

Governmental and Intergovernmental Immunity in Australia and Canada

COLIN H.H. MCNAIRN



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Governmental and Intergovernmental Immunity in Australia and Canada Colin McNairn,1977-12-15 As the state comes to play a larger role in the community the question of the extent to which government is subject to the general law of the land assumes increasing importance This book examines the limits of two related forms of state immunity crown or governmental immunity from statue and intergovernmental immunity The first results from the rule of statutory construction that the crown representing the executive government is not bound by legislation except by express words or necessary implication The second is of a constitutional order and provides a degree of freedom to each level of authority in a federal system from the laws of the other level of authority The author considers in separate chapters the effect which statutes can have upon a government when it confronts the legal system in tort proceedings in criminal actions as a party to a contract as a creditor and as a potential taxpayer Some of the particular questions that are canvassed are as follows can the crown recover damages against a subject beyond the limit liability prescribe by statue Is a servant of the crown such as a member of the armed forces liable to conviction for a traffic offence committed while in the course of his duty Is the Commonwealth of Australia as a landlord limited in what it may charge its tenants by state rent control legislation Can a provincial liquor board import supplies for resale free of Canadian customs duties The author s examination of judicial decisions on intergovernmental immunity one of the most difficult areas of constitutional law exposes the confusion that exists as to the precise scope of the immunity One of the principal purposes of this book is to impose some order on his jurisprudential chaos and to suggest directions of approach for the future This incisive analysis of a crucial area of the law will be interest to all who are concerned with governmental accountability as well as to jurists judges and lawyers *The Invisible Crown* David E. Smith,2013-08-31 The Crown is not only Canada s oldest continuing political institution but also its most pervasive affecting the operation of Parliament and the legislatures the executive the bureaucracy the courts and federalism However many consider the Crown to be obscure and anachronistic David E Smith s *The Invisible Crown* was one of the first books to study the role of the Crown in Canada and remains a significant resource for the unique perspective it offers on the Crown s place in politics *The Invisible Crown* traces Canada s distinctive form of federalism with highly autonomous provinces to the Crown s influence Smith concludes that the Crown has greatly affected the development of Canadian politics due to the country s societal geographic and economic conditions Praised by the *Globe and Mail* s Michael Valpy as a thoroughly lucid scholarly explanation of how the Canadian constitutional monarchy works it is bolstered by a new foreword by the author speaking to recent events involving the Crown and Canadian politics notably the prorogation of Parliament in 2008 **The Constitution of South Australia** Bradley Selway,1997 Selway Solicitor General for SA analyses his State s Constitution in

the first new work on State Constitutions for a generation His book covers all the traditional subject matter and a variety of related topics that are usually treated separately Thus considered in their constitutional context is the recognition of Aboriginal customary law the role of the monarchy the activities of statutory bodies and judicial review The Constitution of South Australia is essential reading for lawyers and other dealing with State constitutional problems in Australia While focussed on South Australia the similarity between the State Constitutions means it has general application elsewhere

Taxation of Government Bondholders and Employees United States. Department of Justice,1939 **Law and Government in Colonial Australia** Paul D. Finn,1987 The second volume in the Law and Government series this is a study of the interaction of law and the process of government in New South Wales Victoria and Queensland Australia from 1850 to 1900 or during the period between the advent of responsible government and federation Government and Intergovernmental Immunity in Australia and Canada Colin H. H. McNairn,1978 *Dale Gibson: The Artful Codger* Dale Gibson,2025-05-26 A tribute to the brilliant and multifaceted legacy of Dale Gibson this book showcases his influential legal scholarship artistic creativity poetry and witty reflections in one compelling volume Although best known as a prolific author of cutting edge widely respected writing about many areas of the law ranging from the Canadian Charter of Rights and Freedoms to torts M tis rights privacy equality environmental rights and legal history Dale Gibson 1933 2022 had a stellar career as a distinguished professor of law in both Manitoba and Alberta and as a prominent advocate in the courts including frequent appearances in the Supreme Court of Canada Once called one of the fastest pens in the West for his contributions to the patriation of the Charter Professor Gibson s creative output over his long life was not limited to the law less well known are the numerous products of a lifetime of artistic expressions as necessary to him as breathing Equally creative in poetry and the visual arts this book brings together for the first time some of the artifacts of Dale s supple mind and artistic hand along with a remarkably humorous autobiographical essay and a comprehensive bibliography of Professor Gibson s contributions to Canadian law and legal history *Arizona Journal of International and Comparative Law* ,1989 **Federal Law Review** ,1978 **Comparative Federalism in the Devolution Era** Neil Colman McCabe,2002-01-01 Comparative Federalism in the Devolution Era offers political scientists and legal scholars a new perspective on the diverse nature and exercise of postmodern federalism **Reconciling Conflicting Taxes in Federal Governments** Mabel Newcomer,United States. Department of the Treasury,1942 National Union Catalog ,1980 Includes entries for maps and atlases *Library of Congress Catalogs* Library of Congress,1979 The Hughes Court Mark V. Tushnet,2021 This book describes the closing of one era in constitutional jurisprudence and the opening of another This study of the Supreme Court from 1930 to 1941 when Charles Evans Hughes was Chief Justice shows how nearly all justices even the most conservative accepted the broad premises of a progressive theory of government and the Constitution The progressive view gradually increased its hold throughout the decade but at its end interest group pluralism began to influence the law By 1941 constitutional and public

law was discernibly different from what it had been in 1930 but there was no sharp or instantaneous Constitutional Revolution in 1937 despite claims to the contrary This study supports its conclusions by examining the Court s work in constitutional law administrative law the law of justiciability civil rights and civil liberties and statutory interpretation

The Hughes Court: Volume 11 Mark V. Tushnet,2022-02-03 The Hughes Court From Progressivism to Pluralism 1930 to 1941 describes the closing of one era in constitutional jurisprudence and the opening of another This comprehensive study of the Supreme Court from 1930 to 1941 when Charles Evans Hughes was Chief Justice shows how nearly all justices even the most conservative accepted the broad premises of a Progressive theory of government and the Constitution The Progressive view gradually increased its hold throughout the decade but at its end interest group pluralism began to influence the law By 1941 constitutional and public law was discernibly different from what it had been in 1930 but there was no sharp or instantaneous Constitutional Revolution in 1937 despite claims to the contrary This study supports its conclusions by examining the Court s work in constitutional law administrative law the law of justiciability civil rights and civil liberties and statutory interpretation **Freedom and Security Under the Law** Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police,1981 **Governmental and Intergovernmental Immunity in Canada and Australia** Colin H. H. McNairn,1977 Congressional Record United States. Congress,1939

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