

# PUBLIC LAW REVIEW

Volume 19, Number 2

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ARTICLES

**The meaning of “trading or financial corporations”: Future directions** – *Nicholas Gouliaditis*

This article sets out the existing case law concerning the meaning of the phrase “trading or financial corporations” in s 51(xx) of the <i>Constitution</i> , and examines the problems that have arisen in applying the current “activities test” to particular types of corporations. Four alternative tests are discussed. This article suggests that the High Court should emphasise that, properly understood, the activities test requires that “trade” or “finance” must be a characteristic activity of a corporation for it to merit the description “trading corporation” or “financial corporation”. Consequently it is arguable that, contrary to some lower court and tribunal authority, many charities, local governments and other State statutory corporations fall outside the scope of the Commonwealth’s corporations power. ....	110
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**Conflict resolution in federal states: Balancing legislative powers as a viable means?** – *Dr Dirk Hanschel*

The article looks at the recent German federalism reform, and examines to what extent the balancing of legislative powers (ie legislative competency and veto powers in the federal legislative process) may resolve conflicts, such as centralisation and the entanglement of legislative powers, and to what extent it may cause or aggravate such conflicts. The article compares the German case with efforts of power-balancing in the United States, Canada, Australia and Switzerland. The questions considered in the comparison are to what extent the balancing of legislative powers by constitutional changes and by decisions of constitutional courts has helped to solve power-related conflicts in these countries, and whether the German federalism reform might serve as a future model. On this basis, the article draws more general conclusions as to the suitability of balancing legislative powers as a means of conflict resolution in federalist states. ....	131
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# Guidelines for Contributors

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5. Austin, n 4, p 56.

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7. Sheehy et al, n 6 at 221.

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