



Australian Senate Occasional Lecture Series

Australian Democracy and Executive Law-making: Practice and Principle

→ Professor Cheryl Saunders and Mr Stephen Argument

Friday 11 March, 12.15pm to 1.15pm • Main Committee Room, Parliament House

More than 2000 legislative instruments were made by the Commonwealth executive in 2015. Quantity is not a problem in its own right, although the volume is noteworthy. Questions of greater moment, however, are raised by the scope of the opportunity for parliamentary surveillance, the significance of the purpose for which executive law-making is used, the compliance of instruments with the legislative power conferred and, perhaps, the extent to which the law-maker is accountable to the Parliament. All of these questions affect Australian democracy; some may risk constitutional validity as well. This Senate lecture will examine the practice of executive law-making at the Commonwealth level in contemporary Australia in the light of the principles at stake from perspectives inside and outside the Parliament.



Professor Cheryl Saunders AO is the founding director of the Centre for Comparative Constitutional Studies at the University of Melbourne and a Director of Studies of Public and International Law in the Melbourne Law Masters. She is the author of *The Australian Constitution: A Contextual Analysis* (Hart Publishing, 2011) and has particular current interests in the scope and operation of executive power.



Stephen Argument is the Legal Adviser to the Senate Standing Committee on Regulations and Ordinances and the Legal Adviser (Subordinate Legislation) to the ACT Legislative Assembly's Standing Committee on Justice and Community Safety. He is the co-author (with Professor Dennis Pearce AO) of three editions of *Delegated Legislation in Australia* (LexisNexis, 1999–2012).