tax', comments by Thomas R. Erskine and G.D. Combe in *The Parliamentarian*; other papers.
- 64 'Financial Relations with the Commonwealth', chapter for *Victorian Year Book 1973*, Centenary Edition (proof, with amendments).

- 65 Press Releases and related documents (Prime Minister, Treasurer), 1978 - 1980.
- 66 Press Clippings, c.1974 - 1982.  
*Item No. 4 Legislative powers and immunities with respect to trade and commerce*
- 67 Summary of ACC 1973 Debates, Submissions from Delegations, Bibliography.
- 68 Summary of Outside Submissions, and recommendations extracted from the 1959 report of the Joint Committee on Constitutional Review relevant to Item 4, from Assistant to WA Delegation, 1973; Memorandum from Solicitor-General to Attorney-General, 1973.
- 69 Paper prepared by Dr Eastick, SA Delegation, summarising ACC 1973 Debates.
- 70 Standing Committee A: Draft Report of the Working Party Appointed to Consider Item 4 (including summaries of submissions and Debates, and relevant recommendations of 1958-59 Joint Committee), c.1973; Second Report to Executive Committee by Standing Committee A, 1978.
- 71 Standing Committee A: Third Report of Working Party on Trade and Commerce (new working party), 1977.
- 72 Standing Committee A: Third Report of Working Party on Trade and Commerce, and miscellaneous notes and papers (including 'Information Relating to the Attempted Amendment of Section 51 (xxxv)', and extract from speech by Mr Whitlam at 1973 Convention), c.1973 - c.1977.
- 73 Correspondence and submissions, 1972 - 1983.
- 74 Item 4 a and b: Parties' Attitudes Declared (with references to page numbers in ACC 1973 Debates).
- 75 Item 4 a and b: Standing Committee A paper.
- 76 Item 4b Corporations: miscellaneous notes and historical papers.
- 77 Item 4b Corporations: press clippings, c.1973 - c.1974.
- 78 Item 4b Corporations: Senator Lionel Murphy, QC, Attorney-General, 'The Trade Practices Legislation', 1974.
- 79 Item 4b Corporations: *Companies (Interstate Corporate Affairs Commission) Act 1974*.
- 80 Item 4c Industrial power: Standing Committee A miscellaneous papers, correspondence and working party reports, including details of submissions, parties' attitudes etc., c.1973 - 1977 (with copies of earlier material for reference).

- 81 Item 4c Industrial power: political parties' policies (including attitudes declared in ACC 1973 Debates), 1973 - 1975.
- 82 Item 4c Industrial power: submissions, 1957 - 1974.
- 83 Item 4c Industrial power: historical correspondence and papers (mainly re industrial relations), including cases.
- 84 Item 4c Industrial power: miscellaneous correspondence and papers (mainly re industrial relations), including historical material.
- 85 Item 4c Industrial power: Conciliation and Arbitration Acts.
- 86 Item 4c Industrial power: Commonwealth Conciliation and Arbitration Commission, Annual Report of the President for year ended 13 August 1972.
- 87 Item 4c Industrial power: Hansard re Conciliation and Arbitration (Organisations) Bill 1974 and *Moore v Doyle* (1969).
- 88 Item 4c Industrial power: National Wage Case decisions etc., 1974 - 1978.
- 89 Item 4c Industrial power: Canada Department of Labour, 'Labour Unions in Canada', 1973.
- 90 Item 4c Industrial power: W.B. Creighton, 'Changing Industrial Law - The Question of Enforcement', 1983.
- 91 Item 4c Industrial power: 'Information Relating to the Attempted Amendment of Section 51 (xxxv)', 1973 (no author recorded; may have been written by Mrs J.A. Wantrup, research assistant to J.C. Finemore, in preparation for the paper on which the monograph in File 92 is based).
- 92 Item 4c Industrial power: J.C. Finemore, QC, 'Constitutional Reform and Industrial Relations', c.1973 (see also File 91).
- 93 Item 4c Industrial power: W.J. Ford, 'The Federal Industrial Disputes Power: Comments on some constitutional considerations', c.1983.
- 94 Item 4c Industrial power: M.F. Gray, 'Relation of Industrial Powers to Current Constitutional Problems', 1982.
- 95 Item 4c Industrial power: paper by Bob Hawke, Shadow Minister for Employment and Industrial Relations, presented at Australian Institute of Political Science Summer School ('Industrial Confrontation: Can We Survive It?'), 1983.
- 96 Item 4c Industrial power: Professor D.M. Lamberton, 'An Australian Industrial Policy', paper read to Summer School of the Australian Institute of Political Science ('Industrial Australia 1975-2000: Preparing for Change'), 1974.
- 97 Item 4c Industrial power: Lecture Series, Melbourne Junior Chamber of Commerce, 'Arbitration or Collective Bargaining?' (Right Hon. Sir John

- Latham, R.B. Price, F.J.R. Gibson, W.P. Evans), 1956.
- 98 Item 4c Industrial power: D.L. Linehan, 'Does the System of Industrial Relations Need a Discipline? What is the Role of the Law and Legal Framework in Industrial Relations?', 1983.
- 99 Item 4c Industrial power: J.T. Ludeke, 'The Reference of Industrial Powers from the States to the Commonwealth', c.1979.
- 100 Item 4c Industrial power: R.E. McGarvie, QC, 'Wage Indexation and the Impact of the 1975 National Wage Cases', 1976.
- 101 Item 4c Industrial power: Ian Macphee, MP, Minister for Employment and Industrial Relations, 'Perspectives of Industrial Relations in Australia - A Government View', 1983.
- 102 Item 4c Industrial power: J.R. Niland, 'Industrial Relations Reform: Why, How and With What Objective', 1983 (see also File 111).
- 103 Item 4c Industrial power: 'Some Observations on the Federal-State Division of Power to Legislate with Respect to Industrial Relations'.
- 104 Item 4c Industrial power: Leon Peres, 'The Politics of Industrial Policy', paper read to Summer School of the Australian Institute of Political Science ('Industrial Australia 1975-2000: Preparing for Change'), 1974.
- 105 Item 4c Industrial power: His Honour Judge A.V. Russell, QC, 'The Federal and State Jurisdictions', 1983.
- 106 Item 4c Industrial power: Dr Cheryl Saunders, 'Industrial Relations: Constitutional Problems and Intergovernmental Solutions', 1983.
- 107 Item 4c Industrial power: Dr Ian G. Sharp, Industrial Registrar, 'Industrial Relations in Australia' (1968, with introductory notes, 1970) and 'Conciliation and Arbitration Act' (no date).
- 108 Item 4c Industrial power: I.O. Spicer, 'Employer Associations', 1983.
- 109 Item 4c Industrial power: Professor E.I. Sykes, 'Aspects of the Contract of Employment', c.1971.
- 110 Item 4c Industrial power: Tripartite Industrial Peace Conference, 1973 - 1974.
- 111 Item 4c Industrial power: 'Industrial Relations Reform: Why, How and With What Objective', comments by Mr Commissioner Turbet of the Australian Conciliation and Arbitration Commission on address by Professor Niland, 1983 (see also File 102).
- 112 Item 4c Industrial power: press clippings, c.1982 - c.1983.
- 113 Item 4d Freedom of interstate trade and intercourse: Standing Committee A papers (various dates).
- 114 Item 4d Freedom of interstate trade and intercourse: Labour Attitudes

Declared (with references to page numbers in ACC 1973 Debates).

- 115 Item 4d Freedom of interstate trade and intercourse: submissions (and previous suggested constitutional alterations etc.), c.1958 - c.1978 (with references to earlier material).
- 116 Item 4d Freedom of interstate trade and intercourse: transcript, 1927.
- 117 Item 4d Freedom of interstate trade and intercourse: cases.
- 118 Item 4d Freedom of interstate trade and intercourse: miscellaneous documents, c.1916 - c.1958.
- 119 Item 4d Freedom of interstate trade and intercourse: press clippings and miscellaneous.
- 120 Item 4d Freedom of interstate trade and intercourse: draft paper re trade and commerce power of the Commonwealth of Australia, especially section 51 (i) and section 92 of the Constitution, c.1973.
- 121 Item 4d Freedom of interstate trade and intercourse: Michael Coper, 'Constitutional Obstacles to Organised Marketing in Australia: A Postscript', 1978.
- 122 Item 4d Freedom of interstate trade and intercourse: Michael Coper, 'Agricultural Marketing and the Constitution: Does the Wheat Scheme Infringe Section 92?', 1979.
- Item No. 5 Other Commonwealth powers*
- 123 Standing Committee C and later papers, 1973 - 1983.
- 124 Item 5a External affairs: Summary of ACC 1973 Debates, Government Submissions, Bibliography.
- 125 Item 5a External affairs: Standing Committee C reference papers, compiled c.1973.
- 126 Item 5a External affairs: Queensland Paper re Adelaide Agenda Item A.12 (including bibliography), 1983.
- 127 Item 5a External affairs: press clippings, 1983.
- 128 Item 5a External affairs: Brian Burke, MLA, Premier of Western Australia, 'Federalism after the Franklin', 1983.
- 129 Item 5a External affairs: 'Epitome of Observations of Professor Colin Howard Published in Melbourne University Law Review Vol. 8 No. 2 of August, 1971'.
- 130 Item 5a External affairs: Colin Howard, 'External Affairs Power of the Commonwealth', 1983.
- 131 Item 5a External affairs: P.H. Lane, 'The Federal Parliament's External Affairs Power: The Tasmanian Dam Case', 1983.

- 132 Item 5b Paramountcy: Standing Committee C papers, including Summary of ACC 1973 Debates, Government Submissions, Bibliography, Parties' Attitudes, and other reference material.
- 133 Item 5c Commonwealth places: Standing Committee C papers, including Summary of ACC 1973 Debates, Bibliography, reference notes, legislation, 1970 - c.1973.
- Item No. 6 Energy resources*
- 134 Standing Committee C: correspondence, submissions, papers and reports, including Summaries of ACC 1973 Debates, lists of legislation and other reference material, Parties' Attitudes, notes, report of working party (the file contains material relating to other Items referred to Standing Committee C in addition to Item 6), 1973 - 1974.
- 135 Press Clippings, 1973 - 1974.
- Item No. 7 Local Government*
- 136 Summary of ACC 1973 Debates etc., submission(s), and various papers, 1972 - 1986.
- 137 Correspondence and miscellaneous papers, including Parties' Attitudes, notes on Agenda Item S.6 (Melbourne Convention 1975), Hansard, and other material re the work of Standing Committee A and Working Party on Local Government, c.1973 - 1983.
- 138 Working Party Reports (and minutes), various papers and Bills, 1973 - 1978.
- 139 Structure of Government Sub-Committee and Local Government Sub-Committee: minutes, correspondence and Local Government Report, 1984 (see also ACC 9 Structure of Government Sub-Committee Files).
- 140 Papers relating to preparation of Local Government Report and miscellaneous papers (e.g. Draft European Charter of Local Self-Government) and press clippings, c.1981 - c.1984.
- 141 Advisory Council for Inter-government Relations (ACIR), 'Constitutional Recognition of Local Government', 1980; correspondence and papers mainly to, from or concerning the Australian Council of Local Government Associations (ACLGA), c.1973 - c.1984.
- 142 Miscellaneous Papers: Margaret Bowman, 'Local Government in Melbourne', 1969; R.W. Krause (Cities & Towns Local Government Association, Queensland), letter re Constitutional Recognition of Local Government, 1983; N.T.G. Miles, 'The Response of Local Government to Federal Initiatives' (abstract of paper), 1975; John Shannon, 'Making Federalism Work: American Experience' (abstract of paper); R.F.I. Smith, 'Collingwood, Wren Left-Overs and Political Change: Aspects of Local-Level Politics in the 1970s', 1975; P.N. Troy, 'Towards a System of

- Regional Government?', 1974.
- 143 R.K. Fullagar and J.Q. Ewens, *Opinions*, 1974.
- 144 IN THE MATTER of an Inquiry into a proposal for the union of the municipalities of the City of Melbourne, the City of Fitzroy, the City of Port Melbourne, and the City of South Melbourne: Report of the Local Government Advisory Board, c.1971.
- 145 Report of Commission of Inquiry into Local Government, 1962; Report of the Board of Inquiry into Local Government Finance in Victoria, 1972; N. Bowden, Acting Deputy Commonwealth Statistician, *Local Government Finance 1971-72* (Australian Bureau of Statistics: Victorian Office, Melbourne, 1974).
- 146 Press Clippings, c.1974 - c.1975.
- Item No. 8 Parliament*
- 147 Parties' Attitudes, summaries of submissions, Debates etc., background notes; correspondence and papers of Standing Committee D, including Report of the Sub-Committee on Terms of the Parliament (drafts) and papers re Senate and Supply (the file contains material relating to other Items referred to Standing Committee D in addition to Item 8), 1973 - 1982.
- 148 Item 8a Senate and House of Representatives: Summary of ACC 1973 Debates, Submissions, Bibliography; correspondence and papers of Standing Committee D, including submissions re Senate Powers, Senate and Supply, deadlocks etc., 1973 - 1978.
- 149 Item 8a Senate and House of Representatives: background and research papers, press clippings, and Standing Committee D material re Senate Powers, Senate and Supply, deadlocks etc., c.1970 - 1983.
- 150 Statute Law Revision Committee, Inquiry into the Constitution Act 1975: Transcript of Evidence taken relating to the Role of Upper Houses of Parliament, 1979 - 1981.
- 151 Various, including papers re Territory representation, Senate elections, inclusion of Senators in a class, etc., c.1955 - 1978.
- 152 Double dissolution, dismissal of ministers, deadlocks, and related matters: various papers, 1959 - 1984.
- 153 Elections: Summary of ACC 1973 Debates, Government Submission(s), Bibliography (Item 8b); Standing Committee D and various papers on issues relating to elections, Parliament and other matters, c.1973 - c.1976.
- 154 Casual Vacancies (and other matters): various papers, including *Constitution Alteration (Senate Casual Vacancies) Act 1977*, c.1973 - c.1977.

- 155 Synchronisation of elections (Item 8c), fixed and four year terms, and related matters under consideration by Standing Committee D: Summary of ACC 1973 Debates, Submissions, Bibliography; miscellaneous papers (including speeches and papers by Senator Gareth Evans and others) and press clippings, c.1973 - c.1983.
- 156 Constitution Alteration (Simultaneous Elections) Bill 1974.
- 157 Fixed and four year terms: Constitution Alteration (Fixed Term Parliaments) Bill, Hansard etc., 1981 - 1982.
- 158 Fixed and four year terms (and other matters): Standing Committee D papers, and Report of the Sub-Committee on Terms of the Parliament (drafts), c.1973 - 1983.
- 159 Fixed and four year terms (and certain other matters): overview and survey of opinions; correspondence; paper by Professor Joan Rydon, 'Proposal to extend the term of the House of Representatives'; other papers (including 'Parliamentary Terms' and 'Extended and Fixed Parliamentary Terms'), 1979 - c.1984.
- 160 Fixed and four year terms: papers, 1980 - 1981: Andrew Farran, 'Non-Constitutional Aspects of Fixed-Term Parliaments'; Colin A. Hughes, 'Fixed Term Parliaments: The Constitutional Issues' and 'Extended and/or Fixed Parliamentary Terms'; Geoffrey J. Lindell, 'Fixed Term Parliaments: The Proposed Demise of the Early (Federal) Election' (two versions of paper); Elaine Thompson, 'Tenure of Parliament'.
- 161 Fixed and four year terms (and other matters): South Australian Constitutional Conference, 27-28 November 1981, Conference Book, Proceedings and notes.
- 162 Fixed and four year terms: Legislative Research Service, Department of the Parliamentary Library, *Parliamentary Reformism: the Case of the Four Year Parliamentary Term Proposal*, Occasional Paper No. 1, 1981.
- 163 Fixed and four year terms: *Change*, publication of the Campaign for Constitutional Change, Vol. 3 No. 1, Jan-Feb 1982 (includes discussion of Constitution Alteration (Fixed Term Parliaments) Bill).
- 164 Fixed and four year terms: Standing Committee D and miscellaneous papers, c.1978 - c.1983, including: paper by the Hon. M.F. Willis, MLC, in support of four year terms; Hon. E.G. Whitlam, 'The Machinery of Democracy' (lecture, 1983); background paper by Professor Sawyer; other papers.
- 165 Enid Campbell, 'Ministers, Public Servants and the Executive Branch', 1976; press clipping re s. 122, 1979.
- 166 Constitutional Qualifications of Members of Parliament: Report by the Senate Standing Committee on Constitutional and Legal Affairs *The*



*Constitutional Qualifications of Members of Parliament*, and further material relating to the work of the Structure of Government Sub-Committee, including draft report, Constitution Alteration (Qualification of Members) Bill (Discussion Draft), and other documents, 1981 - c.1984 (see also ACC 9 Structure of Government Sub-Committee Files).

- 167 Qualifications of Members of Parliament: papers by Michael Pryles and Geoffrey Lindell re Senate Standing Committee on Constitutional and Legal Affairs Report *The Constitutional Qualifications of Members of Parliament*, and related material, c.1981 - 1983 (see also ACC 9 Structure of Government Sub-Committee Files).
- 168 Breaking of the Nexus: Structure of Government Sub-Committee and other papers, 1983 - 1984 (see also ACC 9 Structure of Government Sub-Committee Files).

*Item No. 9 Matters that might be referred to the Parliament of the Commonwealth*

- 169 Parties' Attitudes Declared (citing page numbers in ACC 1973 Debates), and correspondence, minutes, papers and report(s) of Standing Committee C (re Item 9 and other matters) and Working Party/Sub-Committee on Item 9, c.1973 - c.1974 (with references to cases and legislation of earlier dates).
- 170 Item 9a Family Law: background papers and other material re work of Standing Committee C (including Summary of ACC 1973 Debates, Submissions, Bibliography), and documents re Agenda Items for 1976 and 1983 Conventions, c.1968 - 1983.
- 171 Item 9a Family Law: 'Preliminary opinion on certain matters in relation to Family Law', c.1974.
- 172 Item 9a Family Law: press releases and press clippings, 1973 - 1981.
- 173 Item 9b Defamation: Summary of ACC 1973 Debates, Government Submission(s), Bibliography; proposed amendment, Agenda Item H.2, 1976 Convention; press releases, press clippings and miscellaneous papers (re defamation and other matters), 1973 - 1984.
- 174 Item 9c Shipping and Navigation: Summary of ACC 1973 Debates, Submissions, Bibliography; Standing Committee C correspondence and papers; press release, press clippings, background and miscellaneous papers (including extract from *Merchant Shipping Act 1894*), 1894 - c.1981.

*Item No. 10 Constitutional guarantees*

- 175 Summary of ACC 1973 Debates, Submissions, Bibliography; Parties' Attitudes (with references to page numbers in ACC 1973 Debates); various papers, including lecture by the Right Honourable Sir Harry Gibbs, 'The Constitutional Protection of Human Rights' (1982), c.1971 - c.1982.

- 176 Albert S. Abel, 'The Bill of Rights in the United States: What has it Accomplished?', 1959; Enid Campbell, 'Pros and Cons of Bills of Rights in Australia', 1969 and 'The Human Rights Bill, 1973'; miscellaneous papers, including notes for Standing Committee D and NSW Delegation.
- 177 Bills, Hansard, Standing Committee D and miscellaneous papers and correspondence (re Item 10 and other matters), c.1972 - c.1977.
- 178 Canadian Constitutional Charter, 1971 and Standing Committee D, NSW Delegation and miscellaneous papers, 1968 - c.1975.
- 179 Attorney-General (Hon. Vernon Wilcox, QC, MP), 'Human Rights', 1974.
- 180 Press Clippings, 1973 - 1974.
- Item No. 11 New States*
- 181 Standing Committee B, Sub-Committee 2 and miscellaneous correspondence, minutes, papers etc. (see also File 182), c.1973 - c.1974 (with earlier Constitution Review Committee documents dating back to c.1956 re new States and various other matters).
- 182 Western Australian *Secession Referendum Act 1932* and *Secession Act 1934*; Parties' Attitudes (with references to page numbers in ACC 1973 Debates); Summary of ACC 1973 Debates, Submissions, Bibliography; Standing Committee B correspondence, papers etc., including report by H. Brennan and draft paper by L.C. Holmwood (see also File 181), c.1929 - c.1974.
- 183 Correspondence, press clippings and miscellaneous papers (re new States and other matters), including Submission from the New State Movement of Northern NSW to the 1973 Convention, motion and proposed amendment to be moved at 1978 Convention (drafts), *New States for Australia* (Proceedings of Australian Institute of Political Science Spring Forum, 1955 - Constitution Review Committee document) and historical and comparative material, 1935 - c.1978.
- Item No. 12 Judicial power of the Commonwealth*
- 184 Item 12a Appointment of High Court Judges: Summary of ACC 1973 Debates, Submissions, Bibliography; Parties' Attitudes (Liberal-Country Party attitudes on Item 12, with references to page numbers in ACC 1973 Debates); paper re Agenda Item (?)S.23, Melbourne Convention 1975; Parliament of NSW, Report from the Select Committee of the Legislative Assembly upon the Appointment of Judges to the High Court of Australia, 1975 and comments on report.
- 185 s. 72 (ii) of the Constitution (removal of Justices of the High Court and of the other courts created by the Parliament): 'Preliminary Research: meaning of "misbehaviour" in s. 72 (ii)' - various papers, compiled c.1984 but including references to historical material (see also Judicature Sub-

- Committee files re appointment of High Court Justices, ACC 8).
- 186 James A. Thomson, *Some Notes on the History of Section 72 (ii) of the Australian Constitution*, Legislative Research Service, Department of the Parliamentary Library, Occasional Paper No. 2, 1984.
- 187 Retiring Age of Judges: correspondence and papers, including material re Item S.7A on the Agenda at the 1975 Convention, Senate Standing Committee on Constitutional and Legal Affairs Report on Retiring Age for Commonwealth Judges, October 1976, and *Constitution Alteration (Retirement of Judges) Act 1977, 1935 - 1977*.
- 188 Item 12b Advisory Opinions of the High Court and miscellaneous correspondence and papers of Standing Committee D and Judicature Committee, including Summary of ACC 1973 Debates, Government Submissions, Bibliography, 1973 - c.1983.
- 189 Item 12b Advisory Opinions of the High Court: Parties' Attitudes; Senate Standing Committee on Constitutional and Legal Affairs, *Advisory Opinions by the High Court*, October 1977; correspondence and papers of Standing Committee D and Judicature Committee; proposed amendment to motion, Perth Convention 1978; press clippings and miscellaneous papers, re Item 12b and other matters, 1973 - c.1983.
- 190 Item 12c Judicial system: Summary of ACC 1973 Debates, Submissions, Bibliography; Parties' Attitudes (with references to page numbers in ACC 1973 Debates); correspondence, minutes, reports, submissions and other papers of (or concerning) Standing Committee D, Judicature Committee, Sub-Committee on Jurisdiction of Courts, and (1983+) Judicature Sub-Committee; press clippings, Acts and miscellaneous papers re Item 12c and other matters, c.1973 - c.1984.
- 191 Judicial system, judges and related matters: correspondence and various papers, c.1977 - c.1983.
- 192 Judicial system, judges and related matters: various, including Standing Committee D and Judicature Sub-Committee correspondence and papers, c.1976 - c.1983.
- 193 Judicial power, jurisdiction of the High Court and related matters: 'Extract from the Evidence of Owen Dixon, KC (as he then was) to the Royal Commission on the Constitution, Tuesday, 13 December, 1927'; Standing Committee D and miscellaneous papers, c.1972 - c.1978 (some papers were obviously considered relevant to deliberations at the 1978 Convention, as they are marked 'Perth W.2').
- 194 Submissions to Senate Standing Committee on Constitutional and Legal Affairs and submissions to ACC (re advisory opinions by the High Court and other matters); miscellaneous press clippings; proposed amendment to motion, 1978 Convention; correspondence, reports and papers of Standing Committee D and Sub-Committee on Jurisdiction of Courts, 1973 - 1983.

- 195 Admiralty and maritime jurisdiction: Standing Committee D and miscellaneous correspondence and papers, 1977 - 1982.
- 196 P.W. Hogg, 'Proof of Facts in Constitutional Cases', 1976.
- Item No. 13 Relationship of the Commonwealth and the States to the Crown and the United Kingdom*
- 197 Parties' Attitudes (with references to page numbers in ACC 1973 Debates); Summary of ACC 1973 Debates, Submissions, Bibliography; Standing Committee B papers and related material (including an address by Arthur Robinson, CMG, MLC, to the Law Institute of Victoria in 1921, 'Appeals to the Privy Council in Constitutional Cases'), 1921 - 1982 (see also File No. 198).
- Item No. 14 Modernization of outmoded provisions*
- 198 Standing Committee C and Working Party on Item 14 papers and reports; Agenda Items for Melbourne and Hobart Conventions; miscellaneous documents re Item 14 and other matters (including a report by Committee of Solicitors-General to Standing Committee of Attorneys-General, 'Residual Constitutional Links', 1980, and correspondence between John Finemore and Rev. Haldane-Stevenson re relationship of Commonwealth and States to the Crown and the UK, 1982), 1957 - c.1982 (see also File No. 197).
- Item No. 15 Territories*
- 199 Summary of ACC 1973 Debates, Submission from Northern Territory, Bibliography; various Convention Agenda Items (motions, proposed amendments, etc.); correspondence and papers connected with the work of Standing Committees B and D, and miscellaneous papers, 1966 - c.1981.
- 200 Parties' Attitudes (with references to page numbers in ACC 1973 Debates); Standing Committee B and Sub-Committee No. 3, Standing Committee D and Territories Sub-Committee correspondence, minutes, reports and papers (re Item 15 and other matters); background and miscellaneous correspondence and papers, c.1883 - c.1983.
- 201 The Northern Territory Legislative Council to Standing Committee B: Explanatory Memorandum on Agenda Item 15, c.1973.
- 202 s. 116: papers re work of Standing Committee B (and Sub-Committee) and Standing Committee D, and miscellaneous, 1970s - 1980s (dates not clear).

## **ACC 30 Comparative Reference Material: Other Countries, c.1912- c.1985**

32 files

### **Description**

These files contain press clippings, official publications, correspondence and other reference material concerning governments, parliaments, and constitutional and intergovernmental issues in various countries (including Australia). While most of the files focus on a specific country, some contain information relating to more than one country. Some of the material is issue-based rather than primarily geographical.

Related Series: ACC 31 Bodies associated with the Constitution and Intergovernmental Relations: Correspondence and Reference Material

ACC 32 Referendum Material

ACC 33 Bibliographies and Reference Material

ACC 34 Research Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 37 A.R.B. McDonnell's Files

### **Item List**

File No.	Contents
1	Canada, c.1964 - c.1984.
2	Canada and USA, c.1970 - c.1979.
3	Canada (also includes Victorian Constitutional Powers (Request) Bill 1979), c.1979 - c.1982.
4	Canada: 19th Annual Premiers' Conference, 1978.
5	Canada: press clipping, 1978.
6	Canada: British Columbia - Bills, 1972 - 1975.
7	Canada (Tri-Level Conference, Toronto, 1972 and other papers), 1971 - 1972.
8	Canada (mainly re tri-level conferences/meetings), c.1971 - c.1973.
9	Canada, 1968 - 1973.
10	Canada (constitutional amendment/renewal of the Canadian Federation), 1978.
11	Canada (press clippings, Debates, notes etc., on matters including rights of

- native peoples/aboriginal rights), 1980 - 1983.
- 12 Canada: *Federal-Provincial Tax Structure Committee, Ottawa, September 14th and 15th 1966.*
  - 13 Canada: Reports of Intergovernmental Committee on Pollution, 1970.
  - 14 Germany (and Canada), c.1974 - c.1976 (papers relating to Canada are undated).
  - 15 Swiss Referendum Procedures and Constitution (includes comparison with the US, and some material relating to the UK and other matters), c.1912 - c.1985.
  - 16 UK: Professor Richard Rose, *The United Kingdom as an Intellectual Puzzle*, Centre for the Study of Public Policy, University of Strathclyde, Glasgow, 1977 (with enclosed letter to John Finemore, 1978).
  - 17 Constitutional Links with the United Kingdom (including Australian historical material re Statute of Westminster, and comparisons with Canadian situation), 1931 - c.1981.
  - 18 USA: American Enterprise Institute for Public Policy Research, *Legislative Analyses - Privacy Protection Proposals* (Legislative Analysis No. 1, 96th Congress, March 1979) and *Proposals for a Constitutional Convention to Require a Balanced Federal Budget* (Legislative Analysis No. 3, 96th Congress, May 1979).
  - 19 USA: United States Conference of Mayors publications, c.1973.
  - 20 USA: Council of State Governments and Council of State Planning Agencies, various publications, 1971 - c.1976.
  - 21 USA: Council of State Governments, *Suggested State Legislation for 1973*, Volume XXXII, 1972, and *Summary*.
  - 22 USA: Council of State Governments, *Principal Legislative Staff Offices*, 1975 and 1976 editions.
  - 23 USA: National Governors' Conference and National Association of Attorneys General, publications, 1972 - 1973.
  - 24 USA: National Municipal League publications, 1961 - c.1973.
  - 25 USA: National Municipal League, *Declaration of Interdependence*, 1970.
  - 26 USA: *National Survey of the Appointed Administrator in County Government*, National Association of Counties, and National Association of County Administrators, Washington, 1973.
  - 27 USA (e.g. material re US Advisory Commission on Intergovernmental Relations), c.1969 - c.1975.
  - 28 USA (including material re Advisory Commission on Intergovernmental Relations and other US Government papers and reports), 1958 - c.1974.

- 29 USA (various), c.1968 - c.1974.
- 30 USA (particularly Massachusetts), 1966 - c.1973.
- 31 USA (and references to other countries), c.1965 - c.1976.
- 32 Contacts in Canada, USA and Switzerland, c.1970s.

## **ACC 31 Bodies associated with the Constitution and Intergovernmental Relations: Correspondence and Reference Material, c.1959-c.1985**

18 files

### **Description**

This series provides information about the work and interests of a range of organisations. Most of these organisations are Australian, but the series contains some comparative material relating to other countries. The files include correspondence with the ACC, publications, minutes, conference papers, press clippings and various other material.

Related Series: ACC 30 Comparative Reference Material: Other Countries

ACC 34 Research Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### **Item List**

File No.	Contents
1	Advisory Council for Inter-government Relations: Hansard re formation, role and membership of Council, 1976 - 1977.
2	Advisory Council for Inter-government Relations (including Bill for Act to establish the Council, 1976, Agenda and Minutes of Officers of Secretariats Meeting, 5 July 1984, and other material), 1976 - c.1985.
3	Australasian Study of Parliament Group, 1981 - 1984 (see also ACC 34, File 61).
4	Australian Constitutional Association, <i>The 1980 Australian Constitutional Conference</i> (including outline of the Free Enterprise Constitution by Tom Appleton, correspondence about the conference and addenda reporting on the conference).
5	Australian Institute of Judicial Administration (includes paper by Dr Cheryl Saunders concerning recommendation of Standing Committee D on an integrated system of courts, drafts and proofs of <i>Collection of Views Expressed to the AIJA on the Proposals for an Integrated Australian Court System</i> , 8 April 1983, articles re court system, correspondence etc.), c.1982 - c.1983.
6	Australian Institute of Judicial Administration: leaflets, reports, publications, c.1982 - c.1984.
7	Australian Natives' Association: correspondence between ACC and Federal



- President of ANA, and items from journal *Anapress*, 1973 - 1978.
- 8 Australian Natives' Association: *Federation and Constitutional Reform - The A.N.A.'s Interest*, by Bryan J. Kelleher (Federal President, ANA), Melbourne, 1981.
  - 9 Australian Natives' Association: *Some National Questions - The A.N.A.'s Response*, by Bryan J. Kelleher (Federal President, ANA), Melbourne, 1982.
  - 10 Campaign for Constitutional Change (and NSW CCC), c.1978 - c.1983.
  - 11 Centre for Research on Federal Financial Relations (and Melbourne Interest Group), c.1980 - c.1984.
  - 12 Council of State Governments, USA, and correspondence, press clippings and other papers re interstate relations and federal-state relations in Australia, e.g. Interstate Corporate Affairs Commission and (?)Australia's Council of State Governments, c.1959 - c.1976.
  - 13 Federalism Project (including *Bulletins* and conference information), 1982 - c.1985.
  - 14 Federalism Project: conference papers, 1982.
  - 15 Federalism Project: conference papers, 1983.
  - 16 Proportional Representation Society of Australia, Submission to the Joint Committee on the Electoral System, March 1982.
  - 17 Royal Australian Institute of Public Administration (ACT Division): addresses at function commemorating centenary of Federal Council of Australasia Act (UK), 1985 and related material (includes extract from L.F. Crisp, *The Later Australian Federation Movement 1883-1901: Outline and Bibliography*, ?1979).
  - 18 Various organisations (Oceana Publications, Australian Institute of Public Administration, Law Foundation of New South Wales, Advisory Council for Inter-government Relations, and others), c.1979 - 1983.

## ACC 32 Referendum Material, 1898-c.1989

31 files

### Description

This series contains material concerning referendums - including historical documents and contemporary material - much of which was collected or produced in connection with the work of the ACC and its committees. The files may include: official documents relating to referendum proposals, such as Bills, Acts, speeches and Debates; press releases and press clippings; Convention papers; analyses of referendum results; discussions of issues such as referendum procedures and popular initiative.

Related Series: ACC 4 Standing Committee 'B' Files

ACC 13 Constitutional Amendment Sub-Committee Files

ACC 28 Historical Background Papers

ACC 29 Papers on Agenda Items (Files 1-30)

ACC 30 Comparative Reference Material: Other Countries

ACC 33 Bibliographies and Reference Material

ACC 34 Research Files

### Item List

File No.	Contents
1	Research notes and papers, Bills and other material on matters including popular initiative, 1898 - c.1984.
2	Notices and <i>Argus</i> clippings re 1911 referendums; arguments for and against, 1937 referendums (1936).
3	Referendums of 1913 (papers by Sir John Quick against amendments, results of voting in Victoria), and later Commonwealth Powers (War) Bill(s) (and drafts and proofs), counsels' opinions, press clippings and correspondence, 1913 - 1916.
4	'Commonwealth Referenda on Alteration of Constitution': summary table covering referendums 1906 - 1967 (date of compilation not clear).
5	<i>Australian Government Gazette</i> and press clippings, 1973 referendums.
6	ACC Agenda Items, Resolutions etc., press clippings, Yes and No Cases (referendums 8 December 1973), miscellaneous correspondence, notes and papers, c.1973 - c.1984.
7	Bills, Hansard, correspondence, notes, press clippings and miscellaneous papers re referendums and other matters, c.1973 - c.1977.

- 8 1977 Referendums (Bills and related documents, Queensland Hansard, 'Progress of Count, As at 24 May 1977', 'Result of Count', miscellaneous correspondence and papers), c.1974 - c.1977.
- 9 Bills and related material, and miscellaneous papers, c.1977 - 1983.
- 10 Proposed Commonwealth Referendums (correspondence, Bills, Senate Debates and related documents, miscellaneous papers), c.1981 - c.1983.
- 11 Yes/No Cases: 'The History of the "Yes/No" Case in Federal Referendums, and a Suggestion for the Future', paper by Lynette Lenaz-Hoare, 1984, with attachments of various dates (paper became Appendix 5 to Constitutional Amendment Sub-Committee Report, June 1984).
- 12 Peter Ford, 'Referendums and the Public Interest: A Reply to Campbell Sharman', c.1984; 'Results of Referenda 1901-1977' chart, c.1983 and further notes, c.1985; cases for and against, referendums 1 December 1984.
- 13 *Referendum (Constitution Alteration) Act 1906* annotated by hand with amendments etc. [large item, stored separately in flat box].
- 14 *Referendum (Constitution Alteration) Act 1906* and amendments etc., press clippings (1919), 'Voting Patterns at the 1976, 1978 and 1983 Conventions Concerning the Present Referendum Proposals' (c.1983), correspondence and papers re State referendums, Hansard and miscellaneous papers, c.1906 - c.1984.
- 15 Hansard (including referendum funding proposals), 1983; papers by Senator Michael Macklin and Dr Cheryl Saunders, c.1984 (became appendices to Constitutional Amendment Sub-Committee Report, June 1984); Debate at Canberra Press Club on Constitutional Reforms, 1984.
- 16 'Early Election ... Early Referendum', *Australian Law News*, July 1984.
- 17 1984 Referendums (booklet, Bills and related documents), 1983 - c.1984.
- 18 1984 Referendums and related matters (press clippings, correspondence, Convention documents, various papers), c.1973 - c.1985.
- 19 Bills, Acts and related material, and miscellaneous papers, 1965 - 1987; cases for and against, referendums 3 September 1988.
- 20 Hansard, Bills and cases for and against, referendums 3 September 1988; and extract from ACC 1973 Debates, re local government.
- 21 J.C. Finemore, 'Reform of the Constitution: The Referendums and Constitutional Conventions', Federal Anniversary Seminar, Faculty of Law, University of Melbourne, August 1976 (file also includes notes re history of constitutional reform in Australia).
- 22 Press releases and clippings on referendums, together with correspondence, background and miscellaneous papers, c.1984 - c.1989.

- 23 Hansard (House of Representatives), 8 March 1984: proposed Constitutional and Law Reform for Autumn Sitings.
- 24 Hansard (Senate), 2 May 1984: four-year term proposal (referendum).
- 25 Hansard (House of Representatives), 9 May 1984: Referendum (Machinery Provisions) Bill.
- 26 Hansard (House of Representatives), 29 May 1984: Referendum (Machinery Provisions) Bill.
- 27 Hansard (House of Representatives), 30 May 1984: Referendums: Funding (Notice of Motion).
- 28 Hansard (Senate), 30 May 1984: Referendum Proposals - Market Research.
- 29 Hansard (Senate), 31 May 1984: Referendum Proposals - Market Research.
- 30 Hansard (Senate), 1 June 1984: Referendum (Machinery Provisions) Bill.
- 31 Hansard (Senate), 5 June 1984: Referendum Proposals.

## **ACC 33Bibliographies and Reference Material, 19th century-c.1988**

15 files and 2 sets of index cards

### **Description**

This series includes bibliographies, lists and indexes of books, articles, theses, historical documents, ACC publications and other material relevant to the Constitution and associated subjects such as federalism and intergovernmental relations. Some of the bibliographies were compiled for or by the ACC or the Australian Constitutional Convention Council; others were produced by outside bodies or individuals and collected by Convention officers to place on their files or add to the ACC library.

The series also contains research notes and miscellaneous historical and contemporary reference material (including copies of the Australian Constitution).

The date ranges given for this series are approximate only, as the contents of the bibliographies span various decades from the nineteenth century onwards, and it is difficult to determine precisely when all this information was collected and compiled by the ACC.

Bibliographies, lists and indexes can also be found in other parts of the ACC collection - e.g. ACC 23 includes some lists of newspaper articles, and ACC 27 contains lists of sources relevant to Items considered at the 1973 Convention.

Related Series:ACC 19 Printed Proceedings, Reports and Papers

ACC 23 Press Clippings

ACC 27 Agenda Items: Index to Sources

ACC 28 Historical Background Papers

ACC 29 Papers on Agenda Items

ACC 30 Comparative Reference Material: Other Countries

ACC 32 Referendum Material

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### **Item List**

Item No.	Contents
1	Constitution, as altered to 1 July 1936.
2	Constitution, as altered to 1 December 1977.
3	Constitution: with notes of relevant cases, opinions, reports, Parliamentary Debates, journal articles, etc. (covering period c.1907 - 1984).
4	Index Cards: sections of the Constitution with references to related cases

(covering period c.1975 - c.1983).

- 5 Cards containing notes from research at the Australian Archives, including explanation of Archives numbering system, and series and file numbers of historical material re Constitution, referendums, Commonwealth/State relations, Premiers' Conferences, etc. (covering records c.1892 - c.1950s).
- 6 Australian Constitutional Law and History: Select Union List - a guide to the holdings of certain Australian libraries in relation to Australian Constitutional Law and History, compiled by Commonwealth Attorney-General's Department, Canberra, 1972 (aims of the project included assistance to those attending the forthcoming Convention in 1973).
- 7 'Bibliography of Essential Material in Relation to Federalism and Associated Intergovernmental Arrangements'; 'Historical Survey of the Constitution by Zelman Cowen: Bibliographical Notes of Interest'; bibliography of material on human rights; lists of journal articles relating to sections of the Constitution; other bibliographies, notes, etc. (most compiled c.1970s).
- 8 'Selected Articles from Citations in Historical Survey of the Constitution by Z. Cowen' (articles/documents/extracts from publications, 1894 - 1956).
- 9 Bibliography of *Australian Law Journal* articles, 1927 - October 1972; Australian National Humanities Library (ANHUL) Bibliography, 'The Double Dissolution of Parliament 11 November 1975; A Select List of References', October 1977; other bibliographies and indexes; lists of Bills, Acts, referendums, Debates, cases; various material re ACC (including background papers and summaries of parties' attitudes declared on 1973 Agenda Items); Hansard, press clippings, correspondence, historical documents and miscellaneous papers, c.1907 - c.1978.
- 10 'Federal-State Relations in Australia, A Select List of Material Published: 1976 - 1978' (Department of the Prime Minister and Cabinet Library), compiled by P.K. Lee, October 1978.
- 11 Bibliography of books, pamphlets, theses, journal and newspaper articles, annual reports and government publications, with author index (compiled c.1982).
- 12 Bibliographies, including lists of journal articles, 'Convention on the Commonwealth Constitution 1973: Suggested Selected Bibliography of Textbooks', and others (compiled c.1970s - c.1981); 'Constitutional Review and Amendment of the Constitution: Summary of Resolutions and Recommendations' (no date).
- 13 Bibliographies (including university course reading guides etc.), 'Bounties: Victorian Submissions at Adelaide and Melbourne Conventions' (re 1890s Conventions), book reviews, Law Department Library (221 Queen Street) guide, and miscellaneous papers, notes and correspondence re the ACC and other matters, c.1970s - c.1988.

- 14 List(s) of minutes, printed papers etc. produced by the ACC and other bodies, 1975 - 1978, (?)compiled for 'The Australian Constitutional Convention: A Bibliographical Survey of the Literature 1968-78', by D. Blackwood and G. Walsh with an introduction by J. Rydon (see also ACC 35, File No. 12) [large item, stored separately in flat box].
- 15 Convention Publications: Stock on Hand, 28 February 1983.
- 16 Lists of Publications Issued by the Australian Constitutional Convention/Australian Constitutional Convention Council, and order forms etc. (compiled c.1981 - c.1987).
- 17 Old lists of types of records held in ACC collection (and related files located in Law Department, Victoria).

## ACC 34 Research Files, 1900-1988

65 files

### Description

This series contains a wide range of historical and recent documents and publications, such as lectures and speeches, conference and seminar papers, press clippings and press releases, journal articles, essays, research notes and papers, correspondence, and records related to legislation and cases. The contents of the files range from single documents to collections of papers on particular subjects. The series includes some material connected with plenary sessions and the work of ACC committees.

Due to the miscellaneous nature of this series, researchers are advised to search carefully through the list for items of interest to them. Although an effort has been made to group together files which are thematically similar or form obvious sequences, much of the material in the series has proved difficult to categorise.

Related Series: ACC 3 - ACC 6 Files of Standing Committees A - D (especially Standing Committees B and D)

ACC 8 - ACC 13 Files of Sub-Committees (especially Structure of Government Sub-Committee)

ACC 28 Historical Background Papers

ACC 29 Papers on Agenda Items

ACC 30 Comparative Reference Material: Other Countries

ACC 31 Bodies associated with the Constitution and Intergovernmental Relations:  
Correspondence and Reference Material

ACC 32 Referendum Material

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### Item List

File No.	Contents
1	Copies of old and new Governor's Letters Patent, Royal Instructions and Commissions, 1900 - 1986 (with covering letter to Sir Murray McInerney from Clerk of the Executive Council, including outline of procedures for handling Reserved Bills).
2	Australia (Request and Consent) Bill, draft 1982.
3	Superior Court of Australia Bill 1973 and Second Reading Speech by the Attorney-General, Senator the Honourable L.K. Murphy, QC.
4	Bills, Amendments etc. (miscellaneous, including Supreme Court Bill, Supreme Court Procedure Bill, Opinion of J.C. Finemore on <i>Constitution</i>



- Act 1975 and Residential Tenancies Bill), c.1986.
- 5 In the Matter of the *Constitution Act 1975*, sections 18 and 32:  
Memorandum of Advice (undated, c.1984).
- 6 Petroleum and Minerals Authority High Court Case: *Victoria v  
Commonwealth and Connor* (No. 49 of 1974), *Queensland v  
Commonwealth and Connor* (No. 37 of 1974), *Western Australia v  
Commonwealth* (No. 14 of 1974), *NSW v Commonwealth and Connor*  
(No. 146 of 1974): Transcript, 1975.
- 7 'Memorandum Showing Means Employed in the Past to Review  
Constitution and Particulars of Referenda Held Since Federation', no date.
- 8 'The States' View on Mineral Jurisdiction in the Territorial Seas and the  
Continental Shelf', c.1973.
- 9 Carl Baar, *Caseflow Management Policy Options for Victorian Courts*,  
Courts Advisory Council, Victoria, July 1988.
- 10 The Right Honourable Sir Garfield Barwick, 'The Monarchy in an  
Independent Australia', Sir Robert Menzies Lecture, 1982.
- 11 Professor F.A. Bland, *What the Federal System Means to You*, published  
by the Constitutional League of Australia, no date.
- 12 Professor S. Rufus Davis, 'The Living Constitution: A Critique of the  
Federal Critiques' (paper given at Third Federalism Project Conference,  
1983, with related notes/correspondence) and 'The State of the States'  
(paper given at Australian Institute of Political Science Sesqui-Centennial  
Conference, 1985).
- 13 G. Evans, 'Federal - State Relations and the Constitution', c.1983.
- 14 J.C. Finemore, 'Federalism and the State Public Servant' (and draft),  
c.1975.
- 15 Tom Gerety, 'Hedgehog and Fox in Constitutional Law' (review of two  
books on judicial review), 1980.
- 16 Speech by the Prime Minister, Hon. R.J.L. Hawke, AC, MP, Business  
Council of Australia, Sydney, 21 September 1984.
- 17 Emiliou Kyrou, paper re s. 51 (xxxviii), 1979.
- 18 J.A. La Nauze, 'The Inter-State Commission', *Australian Quarterly*, IX,  
March, 1937.
- 19 T.M. McRae, 'Australian Federalism - A System in Crisis', c.1981.
- 20 The Most Rev. D. Mannix, 'The Australian Commonwealth and the  
States', 1954.
- 21 Reply given by Sir Anthony Mason, KBE on taking the oath of office as  
Chief Justice of the High Court of Australia, 6 February 1987.

- 22 R.L. Mathews, 'The Future of Government Finance (with Special Reference to Intergovernmental Financial Relations)', and 'Discussion on Professor Mathews' Paper', in *Public Administration*, June 1973.
- 23 J.E. Richardson, 'Australian Constitutional and Associated Issues', in *Atomic Energy in Australia*, January 1973.
- 24 Cheryl Saunders, 'The Interchange of Powers Proposal', *Australian Law Journal* Offprint, 1978.
- 25 Vicki Sweet, 'Interchange of Powers', student essay, Constitutional and Administrative Law, and letter to Mr Blackwood, 1976.
- 26 E.G. Whitlam, 'The Constitution *versus* Labor', lecture delivered at the University of Melbourne, July 1957 (typed and published versions).
- 27 E.G. Whitlam, 'Socialism Within the Australian Constitution', second Curtin Memorial Lecture, University of Western Australia, 1961, published in *Labor and the Constitution: Three Papers*, 1965 (typed and printed versions - printed version includes 'Labor Policies and Commonwealth Powers', see also File No. 28).
- 28 E.G. Whitlam, 'Labor Policies and Commonwealth Powers', Australian Labor Party 25th Commonwealth Conference, 1963 (later published in *Labor and the Constitution: Three Papers*, see File No. 27).
- 29 'The Machinery of Democracy', Foundation Lecture delivered by the Law Centenary Visiting Professor, Hon. E.G. Whitlam, AC, QC, University of Adelaide, 28 April 1983.
- 30 David Wood, paper 'Koowarta, the Dams Case, the Scope of the External Affairs Power, and the Federal Balance', 1984.
- 31 *Current Affairs Bulletin*, Vol. 52, No. 10, March 1976 (articles on the Constitution, conventions of the Constitution, elections, Governor-General).
- 32 The Law Society of Western Australia, 'Aspects of Federal Jurisdiction', Perth, August 1982: papers 1 - 4 and commentaries.
- 33 'Change the Rules!' National Conference, 1980.
- 34 Federal Anniversary Seminar, Faculty of Law, University of Melbourne, 6-8 August 1976: paper by Geoffrey Sawyer, 7 August.
- 35 Federal Anniversary Seminar, Faculty of Law, University of Melbourne, 6-8 August 1976: paper by Michael Crommelin and Gareth Evans, 7 August, and comment/response.
- 36 Federal Anniversary Seminar, Faculty of Law, University of Melbourne, 6-8 August 1976: paper by J.C. Finemore, 7 August.
- 37 Federal Anniversary Seminar, Faculty of Law, University of Melbourne,

- 6-8 August 1976: paper by P.J. Hanks, 8 August.
- 38 Federal Anniversary Seminar, Faculty of Law, University of Melbourne, 6-8 August 1976: paper by Leslie Zines, 8 August.
- 39 Federal Anniversary Seminar, Faculty of Law, University of Melbourne, 6-8 August 1976: paper by Colin Howard and Cheryl Wells (Saunders), 8 August.
- 40 Conventions of the Constitution file 'No. I' (includes Standing Committee D and Conventions Sub-Committee material and correspondence with Ewart Smith and others), c.1978 - c.1982 (?John Finemore's file).
- 41 Conventions of the Constitution file 'No. II' (includes Standing Committee D, Conventions Sub-Committee and other material), c.1976 - c.1982 (?John Finemore's file).
- 42 Conventions of the Constitution file 'No. III' and miscellaneous subjects (Standing Committee D, Conventions Sub-Committee and other material - includes notes on meetings of several sub-committees of Standing Committee D on 26 March 1982), c.1979 - c.1982 (?John Finemore's file).
- 43 Conventions of the Constitution and miscellaneous subjects (includes Standing Committee D and Structure of Government Sub-Committee material, Perth plenary session motion(s), and other papers), c.1978 - c.1983.
- 44 Conventions of the Constitution and miscellaneous subjects (includes Structure of Government Sub-Committee, Constitutional Practices Working Party and other material - a few documents concern matters referred to the Structure of Government Sub-Committee other than Constitutional Practices), c.1983 - c.1985 (?John Finemore's file).
- 45 Excise, s. 90: *Gosford Meats v NSW & Anor*, copy of High Court decision, 1985 and related press clippings, 1985.
- 46 Financial matters: Report from the Committee appointed by Government Senators on Appropriation Bills and the Ordinary Annual Services of the Government, 1967; Financial Agreement between the Commonwealth and the States, 1967 and 1973 editions, and related notes; *Financial Agreement Act 1976*; Income Tax (Arrangements with the States) Bill 1977.
- 47 Interchange of Powers (Bills, background paper by Dr C. Saunders, extracts from ACC 1973 Debates re Item No. 4), 1973 - 1984.
- 48 Interchange of Powers, 'Perth 1978, Item W.9, Section 108A': Hansard, Bills, correspondence, press clippings, Standing Committee B and other

- papers (includes comments re Agenda Item S.3, Melbourne Convention), c.1973 - c.1975  
(?John Finemore's file).
- 49 Interchange of Powers, 'Perth 1978, Item W.9, Section 108A':  
correspondence, Bills, various papers (includes references to Hobart  
Agenda Item H.13), c.1973 - c.1979  
(?John Finemore's file).
- 50 Interchange of Powers: correspondence, Bill(s), various papers (includes  
notes re Adelaide Agenda Item A.18), c.1976 - c.1983  
(?John Finemore's file).
- 51 Intergovernmental Organisation and Cooperative Federalism plus other  
developments in Federalist Theory: file contains miscellaneous articles,  
papers and research notes re USA, Canada, Switzerland, Australia and the  
ACC (including Memorandum for Liberal Party Federal Relations  
Committee, re Proposed Constitutional Convention, from Ann Riordan,  
Parliamentary Counsel, July 1973 - see also address by Ann Riordan,  
ACC 35, File No. 2), c.1962 - c.1978.
- 52 Joint Sitting(s) (Hansard, press clippings, Bills and other documents),  
1973 - 1981.
- 53 Judicial Power and related matters: cases, papers, etc., nos. 1 - 20 (some  
missing), c.1921 - c.1985 (and index to nos. 1 - 86).
- 54 Judicial Power and related matters: cases, nos. 21 - 30, c.1929 - c.1986.
- 55 Judicial Power and related matters: cases, papers, etc., nos. 31 - 50 (some  
missing), c.1911 - c.1987.
- 56 Judicial Power and related matters: cases, papers, etc., nos. 51 - 65,  
c.1915 - c.1987.
- 57 Judicial Power and related matters: cases, papers, legislation, etc., nos. 66  
- 86, c.1953 - c.1987.
- 58 Judicial System, various papers: The Honourable Sir Garfield Barwick,  
'The Australian Judicial System: The Proposed New Federal Superior  
Court', *Federal Law Review*, Vol. 1, June 1964; The Honourable R.J.  
Ellicott, 'The Exercise of Federal Jurisdiction - A Revision of The Federal  
Judicial Structure', *Criminal Law Journal*, 1977; The Honourable Mr  
Justice Else-Mitchell, 'The Judicial System - The Myth of Perfection and  
The Need for Unity', *Australian Law Journal*, Vol. 44, 30 November  
1970.
- 59 Reference to the Parliament of the Commonwealth of the Matter of the  
investing of Federal Courts other than the High Court with State  
jurisdiction; Family Law; transfer of proceedings between State Courts  
and Federal Courts; and other issues (includes *Commonwealth Powers  
(Air Navigation) Act* 1920), 1920 - 1985 (see also ACC 29, Files 169 -

- 174).
- 60 Simultaneous Dissolution and Double Dissolution: documents, 1914 - 1979.
- 61 Upper Houses (includes papers presented at the Fourth Annual Workshop of the Australasian Study of Parliament Group), 1982 (see also ACC 31, File 3).
- 62 Various papers re the Constitution and the ACC, c.1958 - c.1978: Address by Governor-General at opening of Perth plenary session, 1978; Citizens for Democracy leaflet; Enid Campbell, 'An Australian-Made Constitution for the Commonwealth of Australia', 1974; Constitution Review Committee documents, 1958; 'Position Paper No. 8: The Constitution of the Commonwealth of Australia'.
- 63 Various papers re federalism, the ACC and other subjects, 1960 - 1983, including: papers connected with Commonwealth and Empire Law Conference, Ottawa, 1960, and 'Making Federalism Work' Conference, Australian National University, 1975 (see also ACC 35, File No. 4); R.A. McLarty, 'Federation in Canada and Australia: Where Might We Go From Here?', 1980; the 1983 Calwell Memorial Lecture by Barry O. Jones, MP, 'The Convivial Society: Australia in an Age of Transition'.
- 64 Various speeches, papers, press clippings, press releases, Hansard, etc. (including: 'The Future of the Federal Compact', 1982 Alfred Deakin Lecture by the Honourable Sir Rupert James Hamer; 'Constitutional Change - The Right Machinery?', Address by the Hon. Mr Justice M.D. Kirby, CMG at NSW Campaign for Constitutional Change Dinner, 1983; 'The Future of the Constitution', Address by Senator Peter Durack, QC to the Committee for the Economic Development of Australia, 1982; Peter Loveday, 'The Federal Convention, an analysis of the voting' [re 1890s Convention], in *Australian Journal of Politics and History*, 1972; 'Constitutional Review', Ministerial Statement by Senator Peter Durack, QC, c.1980), c.1972 - c.1983.
- 65 Various (chiefly US-related) articles, papers etc., 1982 - 1983: Frederick Schauer, 'An Essay on Constitutional Language'; Eugene Gressman and Eric K. Gressman, 'Necessary and Proper Roots of Exceptions to Federal Jurisdiction'; Nicholas D. Krawec, 'Recent Efforts to Limit Federal Court Jurisdiction and Remedies: A Circumvention of the Amendment Process?'; Jonathan I. Charney, 'The Offshore Jurisdiction of the States of the United States and the Provinces of Canada - A Comparison'; James C. Hill and Thomas E. Baker, 'Dam Federal Jurisdiction!'; R. Nils Olsen, Jr, 'Judicial Proposals to Limit the Jurisdictional Scope of Federal Post-Conviction Habeas Corpus Consideration of the Claims of State Prisoners'.

## ACC 35 Papers re the Origins, Organisation and Achievements of the ACC, c.1958-1986

22 files

### Description

These files contain correspondence, reference material and research papers relating to the history of the ACC and organisational matters such as the membership of committees. Some of the files touch on related issues such as federalism and means of constitutional change. This series is closely related to the series of research files (ACC 34). The plenary sessions series (ACC 15), too, includes background papers and reflective material on the origins and progress of the ACC. Other related material can be found scattered through the ACC collection.

Related Series: ACC 2 Executive Committee Files

ACC 3 - ACC 6 Files of Standing Committees A - D

ACC 7 Standing Committee Files

ACC 8 - ACC 13 Files of Sub-Committees

ACC 14 Submissions

ACC 15 Plenary Sessions Files

ACC 19 Printed Proceedings, Reports and Papers

ACC 28 Historical Background Papers

ACC 30 Comparative Reference Material: Other Countries

ACC 31 Bodies associated with the Constitution and Intergovernmental Relations:  
Correspondence and Reference Material

ACC 33 Bibliographies and Reference Material

ACC 34 Research Files

ACC 37 A.R.B. McDonnell's Files

ACC 38 Cheryl Saunders' Files

### Item List

File No.	Contents
1	Articles and papers re federalism, constitutional reform and the ACC, including: Haddon Storey, 'The Constitutional Convention', in <i>Checkpoint</i> , September 1972; R.D. Lumb, 'Reform of the Constitution' (address to FIDO); Michael Gilchrist, 'Federalism', in <i>Social Survey</i> , March 1973; comments re 1958 and 1959 Commonwealth Parliamentary Joint Committee reports; 'The Constitutional Convention 1973', article for <i>Victorian Year Book</i> 1974 (draft); Zelman Cowen, 'Constitutional Reform', in <i>Bank of New South Wales Review</i> , September 1972; other papers, c.1958 - c.1973.

- 2 *Law Institute Journal*, June 1973: includes address by Ann Riordan, 'Why a Review of the Australian Constitution?' (see also memorandum by Ann Riordan, July 1973, ACC 34, File No. 51).
- 3 Cheryl Saunders, 'The Constitutional Convention - A New Attempt at Australian Constitutional Review', c.1974.
- 4 John Finemore, 'Lessons from the Australian Constitutional Convention', paper presented at 'Making Federalism Work' Conference, August 1975 and notes by Don Blackwood towards paper, February 1975 (see related material from conference, ACC 34, File No. 63).
- 5 Report to Parliament of Tasmania on the Australian Constitutional Convention, by W.A. Neilson, Premier and Leader of the Tasmanian Delegation, 1975.
- 6 *What's New*, newsletter for officers of the Attorney-General's Department, September 1978 (includes article re Perth plenary session).
- 7 Terms of reference and members of Standing Committees A, B, C and D, meetings of committees, and related matters, 1973 - c.1982.
- 8 'Previous Convention Resolutions on Organizational Matters' (Sydney 1973 to Perth 1978 Conventions).
- 9 Tables showing numbers of delegates from States, Territories and Commonwealth, upper and lower houses, and political parties, c.1975 - 1978.
- 10 Tables/notes re meetings of standing committees (and working parties/sub-committees), subject matter discussed at meetings, broad category headings, reports and publications, etc. (mainly re Standing Committee A, covering period 1973 - c.1978) [large item, stored separately in flat box].
- 11 'Constitutional Conventions Feature': various press clippings, Hansard, copies of *Change* (publication of the Campaign for Constitutional Change) and notes, c.1981 - c.1983.
- 12 'Constitutional Convention "Re-visited"' (includes drafts of 1983 paper by Don Blackwood, Peter Ford and Anne Schick re the ACC 1973-78; references to Debates in various Parliaments on proposal to hold the Convention; papers, notes and correspondence re history of the ACC, delegates and representatives, committees, and other matters), c.1968 - c.1983 (see also related file, ACC 33, File 14, containing notes towards 'The Australian Constitutional Convention: A Bibliographical Survey of the Literature 1968-78' by D. Blackwood and G. Walsh with an introduction by J. Rydon).
- 13 Drafts of paper re the history of the ACC 1973-78 by Don Blackwood, Peter Ford and Anne Schick, with associated correspondence and notes, 1983.

- 14 'A Short Historical Survey of the Activities of the Australian Constitutional Convention 1973-1978', Paper prepared by Don Blackwood (Australian Constitutional Convention) and Peter Ford (Commonwealth Attorney-General's Department) with assistance from Anne Schick (Commonwealth Attorney-General's Department) for the information of Delegates and Representatives attending the Plenary Session, Parliament House, Adelaide, April 1983 (see also ACC 19).
- 15 Press clippings, press releases, Hansard, correspondence and papers re the ACC, c.1982 - c.1983.
- 16 Popular Conventions: correspondence, Hansard, press clippings, press releases, papers, notes, etc., concerning popularly elected conventions, origin and operation of the ACC, the 1890s Conventions, and constitutional change - includes material from the NSW Campaign for Constitutional Change, the Law Foundation of NSW, and R. Nilsen (see also ACC 14, File 12), and some background and comparative material (e.g. *Northern Ireland Act 1974*), c.1974 - c.1983.
- 17 Election of Delegates to Constitutional Convention: Research Material, including correspondence of Research Officer Vanessa Mitchell with Delegation Secretaries and others, research notes and various papers - file also covers subjects such as operation of delegations, popular conventions, and other issues connected with constitutional change in Australia and overseas, c.1982 - c.1983 (see also ACC 13).
- 18 Miscellaneous Papers, 1974 - c.1984 (extracts from reports of Standing Committees A and B; papers associated with Standing Committee and Executive Committee meetings, 12 October 1984; Possible Brisbane Agenda, with cross-references to sub-committee reports).
- 19 Lists of Committee members, Secretaries of Delegations, contributors of papers, associated Convention personnel, and other contacts, undated.
- 20 Lists of Committee members, Secretaries of Delegations, contributors of papers, associated Convention personnel, and other contacts, undated (also lists of Senators and Members of the House of Representatives, 1985, and lists of Members of the Legislative Council and Members of the Legislative Assembly, Victoria, 1985).
- 21 'The Australian Constitutional Convention 1973-1985: An Account of Some of the Main Outcomes', paper given by Don Blackwood and Greg Walsh to the Fifth Australian Law in History Conference, La Trobe University, 16-18 May 1986 (with appendices and bibliography).
- 22 'The Australian Constitutional Convention 1973-1985: An Account of Some of the Main Outcomes', paper given by Don Blackwood and Greg Walsh to the Fifth Australian Law in History Conference, La Trobe University, 16-18 May 1986 (with appendices and bibliography): second copy.



## **ACC 36 Secretariat Correspondence, 1972-1982** [includes John Finemore's correspondence 1971+]

15 files

### **Description**

At a meeting in October 1972, the Steering Committee appointed John Finemore Chief Executive Officer of the Convention and authorised him to establish a Secretariat to assist him, to be located in Melbourne. This series of files contains correspondence of John Finemore, including some letters pre-dating his appointment as Chief Executive Officer. The series also contains correspondence of Secretariat officers working with John Finemore, and various other people associated with the ACC. Some related material such as agendas, minutes, notes, press releases and press clippings may be found among the correspondence.

Apart from John Finemore, the correspondents include Vernon Abeysekera (Administrative Officer), Don Blackwood (Assistant to the Chief Executive Officer), Ann Blume (Assistant to the Chief Executive Officer), I.P.K. Vidler (Clerk to the Convention), A.R.B. McDonnell (Assistant Clerk/Clerk to the Convention), Bruce Pippett ((Legal) Research Officer), Ann Riordan (Secretary to the Victorian Delegation), Ewart Smith (Attorney-General's Department), Eric Willis (Convention Chairman and Chairman of the Executive Committee), secretaries and chairpersons of standing committees, and others. The correspondence concerns the Steering Committee, the Convention and committees of the Convention, submissions, establishment and operation of the Secretariat, and Convention publications.

The letters are not in strict chronological order, and the date ranges and subjects of many of the files overlap. The filing system(s) used by the Secretariat cannot be established with any certainty: some of the files follow a fairly clear sequence, whereas others are less orderly. In the item list below, files which seem to follow one another in a rough chronological sequence have been placed first, followed by files of a more miscellaneous nature.

Researchers should note that, although this series extends only up to 1982, the Secretariat continued to operate beyond that date, and that this series does not contain all the correspondence written or received by the Secretariat even for the period 1972-82. Contemporaneous and subsequent correspondence and papers of John Finemore and the Secretariat may be found throughout the ACC collection, particularly in some of the related series listed below.

Related Series: ACC 1 Steering Committee Files  
ACC 2 Executive Committee Files  
ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 14 Submissions  
ACC 15 Plenary Sessions Files  
ACC 37 A.R.B. McDonnell's Files  
ACC 42 Printing (Correspondence with Printers etc.)

## ACC 43 Office Administration Files

### Item List

File No.	Contents
1	Correspondence, 1971 - 1973.
2	Correspondence, February - July 1973 (with some attached letters from 1972 and January 1973).
3	Correspondence (including some submissions and correspondence re submissions), July - November 1973 (with some earlier material).
4	Correspondence (including correspondence of standing committees), October - December 1973.
5	Correspondence (also includes biographical notes on delegates and representatives), 1973.
6	Correspondence (including correspondence of Committees), December 1973 - 1974 (and one 1982 letter).
7	Correspondence (mainly re planning for plenary session), 1974 (some undated papers and earlier correspondence enclosed).
8	Correspondence, 1975.
9	Correspondence, 1976 (includes some 1977 press clippings and correspondence, and previous correspondence from 1975).
10	Correspondence, 1977 (and previous correspondence from 1976).
11	Correspondence, 1978 - January 1979 (and earlier attachments).
12	Correspondence (including letters re supply of Convention publications), 1978 - 1981.
13	Correspondence (including submissions, biographical notes, planning for 1973 Convention, Minutes of meeting of Victorian Delegation February 1973, correspondence re Convention Committees, etc.), c.1972 - 1974.
14	Correspondence, c.1973 - c.1978.
15	Correspondence, 1973 - 1979.

## **ACC 37A.R.B. McDonnell's Files, c.1969-1983**

[including historical material 1927+]

30 files

### **Description**

A.R.B. (Bruce) McDonnell was Clerk of the Parliaments and Clerk of the Legislative Council, Victoria. At a meeting of Clerks of State Parliaments in May 1972 he was elected Second Clerk (or Assistant Clerk) to the Australian Constitutional Convention. He later became Clerk to the Convention following the resignation of Mr I.P.K. Vidler. The 1983 Convention in Adelaide was the last plenary session at which Mr McDonnell served as Clerk.

These files contain original correspondence to A.R.B. McDonnell, copies of correspondence from A.R.B. McDonnell, and press clippings, Convention documents and other material forwarded to and collected by him. It is likely that Mr McDonnell started compiling material about the Convention before he became Second Clerk. The files document events leading up to the first plenary session - beginning with the Debates in the Victorian Parliament in 1969 - and planning for subsequent plenary sessions up to the 1983 meeting of the Convention in Adelaide. They also cover the work of committees and a range of other matters, and include historical and comparative material.

Many of the file titles are those originally given to the files. A few files in this series may have been compiled by people other than A.R.B. McDonnell, but have been kept with the rest of the collection where they were found.

Related Series:ACC 1 Steering Committee Files

ACC 2 Executive Committee Files

ACC 14 Submissions

ACC 15 Plenary Sessions Files

ACC 28 Historical Background Papers

ACC 30 Comparative Reference Material: Other Countries

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

ACC 36 Secretariat Correspondence

### **Item List**

File No.	Contents
1	Proceedings in Victorian Parliament (also includes Resolutions of Commonwealth and other State Parliaments, Bills, Acts, and general correspondence and papers), 1969 - c.1978.
2	Publicity (press clippings, press releases, Hansard and other official

- papers, articles, other papers and correspondence), 1971 - 1983 (and a few earlier papers).
- 3 Meeting of Clerks of State Parliaments, Perth, 19 May 1972 (and related correspondence and documents, including historic Acts).
  - 4 Steering Committee Discussions (Meeting of Commonwealth and State Attorneys-General to Discuss Proposals for Constitutional Convention, July 1972).
  - 5 Steering Committee meeting, 5 - 6 October 1972 (correspondence, programme, associated papers and transcript of proceedings).
  - 6 Steering Committee meeting, 12 - 13 April 1973 (correspondence, transcript of proceedings and related papers).
  - 7 Planning - Steering Committee (transcript of Steering Committee meeting, 26 July 1973).
  - 8 Steering Committee, Victorian Delegation and other meetings, and Sydney Convention arrangements (agendas, notes, information for delegates, summaries of submissions, correspondence and miscellaneous documents), c.1972 - 1973.
  - 9 Executive Committee Meeting, Melbourne, 26 June 1974 (includes Agenda, notes of proceedings at meeting, various correspondence and papers, mainly re proposed Convention to be held in Melbourne in 1974, which did not eventuate), 1973 - 1974.
  - 10 Officers' Meetings (and general correspondence and documents relating to Convention arrangements), c.1973 - c.1974.
  - 11 Planning for Melbourne '75 (also includes planning for Convention in 1974 which did not eventuate, and some material from the 1973 Convention), c.1973 - c.1975.
  - 12 Constitutional Convention Meeting 1975 (various papers, including preparations by Executive Committee), c.1973 - c.1975.
  - 13 Melbourne Convention (and preparatory meetings, etc.), 1975.
  - 14 Executive Committee meetings and related matters, c.1974 - c.1977 (copies of earlier documents enclosed).
  - 15 Perth Meeting Planning (preparations for Perth Convention, including submissions - also correspondence after the Convention), c.1978 - 1979.
  - 16 Planning for Perth and Adelaide Conventions, work of Committees and related matters, c.1977 - c.1982.
  - 17 Agenda(s) - Drafts (and other Convention documents, correspondence etc.), c.1973 - c.1978.
  - 18 Item 14 (outmoded provisions), including papers of Standing Committee

- C and Working Party on Item 14, c.1973 - 1974 (and copy of 1957 document).
- 19 Item 15 (provisions affecting Territories): Summary of ACC 1973 Debates, Submissions, Bibliography.
- 20 Standing Committee B papers (particularly re Item 15), and various motions/amendments, Hobart and Perth Conventions, 1973 - c.1978.
- 21 Territories and New States (including papers of Standing Committee D and Territories Sub-Committee), c.1978 - 1982.
- 22 Standing Committee D (correspondence, agendas, minutes, papers, reports), 1973 - 1982.
- 23 Extract from the Evidence of Owen Dixon, KC (as he then was) to the Royal Commission on the Constitution, Tuesday, 13 December, 1927 (see also File 24).
- 24 Cheryl Wells (Saunders), 'A commentary on proposals for the amendment of Constitution s. 73, with particular reference to the proposals contained in pp. 18-20 of submission no. 82(c) to the Constitutional Convention, by Professor Colin Howard and Mr Gareth Evans', 1974 (see also File 23).
- 25 Standing Committee D: Report to Executive Committee, June 1974.
- 26 Michael Coper, Working Paper for Standing Committee D: 'An analysis of the effect on the Australian constitutional conventions and system of government of the two specific proposals made at the Hobart session of the Convention concerning the power of the Senate in relation to money bills', 1977.
- 27 Cheryl Wells (Saunders), 'Senate Powers and Deadlocks: Historical Background', 1977.
- 28 Various papers and correspondence, including background, historical and comparative documents, and material re Victoria, c.1951 - c.1972.
- 29 Cheryl Saunders, 'The Constitutional Convention - A New Attempt at Australian Constitutional Review' (copies of paper), c.1974.
- 30 John Finemore, 'Lessons from the Australian Constitutional Convention', 1975, J.E. Richardson, 'The Australian Constitutional Convention, Sydney, 1973', proofs of 1973 Handbook and Biographical Notes, extract from *Australian Law Journal*, October 1973, and miscellaneous papers, 1973 - c.1975.

## **ACC 38 Cheryl Saunders' Files, c.1973-1985**

[includes papers 1903-1985]

61 files

### **Description**

Cheryl Saunders held a range of positions in connection with the Constitutional Convention from 1973-1985, including Secretary to the Victorian Delegation, Research Director to the Fiscal Powers Sub-Committee, and Consultant to the Structure of Government Sub-Committee. She wrote numerous papers, ranging from notes on Agenda Items for the information of the Victorian Delegation to papers on constitutional issues for Convention committees and reflections on the history and role of the ACC.

These files include correspondence to and from Cheryl Saunders, documents prepared by Cheryl Saunders, and material forwarded to her and collected by her such as copies of agendas, minutes and various papers. As far as possible, the system of file titles used by Cheryl Saunders has been retained when labelling and listing this series for the archives.

Papers written by Cheryl Saunders can also be found in other parts of the ACC collection, e.g. with files and printed reports of relevant committees.

Related Series: ACC 2 Executive Committee Files

ACC 3 - ACC 6 Files of Standing Committees A - D

ACC 7 Standing Committee Files

ACC 8 - ACC 13 Files of Sub-Committees

ACC 14 Submissions

ACC 15 Plenary Sessions Files

ACC 35 Papers re the Origins, Organisation and Achievements of the ACC

### **Item List**

File No.	Contents
1	Submissions to 1973 Convention (includes some submissions, and list, report and summary), c.1972 - c.1973.
2	Public Submissions (from Mr H.R. Black, and 'Australia's Constitutional and Citizen's Initiative Association', with associated correspondence), 1976 - 1977.
3	Preliminaries to Sydney 1973 (including material re planning and historical background events, and some submissions).
4	Sydney 1973 (Minutes, printed Convention booklet, etc.; Summaries of

Debates, Submissions, Bibliographies on various Agenda Items; articles on the Sydney Convention).

- 5 Convention up to and including Adelaide 1974, and early 1975 (includes material on the work of the standing committees and other matters arising after the 1973 Convention, preparations for the 1974 plenary session planned for Melbourne/Adelaide which did not eventuate, press clippings, Hansard, notes, etc.), 1973 - c.1975.
- 6 Convention up to and including Melbourne 1975 plenary session (Executive Committee meetings, press clippings, correspondence and various papers), c.1974 - 1975.
- 7 Melbourne 1975 (includes Executive Committee meetings before and after the Melbourne plenary session, Convention Agenda Papers, Minutes etc., paper reporting on the plenary session, and other material - dates of some items are not clear).
- 8 Executive Committee meetings before and during the Hobart Convention, related correspondence and various papers, 1975 - 1976.
- 9 Hobart 1976 (notes on Agenda Items, press clippings, and various documents).
- 10 Hobart 1976 (Standing Orders, Agenda Papers, Minutes, Resolutions).
- 11 Convention up to Perth 1978 (Executive Committee and other meetings, and various correspondence and papers - see also Files 12 and 13), 1976 - 1978 (and related earlier documents enclosed).
- 12 Convention 1978 (re Executive Committee meeting 21 April 1978, other meetings, and planning for Perth plenary session - see also Files 11 and 13), c.1977 - 1978.
- 13 Perth 1978 (Agenda Papers, Minutes, motions, etc., information re Perth Convention, correspondence, Executive Committee meetings, address by Sir Zelman Cowen at opening of plenary session, press clippings - see also Files 11 and 12), c.1976 - 1978.
- 14 Perth 1978: Cheryl Saunders' name tag, badge, and transport card.
- 15 Correspondence after Perth 1978 Convention (re proposals concerning the future of the Convention), 1978 - 1979.
- 16 Background to Adelaide Agenda Items File I: Courts (Standing Committee D, Sub-Committee on Jurisdiction of Courts and various correspondence and papers, including background to Adelaide 1983 Convention Agenda and AIJA material), c.1981 - c.1983 (see also File 17).
- 17 Background to Adelaide Agenda Items File II (and general correspondence and papers, including notes on meeting of Conventions Sub-Committee), c.1981 - 1983 (see also File 16).

- 18 'Agenda Planning' (includes Summary of Recommendations of Sub-Committees to the Standing Committee, and planning notes), c.1984.
- 19 Executive Committee Meetings, 1975 - 1976.
- 20 Executive Committee, Standing Committee D, material re Perth Convention and preparations for Adelaide Convention, 1978 - 1983.
- 21 Executive Committee: Perth - Adelaide (also includes Standing Committee D and miscellaneous papers, e.g. ALP's constitutional reform policy, press clippings, etc.), c.1981 - 1983.
- 22 Executive Committee: Adelaide onwards (minutes, correspondence and papers relevant to Executive Committee and other meetings, Standing Committee, sub-committees, preparations for Brisbane Convention, etc. - including Executive Committee meeting 1 August 1985, following Brisbane plenary session), 1983 - 1985.
- 23 Standing Committee after Adelaide (agendas, minutes, associated correspondence and papers - also material re Executive Committee and sub-committees), 1983 - c.1984.
- 24 Victorian Delegation (includes 'Notes for Victorian Delegation', and other papers), c.1974 (and undated papers).
- 25 Victorian Delegation Meetings before Perth Convention (and notes on Perth Agenda Items), 1978.
- 26 Victorian Delegation (correspondence and papers re Standing Committee D, future of the Convention and various other matters), 1976 - c.1982.
- 27 Victorian Delegation - Administration (includes arrangements for Adelaide Convention, notes on Agenda Items, etc.), 1983.
- 28 Drafting Committee (correspondence and papers re proposed committee and other matters), 1977 - c.1978.
- 29 Standing Committee A Meetings (agendas, minutes, correspondence and papers connected with Standing Committee A and working parties - also includes Executive Committee minutes), 1974 - 1978.
- 30 Section 92 (Standing Committee A, Working Party on trade and commerce and related material), c.1977 - 1978 (includes some earlier background information).
- 31 Local Government (press clippings, correspondence with Advisory Council for Inter-government Relations, material on local government representation at the ACC, Standing Committee A's Working Party on Local Government, etc.), c.1958 - c.1980.
- 32 Standing Committee B: 'Sub-Committee Report on Convention Agenda Paper Item 1, Methods of Altering the Constitution', c.1974.



- 33 Standing Committee D Meetings before Hobart 1976 (agendas and minutes of some of the meetings of Standing Committee D, correspondence and miscellaneous papers, including press clipping re Melbourne Convention), 1974 - 1976.
- 34 Standing Committee D Meetings: Hobart Convention to Perth (agendas, minutes, correspondence, submissions, Senate and Supply draft report, press clippings, miscellaneous papers), 1976 - c.1978 (and earlier resource material).
- 35 Standing Committee D: Perth - Adelaide (agendas and minutes of meetings of Standing Committee D and sub-committees, associated correspondence, papers etc.), 1978 - 1983.
- 36 Standing Committee D: Judicature Committee (includes minutes 1976 onwards, correspondence, various papers - see also File 37), c.1974 - c.1978.
- 37 Judicature Committee (see also File 36), c.1976 - c.1977.
- 38 Standing Committee D - Articulation of Conventions (various papers and correspondence), c.1975 - c.1979.
- 39 Opinion prepared for Standing Committee D by Professor K.W. Ryan, 1978 (on articulation of conventions, and powers of Governor-General), and other matters - file includes material related to the subjects of Professor Ryan's opinion, other concerns of Standing Committee D, etc., 1978 - 1979.
- 40 Conventions (including Standing Committee D and Conventions Sub-Committee and general correspondence and papers), c.1979 - c.1982.
- 41 Reports of Conventions Sub-Committee (drafts etc.), c.1981 - 1982.
- 42 Conventions associated with the Constitution, including references and appeals to the Privy Council - particularly in connection with offshore areas/rights to the seabed (correspondence and papers), 1973 - 1982.
- 43 Territory Representation (including Standing Committee D, Territories Sub-Committee, etc.), c.1978 - 1982.
- 44 Standing Committee D after Perth Convention: Duration of House of Representatives (including earlier material such as information on terms of parliaments in other countries and 1967 paper by R.D. Nicholson), 1967 - 1979.
- 45 Fixed Terms (Standing Committee D, Sub-Committee on Terms of the Parliament, and related papers and correspondence, including documents re Constitution Alteration (Fixed Term Parliaments) Bill 1981 - also includes press release from Senator Gareth Evans re Senate and Supply), c.1979 - c.1983.

- 46           Judicature (includes material re Judicature Sub-Committee and Standing Committee D's Sub-Committee on Jurisdiction of Courts), c.1981 - 1985.
- 47           Structure of Government (agendas, minutes, correspondence and papers re the various references of the Structure of Government Sub-Committee, and miscellaneous subjects - includes speech re Constitution Alteration (Democratic Elections) Bill 1985), 1983 - 1985 (and earlier resource material).
- 48           Structure of Government: Working Papers (mainly re constitutional practices/conventions), 1983 - c.1984 (and reference material dating back to 1903).
- 49           Constitutional Practices (Structure of Government Sub-Committee and Constitutional Practices Working Party, Constitutional Amendment Sub-Committee, and related material), 1983 - c.1984 (and earlier reference material).
- 50           Structure of Government - Local Government (Structure of Government Sub-Committee and Local Government Sub-Committee minutes, report(s), correspondence, papers), 1983 - 1985 (and earlier reference material).
- 51           External Affairs, c.1983 - 1985 (and miscellaneous earlier enclosures).
- 52           Industrial Powers (includes material re Industrial Relations Sub-Committee and newspaper article re Hancock Inquiry), 1983 - 1985.
- 53           Fiscal Powers (Sub-Committee and related documents), 1983 - 1985.
- 54           Fiscal Powers: Papers prepared and Submissions received (and miscellaneous documents, e.g. correspondence, press releases and clippings), 1983 - c.1984.
- 55           Fiscal Powers - US (press clippings, and correspondence from University of California), 1983 - 1984.
- 56           Paramountcy (Fiscal Powers Sub-Committee), 1983 - c.1984.
- 57           Cards (two only) containing references to Hansard, 1977 - 1978.
- 58           Convention Monograph: correspondence re proposed monograph, 1978 (and style notes for monographs, 1974).
- 59           Drafts of paper(s) on the Convention, and related correspondence, c.1978 - c.1979 (and earlier documents relevant to the research).
- 60           Drafts of paper(s) on the Convention, (?)1978 - c.1983.
- 61           General Comments (including paper by John Finemore 'Lessons from the Australian Constitutional Convention', notes connected with the paper, and press clippings), 1975 - 1976 (and copy of paragraph by George Orwell, 1946).

## **ACC 39 Australian Constitutional Convention Council Files, 1985- 1994**

25 files

### **Description**

The Australian Constitutional Convention Council was established by resolution of the Brisbane plenary session of the ACC, to take over the role of the Executive Committee and continue the work of the Convention. The Brisbane Convention also recommended that the existing Secretariat be retained to serve the ACC Council and any bodies or groups convened by it. (For the full text of the resolution, see Convention Proceedings 1985, Volume I, pp. 424-426.) The Council met for the first time on 18 October 1985. John Finemore became the Council's Executive Director. In place of the former system of Convention committees, it was envisaged that sub-groups would examine particular issues (e.g. Fiscal and Economic Powers, Industrial Relations Powers, Terms of Commonwealth Parliament). However, it is not clear how active the sub-groups became.

In May 1989 the Secretariat of the Australian Constitutional Convention Council moved to the Centre for Comparative Constitutional Studies, University of Melbourne. In 1994 the Centre became the custodian of the Council's records following John Finemore's retirement from the position of Honorary Executive Director and the winding up of the Council's operations (see File No. 25).

ACC 39 includes correspondence of Robert Fordham (Chairman of the Steering Committee which met prior to the first meeting of the ACC Council), John Cain and John Dowd (successive Chairmen of the Council), John Finemore (Executive Director of the Council, and Honorary Consultant), John Campbell (Assistant to the Executive Director) and others. The series also contains agendas and minutes of Council meetings, position and issues papers, research papers, and other material relevant to the formation, administration and deliberations of the Council. Note that there are overlaps between the contents of the various files.

This series is closely related to the Office Administration Files in ACC 43, many of which cover years within the period of the Council's operation.

Previous Series: ACC 2 Executive Committee Files

Related Series: ACC 40 *Whereas the People* Video Files

ACC 43 Office Administration Files

ACC 44 Constitutional Commission Papers and Reports

### **Item List**

File No.	Contents
1	Executive Committee Meeting, 1 August 1985 (Minutes).
2	Steering Committee Meeting, 27 September 1985: committee membership, meeting arrangements, and related matters (correspondence, Agenda, papers).
3	Steering Committee Meeting, 27 September 1985 (correspondence, Agenda, notes on meeting, recommendations, and related papers - see also File No. 4).
4	Inauguration of ACC Council (including material from the Brisbane 1985 Convention, notes and recommendations from Steering Committee meeting on 27 September 1985, Minutes of inaugural meeting of Council on 18 October 1985, associated papers and general correspondence), c.1985.
5	Second Meeting, 21 March 1986 (includes material connected with the second meeting, and other material re the formation, membership and operation of the Council, and related matters), 1985 - c.1987.
6	Position Papers from Northern Territory, and related documents, c.1985 - c.1986.
7	Fiscal Powers Sub-Group (also includes correspondence re membership and objectives of the Council and the various sub-groups, and general correspondence), 1985 - c.1986.
8	Fiscal Powers Sub-Group, c.1986.
9	Fiscal Powers: Research Paper on Federal Fiscal Powers by Christopher Caleo, February 1986.
10	Industrial Relations Sub-Group (also includes correspondence re membership and objectives of the Council and the various sub-groups), 1985 - c.1986.
11	Parliamentary Terms: papers by Christopher Caleo, Research Officer, January 1986.
12	Organisation, objectives, meetings, future of the Council, and related matters (contains minutes - including third meeting of the Council on 27 May 1988 and earlier meetings - correspondence, etc.), 1985 - c.1990.
13	Organisation (including membership, finance), objectives, meetings, sub-groups, future of the Council, and related matters (minutes, correspondence, various papers), c.1985 - c.1988.
14	Organisation (including finance), support for the Council, future of the Council, sub-groups and related matters (includes correspondence, list of members and other papers), c.1986 - c.1987.

- 15 Organisation (including finance), future of the Council, and related matters, 1986 - 1989.
- 16 Financial and other arrangements, future of the Council, etc. (marked for John Campbell's attention), c.1986 - 1988.
- 17 Financial and other arrangements, future of the Council, etc. (John Campbell's and miscellaneous papers), c.1985 - 1989.
- 18 Financial and other arrangements, including information on Centre for Comparative Constitutional Studies (John Campbell's file), c.1985 - c.1991.
- 19 Financial and other arrangements, future of the Council, etc., c.1988 - c.1990.
- 20 Financial and other arrangements, future of the Council, etc., 1989 - 1990.
- 21 Contact lists, biographical details of John Finemore, and administrative information, c.1986 - c.1989.
- 22 Constitutional Commission (correspondence with John Finemore, and various papers re formation and work of the Commission - includes press clippings re ACC Brisbane plenary session and ACC Council), 1985 - 1988 (see also ACC 44).
- 23 Office of Multicultural Affairs: publications, information, and correspondence with the ACC Council, 1987 - 1988.
- 24 Office of Multicultural Affairs/Advisory Council on Multicultural Affairs: correspondence, notices, press releases etc., and Discussion Paper and accompanying Goals and Principles document issued by the Advisory Council on Multicultural Affairs, 1988.
- 25 Correspondence from Premiers concerning John Finemore's retirement from the position of Honorary Executive Director, and the future of the Council's resources and records, 1993 - 1994.

## **ACC 40 *Whereas the People* Video Files, 1984-1989**

[includes papers 1973-1989]

16 files

### **Description**

In 1984, the ACC invited applications from film makers to produce a 30 minute film on the Constitution and the work of the Convention. The Executive Sub-Committee selected Chrysalis Films Pty Ltd to develop the film. The resulting video, scripted by Rob George based on an idea by Terry Jennings and Scott Hicks, directed by Mandy Smith and produced by Open Channel, was launched in Melbourne on 13 August 1986 by Victorian Premier John Cain, Chairman of the Australian Constitutional Convention Council.

This series throws light on the background to the video project, and includes submissions from film makers, research material, script drafts, and correspondence and documents concerning arrangements for the production, launch and distribution of the video.

Copies of the video *Whereas the People* can be found in ACC 41.

Related Series: ACC 2 Executive Committee Files

ACC 25 Photographs

ACC 26 Newsletter Files

ACC 39 Australian Constitutional Convention Council Files

ACC 41 *Whereas the People* Videos

### **Item List**

File No.	Contents
1	'Correspondence, Selection of Applicants, Briefing Notes and Advertisement, to Feb 1985' (including background to project), 1983 - 1985.
2	Submissions, film treatments, proposals etc., and associated correspondence, 1984.
3	Submissions, film treatments, proposals etc., and associated correspondence, 1984 - 1985.
4	'Final Video Selection Material' (including further treatments submitted by three selected film makers, and other documents and correspondence), 1984 - 1985.
5	Chrysalis Films and ACC: Signed Agreement (and other material relating to research and production of the film, etc.), c.1985.

- 6 Research Material (re Constitution, the ACC, referendums, etc.), 1973 - 1985.
- 7 Drafts of script (mainly re first draft) and other matters, 1985.
- 8 Drafts of script (mainly re third draft) and other matters, including arrangements with Open Channel, 1985 - 1986.
- 9 Open Channel: miscellaneous correspondence and documents, c.1985 - 1986.
- 10 Open Channel: Agreement in relation to production of film (and accompanying script), 1986.
- 11 Cast, crew, acknowledgments and credits lists, 1986.
- 12 Filming, launch, screening(s), and other matters, 1986 - c.1987.
- 13 Launch, distribution and use of video, and other matters (including text of film lecture), c.1986 - c.1987.
- 14 Cartoons about the Constitution, 1986 (may be the cartoons to which John Finemore refers in letter to I.G. Cunliffe, Constitutional Commission, 7 May 1987, see File No. 13).
- 15 Distribution, and miscellaneous matters, c.1985 - 1989.
- 16 Video sales and loans record book, 1986 - c.1988.

## **ACC 41 *Whereas the People* Videos, 1986**

8 videotapes

### **Description**

This series contains copies of the 30 minute video *Whereas the People*, relating to the Constitution and constitutional reform. The film was produced for the Australian Constitutional Convention Council, and launched by the Chairman of the Council, John Cain, on 13 August 1986. For further details on the video project (initiated by the ACC in 1984), see *Whereas the People* Video Files (ACC 40) and related series.

Note: Researchers should only use the copies marked for reference use.

Related Series: ACC 40 *Whereas the People* Video Files

### **Item List**

Video No.	Contents
1	1" C Format Sub-Master, duration 31 minutes.
2	Video Cassette, (?)master or early copy, 32 minutes.
3	Beta Video Cassette.
4	Beta Video Cassette.
5	Beta Video Cassette.
6	VHS Video Cassette.
7	VHS Video Cassette.
8	VHS Video Cassette.



## **ACC 42 Printing (Correspondence with Printers etc.), 1973-1985**

5 files

### **Description**

These files contain correspondence between Don Blackwood (Assistant to the Chief Executive Officer) and Government Printers, and various other correspondence and notes regarding the preparation and printing of Convention handbooks, passes, reports, rolls of delegates, proceedings, stationery etc., and related matters (such as photocopying and distribution). The files also include some drafts, proofs and samples of printed items, and records of printing jobs (e.g. delivery docket). The last file in the series concerns the reprinting of the Convention Debates of the 1890s, and contains correspondence of John Finemore and Don Blackwood with Greg Craven, and other correspondence relevant to the project.

Related records concerning the printing of material for delegates and representatives attending plenary sessions and the printing of Convention proceedings may be found in ACC 15. Additional records concerning the printing of specific reports may be found with files of the relevant committees.

Related Series: ACC 3 - ACC 6 Files of Standing Committees A - D  
ACC 8 - ACC 13 Files of Sub-Committees  
ACC 15 Plenary Sessions Files  
ACC 19 Printed Proceedings, Reports and Papers  
ACC 26 Newsletter Files  
ACC 36 Secretariat Correspondence  
ACC 45 Stationery

### **Item List**

File No.	Contents
1	Correspondence, notes and related records (including Convention passes), 1973 - 1975.
2	Correspondence, notes and related records, 1973 - c.1983.
3	Correspondence, notes and related records, 1983 - 1985.
4	Correspondence, notes and related records, 1983 - 1985.
5	Reprinting of Pre-Federation Debates, 1984 - 1985.

## ACC 43 Office Administration Files, c.1972-1994

24 files

### Description

These files cover matters such as office accommodation for the Secretariat, office equipment, finance, staff, and archives of the ACC and the ACC Council.

Related Series: ACC 36 Secretariat Correspondence  
ACC 39 Australian Constitutional Convention Council Files

### Item List

File No.	Contents
1	Changes of Address, 1984 - 1989.
2	Office accommodation, including leases, removal arrangements, floor plans, c.1986 - c.1989 (and copies of 1982 lease).
3	Property matters (leases, office equipment, etc.), c.1979 - c.1989.
4	Insurance (mainly dealings with State Insurance Office), c.1987 - 1989.
5	Photocopier, 1983 - 1989.
6	Telephone, 1985 - 1989.
7	Accounts and related matters: Electricity, Rank Xerox, Stationery, Telecom, c.1986 - c.1988.
8	Cheques Received (including State shares of expenditure) and receipts and payments procedures, c.1987.
9	Finance (including correspondence, estimates, draft of Victoria's Constitutional Convention Bill 1972, and other papers), c.1972 - c.1988.
10	'Costs of Conventions' (and related expenditure), c.1973 - c.1986.
11	'Finance Correspondence received' (financial and related matters), c.1973 - 1987.
12	'Finance Correspondence despatched' (financial and related matters), c.1973 - c.1983.
13	'Correspondence and statements from Law Department' (and other correspondence and papers re expenditure - estimates, statements, reimbursement from governments, etc.), c.1974 - c.1985.
14	Financial and related matters, c.1974 - c.1985.

- 15 'Financial statements' (and related correspondence, estimates etc.), c.1972 - 1986.
- 16 Financial statements, EDP printouts, etc., c.1982 - 1989.
- 17 Computer printouts from Attorney-General's Department/Law Department showing receipts and payments of ACC and ACC Council (some related documents enclosed), c.1982 - c.1989.
- 18 'Future Financial Accounting Arrangements', paper by Don Blackwood, c.1983.
- 19 Expenditure: Pro Forma Letters to Delegations, 1984.
- 20 'Recoup of Operating Costs: Statements of Expenditure sent to Commonwealth and States' (and miscellaneous correspondence and papers), c.1980 - 1989.
- 21 Miscellaneous rough contact lists and notes, various dates.
- 22 Archives (arrangements with and information from Australian Archives), c.1975 - 1990.
- 23 Archives (Australian Archives, Freedom of Information, etc.), c.1983 - 1994.
- 24 Personnel Records [closed file], c.1973 - c.1989.

## ACC 44 Constitutional Commission Papers and Reports, 1986-1988

20 printed booklets and 1 file of research papers

### Description

The Constitutional Commission was established by the Australian Government in December 1985 to inquire into and report by 30 June 1988 on revision of the Constitution. Members of the Commission were Sir Maurice Byers, QC (Chairman), the Hon. E.G. Whitlam, QC, Sir Rupert Hamer, the Hon. Mr Justice Toohey, Professor Leslie Zines and Professor Enid Campbell. The Commission was expected to consult widely with the Australian public. Five committees were also appointed to advise the Commission on specific matters. The Commission met for the first time in January 1986 and completed its work during 1988.

The Constitutional Commission was not administratively connected with the ACC Council, but the concerns of the two bodies overlapped and the Commission and its committees referred to ACC debates and reports during their own deliberations. In addition, John Finemore, Executive Director of the ACC Council, maintained an active interest in the Commission's work and provided drafting assistance to the Commission.

This series contains Commission papers and reports collected by John Finemore and kept for reference purposes by the ACC Council Secretariat. It includes printed booklets such as background papers, issues papers and reports, and a selection of typed research papers. It should not be regarded as a complete set.

A file on the Constitutional Commission, including correspondence, press releases, press clippings and *Bulletins* published by the Commission can be found in the ACC Council series of files (ACC 39).

Related Series: ACC 39 Australian Constitutional Convention Council Files

### Item List

Item No.	Contents
1	Background Paper No. 8, Deadlocks: Constitution Section 57, October 1986.
2	Background Paper No. 11, Constitutional Issues Affecting Local Government, undated.
3	Australian Judicial System Advisory Committee, Summary of Issues, 1986.
4	Australian Judicial System Advisory Committee, Issues Paper, 1986.

- 5 Australian Judicial System Advisory Committee, Statement of Preliminary Views, January 1987.
- 6 Advisory Committee on Individual and Democratic Rights under the Constitution, Issues Paper No. 1, c.June 1986.
- 7 Individual and Democratic Rights Committee, Research Papers 3 - 8, by Greg McLeod (Secretary to the Committee), February - March 1987.
- 8 Advisory Committee on the Distribution of Powers, Issues Paper, August 1986.
- 9 Advisory Committee on Executive Government, Issues Paper, August 1986.
- 10 Advisory Committee on Trade and National Economic Management, Issues Booklet, September 1986.
- 11 Australian Judicial System Advisory Committee, Report, 22 May 1987.
- 12 Advisory Committee on Individual and Democratic Rights under the Constitution, Report, 1987.
- 13 Advisory Committee on the Distribution of Powers, Report, 6 June 1987.
- 14 Advisory Committee on Executive Government, Report, 30 June 1987.
- 15 Advisory Committee on Trade and National Economic Management, Report, June 1987.
- 16 First Report of the Constitutional Commission, Volume I, April 1988.
- 17 First Report of the Constitutional Commission, Volume II, April 1988.
- 18 First Report of the Constitutional Commission, Summary, May 1988.
- 19 Final Report of the Constitutional Commission, Volume One, 1988.
- 20 Final Report of the Constitutional Commission, Volume Two, 1988.
- 21 Final Report of the Constitutional Commission, Summary, August 1988.

## ACC 45 Stationery, 1972-c.1990s

11 files

### Description

This is a collection of samples of stationery used in the course of the work of the ACC and the Australian Constitutional Convention Council.

ACC 42 contains some details about printing of stationery. Files in the other related series listed below may help to explain some of the changes in Secretariat addresses and names appearing on the stationery.

Related Series: ACC 36 Secretariat Correspondence  
ACC 39 Australian Constitutional Convention Council Files  
ACC 42 Printing (Correspondence with Printers etc.)  
ACC 43 Office Administration Files

### Item List

File No.	Contents
1	ACC letterhead paper (with no address).
2	ACC letterhead paper (with addresses of J.C. Finemore, QC, Chief Executive Officer, 221 Queen Street, Melbourne and G.D. Combe, 1st Clerk to the Convention until December 1972, Parliament House, Adelaide).
3	ACC letterhead paper (with addresses of J.C. Finemore, QC, Chief Executive Officer, 221 Queen Street, Melbourne and I.P.K. Vidler, 1st Clerk to the Convention from January 1973 until mid-1974, Parliament House, Sydney).
4	ACC letterhead paper (with address of J.C. Finemore, OBE, QC, Chief Executive Officer, 221 Queen Street, Melbourne).
5	ACC envelopes (200 Queen Street, Melbourne, as from May 1984).
6	ACC Council envelopes (200 Queen Street, Melbourne).
7	ACC Council Executive Director's compliments slips (200 Queen Street, Melbourne).
8	ACC Council letterhead paper (with address of J.C. Finemore, AO, OBE, QC, Executive Director, 160 Queen Street, Melbourne, as from May 1986).
9	ACC Council envelopes (160 Queen Street, Melbourne).

- 10 ACC Council letterhead paper (with address of J.C. Finemore, AO, OBE, QC, Honorary Executive Director, 157 Barry Street, Carlton, as from May 1989).
- 11 Business cards of John C. Finemore, AO, OBE, QC, Honorary Executive Director, ACC Council (157 Barry Street, Carlton).

## **ACC 46Flags**

8 flags

### **Description**

This series contains the Australian flag and the six State flags, which were probably displayed at plenary sessions of the ACC.

### **Item List**

Flag No.	Country/State
1	Australia.
2	Australia.
3	New South Wales.
4	Victoria.
5	Queensland.
6	South Australia.
7	Western Australia.
8	Tasmania.



## **ACC 47Satchels**

4 satchels

### **Description**

This series comprises four black plastic satchels, labelled in gold 'Australian Constitutional Convention', and probably used by delegates and representatives to hold documents at plenary session(s). Each satchel has a clear plastic pocket to hold a name tag: one contains a card with a handwritten label 'John Finemore Q.C.'

Note: The satchels are stored in a large flat box.

### **Item List**

Satchel No.	Appearance
1	Black satchel with gold lettering (used by John Finemore).
2	Black satchel with gold lettering.
3	Black satchel with gold lettering.
4	Black satchel with gold lettering.

## **ACC 48Signs**

2 signs

### **Description**

This series contains two long narrow rectangular metal signs, probably used at plenary sessions to direct participants to meeting rooms. Both are silver with the words 'Australian Constitutional Convention' in brown lettering. One sign includes an arrow.

Note: The signs are stored in a large flat box.

### **Item List**

Sign No.	Wording
1	Australian Constitutional Convention.
2	Australian Constitutional Convention (and arrow).

**APPENDIX**

**EXTRACTS FROM AGENDA PAPERS AND RESOLUTIONS ADOPTED AT THE  
AUSTRALIAN CONSTITUTIONAL CONVENTION  
1973-1985**

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1973

AGENDA PAPER NO. 1

AGENDA PAPER NO. 5  
(EXTRACT)

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1975

RESOLUTIONS

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1976

RESOLUTIONS

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1978

RESOLUTIONS

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1983

RESOLUTIONS

AUSTRALIAN CONSTITUTIONAL CONVENTION  
1985

RESOLUTIONS





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