

Voting

You must be at least 18 years of age to vote in Australia.

There is no upper age limit to voting in Victoria. If you are aged 70 or over you are excused from voting in council elections. However, you will still be provided with a ballot pack and are welcome to vote.

However, if a person is no longer capable of understanding the nature and significance of enrolling and voting, they may be removed from the roll.

If you did not respond to the apparent failure to vote notice or if your excuse for failing to vote was not considered sufficient, you will receive an infringement notice with a fine of \$78.

Separation of Powers

The Separation of Powers describes the way in which the law gives power to the arms of government in Australia. It ensures government remains fair and accountable by creating checks and balances on the use of power.

Parliament

The Parliament (also referred to as the Legislature) is made up of the Queen (represented by the Governor-General), the Senate and the House of Representatives

The Parliament makes and amends the law

Executive

The Executive is made up of the Queen (represented by the Governor-General), Prime Minister and ministers

The Executive puts the law into action

Judiciary

The Judiciary is made up of the High Court and other federal courts

The Judiciary makes judgements about the law

Rule of law

Rule of law: all people regardless of their status are equal before and subject to the law

Presumption of innocence: if you are accused of a crime, you do not have to prove your innocence. Instead, it is the job of the prosecutor to prove you are guilty.

Burden of proof: the need for the prosecutor to provide the jury or court with enough evidence that you are guilty beyond reasonable doubt. It they cannot the case is lost.

Right to a fair trial: everyone is entitled to a fair and public hearing by an impartial tribunal to determine the criminal charges against them.

Right to legal representation: the right to have a legal representative in legal proceedings.

Delegated law

The Australian Parliament makes laws for Australia. Sometimes it gives the power to make decisions about the details of these laws to the relevant minister, executive office-holder or government department.

This is called delegated law because the power has been delegated to that person or department. The Parliament holds the right to overrule these delegated decisions if it does not agree with them.

Getting involved in democracy

Voting

This is the most direct way that Australians are involved in their Parliament. If the people of Australia do not like the actions of a government, they have a chance to elect new representatives in both the Senate and House of Representatives.

Contact members of parliament

Getting involved in democracy (cont)

Australians can write to or email members of parliament at any time. You can contact your federal member or senators about things that are important to you. Alternatively, if you have a view about a particular subject (such as health, education or the environment) you can contact the government minister responsible for that area.

Petitions

Members of the public can raise matters of importance to them and influence decisions made in Parliament by starting or signing a petition. This is a request by a group of citizens for Parliament to take note of and perhaps solve a particular problem.

Committees

Any member of the public can write to the committee to express their views and provide information which may be helpful to the committee. After considering these written submissions, the committee may choose to hear further from members of the public, asking them to expand on the information they have already given.

Public meetings and protests

Australians who are concerned about an issue can organise a public meeting or protest about that issue. They may invite members of parliament to attend their public meetings to hear what the people have to say, or answer questions from the public.

Observing Parliament

The work of the House of Representatives and the Senate is always open for the public to watch, as is much of the work of parliamentary committees.

Lobby groups

People who try to influence politics to meet their own agenda. Often businesses.

Interest groups



Getting involved in democracy (cont)

A group of people that seeks to influence public policy on the basis of a particular common interest or concern. They attempt to achieve their goals by lobbying—that is, by attempting to bring pressure to bear on policy makers to gain policy outcomes in their favour.

The Constitution

The Australian Constitution was drafted at a series of constitutional conventions held in the 1890s. It was passed by the British Parliament as part of the Commonwealth of Australia Constitution Act 1900 and took effect on 1 January 1901. The Constitution is the legal framework for how Australia is governed and it can only be changed by referendum.

The Australian Constitution establishes the composition of the Australian Parliament, and describes how Parliament works, what powers it has, how federal and state Parliaments share power, and the roles of the Executive Government and the High Court.

Common law

Common law is created through decisions by judges in particular cases which are then applied to every case afterwards.

Common law works according to 'precedent'. If a matter before the court is similar to a matter in the past and if the circumstances are similar, the decision in the new case should follow the previous decision. If the circumstances are different, then the decision may be different, with the new decision becoming a precedent for the next similar case.

These decisions are recorded in special law report books to which lawyers can refer to argue their cases and judges can refer to make their decisions. It is only the decisions of the highest and most important courts that are recorded and referred to in this way.

System of Government

Definition: the way in which a country is ruled.

Constitutional monarchy: a system of government in which a monarch is guided by a constitution whereby his/her rights, duties, and responsibilities are spelled out in written law or by custom.

Dictatorship: a form of government in which a ruler or small clique wield absolute power (not restricted by a constitution or laws).

Democracy: a system of government by the whole population or all the eligible members of a state, typically through elected representatives.

Electoral system: a system where individuals vote for their representatives in the government.

Representative government: a system of government in which people elect their representatives, who are then held accountable to them for their activity within the government.

Westminster system: a parliamentary system of government modeled after that which developed in the United Kingdom.

Referendum

In Australia, a referendum is a vote used to approve a change to the Australian Constitution.

At the referendum the proposed alteration must be approved by a 'double majority'. That is:

-a national majority of voters in the states and territories

-a majority of voters in a majority of the states (i.e. at least four out of six states).

Making a bill

A proposal for a new statute is called a bill. A bill must go through a complicated series of stages before it can become a law. In the Federal Parliament in Canberra, the bill must pass through the House of Representatives, the Senate and be signed by the Governor-General.

1. First reading of the bill in the House of Representatives.

Making a bill (cont)

2. Minister makes a speech.

3. Second reading of the bill in the House of Representatives. Bill becomes public. Parliament has two weeks to consider the bill.

4. The bill is considered in detail. In the Senate, this is called the Committee Stage.

5. Third reading of the bill in the House of Representatives.

6. The bill passes through the Senate in the same steps as in the House of Representatives.

7. The Governor-General signs off on the bill making it a law or an 'act of parliament'.

A statute law is a law created by parliament. Bills take so long to pass because they must be thoroughly debated before being passed. Changing or adding new laws can cause very important effects and they must be carefully considered. The consideration of legislation takes up 45% of the House's time.

Freedoms

Freedom of association: An individual's right to leave or join groups.

Freedom of speech: the right to express your opinions

Freedom of assembly: the right of people to come together and express their ideas

Freedom of religion: the right to choose their own spiritual values

Freedom of movement: the right of people to roam as they see fit

