

Foreword by Sir Daryl Dawson

to The Constitution of Victoria by Greg Taylor

Constitutional law involves, more than any other area of law, a depth of understanding of both principle and policy. It also requires a knowledge of history in order to trace and understand the evolution of modern theory and practice. Whilst a breadth of approach is necessary in the study of constitutional law, at the same time it is a discipline which throws up fine distinctions to hone the mind of any lawyer seriously engaged in it. It involves close reasoning of a kind no longer demanded elsewhere in the law. The exposition of Victorian constitutional law in this work will be an invaluable aid to all those concerned in any of these ways to comprehend its many aspects.

Since federation, studies in constitutional law have tended to concentrate upon federal constitutional law and upon that part of it which deals with the division of power between the Commonwealth and the States under the Commonwealth Constitution. As a consequence, there has to some extent been a neglect of State constitutional law and its underlying principles, largely of British origin, which are capable of providing considerable insight into many concerns which are common to both the Commonwealth and the States. Perhaps this neglect is due to the ease with which State constitutions could be amended, particularly in Victoria under the Constitution Act 1975 and its precursors. That situation was to some extent ended in Victoria in 2003 by the entrenchment of a number of provisions which were previously susceptible to amendment by a parliamentary majority. The Victorian Constitution is now, as a result, less flexible than it used to be. However, the effect of the entrenchments is not beyond controversy and those involved in that controversy in the future will be greatly aided by the masterly way in which this work deals with the competing views.

Indeed, this work is comprehensive in its treatment of all aspects of Victorian constitutional law whether they be historical, jurisprudential or practical. Occasionally the author offers his own views upon the direction which the law has taken or should take, but in a manner which adds freshness to the text or adds interest for the reader.

This is a legal text-book and is bound to be a standard text for many years to come. There is no other comprehensive work which covers Victorian constitutional law. But it is digestible in a way that many other text-books are not. It will provide a

wealth of understanding and insight to teachers, students, practitioners, public servants, members of Parliament and others for whom an understanding of the Victorian Constitution is of interest and, often, necessity. It is not only the courts which are concerned with constitutional law. This work has a practical application in many other areas and for many who are not lawyers. It will provide practical guidance where that is possible and, where it is not, will provide a scholarly foundation upon which to build the correct answer.