

PUBLIC LAW REVIEW

Volume 26, Number 4

December 2015

COMMENTS

- Maori rights: Legal or political?** – *Claire Charters* 231
- End-of-life choice in New Zealand’s Parliament and courts** – *Andrew Geddis* 237
- “What happens in the house, stays in the house”** – *Robert S Shiels* 242

CASE NOTE

- McCloy v New South Wales: Political donations, political communication and the place of proportionality analysis** – *Anne Carter* 245

ARTICLE

Constitutional dimensions of State executive power: An analysis of the power to contract and spend – *Selena Bateman*

This article examines the power of Australian State Executives to contract and spend in light of the High Court’s decision in *Williams v Commonwealth*. After first examining the key cases, which have developed the executive contracting power of the States, the article looks closely at the Court’s reasoning in *Williams* and argues, from a doctrinal perspective, that the decision has a significant impact on State executive power. The article then argues that the *Williams* decision, in regards to the Commonwealth executive power, better fulfils the principles of responsible and representative government in the Australian constitutional system and a case is made for applying a similar limitation on State government contracting. 255

TRIBUTE TO JUSTICE KENNETH HAYNE AC

- Introductory note** – *Cheryl Saunders* 280

Justice Hayne’s contribution to public law: An overview – *Justice Geoffrey Nettle*

To speak of Justice Kenneth Hayne’s contribution to public law is a large undertaking. While the other contributors to this symposium discuss a particular area of his Honour’s work, this article attempts to sketch the broad spread of his Honour’s contribution to the area. 282

Justice Hayne and the constitutional underpinnings of enforcement of the limits on public power – *Stephen Donaghue QC*

This article traces the growth of the concept of jurisdictional error and its entrenchment as a limit on Commonwealth and State power. The article also offers some musings about the role Justice Hayne has played in that process. 287

Justice Hayne and the implied freedom of political communication – *Kristen Walker QC*

This article focuses on one aspect of Justice Hayne’s extensive contribution to public law: his Honour’s contribution to the jurisprudence on the implied freedom of political communication. 292

Justice Hayne’s dissenting judgments – *Frances Gordon*

This article explores Hayne J’s contribution to public law through an analysis of his Honour’s dissenting judgments in that field, and suggests that a common thread in those judgments is a concern with unbounded power. 298

BOOK REVIEW

Human Rights Acts: The Mechanisms Compared – *Reviewed by Gabriella Raetz and Patrick Keyzer* 305

DEVELOPMENTS 307

VOLUME 26 – 2015

Table of Authors 317
Table of Cases 319
Index 329