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# Update Summary

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**UPDATE 59**

**AUGUST 2024**

**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

- Preamble:
  - [ACAPreamble.20] General
  
- Section 1:
  - [ACA1.40] The Queen
  
- Section 7:
  - [ACA7.100] Freedom of communication
  
- Section 49:
  - [ACA49.20] General
  - [ACA49.30] A privilege to determine membership?
  - [ACA49.100] Contempt
  
- Section 51:
  - [ACA51.70] Reserve powers
  - [ACA51.ii.20] General
  - [ACA51.ii.40] Taxation
  - [ACA51.vi.20] General
  - [ACA51.vi.28] The Control of the forces *[NEW]*
  - [ACA51.xix.120] Detention and removal of aliens
  - [ACA51.xxi.90] Same sex marriages?
  - [ACA51.xxxv.20] General
  - [ACA51.xxxv.180] Corporations power v the conciliation and arbitration power

- Section 53:
  - [ACA53.40] A procedural provision – no judicial interference
  
- Section 61:
  - [ACA61.65] The Attorney-General
  - [ACA61.70] The Solicitor-General
  - [ACA61.90] The scope of the executive power
  
- Section 71:
  - [ACA71.10] General
  - [ACA71.25] Separation of powers
  - [ACA71.90] Persona designate
  - [ACA71.100] The jurisdiction of State courts – the integrity of State courts
  
- Section 72:
  - [ACA72.20] The independence of the judiciary
  - [ACA 72.23] Appointment of judges to executive functions *[NEW]*
  - [ACA72.30] Appointment
  - [ACA72.60] Remuneration and allowances – s 72(iii)
  
- Section 75:
  - [ACA75.40] In all matters
  
- Section 80:
  - [ACA80.40] An important constitutional guarantee or privilege
  - [ACA80.120] A fair trial – “according to law”
  
- Section 90:
  - [ACA90.20] General

- Section 92:
  - [ACA92.60] Free trade and protectionism
  
- Section 96:
  - [ACA96.20] General
  - [ACA96.120] A state subject matter
  
- Section 98:
  - [ACA98.60] The widest possible power – navigation and shipping
  - [ACA128.130] Access to information
  
- Section 101
  - [ACA101.40] Not a court
  
- Section 109
  - [ACA109.85] Covering the field – a questionable principle?
  - [ACA109.90] An express provision
  
- Section 116
  - [ACA116.60] Making any “law for”
  - [ACA116.220] Overseas provisions
  
- Section 119
  - [ACA119.20] General
  
- Section 127
  - [ACA127.20] General

## Judiciary Act

- Section 34:
  - [JUD34.80] Reconsidering earlier decisions

## High Court Rules

- Rule 21.01:
  - [HCR21.01.20] Joinder of parties
- Rule 25.16:
  - [HCR25.16.20] Habeas corpus – r 25.16
- Rule 50.01:
  - [HCR50.01.20] A general discretion

## Australia Act

- Section 6:
  - [AA6.20] General

