

Report On Australian Federalism, The Role Of The States: Second Report On The Inquiry Into Overlap A

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Transformation of Provisions of the Constitution of the Russian Federation and the Constitution of the Commonwealth of Australia Devoted to the Federative Structure

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Abstract

Background/Objectives: This study conducted theoretical and legal analysis of certain provisions of the Constitution of the Russian Federation. Major attention is paid to the ways of resolving contradictions in the text of the Constitution. **Method/Statistical Analysis:** As an optimal method the Constitution transformation is currently proposed. **Findings:** The authors analyze some of the decisions of the Constitutional Court. Then, a comparison with the Constitution of the Commonwealth of Australia and its evolution is provided. To ensure objectivity and impartiality of constitutional interpretation it is necessary to change the procedure for the formation of the Constitutional Court. **Improvements:** To ensure the interests of the Russian Federation it is necessary to change the principle of formation of the Council of the Federation, and then to provide the members of the Council of the Federation with the right to propose candidates for judges of the Constitutional Court after the rejection of candidates proposed by the President.

Keywords: Commonwealth of Australia, Constitution of the Commonwealth of Australia, Constitution, Federalism, Federal Structure

1. Introduction

The current Constitution of the Russian Federation, adopted in 1993, is fundamentally different from its predecessors: the Constitution of the Soviet Union and Russia. It carries new values and orientations of modern political and socio-economic development in the center of which are the basic human rights and freedoms.

However, it should be understood that the provisions of the Constitution of the Russian Federation are developed in a complex political environment of the collapse of communism, confrontation of the authorities (presidential and parliamentary), opposition of various social forces. Thus, the text of the Constitution of Russia is the result of the social compromise made to date.

As a result, the Constitution reflects political controversies that existed at the time of its adoption, and that is why the text abounds with logical contradictions. The

value of the constitutional text is difficult to overestimate for the integrity and consistency of the entire legal system at that. Veniamin Chirkin¹, stressing the guiding significance of the terminology used in the Constitution for the law-making and law enforcement, said the following: "The meaning of the preposition 'in' in Part 3, Article 5 of the Constitution of the Russian Federation is known, where 'the equality of rights and self-determination in Russian Federation', i.e. within Russia, is spoken about. For example, the form of self-determination can be changed (the autonomous district can be created instead of the autonomous region, etc.), but the secession from the Russian Federation is excluded".

The contradictions in the law are the cause for the emergence of new social conflicts that exacerbate and amplify the instability of social relations². The Constitution of the Russian Federation has a guiding value for all branches of the law, and that is why the logical contradiction between

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The Federal-State Relations Committee was established in May II Appointments to the Committee and report to Parliament on overlap and duplication of roles and responsibilities between the Commonwealth If Australian federalism is to prosper, and if the Australian States are to play a dynamic role in the future. Diagram of intergovernmental relations in Australia. RETURN TO TOP. Endnotes. 1Federal-State Relations Committee, Australian Federalism: The Role of the States, Second Report on The Inquiry into Overlap and Duplication, Parliament of Victoria. level of government? Clarifying the roles and responsibilities of the three tiers of government . Australian federalism by converting the states into service agents of the . the federal treasury in its intergenerational reports of and The 'three .. Second, the overlap that arises from intergovernmental competition . legislative powers for States in residual areas and recognising State While historically federalism has been seen to 'work' in Australia, overlapping responsibilities; and .. Australian Government responses to both these reports have yet to be previous inquiries into Federal-State relations and the Summit. The need for a strong Commonwealth role in environmental protection was (ii) Ensuring that the policies or practices of a State do not result in significant in a number of submissions to the inquiry, including by Professor Robert Fowler, . the Arts Legislation Committee tabled its report into the Bill on 27 April We are delighted to present our report entitled Australia's Federal Future. It became In particular, the reform of the allocation of powers and responsibilities between the Commonwealth and the States, and reform of fiscal federalism, are desperately needed. Together, the . Federalism A Systematic Inquiry. (Broadview. FINAL REPORT TO THE COUNCIL FOR THE AUSTRALIAN FEDERATION the importance of the States and Territories in delivering high .. The second dynamic is focused on the operations and overlapping responsibility increasingly place a premium on Committee current inquiry into Australia's judicial system. In the State and Local Fiscal Assistance Amend- this research is to determine how federal systems in more important role in Australian government than ered in this report, the second largest country in the however, the advisory council conducted an inquiry .. overlapping, with only about 2% of all Australian . Critics of federalism have long pointed to overlap and duplication as A clear division of roles and responsibilities, she con . Australian federalism, the states, nevertheless, have con role . environment, and second it provided business with a Productivity Commission report into the implementation of ESD by common-. The type of political decentralisation provided by federalism is in contrast to a unitary system of of federalism, it follows that the Constitution of the Federal State must almost .. The second point is that many of the above criticisms are not criticisms of Third Report on the Inquiry into Overlap and Duplication of Roles and. Bob McMullan, in his former role as Shadow Minister for Federal/State Relations, he or she cannot reject the second selection, but may ask for its reconsideration. . a report on overlaps and duplication, in order to support proposals for reform: Alan Fenna, Comparative Federalism A Systematic Inquiry () PDF Critics of federalism have long pointed

to overlap and duplication as evidence This article challenges their critique through an examination of Australia's federalism, the States, nevertheless, have continued to play a significant role in .. A Productivity Commission report into the . Second, it recognised and ably in the role of federal and state or provincial governments in health care, . Federalism is more central to the politics of health care in Australia, but once States, Second Report of the Inquiry into Overlap and Duplication (Melbourne. REFORMING AUSTRALIA'S FEDERAL SYSTEM. BE DONE. . roles of the Commonwealth and states. ACTION 2 an inquiry and report to COAG on the extent and consequences of vertical fiscal overlap and duplication than Second, there is clear evidence of growing inefficiencies .. The results of this inquiry should. Report of the NSW Health Council (March). In the ongoing debate on the reform of Australia's federal system of government States, Second Report on the Inquiry into Overlap and Duplication, October , p ii. ABSTRACT. This thesis reveals how federalism has shaped schooling reforms overlapping roles, the study found the Victorian government grants for schooling to the states to make them more prescriptive and punitive, and attempted to .. Australian Curriculum, Assessment and Reporting Authority.

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