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Update Summary

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UPDATE 58

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HIGH COURT PRACTICE

G Flick

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Updated Commentary

Justice Flick and Allan Flick have reviewed annotations to the following legislation titles, with updated paragraphs and new paragraphs listed as follows.

The Constitution

- Section 7:
 - [ACA7.100] Freedom of communication
- Section 43:
 - [ACA43.20] General
- Section 51:
 - [ACA51.ii.160] But so as not to discriminate
 - [ACA51.vi.100] Internal threats – terrorism
 - [ACA51.xix.20] General
 - [ACA51.xxi.90] Same sex marriages?
 - [ACA51.xxiiiA.140] Any form of civil conscription
 - [ACA51.xxxv.60] Conciliation and arbitration – registration
- Section 61:
 - [ACA61.20] General
 - [ACA61.60] The Cabinet
- Section 64:
 - [ACA64.40] General
 - [ACA64.80] More than one Minister?
- Section 71:
 - [ACA71.40] What constitutes “judicial power”?

- Section 72:
 - [ACA72.30] Appointment
- Section 73:
 - [ACA73.40] All judgments, decrees, orders and sentences – s 73
- Section 75:
 - [ACA75.20] General
 - [ACA75.25] Standing
 - [ACA75.40] In all matters
 - [ACA75.200] Section 75(iv) – between States or residents of different States
 - [ACA75.220] Section 75(v) – a writ of mandamus or prohibition or an injunction
 - [ACA75.265] Mandamus – a discretionary remedy
 - [ACA75.290] An injunction
 - [ACA75.300] Certiorari?
 - [ACA75.325] Habeas corpus [NEW]
 - [ACA75.340] A bona fide attempt – the Hickman principles & jurisdictional error
- Section 80:
 - [ACA80.100] The essential features of trial by jury
- Section 90:
 - [ACA90.60] Excise
- Section 92:
 - [ACA92.70] Steps antecedent to trade and commerce

- [ACA92.130] Absolutely free – but subject to qualifications and regulation
- Section 116:
 - [ACA116.20] General
 - [ACA116.120] Prohibiting the free exercise of any religion
 - [ACA116.220] Overseas provisions
- Section 117:
 - [ACA117.60] A broader view of s 117 – Street’s case
- Section 128:
 - [ACA128.20] Mode of altering the Constitution
 - [ACA128.130] Access to information

Judiciary Act

- Section 34:
 - [JUD34.80] Reconsidering earlier decisions
 - [JUD34.100] Deciding constitutional questions
- Section 35A:
 - [JUD35A.20] General
 - [JUD35A.140] A judgment not attended with sufficient doubt
 - [JUD35A.200] Not a court of criminal appeal
- Section 44:
 - [JUD44.20] General
- Section 68:
 - [JUD68.60] The like jurisdiction – s 68(2)

- Section 77M
 - [JUD77M.60] Costs orders
- Section 80:
 - [JUD80.10] General

High Court Rules

- Rule 3.01:
 - [HCR3.01.20] Rule 3.01.1 – an amendment to any document
- Part 8:
 - [HCR8.00.80] Power to vary orders
- Rule 8.07:
 - [HCR8.07.40] An order staying proceedings
- Rule 50.01:
 - [HCR50.01.20] A general discretion

