

60. For the terms of this accord see, *Toronto Globe and Mail*, May 2, 1987. The accord also proposes to change the general amending procedure by extending financial compensation to provinces which opt out of amendments that increase federal powers in any field, not just education and other cultural matters.
61. The accord also included a commitment to have annual first ministers' conferences on the Constitution, the first of which is to discuss Senate reform, powers over fisheries and other items of concern to the participants. Until the Senate is permanently altered, Senators are to be selected from provincial lists.
62. This is because changes in the amending procedure and the composition of the Supreme Court require the concurrence of all the provincial legislatures.
63. Pierre Trudeau emerged from political retirement to stir up a national debate on the accord by publishing a blistering attack on it in Montreal's *La Presse* and the *Toronto Star* on May 27, 1987.
64. For an account of the Australia Act and the steps leading to it see, 'Abolition of Residual Constitutional Links Between Australia and the United Kingdom', *Australia Law Journal*, 1986, Vol. 60, No. 5, pp. 253-55.
65. This was made retroactive to September 3, 1939. This step by the Commonwealth was prompted by uncertainty concerning the Commonwealth's powers with respect to shipping and allied ships using Australian ports. See Wheare (1947).
66. In 1968, a Commonwealth Act abolished appeals to the Privy Council from federal courts, territory Supreme Courts and the High Court in the exercise of federal jurisdiction. In 1975, appeals from the High Court in State law matters were appealed, but appeals in these matters could still be taken from State Supreme Courts to the Privy Council. See Crawford (1982).
67. This section gives the Commonwealth parliament the exercise 'at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of the Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia'. For a discussion of the scope of this power, see Lumb (1981, p.328).
68. Under this section the Australia Act, or the provisions of the Statute of Westminster applying to Australia, may be repealed by the Commonwealth Parliament at the request or with the concurrence of the Parliaments of all the States.
69. Under section 94 all of the provinces except Quebec can give the federal Parliament the power to make uniform laws in relation to property and civil rights. The provinces have never done this. In the *Nova Scotia Interdelegation* case, [1951] *Supreme Court Reports* 31, the Supreme Court of Canada ruled that provincial legislatures and the federal parliament cannot delegate their powers to one another, but in *P.E.I. Potato Marketing Board v. Willis* [1952] 2 *Supreme Court Reports* 392, it ruled that a legislature can delegate power to an executive agency created by the legislature of the other level government.
70. Industrial relations, control of company takeovers and length of parliamentary terms registered slightly higher levels of interest. 'Australian Constitutional Study, April 1987' prepared by Newpoll for the Constitutional Commission (1987). These data are based on 1161 interviews conducted nationally by telephone.

71. On the Whitlam government's proposal see Crommelin and Evans (1977). In the draft bill approved by the Hawke Government in 1985 (Australia Bill of Rights, 1985) only the human rights investigative machinery applied to the States.
72. For an indication of the constitutional discontent that crisis generated, see Encel, Horne & Thompson (1977). For a more recent publication putting the case for wide-ranging constitutional change and discussing alternatives see McMillan, Evans & Storey (1983).

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