

PUBLIC LAW REVIEW

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ARTICLES

Federal jurisdiction in State courts: An elaboration and critique – *Will Bateman*

A number of important High Court cases have grappled with the complexities that arise from the exercise of federal jurisdiction by State courts, the most recent of which is *Momcilovic v The Queen* (2011) 245 CLR 1. Those cases demonstrate the complexity of the principles of federal jurisdiction and the unexpected outcomes that can follow their application to proceedings in State courts. This article seeks to explain some of the more complicated aspects of the principles of federal jurisdiction. It also raises a number of problems with the deployment of those principles in State courts and proposes some tentative solutions.

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The role of a State Governor in relation to illegality – *Geoffrey Lindell*

This article addresses the reserve powers of State Governors with respect to illegality. It sketches the narrow scope of those powers including the role of a Governor in checking the legality of governmental action, the small likelihood of a Governor declining assent to legislation (except on advice) and the exceptional circumstances under which a Governor would be justified as a matter of last resort in dismissing a duly elected government on the ground that it is pursuing an illegal course of action. Given the narrowness of these powers, the article warns against placing unrealistic reliance on these powers and the need, instead, to continue to explore, and put in place, additional and different mechanisms to ensure compliance with the law by the government and its various agencies.

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