Human Rights under the Australian Constitution is the leading text on how the Australian Constitution protects human rights. It provides a comprehensive overview and analysis of the key public law principles, including the full range of express and implied rights in the Australian Constitution. It does this within a broader context, including the drafting and origins of the Australian Constitution and the interaction of constitutional principles with the common law, statute law and international law.

The Australian position is examined in light of developments in comparable legal systems, including the United States, Canada, the United Kingdom and New Zealand. The result is a thorough work that examines in context areas of law of great importance to Australian democracy, including freedom of speech, the right to vote, freedom of religion, the acquisition of property on just terms, judicial independence and the right to a fair trial.

The book intersperses discussion and analysis of existing doctrine with critique and where appropriate suggestions for legal development. This second edition updates the material in the first edition to reflect subsequent developments and expands the discussion in many areas, such as judicial power, which have increasingly drawn High Court attention.

Reviews from the 1st edition

Williams’ project … is rigorously researched, intelligently articulated and compellingly argued … Williams leaves no doubt as to his impressive grasp of the Constitution and constitutional doctrine, of comparative instruments and principles, and of the possibilities suggested by the High Court’s existing jurisprudence for a more coherent and effective framework for the constitutional protection of human rights.


The book is written in clear and elegant prose and the arguments are tightly structured and well developed. Williams displays an intimate knowledge of constitutional law and his detailed analysis of High Court cases is extremely impressive and well researched. Also impressive is his extensive use of comparative material, especially from the United States and Canada.


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