



Essay: Social Sciences example

Example introduction

When it comes to Federalism, the High Court (HC) has been instrumental in shaping the relationship between the Commonwealth and the States, namely the division of power. Allan and Aroney (2008), argue that the HC has given the Federal Government more expansive powers, than intended by the original framers of the Constitution, undermining the States' authority in relation to concurrent and residual powers, granted to it in the Constitution. This essay will examine how jurisprudence of the HC has enabled the Federal Government to obtain dominance in areas of legislature, including taxation, external affairs, defence power and industry related matters. As Zines (2007, p. 180) proffers, since the epoch of Federation, The Engineers Case, The Tasmanian Dam Case and the Work Choices Act have significantly affected Federalism. This essay will attempt to understand what has made these matters, plus the Tax Case of 1942 particularly important when addressing this topic of Federalism. This paper will also discuss how these matters decided by the HC, have influenced Australian Federalism today. It will follow the chronological order of these cases, examining the impact of the judicial interpretation of the Constitution through different eras of Australia's history. Furthermore, it will highlight how the evolving political environment and global events such as the two world wars have influenced HC decisions along the way.

General statement(s)
introducing the broad
topic area

**Key issues and overall
argument** related to the
topic

Scope or limits of the
assignment (main points
and order they are
presented in the body)

NOTE 1: The order of scope/position can be interchangeable depending on what reads more logically. Proofread to check the flow/sequencing of your ideas in the introduction.

NOTE 2: The purpose of an introduction is usually to let the reader know what will be presented in the body. Use references sparingly in the introduction, and more so in the body where you develop and support your ideas.

Example body paragraph

The Work Choices Act of 2006 is the most recent in the quartet of the cases, discussed in regards to Federalism and is suggested by Kildea and Gelber (2007) as being the most significant since the TDC. It is therefore relevant in this discussion as it was yet another consequential HC decision which has influenced the balance of power and again is leading to more of a centralised government (Aroney 2008; Kildea & Gelber 2007; Zines 2007). Work Choices was based on an amended version of the Work Place Relations Act of 1996, which the Howard government sought to improve with increased deregulation, 'increased labour market flexibility', (Kildea & Gelber 2007, p. 653) and a fair pay commission to set and adjust minimum wage standards (Aroney 2008, p. 6). Whilst it was presented as enabling greater rights for employees with increased flexibility of hours and conditions through individual bargaining arrangements, its effect was to also give the Federal Government increased powers over industrial relations legislature, effectively nationalising the system (Aroney 2008). Much of the Work Choices Act was substantiated using the s 51(xx), the Corporations power. Similarly, this power was a feature in the TDC, although not always highly recognised in the 1983 matter, as commonly the external affairs power, which is noted as being the influencing factor in this matter (Zines 2007). Whether the use of the corporation's power in the TDC paved the way for its exploitation in 2006 Work Choices, it is not entirely clear, but there does seem to be agreement in the literature that the parts of the three prior cases were involved in setting a precedent in the outcome of Work Choices in 2006 (Allan & Aroney 2008; Aroney 2008; Kildea & Gelber 2007).

Topic sentence

- introduces the idea / focus of the paragraph

Support / development

- Develops the idea presented in the topic sentence
- Includes evidence (facts, examples or expert ideas) to support

Concluding sentence

- Sums up the idea / focus in line with your argument / essay topic

Example conclusion

In summary, the cases discussed above have been notable in centralising power in Australia. Up until the Engineers Case, Australia was well served by the reserved powers doctrine, allowing concurrency between state and federal governance. The outcome of the Engineers Case, coupled with Australia's arrival to nationhood and momentous global events, began the progression of centralised power, none of which could possibly have been imagined by those who were originally responsible for framing the Constitution. The HC operating in this altered political environment had to adopt pragmatic decision making to deal with what Taylor (2012) says is a flawed system of Federalism. The Tax Case of 1942 was yet another example where the two distinct layers of Government, State and Federal, presented a quandary for the HC to interpret the Constitution in relation to the national fiscal requirements brought about by the Second World War. This duplication of power created an overlap in many areas of legislature and became a recurring theme. Furthermore, the ground broken by the outcome of the 1983 TDC in relation to the Commonwealth's ability to prevail over environmental issues, again shows the influence of the HC in shaping Australia's political landscape, giving rise to expanded federal powers, environmentally and internationally. Lastly the Work Choices outcome, with the HC giving validity to the Commonwealth on the legislation it put forward, is yet another decision concretising the idea that the Courts are paramount in respect to shaping the balance of Federal and State powers in Australia.

Restate your overall argument / position

Summarise / evaluate ideas presented in body

Conclusive statement



The reference list

The reference list is located at the end of your essay and includes the full bibliographic details of all sources cited in the body of your writing. The reference list for this example essay would be:

References

Allen, J & Aroney, N 2008, 'An Uncommon Court: How the High Court of Australia has undermined Australian federalism', *Sydney Law Review*, vol. 30, no. 245, pp. 245-294.

Aroney, N 2008, 'Constitutional choices in the Work Choices case: what exactly is wrong with the reserved powers doctrine?' *Melbourne University Law Review*, vol.32, no. 1, pp. 1-43.

Kildea, P & Gelber, K 2007, 'High Court review 2006: Australian federalism – implications of the Work Choices decision', *Australian Journal of Political Science*, vol. 42, no. 4, pp. 649-664.

Taylor, G 2012, 'The division of power in federal systems: comparative lessons for Australia', in G Appleby, N Aroney & T John (eds) *The Future of Australian federalism: comparative and interdisciplinary perspectives*, Cambridge University Press, Melbourne, pp. 96 – 111.

Formatting tips for Harvard UniSA Referencing:

List your references under the heading **References**

Include **full bibliographic details** (author, year of publications, title and further publication details)

Order alphabetically according to the first author's surname listed in each reference

Leave a **space** between each entry

No indentation is required in second or subsequent lines of an entry

Check your spacing, use of punctuation, capitalisation, font style etc. by looking at the examples in the [Harvard UniSA Referencing guide](#).

NOTE: If you are required to use a different referencing style (e.g. APA or Chicago), check the [Other referencing styles](#) module on the [Referencing website](#) for the relevant guide.