

discussion of social policy issues such as health and housing.

The final chapter of *Human Rights in Australian Law*, contributed by Michael Bliss and Shahyar Roushan, is an innovative guide to using electronic resources in human rights research. It begins with an overview of the major Australian databases and a guide to finding international instruments and documents on the Internet. Web addresses are included. The section on Australia gives a much deserved plug for the excellent sites maintained by AustLII and Foundation Law: 'It is not an overstatement to say that both these

resources are revolutionising legal practice in Australia' (p.358). The chapter ends with information on human rights mailing lists which are a superb way to keep up to date with international developments.

Discrimination Law and Practice and *Human Rights in Australian Law* are useful tools for beginners, either new practitioners or people new to the field. Each provides a useful overview of the subject area while providing pointers to more detailed and specific information. Definitely worth having on the shelf.

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It's Your Constitution Governing Australia Today

by Cheryl Saunders; The Federation Press; 1998; 200 pp; \$16.95 softcover

As Australia heads closer towards the promised 1999 referendum on the republic, the people will be asked to make some important decisions about the way in which we should be governed as a nation.

The republican debate is certainly not unknown to the Australian people. In particular, the constitutional convention held in February 1998 brought the debate into our loungerooms each night.

During the convention, the most popularly debated questions were — Do we want the Queen or an Australian as our head of state? Should the people or the parliament decide who should be our head of state?

The popular press has focused on the symbolic effect that any changes will have on our national identity. Such symbols lie at the heart of the republican debate and indeed take it to its most inspiring levels.

However, in order to make an informed decision in 1999 we need to go beyond these symbols to understand what the proposed republican model would mean for our system of government. Such discussion is inhibited if the public at large does not have a good understanding of how our present system of government works.

It's Your Constitution is an ambitious book designed to explain the Constitution and why it matters for the way in which we govern ourselves. The book does not express any opinion as to

pros and cons of constitutional change. Rather, the book's aim is to arm people with the knowledge necessary to more fully participate in constitutional debate and to reach their own informed decisions. Professor Saunders invites people to 'have a look at the Constitution', a truly ambitious aim given that fewer than half of enfranchised Australians voted for candidates to attend February's constitutional convention.¹

As Professor Saunders says in the preface, this book is not for constitutional scholars and for people who work regularly with the Constitution. Only the main sections of the Constitution and a few of the most important High Court decisions are referred to (but then, without citations).

The book touches on the history of our Constitution and then sets out to answer three important questions.

First, what kind of a say do we have in our system of government? Under this section, Professor Saunders discusses what is meant by popular sovereignty in Australia. In this context, she discusses the role of parliament, our electoral system and what is meant by democratic rights and obligations.

Second, how are decisions made? Here, Professor Saunders describes the role and powers of different arms of government, namely, the parliament, the judiciary and the executive.

Third, what are the limits on what governments may do and how they do it? In this regard, the book considers the

role of the rule of law in a democracy, the checks and balances in our system of government, and the notion of 'rights'.

On 1 January 2001, the Constitution will have been in use for 100 years. Professor Saunders notes that since the Constitution came into effect in 1901, a lot has happened both within and outside Australia. Cars were not in general use until after federation and it wasn't until 1909 that the first aeroplane flew. Radio and television are inventions of the 20th century. Australia was also a colony of Britain at the time that the Constitution came into effect, and was not recognised as an independent nation until 1926.

Whilst much has changed, Professor Saunders considers that our Constitution has adapted reasonably well and our democracy has been stable. However, she notes that at some point in time the circumstances of a community will change so much that parts of the Constitution will no longer work and new rules will be needed. Whether the Australian Constitution has reached this point, writes Professor Saunders, is a matter for Australians to decide.

It's Your Constitution makes a very important contribution to the public discussion leading up to the 1999 referendum and beyond. And as was noted by the High Court in the freedom of speech cases,² informed discussion lies at the heart of representative democracy.

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References

1. McKenna, Mark, The Greatest Show on Earth — The 1998 Constitutional Convention; (1998) 23(2) *Alternative Law Journal* 83.
2. *Levy v The State of Victoria & Ors* (1997) 189 CLR 579; *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520; *Theophanous v Herald Weekly Times Ltd* (1994) 182 CLR 104; *Nationwide News Pty Limited v Wills* (1992) 177 CLR 1; *Australian Capital Television Pty Limited & Ors v The Commonwealth* (1992) 177 CLR 107.