

Chapter 2: Parliament and government

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Chapter 2: Parliament and government

Overview

Parliament is the main law-making body in Australia. Parliaments are elected to create laws that represent the wishes and values of their citizens. We describe our system of government as a **democracy** because the people vote to decide who sits in the parliament to make our laws for us. State parliaments were mostly established in the six former colonies from the 1850s onwards, while the federal parliament came into being with federation in 1901.

Many features of our parliamentary democracy have been adapted from the British system of government, known as the **Westminster system**. As a group of former British colonies, we adopted many features of the Westminster system including having two houses of parliament at both the federal level and in most of the states.



FIGURE 1 Our parliamentary system is based on the Westminster system. Westminster is a district of London in which the British Parliament is located.

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What is parliament?

Watch this video to learn more about our parliament.

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STARTER QUESTIONS

1. Have you ever taken part in an election in your class or in a sports club? What was the process used? Who voted and how was the vote conducted?

2. What are the names of the two major political parties in Australia? Make a list of what you know about each one.
3. What is the name of your local federal electorate?
4. Who is your local member of federal parliament? Which political party does he or she represent?
5. What is the name of your local state electorate?
6. Who is your local member of state parliament? Which political party does he or she represent?

2.1 Role and structure of the Commonwealth Parliament

Our Commonwealth Parliament consists of three parts:

- the lower house, known as the House of Representatives
- the upper house, known as the Senate
- the Queen, represented by the Governor-General.

Our Commonwealth Parliament is **bicameral**. The major role of this body is to make laws in those areas defined by the Constitution.

The House of Representatives

As the lower house in the federal parliament, the House of Representatives has the following features:

- It has 150 members, each elected for three years. Each member represents an electorate or 'seat' that covers a particular geographic area. All electorates have roughly the same number of electors, currently about 90 000 each. States with larger populations, such as New South Wales and Victoria, elect the largest number of members. States with smaller populations, such as Tasmania and South Australia, elect much smaller numbers.
- Meetings of the House of Representatives are chaired by the Speaker of the House. The Speaker is usually elected by the all members of the House. The Speaker has an important role in chairing the House, maintaining order in debates and ensuring all members observe the rules of the House, known as the 'standing orders'.
- Most legislation is introduced in the House of Representatives. For it to actually become the law of the land, a majority of the members of parliament have to vote in favour of it.

- Most members of the House of Representatives (MHRs) are members of political parties. A party is a group of people who have similar opinions and values, and who will usually all vote together for laws that reflect those views and values (see section 2.3).



FIGURE 1 The House of Representatives Chamber

The Senate

The Senate is the upper house of the federal parliament, and has the following features:

- It acts as a house of review. This means that it can have a second look at all legislation that has passed through the House of Representatives. Senators also have to vote on any new proposals before they can become law. They can reject or change any legislation that they do not believe is appropriate.
- Apart from a brief period from 2005 to 2008, governments have not had a majority of members in the Senate since 1981. This has meant that the Senate has often sought to change or improve government legislation.
- The Senate has 76 members. Each of the six states elects twelve senators, irrespective of size or population, and the Northern Territory and ACT each elect two senators. In contrast, the members of the lower house are elected on the basis of population. Because there are so many representatives from New South Wales and Victoria, they could out-vote all the other members combined. The Senate was therefore created with equal numbers from each state to act as a safeguard against this happening in the upper house.

- Meetings of the senate are chaired by the President of the Senate. He or she has a similar role in relation to the Senate as the Speaker has in relation to the House of Representatives.

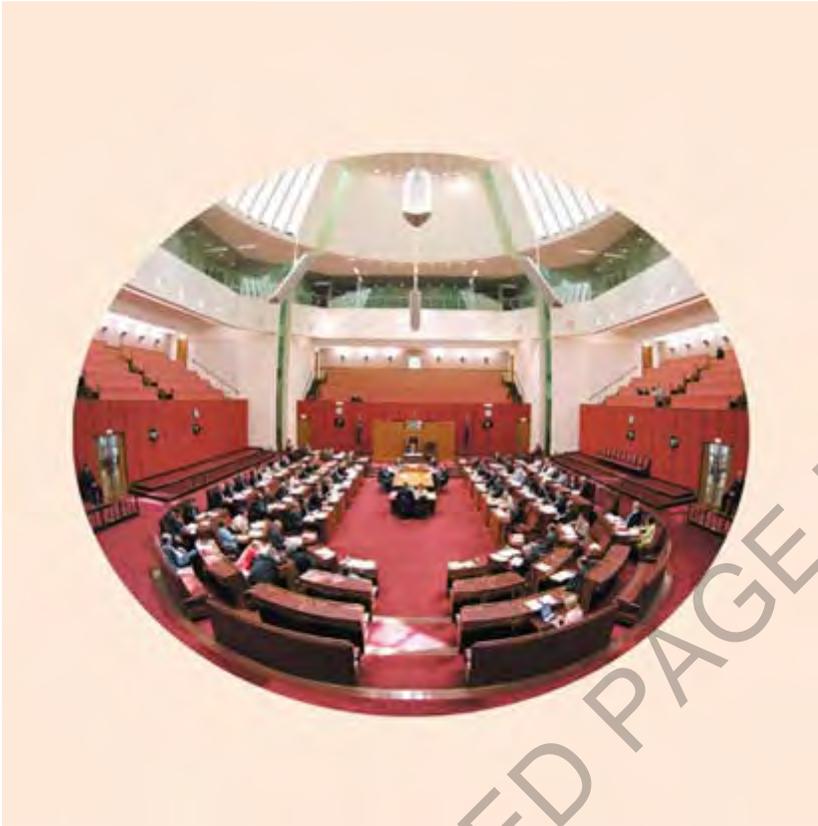


FIGURE 2 The Senate Chamber

The Governor-General

The third element in the Commonwealth Parliament is the Queen, represented by the Governor-General. He or she performs the following roles and functions in the parliamentary system:

- The Governor-General gives the **royal assent** to legislation that has been passed by both houses of parliament. This is the final stage that must occur before the law comes into force. Under section 58 of the Constitution, the Governor-General also has the power to withhold the royal assent and return a Bill to parliament with recommended changes.
- The Governor-General also has a number of special powers known as 'reserve powers'. These include the power to summon, open and dissolve parliament. These powers are usually exercised on the advice of the government of the day, although the Constitution gives the Governor-General the power to ignore that advice. In 1975, the Governor-General at the time dissolved parliament and called an election, effectively dismissing an elected government.



FIGURE 3 General Peter Cosgrove was sworn in as Australia's 26th Governor-General in March 2014.

ACTIVITIES

REMEMBER

1. What is a bicameral parliament?
2. In the federal parliament, what is the name of:
 - a. the upper house
 - b. the lower house?
3. What is the role of the Governor-General in passing legislation?

EXPLAIN

4. What is the difference between the way in which Members of the House of Representatives are elected and the way in which Senators are elected?

5. Outline the two main functions of the Senate.

PREDICT

6. Imagine that the Governor-General rejects a proposed law and sends it back to the parliament with recommended changes.
 - a. What has to happen in both houses before the Bill returns to the Governor-General?
 - b. Identify two possible consequences if either or both houses of parliament refuse to accept the Governor-General's recommended changes.

2.2 State and territory parliaments

Although considerable powers were handed over to the federal parliament at the time of federation, the newly established states retained the parliamentary structures that had been established during the colonial period. They still perform an important function in our system of government.

Eight separate parliaments

In addition to the federal parliament, Australia has eight state and territory parliaments. There are the original six state parliaments created at federation, plus two parliaments that have been established to make laws for the two mainland territories — the Northern Territory and the Australian Capital Territory (ACT). The two territories were governed directly by the federal parliament for most of the twentieth century, with the Northern Territory gaining its own parliament in 1974 and the ACT in 1989. The federal parliament retains the power to change or overrule any laws passed in the territory parliaments. It does not have this power over the six state parliaments.



FIGURE 1 The six state parliaments came into existence in colonial times. Can you identify the parliament building from your own state? Can you identify the parliament buildings of the other states?



FIGURE 2

The territory parliaments do not have the same powers as the state parliaments.

Features of the state and territory parliaments

State and territory parliaments have many similar features, although some have unique characteristics:

- All of the state parliaments were originally established as bicameral parliaments, with an upper and a lower house. In 1922 the Queensland Parliament abolished its upper house, so it is now a **unicameral** parliament.
- In each of the bicameral parliaments, the upper house is known as the Legislative Council. In Victoria, New South Wales and Western Australia, the lower house is called the Legislative Assembly. This is also the name given to the only house in Queensland. The lower house in South Australia and Tasmania is known as the House of Assembly.
- The territory parliaments are also unicameral, with the one house in each territory known as the Legislative Assembly.

- The leader of the government in each of the states is called the premier, while the leader of the government in the two territories is called the chief minister.
- Each of the states and territories mirrors the separation of powers that applies at the federal level: legislative, executive and judiciary. Each parliament has legislative powers, allowing it to pass laws that apply within the boundaries of the state or territory. Each has an executive arm, in the form of a group of ministers with particular responsibilities for different government functions. Each also has a judiciary to enforce laws and settle disputes. The highest court in each state and territory is known as the Supreme Court.
- Each of the states has a Governor, representing the Queen. He or she has the same role within each state as the Governor-General has at the federal level.

Role of the state and territory governments

State and territory governments provide many of the essential services we rely on in everyday life.

Criminal law

State and territory governments have the power to make laws to prohibit most types of criminal activity. They also have the power to decide the appropriate punishments for people who break the law. Laws relating to crimes such as murder, assault and theft are all made at the state level. State governments also control the road laws, including speed limits, drivers licences, car registration and drink driving laws.



FIGURE 3 State governments make laws to prohibit criminal activity.

Transport

State and territory governments are responsible for building and maintaining most of the roads and freeways within their own borders. Sometimes they arrange for private companies to build these roads. Such companies are usually given the right to charge tolls on the roads they have built. Public transport is also a state government responsibility. In some states, the government owns

and operates the public transport system. In others, all or part of the public transport system is operated by private operators. In either case, state and territory governments make the laws that govern how the system operates.



FIGURE 4 Public transport is one of the responsibilities of state governments.

Police and emergency services

Each state and territory has its own police force, fire brigade, ambulance service and other emergency services. Police from one state generally cannot enter another state to arrest someone without special permission. However, the different police and emergency services from each state and territory usually cooperate with each other. We regularly see this when there is a major bushfire in one state and firefighters from other states come in to assist.



FIGURE 5 State governments are responsible for emergency services.

Health and hospitals

Public hospitals are built and operated by state and territory governments. These days, state governments rely on money from the federal government to help fund their health systems because hospitals are extremely expensive to run.



FIGURE 6

Public hospitals are built and managed by state governments.

Education

Each state and territory has its own primary and secondary education systems. The states often have different starting ages for school students, and each state has its own type of certificate for students completing Year 12. In recent years, the state and federal governments have jointly set up a national curriculum. The aim is to make sure that each education system covers the same subject matter at each year level. This means that students will do similar classwork wherever they live, even if they move from one state to another.



FIGURE 7

Each state and territory has its own primary and secondary education systems.

ACTIVITIES

REMEMBER

1. What do we mean by a unicameral parliament?
2. Identify two unicameral parliaments in the Australian parliamentary system.
3. What is the title given to the Queen's representative in each of the states?

EXPLAIN

4. How does the separation of powers apply in all of the states and territories?
5. Using an example, explain how emergency services from the different states can cooperate with each other.

DISCOVER

6. Use internet resources to answer the following:
 - a. Which states and territories commence secondary school at Year 7 and which ones do so at Year 8?
 - b. What is the minimum age at which you can get your provisional (P-plate) drivers licence in each of the states and territories?
 - c. What is the name of the Year 12 certificate in each state and territory?
 - d. What is the name of the current premier in your state government (or the chief minister if you live in one of the territories)? How long has his or her government been in power?

2.3 Winning power

While members of parliament were originally intended to simply represent the people who elected them, the development of political parties has influenced the nature of our parliamentary system. Elections have become contests between the parties. Whichever party gains a majority of members in parliament wins the power to determine which laws get passed, and therefore how the lives of all of us will be affected.

Political parties

Political parties are groups of people who come together because they share similar opinions and values. They generally wish to ensure that laws passed by parliament will reflect and promote their beliefs. To help achieve this, they will usually devise a set of policies and promises that they hope will appeal to the majority of voters. Their aim is to then gain a majority of members in parliament so that they can pass laws to carry out their policies.

There are four major political parties in Australia.

The Australian Labor Party

The Australian Labor Party (ALP) is the oldest party in Australia. It was formed in the 1890s by members of the [trade union](#) movement. Its original aim was to represent the interests of workers and trade union members in parliament at a time when most members of parliament represented wealthy business or farming interests.



The Liberal Party of Australia

The Liberal Party was formed in 1944 by Robert Menzies. It believes in individual freedom, and in supporting the growth of business as a means of increasing national wealth. Since 1949, the Liberal Party has formed a [coalition](#) with the National Party



The National Party of Australia

The National Party was originally founded as the Country Party in 1920. It was formed from a number of smaller parties that were designed to promote the interests of farmers and people living in regional communities (outside of the big Australian cities).



The Australian Greens

The Australian Greens was established in 1992, initially as a party to promote a greater awareness of environmental issues. It has since broadened its aims to include the promotion of human rights and greater equality in society.



Federal elections

The Constitution requires that a federal election must be called every three years. This means that the voters can judge whether or not their elected representatives have been doing a good job. If they are unhappy with their members of parliament, they can vote them out and replace them with different members.

The prime minister usually decides the date of the election and then asks the Governor-General to call an election on that date. During the weeks before the election, each of the political parties will try to promote their policies in the hope of convincing the majority of voters that they will do the best job in government.

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Federal elections

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Voting always occurs on a Saturday between 8 am and 6 pm. When voting has finished, counting the votes begins. In most cases, enough votes will have been counted within three or four hours for it to be clear which candidates have been elected.

Forming a new government

In most cases, an election will result in one of the major parties — or a coalition of two or more parties — winning a majority of seats in the House of Representatives. This party wins the right to form a government for the next three years.

- The leader of the party in government is known as the prime minister, and is seen as the leader of the country while in government.
- Leading members of the government party or parties become ministers, and take over executive responsibility for different areas of government.
- The government has the power to bring in laws aimed at keeping the promises they made before the election.
- A new government can also **repeal** laws that were introduced by a previous government. This will happen if those laws were unpopular and led to the previous government being defeated.
- The largest single party not in government becomes the Opposition, headed by the leader of the Opposition. This party will aim to question everything the government does to make sure that the government keeps all its promises. The Opposition will also aim to become the next government by winning the next election.



FIGURE 1 After the 2013 federal election, the Liberal-National coalition became the government, with Tony Abbott as prime minister. The Labor Party lost government and became the Opposition, with Bill Shorten as leader of the Opposition.

ACTIVITIES

REMEMBER

1. What is a political party?
2. How often must a federal election be held?
3. On what day, and between which hours, are elections always held in Australia?

EXPLAIN

4. After an election, how is a new government formed?
5. Who carries out the executive function of government after an election?

DISCOVER

6. Select one of the political parties described in this section and use that party's website to answer the following:
 - a. Who is the current federal leader of the party?
 - b. Identify three key beliefs or principles of the party in question.
 - c. Explain three key policies or actions the party would wish to carry out if it were elected to government.

THINK

7. Australia is considered to be a democratic country. Describe two features of our parliamentary system that you believe contribute to this view of Australia. Can you think of any features of our system that could be considered undemocratic?

2.4 The environment — an issue for all levels of government

Protection of the environment was not considered an issue for government involvement when the Constitution was drafted. Consequently, responsibility for protecting the environment was not allocated to either the federal or state levels of government. Since the 1960s, we have become more aware of the dangers of pollution, and the need for governments to step in and make laws to prevent activities that could cause environmental damage. Both state and federal governments have assumed responsibility for environmental issues in different ways.

State government actions

What have governments been doing to protect our environment? Since 1970, all state and territory governments have passed environmental protection laws in areas such as air and water quality, residential noise and forestry management.

Air quality

Restricting the amount of pollution released into the atmosphere is an important part of environmental law. State government environmental laws usually include restrictions on motor vehicle exhaust emissions. They also try to limit the amount of airborne pollutants released by factories and other businesses.



FIGURE 1

State governments attempt to regulate the amount of pollution that can be released into the atmosphere.

Water quality

State and territory governments are responsible for maintaining water supplies in their regions. They ensure that:

- clean, safe drinking water is delivered to homes
- rivers and other waterways are kept free from pollution
- farms have access to water for crops and for stock to drink
- sewage and storm water are disposed of without contaminating the environment.



FIGURE 2 State governments make laws to keep our water supplies clean and safe.

Residential noise

Individuals and businesses are required by state laws to limit the amount of noise they make so as not to disturb their neighbours.



FIGURE 3 Residential noise comes under state environmental law.

Forestry management

State and territory governments are responsible for regulating the amount of timber that can be taken from natural forests and, in some cases, preserving certain areas as national parks.



FIGURE 4 State governments make laws to regulate the harvesting of timber from forests.

Federal government actions

The federal government administers the Environment Protection and Biodiversity Conservation Act. This law is designed to protect important national or world heritage sites, including areas off the coast such as the Great Barrier Reef. Any individual or business planning to do anything that will have an impact on environmentally significant sites must carry out an environmental impact assessment, and gain the approval of the federal minister for the environment.



FIGURE 5 National heritage areas like the Great Barrier Reef are protected by federal environmental laws.

The Murray–Darling Basin: a shared responsibility

The largest river system in Australia is the Murray–Darling system. The area covered by this system is known as the Murray–Darling Basin. It includes areas of four states (Queensland, New South Wales, Victoria and South Australia) as well as the Australian Capital Territory. Since water management has been a state responsibility since federation, providing a consistent management plan for the entire basin that is fair to water users in all states has always been a problem.

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Weblink

Great Barrier Reef

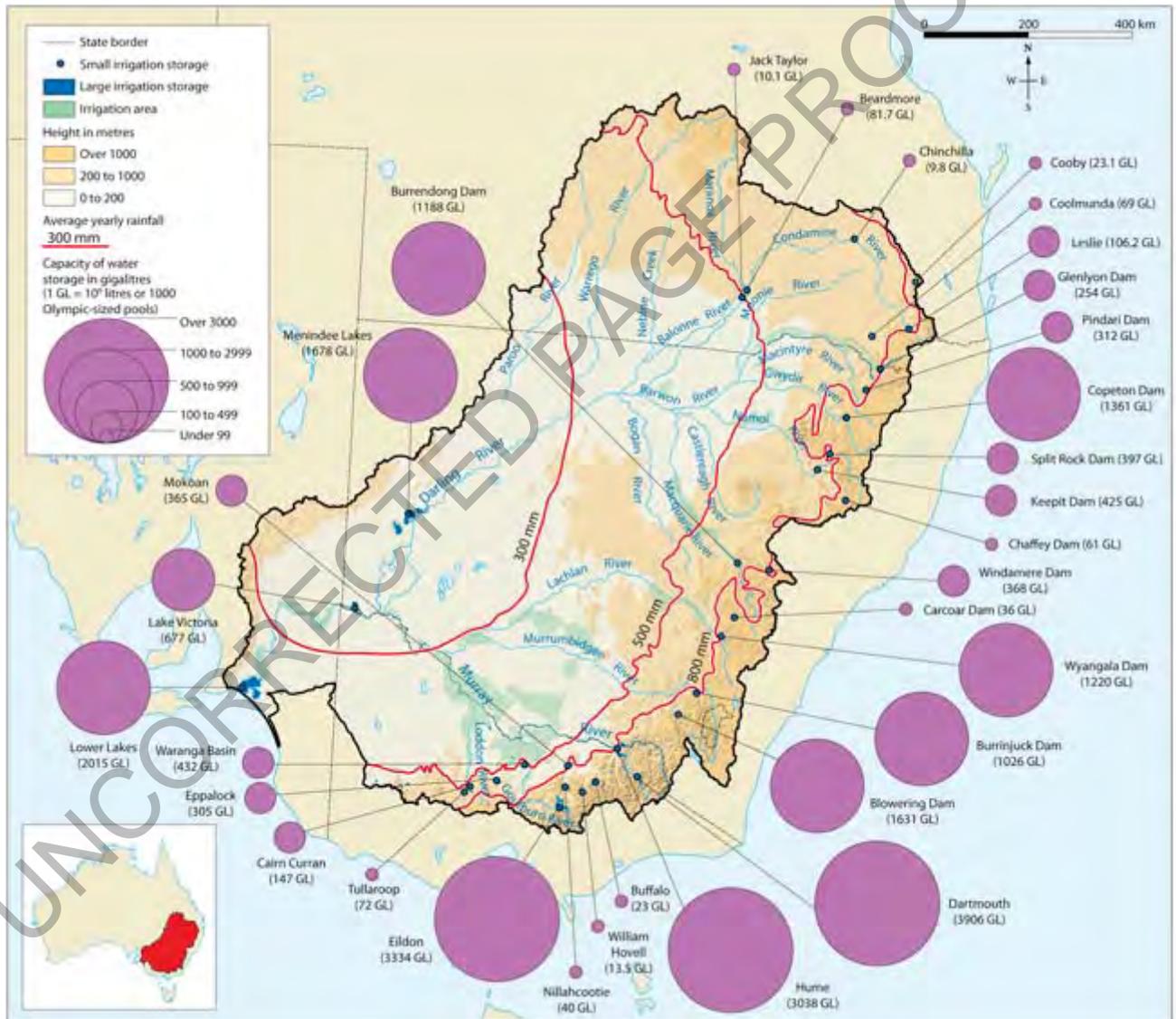


FIGURE 6 The Murray–Darling Basin

The Murray–Darling Basin is a major farming area, so the water from its rivers has been used for irrigation since the nineteenth century. If each state has different rules for the use of water for irrigation, farmers in some states may take more than their fair share while others might get less than they need. The amount of water taken out of the system has also meant that parts of the river system have become environmentally degraded, reducing the quality of the water available. Most of the water in the basin is collected in Queensland, New South Wales and Victoria, but the system finally empties into the sea in South Australia. There have been times when so much water has been taken out of the system upstream that the mouth of the Murray has been closed with sandbars.



FIGURE 7

The amount of water taken from irrigation has had an impact on the environment of the Murray–Darling Basin.

In 2007, each of the state governments agreed to hand over some of their powers to the federal government as part of the process of setting up the Murray–Darling Basin Authority. This body has powers to ensure the water resources of the basin are managed in a sustainable manner. It has drawn up a plan which attempts to balance the amount of water used for irrigation with the amount needed to maintain sustainable flows of water throughout the system. The plan is an example of the federal and state governments attempting to work together.

The Murray–Darling Basin plan has been very controversial. Many farmers believe that too much water is being diverted from irrigation to maintain environmental river flows. Yet many environmental scientists believe the amount of water used for irrigation is still too high to maintain a healthy river system. Governments often have to make decisions that attempt to balance the competing interests of different groups.

ACTIVITIES

REMEMBER

1. How do state and territory governments attempt to improve air quality?
2. Identify and list four ways in which state governments attempt to ensure the community's water needs are met.
3. What is the responsibility of state governments in relation to forests?

EXPLAIN

4. What is the major role of the federal government in environmental protection?
5. Why was it important for the federal government to become involved in the management of the Murray–Darling Basin?

PREDICT

6. What do you think might happen in South Australia if farmers in Queensland and New South Wales take increased amounts of water from the Murray–Darling Basin?

THINK

7. Governments often have to make decisions that attempt to balance the interests of groups of people in the community. In what ways is the Murray–Darling Basin plan an example of this?

SkillBuilder: Problem solving and decision making

Tell me

Problem solving and decision making involve working collaboratively in groups, negotiating and using teamwork to solve an issue and develop a plan for action. In order to do this successfully, you will need to do the following:

- Listen actively to the views of every member of the group.
- Display empathy for the views of others. This means that you have an appreciation for the feelings of others and respect their right to an opinion, even if it is different from your own.
- Negotiate to resolve differences of opinion.
- Arrive at a conclusion in a democratic manner. This can mean having a vote among members of the group, or arriving at a consensus where everyone agrees to change their views slightly until reaching a conclusion that everyone agrees with.

These steps are summarised in figure 1.

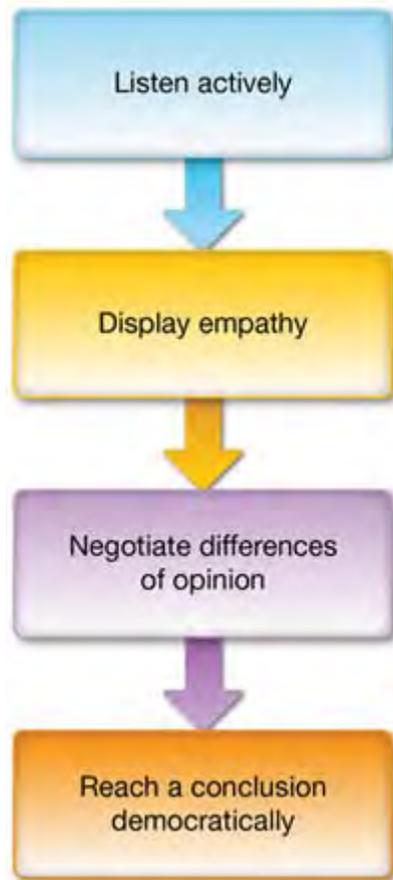


FIGURE 1 The problem-solving and decision-making process

Show me

So how does this process work in practice? Consider this example: In Australia everyone over 18 years of age can vote, but it is the responsibility of young people to register to vote when they turn 18. It has been estimated that as many as 30 per cent of Australians aged 18 to 21 have not registered, and so are missing out on voting.

Now form into discussion groups to consider the following key points:

1. Why are so many young people not bothering to register?
2. Should we be encouraging more young people to register?
3. What are some of the ways in which we can encourage all 18-year-olds to register?
4. What plan of action could we devise to achieve greater levels of registration?

Members of the group can take it in turns to keep notes. For each discussion point, you should use the following procedure:

- Give each person a chance to express his or her opinion on the discussion point being considered. The key points of the opinion should be written down.
- Do not permit any argument or disagreement until everyone has expressed an opinion on that discussion point.
- Once everyone's opinions on the discussion point have been aired and written down, read out the opinions and discuss them to determine whether or not everyone is in agreement.
- If there is disagreement, allow those on each side of the argument the opportunity to put their point of view to convince the majority.
- Seek the maximum level of agreement on each point discussed by allowing people to make some changes to their opinions to accommodate the views of others.

In devising a plan of action for discussion point 4, all possible ways of encouraging 18-year-olds to vote should be collated into a series of steps that you believe will achieve the final result.

Let me do it

Use the above steps to consider the following issue: Voting in Australia is compulsory for all those over 18 years of age, and has been since the early 1920s. It was a decision of the parliament at the time and is not written into the Constitution. In many other countries, among them the United States and Great Britain, voting is optional. In Australia, by contrast, you can be fined for not voting. Would it be fairer and more democratic for Australia to move to optional voting?

Discussion points could include:

1. What are the advantages and disadvantages of compulsory voting, both for individuals and for our society as a whole?
2. What are the advantages and disadvantages of optional voting, both for individuals and for our society as a whole?
3. If a change were to be considered, what are some of the ways you might convince others to support the change?
4. If you do not wish to change, how do you convince others to support the current system?
5. Develop a plan of action to put your ideas into practice.

Review and reflect

Review

Parliament is the main law-making body in Australia. Parliaments are elected to create laws that represent the wishes and values of citizens. Our system of government is known as a democracy because the people vote to decide who sits in the parliament. State parliaments were mostly established in the six former colonies from the 1850s, while the federal parliament came into being with federation in 1901.

Many features of our parliamentary democracy have been adapted from the British system of government, known as the Westminster system. As a group of former British colonies, we adopted many features of the Westminster system, such as having two houses of parliament at both the federal level and in most of the states.

- Our federal parliament consists of the Governor-General, the Senate and the House of Representatives. Any new laws or changes to existing laws must be voted on by a majority of members of both houses, and given the royal assent by the Governor-General.
- Each of the six states and two territories has its own parliament to make laws for its citizens on those matters over which the state or territory has constitutional power.
- Most of those elected to parliament are members of one of the political parties. These parties aim to have their members elected to parliament to form a majority so that they can pass laws to implement their policies.
- Protection of the environment is an issue that has involved all levels of government. Protection of the Murray–Darling Basin has required cooperation between the federal government and the governments of the four states concerned.



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Interactivity
True/false
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Interactivity
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Reflect

People wishing to be elected to parliament often make promises and develop policies that they hope will appeal to the majority of voters. Give detailed reasons as to why you would vote for or against someone who proposed each of the following policies:

1. lowering the voting age to 16
2. raising the licensed driving age to 21
3. introducing compulsory military service for all 18-year-olds
4. introducing tolls on all roads to help pay for improved public transport.