

THE CENTRE FOR INTERNATIONAL AND PUBLIC LAW (CIPL)  
ANU COLLEGE OF LAW PRESENTS:



## PUBLIC LECTURE

# Inglis Clark and the First Sentences of Chapter III of the Australian Constitution and Article III of the American Constitution

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Wednesday, 6 May 2009, 5.30–6.30pm  
Phillipa Weeks Staff Library  
ANU College of Law (Bldg 5), Fellows Rd, ANU  
The Australian National University

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This event is free and open to the public.

It is common knowledge that Andrew Inglis Clark came to the Australasian Constitutional Convention in 1891 with a complete draft constitution and that it was very largely based on the Constitution of the United States. I am engaged in research that gives considerable attention to the debates among the Australian framers when they were drawing significantly from the American Constitution, which is the case with Chapter III. Selectively, I am also looking at lingering questions or issues triggered by the debate and/or its resolution in provisions adopted in the Australian Constitution.

The first sentence of section 71 of the Australian Constitution contemplates three locations of "the judicial power of the Commonwealth": [1] "a Federal Supreme Court" in which that power is "vested" by the Constitution itself; [2] any "other federal courts" if Parliament chooses to create them; [3] "such other courts" as Parliament "invests with federal jurisdiction." I am going to say a few things about each of these locations concerning aspects of the convention debates and the relationship between these locations of federal judicial power and the American constitution. I will spend a bit more time talking specifically about these aspects with respect to the very interesting case of *Kable v Director of Public Prosecutions*.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.