## FACT SHEETS

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Amending a bill

In Parliament, an amendment is a change to a bill (a proposed law). Amendments allow for bills to be improved or altered as they progress through the Parliament.

In the same way that all bills must be discussed and voted on in the Parliament, amendments must also be discussed and voted on. Amendments can be introduced in either the House of Representatives or the Senate, and must be agreed to by both chambers.

The process of amending a bill

Any member of parliament can suggest an amendment to a bill. This is called ‘moving an amendment’. The amendment is submitted in writing to the Clerk of the chamber. The Clerk then prints and distributes copies so that everyone in the chamber can read the exact words of the amendment. Members of parliament can then decide to support or oppose the amendment when it is time to vote.

Consideration in detail and committee of the whole

Changes to bills are often suggested during the law-making process. The most common time for moving amendments to bills is during the consideration in detail stage in the House of Representatives, or committee of the whole in the Senate. Amendments to long and complicated bills may be debated for many hours or days. During consideration in detail, members in the House of Representatives may speak for five minutes about an amendment. Senators may speak for 15 minutes during committee of the whole. In both cases, members of parliament may speak more than once.

Restrictions on amending bills

According to the Australian Constitution, the Senate cannot amend money or taxation bills. It may only request that the House of Representatives amend such bills.

Amending an Act

An Act (existing law) can be amended to remove a perceived fault, correct a problem or omission, or to simply update it.

If an Act is to be amended, an amendment bill must be introduced into the Parliament. If the amendment bill is passed, the title of the Act then includes the word ‘amendment’ — for example, the Clean Energy Legislation Amendment Act 2012.

An amendment bill

Customs Amendment (Smuggled Tobacco) Bill 2012
No. , 2012
(Associate General)
A Bill for an Act to amend the Customs Act 1901, and for related purposes

LINKS

PEO website
Fact Sheet: Making a Law

APH website
House of Representatives Infosheet: Making laws
www.tinyurl.com/Infosheet7
Senate Brief: The Senate and Legislation
www.aph.gov.au/Senate/briefs/brief08
The Australian Constitution is the set of rules by which Australia is run. It came into effect on 1 January 1901, establishing the Commonwealth of Australia. It has been an important document in shaping Australian society ever since.

The Australian Constitution describes the composition, role and powers of the federal Parliament. It sets out how the federal and state parliaments share the power to make laws. It also details the role of the executive government and the High Court and defines certain rights of Australian citizens, such as the right to religious freedom.

Birth certificate of a nation

Before 1901, Australia was not a nation. The continent was shared by six British colonies which were partly self-governing, but subject to the law-making power of the British Parliament. Many colonists began to see the benefits of uniting into a federation. During the 1890s a series of meetings, called conventions, were attended by representatives from each colony. During these conventions, the Constitution was drafted. The Constitution was then put to a vote by the people of the colonies in referendums.

The Constitution was approved in the referendums; however, it also had to be agreed to by the British Parliament and the monarch, Queen Victoria. It was passed as a British Act of Parliament in 1900, called the Commonwealth of Australia Constitution Act, which came into effect on 1 January 1901. Western Australia was not a party to the initial agreement but did agree to join the federation before 1 January. The colonies became Australian states and the new federal Parliament of the Commonwealth was formed.

Features

The Australian Constitution is divided into eight chapters and 128 sections. It sets out the basis for Australia’s federal system of governance, the key features of which include:

- a federal Parliament and government, responsible for national decision-making and law-making
- a bicameral Parliament, including the Queen (represented by the Governor-General), the Senate and the House of Representatives
- six state governments, responsible for state matters
- power-sharing arrangements between the federal and state parliaments
- the High Court of Australia, which is the final court of appeal. The High Court interprets the Constitution and decides its meaning, as well as settling disputes between the federal and state governments.

The Constitution does not cover all aspects of the governance of Australia. For example, the Prime Minister and the Cabinet are not mentioned in the Constitution. While central to the way government works, the Prime Minister and Cabinet operate by custom and convention, similar to the British system from which they were derived.

The Constitution does not detail many of the rights of the Australian people. Unlike the United States’ Constitution, Australia’s does not include a bill of rights, such as the right to free speech. In Australia these rights are protected by common law (made by the decisions of the courts) and laws made by Parliament (statute law).
Changing the Australian Constitution

The Australian Constitution can only be changed with the approval of the Australian people. A proposed change must be approved by the Parliament and then be put to Australians in a referendum. All Australian citizens on the electoral roll vote ‘yes’ or ‘no’ to the proposed change. A referendum is only passed if it is approved by a majority of voters in a majority of states, and by a majority of voters across the nation. This is known as a double majority. Territory voters are only counted in the national majority. Since 1901, 19 referendums have proposed 44 changes to the Constitution; only eight changes have been agreed to (see Referendums and Plebiscites).

LINKS

PEO website
Closer Look: The Australian Constitution
Pocket Constitution and double CD set

APH website
House of Representatives Infosheet: The Constitution
www.tinyurl.com/Infosheet13
The Australian Constitution
Ministers and shadow ministers sit on the front row of the seats in either the House of Representatives or the Senate. That is why they are referred to as frontbenchers. Backbenchers are members of parliament who are not ministers or shadow ministers; they sit in the rows of seats behind the frontbench.

Most members of parliament start their parliamentary career as a backbencher. A promotion to the front bench means not only a change in role, but a change in seating.

Role of frontbenchers

Government frontbenchers are ministers who have been allocated a portfolio – an area of responsibility for how Australia is run. In the chamber, the role of a minister includes introducing bills (proposed laws) and answering questions about their portfolio during Question Time.

Opposition frontbenchers are shadow ministers who have been given the responsibility of scrutinising (closely examining) the work of a particular minister and their portfolio. In the chamber, the role of a shadow minister includes speaking about opposition policies and asking questions to relevant ministers during Question Time (see Ministers and Shadow Ministers).

Role of backbenchers

Most of the work conducted in the chambers relates to debating and voting on bills. Backbenchers also draw attention to electorate or state/territory issues by speaking about them in the Parliament.

When not in the chambers, backbenchers have several roles, including working to provide help and services to their community, and participating in parliamentary committees (see Senators and Members of the House of Representatives).

LINKS

APH website
House of Representatives Infosheet: Opportunities for private Members
www.tinyurl.com/Infosheet6
House of Representatives Infosheet: The work of a Member of Parliament
www.tinyurl.com/Infosheet115
BILLS AND LAWS

In a democracy, laws are formal rules which society uses to define how people and organisations are expected to behave. Australia is a representative democracy, which means people are elected to Parliament to represent Australians and make laws on their behalf.

Section 51 of the Australian Constitution gives the federal Parliament the “power to make laws for the peace, order, and good government of the Commonwealth” in relation to certain matters. In Parliament, a bill is a proposal for a new law or a change to an existing one. If it is passed by the Parliament, it becomes a law, also known as an Act of Parliament. A bill is usually created to address an important issue facing the Australian community.

Origin of bills

Bills may originate in different ways:

- Government departments make many suggestions for bills. A department may advise its minister about a specific problem that exists. The minister may then arrange for a bill to be drafted to fix the problem.
- Community groups, businesses or lobby groups may be interested in changing or improving a specific area of Australian law. They can approach members of parliament with suggestions for bills.
- Political parties have their own policy ideas about how Australia should be governed. In Parliament, parties introduce bills which aim to put their policies into action.
- Sometimes the Parliament sets up a parliamentary committee to examine a current issue. If the issue requires action, the committee may suggest that a bill is introduced.

Most bills are introduced into the House of Representatives and then sent to the Senate. However, bills may commence in the Senate, except for money and taxation bills. Almost all bills are introduced by a government minister, who is responsible for the passage of the bill through the Parliament. Other members of parliament can also introduce their own bills, called private members’ or private senators’ bills.

A bill becomes an Act of Parliament if it is passed with a majority vote in the House of Representatives and the Senate. The bill must be agreed to in identical form by both chambers, and given Royal Assent by the Governor-General (see Making a Law). If an Act does not specify a date on which it will commence, it comes into effect on the 28th day after it receives Royal Assent.

Parts of a bill

A bill includes some or all of the following features:

- The title, which describes the content and the year of the bill; for example, Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008. If several bills about the same subject and with the same title are introduced in the same year, they each have a number; for example, Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 (No.2).
- The date on which the Act will begin to operate.
- A list of definitions, like a glossary.
- A schedule containing lists or more complex details. The schedule is like an appendix.
- Clauses, subclauses and paragraphs that make up the main part of the bill, to outline what the bill is about and how it will work as a law.
Rule of law

Australia’s legal system is based on the ‘rule of law’, which includes the following principles:

- All Australians should be treated equally by the law and should obey the law.
- The law should be fair, so that people and authorities are willing to be ruled by it.
- Laws should be clearly expressed and in general terms.
- Laws should be stable and not change frequently.
- Law-making should be guided by open and clear rules.
- The Judiciary (courts) should be independent and free of influence by government.
- Natural justice should be observed.
- The courts should be easily accessible.
- Crime-preventing agencies must not change the law.

History

The law-making process used in the Australian Parliament is derived from the British Parliament and its practices, developed over many centuries. The word ‘bill’ probably comes from the Latin word bulla, or seal, referring to the seal on documents written by a king or person in authority. During the 16th century in England, the word ‘bill’ came to mean a draft for an Act of Parliament.

LINKS

APH website
House of Representatives Infosheet: Making laws
www.tinyurl.com/Infosheet7
Senate Brief: The Senate and Legislation
www.aph.gov.au/Senate/briefs/brief08
The Black Rod is the official symbol of the Usher of the Black Rod (see Usher of the Black Rod). It is a ceremonial object used in the Australian Senate.

**Design**
The Black Rod is approximately 1.3 metres long and made of ebony wood. It has a silver crown on the end above the Australian Coat of Arms.

**Function**
The Usher carries the Black Rod while conducting Senate business such as:
- escorting the President of the Senate into and out of the chamber to start and finish each sitting day
- standing guard during a division when all chamber doors are locked
- delivering messages or bills from the Senate to the House of Representatives.

The Black Rod is also used on formal occasions such as the opening of a new federal Parliament. For example, the Usher of the Black Rod uses the Black Rod to knock three times on the door of the House of Representatives, to invite members of the House to the opening ceremony conducted in the Senate.

When the Senate is in session and the Black Rod is not in use, it stands upright beside the Usher of the Black Rod’s chair on the government side of the chamber.

**History**
The role of the Usher of the Black Rod dates back to the fourteenth century in Britain. The Usher was appointed to serve the monarch in the British House of Lords and was originally an officer of the Most Noble Order of the Garter, a British order of knighthood. The Black Rod was used to discipline anyone who offended the Order.

From 1901 to 1927, the Senate used the Black Rod from the Victorian Legislative Council. In 1927, a new Black Rod was made for the opening of Old Parliament House in Canberra. It was made from pine wood and silver and was modelled on the Black Rod used in the New South Wales Legislative Council. In 1988, the pine was replaced with ebony for the opening of Parliament House on Capital Hill.

**LINKS**
- **PEO website**
  - Fact Sheet: Senate
- **Video**
  - People in Parliament – Usher of the Black Rod
- **APH website**
  - Senate Brief: Usher of the Black Rod
The Budget is the federal government’s annual statement of how it plans to collect and spend money. Section 81 of the Australian Constitution states that all money collected by the government must be paid into a consolidated revenue fund. According to section 83 of the Constitution, this money can only be spent with the agreement of the Parliament.

The government uses this money to pay for running the country, including funding things like Australia’s defence force, national parks, pension payments, telephone networks and interstate railways.

Budget documents

The Budget is a collection of financial documents. The main documents detail:

- the government’s assessment of the national economy
- the government’s priorities and policies for the coming year
- how the government intends to raise money
- how much money is expected to be raised
- how the government intends to spend this money
- the allocation of money to government departments.

The Budget documents are prepared and presented to the Parliament by the Treasurer and the Treasury Department. They begin the process early each year. The Treasurer works with other ministers to develop spending policies for each government department. The Cabinet (Prime Minister and ministers) must approve the Budget before it is introduced into the Parliament.

Budget bills

The Budget is introduced into the Parliament as a collection of bills (proposed laws) called appropriation bills. These bills aim to appropriate, or collect and spend, public money.

The government collects money from several sources, including:

- taxes on incomes (wages), excise (on goods made and sold within the country) and customs duties (on imported or exported goods)
- charges (such as the Queensland flood levy and the Medicare levy)
- company profits
- selling government assets.

The Budget speech

The Treasurer makes a speech to the House of Representatives in May each year, in which the Budget is presented to the Parliament. This speech is seen as the most important economic statement made by the government. It sets out issues that the government wants to address, such as increasing funding for particular services, announcing plans for new projects or making savings through more efficient use of money.

Examination of the Budget

Members of parliament examine and debate the Budget bills in the same way as other bills (see Making a Law). The Senate also scrutinises (closely examines) the Budget in estimates committees. Ministers and senior public servants appear before these committees to explain how government departments and authorities have collected and spent public money. This usually happens three times a year (see Senate Estimates).

History

The first Act of Parliament passed by the Australian Parliament was the Consolidated Revenue Act 1901. This provided money for the first Australian Government to spend. The bill was passed in the early days of the first Parliament and received Royal Assent from the Governor-General on 25 June 1901.
Executive government includes the Prime Minister and ministers (see *Ministers and Shadow Ministers*). Cabinet is a group within the executive government consisting of the Prime Minister and top-level ministers. According to the *Ministers of State Act 1952*, there can be no more than 30 ministers in executive government. Cabinet typically includes about 17 ministers and is the main decision-making group within executive government.

**Role**

Cabinet’s role is to direct government policy and make decisions about national issues. Cabinet ministers spend a lot of time discussing current national problems and how these can be solved.

In Cabinet meetings, ministers also present bills (proposed laws) from their government departments. Cabinet examines these bills, especially the costs, and recommends to ministers whether bills should proceed to Parliament or changes should be made. Sometimes Cabinet sets up a sub-committee of ministers to examine an issue in greater detail.

**Operation**

Cabinet is not mentioned in the Australian Constitution. It is not defined by law and exists in the Australian system of government based on tradition and past practice.

Each government decides how Cabinet will operate. The Prime Minister chairs Cabinet and, as a result, has a strong influence on how Cabinet works. Some prime ministers have used a majority vote in Cabinet to decide on an issue. Other prime ministers have preferred to try to reach a consensus decision.

All Cabinet discussions are secret, so that ministers can speak freely about any issue, including highly confidential matters such as national security. Once Cabinet has made a decision, all Cabinet ministers are expected to support the decision publicly. This is known as Cabinet solidarity. Cabinet records are kept secret for twenty to thirty years.

The Department of Prime Minister and Cabinet provides the technical, legal and other expert advice for the Cabinet to operate effectively.

**Accountability**

Cabinet is accountable to Parliament for the running of the government. The Parliament scrutinises (closely examines) the executive government during Question Time each day in the House of Representatives and the Senate, by asking ministers questions about government decisions.

**Cabinet meetings**

Cabinet meets on a regular basis, often weekly. Meetings may be held in the Cabinet Room in Australia’s Parliament House, or in community settings across Australia.

The Cabinet Room is located in Parliament House opposite the Prime Minister’s office and close to ministers’ offices. The room is highly secure. Mobile phones, computers and other electronic devices cannot be used. High security is essential because the Cabinet discusses confidential and secret matters that affect the well-being of the nation.

Usually, only Cabinet ministers attend Cabinet meetings. Sometimes non-Cabinet ministers or people with expert knowledge are invited to attend, to discuss a bill or an issue that Cabinet is considering.
The Senate and the House of Representatives each have a Clerk, who is the top-level parliamentary officer in their chamber. They are one of only a few people who work in the Senate or the House of Representatives chambers, other than members of parliament. The Clerk is the only non-elected person who regularly speaks in the chamber.

The duties of the Clerk are conducted both within the chamber and the Department of the Senate or the Department of the House of Representatives.

Chamber role
The Clerk has several responsibilities in the chamber, including:

• assisting the President or the Speaker to run chamber proceedings, including having a thorough knowledge of the rules of the chamber (see Standing Orders) and tabling (recording) all documents presented to the chamber
• helping the President, the Speaker and members of parliament to organise the order of business each day, including providing advice on chamber procedure
• certifying the passage of bills (proposed laws) through the Parliament
• recording the actions and decisions of the chamber in a daily publication (in the Senate this is called Journals of the Senate, and in the House of Representatives this is called Votes and Proceedings)
• assisting with ceremonial occasions, such as the opening of Parliament and the swearing-in of new members of parliament.

Each chamber also has a Deputy Clerk and several Clerks’ Assistants who support the Clerk in their duties.

Department role
When the Clerks are not in the chamber, they work from an office in the Department of the Senate or the Department of the House of Representatives. They have several responsibilities, including:

• running the department, which organises the daily operations of the Parliament and assists members of parliament in their work
• advising members of parliament on chamber rules, parliamentary practice and procedure, the requirements of the Australian Constitution and laws that affect the Parliament.

History
The role of the Clerk dates back to the origins of the British Parliament, with the first Clerk appointed in 1363. In keeping with tradition, the Clerk in each house of the Australian Parliament reads the title of each bill aloud three times before it is passed, signalling the chamber’s agreement to the bill at different stages. This practice dates back to the early British Parliament, before printing or literacy was widespread. The Clerk had to read the whole bill aloud to inform members of its contents.

In previous Australian parliaments and in keeping with tradition, the Clerk wore a wig and gown while working in the chamber. This practice stopped in the Senate in 1996. In 1995, the Clerk of the House of Representatives ceased wearing a wig, although still wears a gown.
CROSSING THE FLOOR

For a question to be resolved in Parliament, a vote must be taken. Parliamentary parties usually vote as a team, with all party members voting the same way. Crossing the floor occurs when a member of a parliamentary party walks across the chamber to vote against their party. This is done in full view of other members of parliament, the media and the public.

Procedure

A division is a formal parliamentary vote in which each person’s vote is counted and recorded. Those voting in favour of a motion sit on the right side of the Speaker or President and those voting against, sit on the left side. The votes are tallied by counting the number of members of parliament sitting on each side. The side with the majority of votes wins.

A member of a parliamentary party who votes against their party is said to have crossed the floor.

Frequency

Members of parliamentary parties rarely cross the floor, because parties expect loyalty from their team members. Crossing the floor publicly demonstrates disagreement within the party. It may be seen to be giving greater preference to the needs of the electorate than the needs of the party. For this reason it may be popular with the people in an electorate, but not with the party. A member of parliament who crosses the floor may be considered a traitor to their party.

Members of parliament may be persuaded not to cross the floor because they know that:

- their party provides support and financial security in return for loyalty
- their party may impose a ban on crossing the floor
- their action may only make a difference if enough people cross the floor to change the result of a vote. Without the necessary support to change the result, crossing the floor is a controversial act that may not have the desired effect.

If a party or coalition of parties has a slim majority of only one or two votes, it becomes even more important for team members to stick together. Party whips (team managers) are responsible for making sure that party members know how to vote and are not planning to cross the floor. In close votes, whips must be particularly vigilant about how team members vote (see Party Whip).

Conscience vote

A conscience vote, or free vote, means that members of parliament are not obliged to vote with their party; instead, they can vote according to their own beliefs. A conscience vote is most commonly used to decide social issues or ‘life and death’ issues, such as abortion, euthanasia or capital punishment. Each parliamentary party decides if its members are allowed a conscience vote on a particular issue.

A conscience vote may be held in order to prevent members of parliament crossing the floor on a controversial issue which may otherwise cause embarrassment to the team, or to allow members of parliament to express their own strongly-held beliefs.

History

Although crossing the floor rarely occurs now, it has taken place more frequently in the past. From 1950 – 2004, 245 members of parliament crossed the floor, representing 24% of all members of parliament who served in this period. Only 12% of divisions were affected by these floor crossings.

Senator Reg Wright, from Tasmania, who served from 1950 to 1978, crossed the floor 150 times: the most times any member of parliament has done so.

Conscience votes are also rare. From 1950 to 2007, only 32 bills and other issues in the Parliament were decided by a conscience vote.

LINKS

PEO website
Fact Sheet: Voting in the Chambers

APH website
Parliamentary Library: Crossing the floor in the Federal Parliament 1950 – August 2004
www.tinyurl.com/APHLib-Crossingfloor
Parliamentary Library: Conscience votes during the Howard Government 1996 – 2007
www.tinyurl.com/APHLib-ConscienceVotes

Senator Reg Wright crossed the floor 150 times during his 28 years in the Senate.
DELEGATED LAW

One of the most significant roles of the Australian Parliament is to make laws for Australia (see Bills and Laws); however, there are times when the Parliament gives the power to make decisions about the details of these laws to the relevant government minister, executive office-holder or government department. Law that is made in this way is known as delegated law, or secondary legislation.

Laws made by the Australian Parliament usually involve wide-ranging, complex issues that affect many Australians, such as taxation or the environment. These laws provide a general framework rather than the specific detail of when, where and how the rules might be applied.

Delegated law allows the specific details of these primary, or existing, laws — such as regulations, standards and other requirements — to be made or changed without having to be debated and passed by the Parliament.

Because delegated law is not required to be passed directly by both houses of Parliament, it can often mean amendments, or changes, to an existing law can be made in a shorter period of time, and by those responsible for the particular area it covers. For example, the Minister for the Environment might set standards and regulations about Australia’s national parks, or the Minister for Immigration may set the specific requirement for visas that let people into Australia.

Delegated law has the same power and force as any other law in Australia. However:

• delegated law can only be made in relation to a primary law that has been passed by the Australian Parliament
• the Parliament usually retains the right to overrule, or disallow, delegated law if it does not agree with it. Each delegated law must be listed on a public register and presented to the Parliament within six sitting days of being made. During the next 15 sitting days, any member of parliament can propose that the Senate or the House of Representatives overrule the delegated law. The Senate or the House of Representatives then has a further 15 sitting days to discuss whether to do this. If no decision is made, the delegated law is overruled.

Delegated law is also scrutinised by the Senate Standing Committee on Regulations and Ordinances. This committee has been in existence since 1932 and ensures that delegated law:

• is in agreement with the existing law
• does not interfere unnecessarily with personal rights and liberties
• allows the possibility of review by a court or independent body
• does not contain content more appropriate for a new law.

The committee can also recommend to the Senate that delegated law be overruled.

LINKS

PEO website
Fact Sheet: Parliamentary Committees
www.tinyurl.com/FS-Committees

APH website
House of Representatives Infosheet: Making laws
www.tinyurl.com/Infosheet7
Brief Guides to Senate Procedure: Disallowance
www.tinyurl.com/Senatebrief19

Delegated law MADE and REGISTERED
PRESENTED to the PARLIAMENT within six sitting days
If not presented, it ceases to have effect
MEMBERS of PARLIAMENT have 15 sitting days to PROPOSE to OVERRULE
SENATE and HOUSE OF REPRESENTATIVES have 15 more sitting days to MAKE a DECISION
If no decision is made, it is overruled
DESPATCH BOXES

The Despatch Boxes are two wooden chests that sit on the central table in the House of Representatives, next to the Prime Minister’s chair and the Leader of the Opposition’s chair.

Function
The Prime Minister, Leader of the Opposition, ministers and shadow ministers use the Despatch Boxes to rest their speech notes and other documents on while addressing the House—that is when they are said to be speaking ‘from the Despatch Box.’

The Despatch Box on the government side of the chamber also contains forms and religious books previously used for swearing-in new members of the House.

Design
The Despatch Boxes are made of rosewood and decorated with silver and enamel. They are hinged and lockable.

History
Despatch boxes were first used in 17th century Britain, to transport parliamentary documents to the chamber. The Australian Parliament’s Despatch Boxes are replicas of two boxes which sat in the House of Commons in the British Parliament, before being destroyed by a bomb explosion in 1941 during the Second World War.

King George V gave the Despatch Boxes to the Australian Parliament to mark the opening of Old Parliament House in 1927. Inside the lid of each box is an inscription signed by King George V. In 1988, the Despatch Boxes were brought to the current Parliament House.

Along with other parliamentary symbols, the Despatch Boxes symbolise the link between the British House of Commons and the Australian House of Representatives.

LINKS
PEO website
Fact Sheet: House of Representatives
DOUBLE DISSOLUTION

A double dissolution occurs when both the Senate and the House of Representatives are shut down (dissolved), in order for a federal election to take place. A double dissolution election is different to regular elections, when only half the Senate seats are contested. In a double dissolution, the Governor-General dissolves both the Senate and the House of Representatives at the same time, meaning every seat in both chambers is contested. This is the only time that all senators stand for election at the same time (see Federal Elections).

A double dissolution can only happen when there is a deadlock between the two houses of Parliament; it usually occurs at the request of the Prime Minister.

Purpose
The Australian Constitution gives almost identical powers to the House of Representatives and the Senate. A bill (proposed law) must be agreed to by both houses in order to become law. The drafters of the Constitution saw the possibility of a deadlock occurring between the two houses, in which there may be disagreement over a bill. Section 57 of the Constitution provides a mechanism to resolve the disagreement, by dissolving both houses of Parliament and calling an election to let the voters decide what the outcome will be. The double dissolution mechanism only relates to a bill that originates in the House of Representatives.

Procedure
Section 57 of the Australian Constitution details the conditions for a double dissolution:

1. The House of Representatives passes a bill and sends it to the Senate.
2. The Senate rejects or fails to pass the bill, or passes it with amendments to which the House will not agree.
3. Three months pass from the time the Senate disagrees with the bill.
4. The House of Representatives passes the same bill and sends it to the Senate again.
5. The Senate again rejects or fails to pass the bill, or passes the same bill with amendments to which the House will not agree.

More than one bill may act as a trigger for a double dissolution. Once these conditions (called triggers) have been met, the Prime Minister may recommend to the Governor-General that a double dissolution of the Parliament take place. A federal election then follows for all members of the House of Representatives and all senators.

A double dissolution cannot take place within six months of the end of a three-year term of the House of Representatives.
DOUBLE DISSOLUTION

Joint sitting of Parliament

After a double dissolution election, the bill(s) which triggered the double dissolution may be presented to both houses of Parliament again. If a deadlock occurs once more, the Governor-General may order a joint sitting of both houses of Parliament. At a joint sitting, all members of parliament from both houses meet together to vote on the bill(s). A joint sitting has only occurred once in the Australian Parliament, in 1974.

In this instance, the government led by Prime Minister Gough Whitlam had a majority of nine votes in the House of Representatives but did not have a majority in the Senate. By April 1974, the Senate had twice refused to pass six bills and these became double dissolution triggers. The Prime Minister requested the Governor-General to use section 57 to dissolve both houses of Parliament and call an election for 18 May.

The government won the election but with a reduced majority in the House of Representatives; it still did not have a majority in the Senate. The disputed bills were again introduced into and passed by the House of Representatives. The Senate again rejected the bills. As a result, the Governor-General convened a joint sitting of both houses of Parliament on Tuesday 6 August and Wednesday 7 August 1974 to vote together on the bills. Three of these bills related to electoral matters, two related to health insurance and one related to setting up the Petroleum and Minerals Authority. The Whitlam government held a majority of all the combined votes, with government members voting together to ensure that the six bills were passed by an absolute majority of all members of parliament.

History

There have been seven double dissolutions of the Australian Parliament: in 1914, 1951, 1974, 1975, 1983, 1987 and 2016. In 1914, 1975 and 1983, the government lost the election that resulted from the double dissolution. The most famous of these double dissolutions occurred in 1975. The Senate refused to pass the supply (Budget bills) of the government, led by Prime Minister Gough Whitlam. This caused a deadlock which could be used as a double dissolution trigger. The Prime Minister did not want a double dissolution election; however, Governor-General Sir John Kerr dismissed the government and an election was called by caretaker Prime Minister Malcolm Fraser.

LINKS

PEO website
Fact Sheet: Australian Constitution

APH website
House of Representatives Infosheet: Double dissolution
www.tinyurl.com/Infosheet18
Senate Brief: Disagreement between the Houses
www.aph.gov.au/Senate/briefs/brief07
FEDERAL ELECTIONS

Australia is a representative democracy, which means that Australians vote to elect members of parliament to make laws and decisions on their behalf. It is compulsory for Australian citizens 18 years and over to enrol to vote. It is also compulsory to attend a voting place on Election Day, or to vote by mail.

At federal elections, Australians choose members of parliament to represent their views and interests, in the House of Representatives and the Senate. In this way, federal Parliament serves Australians and is accountable to them.

ELECTING MEMBERS OF THE HOUSE OF REPRESENTATIVES

Section 28 of the Australian Constitution states that House of Representatives elections must be held at least every three years. The Prime Minister decides the date for an election. This could be at any time during the three-year term.

There are 150 members elected to the House of Representatives—one for each of Australia’s 150 electorates. An average of 150,000 citizens live in each electorate, with an average of 100,000 voters.

Each member is elected using a system of preferential voting, designed to elect a single member with an absolute majority for each electorate. Using this system, voters write a number in the box beside every name on the ballot-paper; ‘1’ for their first preference, ‘2’ for their second preference and so on, until all the boxes are numbered. If a candidate gains an absolute majority (more than half) of first preference votes, they win the seat. If no candidate receives an absolute majority, the candidate with the least number of votes is excluded and their votes are redistributed according to second preferences. The process of redistributing votes according to preferences continues until one candidate receives more than 50% of the vote and is then elected.

ELECTING SENATORS

Twelve senators are elected to represent each state and two senators are elected to represent each territory. State senators are elected for a period of six years using a system of rotation that ensures that only half the state senators end their term every three years. Territory senators are elected for a period of three years at the same time as the members of the House of Representatives and half of the Senate.

Half-Senate elections are usually held at the same time as House of Representatives elections, though they do not have to be.
Senators are elected by a preferential voting system, known as proportional representation, which is designed to allocate seats to candidates in proportion to votes cast in an election. A wider range of political parties and/or Independents are often elected to the Senate. Voters have a choice of voting above-the-line or below-the-line:

- Above-the-line voting requires voters to number at least six boxes from 1 to 6 for their chosen parties or groups. Voters’ preferences will be distributed in the order that the candidates in the chosen parties or groups are listed below the line. Preferences will be distributed to the party or group of first choice, then second choice and so on, until all preferences are distributed.

- Below-the-line voting requires voters to number at least 12 boxes from 1 to 12 for their chosen individual candidates. Voters’ preferences will be distributed to the candidates in the order of choice, as numbered on the ballot paper.

To win a seat, a senator must gain a quota of first and later preferences. For a state senator at a half-Senate election, this equals 14.3% of the total state vote, while a territory senator must win 33.3% of the total territory vote. The counting procedure for a Senate election is more complicated than the system used for the House of Representatives—it sometimes takes several weeks after an election to count all the Senate votes and finalise the result.

**Finalising the result**

Once the election result is finalised, the successful candidates are announced and the official election documents, called writs, are returned to the Governor-General or state governors.

### By-elections and casual vacancies

A by-election is a mini-election held for a House of Representatives electorate if a member resigns or dies between federal elections.

A casual vacancy occurs in the Senate if a senator resigns or dies before their term of office has expired. They are replaced by a candidate from the same political party, chosen by the parliament or legislative assembly of that state/territory.

### Legal requirements

Federal elections are organised and run by the AEC, who make sure that elections are free, fair and legal. The *Commonwealth Electoral Act 1918* and the Australian Constitution set out the requirements for running elections.

**CALCULATING THE QUOTA**

for electing six state senators

**SENATORS REQUIRED:** 6  
**TOTAL VOTES:** 700 000 (for simplicity)

\[
\frac{700\,000}{6+1} + 1 = \text{quota}
\]

700 000 ÷ 7 = 100 000  
100 000 + 1 = 100 001  
**QUOTA = 100 001**

**LINKS**

PEO website
Fact Sheet: Preparing for a New Parliament  

APH website
House of Representatives Infosheet: Elections for the House of Representatives  
www.tinyurl.com/Infosheet8

Senate Brief: Electing Australia’s Senators  
www.aph.gov.au/Senate/briefs/brief01

Other websites  
Australian Electoral Commission  
www.aec.gov.au
Before 1901, Australia was not a nation. At that time, the continent consisted of six British colonies which were partly self-governing, but subject to the law-making power of the British Parliament. Each colony had its own government and laws, including its own railway system, postage stamps and tariffs (taxes). This caused a lot of problems and people began to think about the benefits of uniting as one nation, under a federal system of governance.

The path to federation

During the 1890s, each colony sent representatives to special meetings, called conventions, to try to agree about how to form a new federation. Eventually the delegates agreed on the rules for a federal system and a draft constitution. The people of the colonies voted in a series of referendums to accept this new Australian Constitution. It was then passed as a British Act of Parliament in 1900, called the Commonwealth of Australia Constitution Act, which came into effect on 1 January 1901. The Constitution established a federal Parliament which could make laws on behalf of the new Australian nation (see Australian Constitution).

The colonies of New South Wales, Victoria, Queensland, South Australia and Tasmania united and became states of Australia, known as the Commonwealth of Australia. Western Australia was not a party to the initial agreement but also agreed to join the federation before 1 January 1901.

The territories

In 1901, the two territories did not exist. The Constitution provided for the establishment of a national capital, to be located in New South Wales but at least 100 miles from Sydney. In 1911, the Australian Government created the Australian Capital Territory for this purpose. In the same year, the Northern Territory was also created. Until then, this area had been part of South Australia.

Although part of the Commonwealth, the territories do not have the same legal status as states.

A new nation and a new Parliament

When the Commonwealth of Australia was declared on 1 January 1901, a ceremony was held in Centennial Park in Sydney. The first Governor-General, Lord Hopetoun, was sworn in and the first Prime Minister, Sir Edmund Barton, and federal ministers took the oath of office. Australians celebrated their nationhood, participating in parades, processions, sporting events and school pageants.

The first federal elections for the new Parliament were held on 29 and 30 March 1901. The first Parliament was held in Melbourne on 9 May 1901. It was officially opened by the Duke of Cornwall and York (later King George V). The opening ceremony was large and elaborate and further celebrations were held.

Australia’s federal system

Under the Australian Constitution, the new states united within the Commonwealth. Power was to be shared between the federal Parliament and state parliaments. The federal Parliament would make laws about national matters, such as defence, immigration, trade and the environment.

The power to make and manage federal law would be divided between the Parliament (who would make the law), the Executive (who would put the law into action) and the Judiciary (who would make judgements about the law).

The federal Parliament would be made up of the Queen (represented by the Governor-General), the Senate and the House of Representatives. Laws could only be passed or changed if agreed to by both houses.

The Australian federal system took some of its features from the British Parliament and some from the United States system of governance.

LINKS

PEO website
Closer Look: Federation

APH website
Senate Brief: The Origins of the Senate
www.aph.gov.au/Senate/briefs/brief09
GETTING INVOLVED IN PARLIAMENT

The Australian Parliament represents the people and makes laws and important decisions on their behalf. The Parliament is interested in the opinions of Australians, who have a right to be involved in this decision-making. There are many ways that individuals and organisations can have their say about the actions and decisions of the Parliament.

Voting

At least every three years, Australians vote to elect people to represent them in the Parliament. 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.

Australians can enrol to vote once they turn 16, although they can’t vote until they turn 18. With the right to vote comes the responsibility to make an informed decision. You can do that by learning about Parliament and taking an interest in candidates, including your current representatives in Parliament. You can analyse their decisions and policies and decide if they are doing what you want.

For more information, go to Federal Elections.

Contact members of parliament

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. Postal addresses, phone numbers and email addresses of all members of parliament are available on the Parliament House website.

For more information, go to: www.tinyurl.com/APH-Contacts

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. It is the oldest way that individuals or groups can ask the Parliament to take action on an issue. The petition contains a list of signatures of people who support that request. It is then formally presented to the Parliament and entered into the parliamentary records.

For more information, go to Petitions.
GETTING INVOLVED IN PARLIAMENT

Committees
Parliamentary committees are another way that Australians can directly involve themselves in the decisions of the Parliament. A committee is usually made up of six to ten members of parliament who investigate a matter that the Parliament considers important. This may be the subject of a bill (proposed law) or a particular issue. Parliamentary committees investigate community attitudes by inviting the public, organisations and experts to give their opinion on the bill or issue.

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. The committee will then write a report which will be presented to the Parliament. The report may recommend that the government take some course of action based on their findings.

For more information, go to Parliamentary Committees.

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. Media coverage of these meetings and protests may then put pressure on the Parliament to act on the issue. People can also express their opinion by participating in online forums and discussions, writing a letter to the newspaper or calling up talk-back radio.

Observing Parliament
As well as these direct means for Australians to engage in Parliament, there are many ways for the public to observe and keep up to date with the 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. You can watch Parliament in action on television or via the internet at www.aph.gov.au. The press gallery in Parliament House report on the work of the Parliament through print and broadcast media. Many members of parliament also use social media to directly communicate to the public about their work.

For more information, go to Records of the Parliament.
GOVERNMENT

Australia has three levels of government: federal, state/territory and local. The federal government is the highest level of government.

Forming government
In Australia, the federal government is part of the federal Parliament. At an election, the party (or coalition of parties) with the support of the majority of members elected to the House of Representatives becomes the government.

Although government is formed in the House of Representatives, there are also members of the government in the Senate. The government may or may not hold the majority of seats in the Senate.

Minority government
If no political party or coalition achieves a majority in the House of Representatives, the result is called a hung parliament. It is still possible for a government to be formed if a majority can be achieved through agreement with Independent and/or minor party members. This type of government is known as a minority government. The 43rd Parliament had the first minority government formed in Australia’s Parliament since 1940.

Government responsibilities
The responsibilities of the federal government include:
- developing national policy, for example, plans for managing trade, foreign affairs, immigration and the environment
- introducing ideas for new laws or changes to existing ones (called bills) into Parliament
- putting laws into action, through government departments
- making important decisions on behalf of Australians, such as whether or not to send Australian troops to war zones
- representing Australia overseas, through key spokespersons such as the Prime Minister and the Minister for Foreign Affairs.

Government leadership
The leader of the government is the Prime Minister, who is a member of the House of Representatives. A government senator is also appointed as the Leader of the Government in the Senate.

Some members of the government are selected to be ministers and are given an area of responsibility, called a portfolio. Each minister is in charge of a government department or assists in the administration of a department, developing policies and implementing laws passed by the Parliament. For example, the Minister for the Environment is responsible for the Department of the Environment. The Prime Minister and ministers are part of executive government.

The Cabinet consists of the Prime Minister and top-level ministers. It has an important role in leading the government, making most of the major decisions on policy and planning (see Cabinet).

Responsible government
To remain in government, a party or coalition must maintain the support of the majority of members in the House of Representatives. This is part of the principle of responsible government. It ensures that the government is accountable to the Parliament. In Australia, the principle of responsible government works together with the principle of the separation of powers to guide the way in which law is made and managed (see *Separation of Powers: Parliament, Executive and Judiciary*).

LINKS

PEO website
Closer Look: Governing Australia: three levels of law-making

APH website
House of Representatives Infosheet: The Australian system of government
www.tinyurl.com/Infosheet20
According to section 2 of the Australian Constitution, the Governor-General is appointed by the Queen to be Her Majesty’s representative in Australia. They are appointed on the recommendation of the Prime Minister, usually for a term of five years. The Governor-General has some of the responsibility for ensuring that Australia is governed according to the rules set out in the Constitution.

Australia is a constitutional monarchy, which means that the Queen is our head of state. However, as the Queen lives in Britain, her powers are delegated to the Governor-General who lives in Australia. Together with the Senate and the House of Representatives, the Governor-General is a part of Australia’s Parliament. The Governor-General does not have the authority to make decisions on behalf of the government, but has a role in both the government and the Parliament.

The Governor-General is not part of the government or the opposition and must remain neutral. Whenever the Governor-General makes a public statement, they avoid personal opinions and do not comment on political and other controversies.

Constitutional role

Section 1 of the Australian Constitution states that the Parliament ‘shall consist of the Queen, a Senate, and a House of Representatives’. Section 61 of the Constitution goes on to state that ‘the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative’. These provisions mean that the Governor-General is a part of the Parliament and the Executive, and carries out tasks on behalf of the Queen (see Separation of Powers: Parliament, Executive and Judiciary). The Constitution sets out some specific tasks for the Governor-General, including:

• giving Royal Assent (approval) to a bill passed by the House of Representatives and the Senate. The Governor-General may recommend changes to a bill; however, no Governor-General has ever refused to give Royal Assent
• starting the process for a federal election (see Preparing for a New Parliament)
• appointing times for sessions of Parliament to be held
• convening a joint sitting of Parliament (see Double Dissolution)
• acting as Commander-in-Chief of the Australian Defence Force.

Ceremonial role

The Governor-General’s ceremonial and constitutional roles are closely related. The Governor-General’s ceremonial duties include:

• attending the opening of a new federal Parliament and making a speech about what the new government intends to do
• administering the oath of office to the Prime Minister, ministers, judges and other officials
• meeting foreign heads of state and ambassadors
• attending Anzac Day ceremonies
• awarding special honours, in their role as the Chancellor of the Order of Australia.

Civic role

The Governor-General is in constant contact with the Australian people. These duties include:

• opening and attending national and international meetings and conferences
• attending exhibitions and sporting events
• attending functions of as an official patron of organisations
• visiting regions or areas to meet people involved in a particular group or industry
• visiting places hit by national disaster, such as floods or fire.
History

Australia has had 26 Governors-General.

The first was the Right Honourable John Adrian Louis Hope, 7th Earl of Hopetoun, who served from 1901 to 1903. The first Australian-born Governor-General was the Right Honourable Sir Isaac Alfred Isaacs, who served from 1931 to 1936.

The current Governor-General is His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd).

<table>
<thead>
<tr>
<th>TERM</th>
<th>NAME</th>
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<tbody>
<tr>
<td>2008–2014</td>
<td>Bryce, The Honourable Dame Quentin Alice, AD, CVO</td>
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<td>2003–2008</td>
<td>Jeffery, Major General Michael, AC, CVO, MC</td>
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<tr>
<td>2001–2003</td>
<td>Hollingworth, The Right Reverend Dr Peter, AC OBE</td>
</tr>
<tr>
<td>1982–1989</td>
<td>Stephen, Rt Hon. Sir Ninian, KG, AK, GCMG, GCVO, KBE, QC</td>
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<td>1977–1982</td>
<td>Cowen, Rt Hon. Sir Zeiman, AK, GCMG, GCVO, QC</td>
</tr>
<tr>
<td>1969–1974</td>
<td>Hasluck, Rt Hon Sir Paul Meernaa Caedwalla, KG, GCMG, GCVO</td>
</tr>
<tr>
<td>1965–1969</td>
<td>Casey, Rt Hon Richard Gardiner, Baron Casey, KG, GCMG, GCVO, CH, DSO, MC</td>
</tr>
<tr>
<td>1960–1961</td>
<td>Morrison, Rt Hon William Shepherd, 1st Viscount Dunrossil, GCMG, MC, QC, PC</td>
</tr>
<tr>
<td>1953–1960</td>
<td>Slim, Field Marshal Sir William Joseph, 1st Viscount Slim (Yarraulu and Bishopston), KG, GCB, GCMG, GCVO, GBE, DSO, MC</td>
</tr>
<tr>
<td>1947–1953</td>
<td>McKell, Rt Hon Sir William John, GCMG, PC</td>
</tr>
</tbody>
</table>

Source: Governor-General’s website
www.gg.gov.au/content.php/category/id/7/title/former-governors-general

LINKS

PEO website
Fact Sheet: Australian Constitution

APH website
H of R Infosheet: The Australian system of government
www.tinyurl.com/Infosheet20

Other websites
Governor-General’s website
www.gg.gov.au
The Australian Parliament consists of the Queen (represented by the Governor-General), the Senate and the House of Representatives.

The Australian Parliament is bicameral, which means there are two houses. The House of Representatives is also known as the lower house.

**Role**

There are 150 members elected to the House of Representatives. Each member represents one of Australia’s 150 electorates. On average, 150,000 people live in each electorate, with an average of 100,000 voters.

The Australian Government is formed in the House of Representatives, from the party, or coalition of parties, with the support of the majority of members in the House.

Members of the House of Representatives:

- represent the views of Australians and discuss matters of national and international importance
- make and change federal law, by debating and voting on bills (proposed laws). A bill must be agreed to in identical form in the House of Representatives and the Senate, and given Royal Assent by the Governor-General. It then becomes a law
- scrutinise (closely examine) the work of the government, especially in Question Time and through parliamentary committees.

(See Members of the House of Representatives).

**Appearance**

The furnishings and carpet in the House of Representatives are green. This signifies our traditional link with the green decoration of the House of Commons in the British Parliament. The grey-green tones used in the House of Representatives are soft shades, typical of the Australian eucalypt landscape.

The seats in the House of Representatives are arranged in rows to form a U-shape. The Speaker who runs the chamber sits at the open end of the U-shape (see Speaker of the House of Representatives). Government members sit to the right of the Speaker and opposition members sit to the left. The Prime Minister and Leader of the Opposition sit in front of their respective teams at a central table. Minor parties and Independents sit in the central curved part of the U-shape.

The House of Representatives has three raised viewing galleries. One is directly above the Speaker and is reserved for the press gallery (see Press Gallery). The other galleries on either side of the chamber are open to the public. Members of the press gallery and the public may visit the chamber at any time.

The House of Representatives
Federation Chamber

The Federation Chamber is the second chamber of the House of Representatives, which can operate at the same time as the House. All members of the House can attend the Federation Chamber. It has a similar layout to the House, with U-shaped seating for members as well as seating for the media, public and advisors.

This chamber was set up in 1994 as the Main Committee, and renamed as the Federation Chamber in February 2012. It was established to streamline the House’s busy schedule and to increase the time available for conducting non-controversial business. Despite its original name, the Federation Chamber does not hold parliamentary committees. Its work includes:

- debating bills on which there is expected to be agreement
- debating committee reports
- conducting private members’ business, which allows members to speak on any topic, particularly matters in their electorate.

The rules used in the Federation Chamber are almost identical to those used in the House, although divisions (formal parliamentary votes) are not held in the Federation Chamber. If a decision requires a division it must be referred back to the House. All decisions made in the Federation Chamber are reported to the House of Representatives before moving to the next stage. When a division is called in the House of Representatives, activities in the Federation Chamber are suspended so that members can go to the House to vote.

Federation Chamber meetings are chaired by the Deputy Speaker of the House or members of the Speaker’s panel. The Federation Chamber can function with a quorum (minimum number) of only three members, including the chair.

Reporting

Parliamentary proceedings are recorded and broadcast on ABC TV and radio, A-PAC (Australian Public Affairs Channel) and on the internet at www.aph.gov.au. Hansard reporters produce a daily record of all that is said in the House of Representatives and Federation Chamber. This record is available on the internet.

History

The physical appearance of the House of Representatives and some of its practices are derived from the British Parliament. However, the drafters of the Australian Constitution also looked to the United States (US) Congress when deciding on the form of the Australian Parliament. For example, the names ‘House of Representatives’ and ‘Senate’ were borrowed from the US system. Although the House of Representatives has links with both the British Parliament and the US Congress, it has developed its own unique style and procedures over the last century.

LINKS

APH website
Parliament House virtual tour
virtualtour.aph.gov.au
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
House of Representatives Infosheet: A typical sitting day
www.tinyurl.com/Infosheet2
House of Representatives Infosheet: The Federation Chamber
www.tinyurl.com/Infosheet16
An Independent is a member of parliament who does not belong to a political party. They can be elected to either the House of Representatives or the Senate.

Role
An Independent has an electorate or state/territory to represent in the same way as all members of parliament do. As well as taking part in debate on government bills presented to the Parliament, an Independent can introduce their own bills. These are called private members’ or private senators’ bills. Introducing a private bill enables an Independent to suggest a new law on an issue that they think is important or that they believe the Parliament is not addressing. Since private bills cannot pass without the support of the majority, they are usually defeated.

Voting in the chambers
Members of parliamentary parties usually vote together, to support or reject a proposal in Parliament. As an Independent does not belong to a political party, they can make up their own mind about whether to vote for or against a proposal. As such, an Independent sometimes votes with the government and sometimes votes with the opposition. On some occasions, an Independent may choose to abstain—that is, not attend the chamber for a vote.

A minority government may need the votes of some or all of the Independents to pass a bill, particularly when the opposition does not support the bill. The government may spend time and effort persuading Independents to support government bills. In this situation, Independents may hold the balance of power, which means that their vote can decide whether the bill is passed or rejected.

Chamber seating
Independents usually sit on the seats that curve around at the end of the chamber. These seats are called non-government seats in the House of Representatives and cross-benches in the Senate.

LINKS
APH website
House of Representatives Infosheet: Opportunities for private Members
www.tinyurl.com/Infosheet6
House of Representatives Infosheet: The work of a Member of Parliament
www.tinyurl.com/Infosheet15
The Leader of the Opposition is a member of parliament who leads the largest party, or coalition of parties, that is not in government.

Choosing the Leader of the Opposition

The Leader of the Opposition is chosen by a vote of the largest non-government party. The Leader of the Opposition can keep their job as long as they are a member of parliament and retain the support of the opposition.

The Leader of the Opposition is sometimes called the alternative Prime Minister, as they may become Prime Minister if their party (or coalition) wins the support of the majority of members in the House of Representatives.

Role

The tasks of the Leader of the Opposition include:

- chairing meetings in which the opposition discusses policies and examines bills (proposed laws)
- presenting alternative policies to those of the government
- selecting members of the opposition to be shadow ministers
- leading the Shadow Cabinet (Leader of the Opposition and shadow ministers)
- acting as the chief opposition spokesperson
- leading the opposition in a federal election.

House of Representatives

When in the House of Representatives, the Leader of the Opposition sits at the central table in front of the opposition and directly opposite the Prime Minister. They take the lead in opposition debate on bills, directing questions to the government during Question Time and criticising government policy that the opposition disagrees with. If the Prime Minister makes a speech to the chamber, the Leader of the Opposition usually receives the right of reply, which means being given equal time to speak on the issue.

History

The current Leader of the Opposition is the Hon Bill Shorten MP.

Australia has had 31 Leaders of the Opposition.

LINKS

PEO website
Fact Sheet: Opposition

APH website
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
### LEADER OF THE OPPOSITION

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<tr>
<td>Sir George Reid</td>
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<td>John Watson</td>
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<td>Sir George Reid</td>
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<td>LIB</td>
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<td>Joseph (Ben) Chifley</td>
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<tr>
<td>Herbert Evatt</td>
<td>ALP</td>
<td>20.06.1951 – 09.02.1960</td>
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<td>Arthur Calwell</td>
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<td>Edward (Gough) W. Whittam</td>
<td>ALP</td>
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<tr>
<td>Billy Snedden</td>
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<td>John (Malcolm) Fraser</td>
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<tr>
<td>William (Bill) Hayden</td>
<td>ALP</td>
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<thead>
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<tr>
<td>Robert (Bob) Hawke</td>
<td>ALP</td>
<td>03.02.1983 – 11.03.1983</td>
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<tr>
<td>Andrew Peacock</td>
<td>LP</td>
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<td>John Howard</td>
<td>LP</td>
<td>05.09.1985 – 09.05.1989</td>
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<td>Andrew Peacock</td>
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<td>John Hewson</td>
<td>LP</td>
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<td>Alexander Downer</td>
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<tr>
<td>Kim Beazley</td>
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<tr>
<td>Mark Latham</td>
<td>ALP</td>
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</tr>
<tr>
<td>Kevin Rudd</td>
<td>ALP</td>
<td>04.12.2006 – 03.12.2007</td>
</tr>
<tr>
<td>Bill Shorten</td>
<td>ALP</td>
<td>13.10.2013 – Present</td>
</tr>
</tbody>
</table>

*LP from 16.10.1944

Note: The Liberal Party (LP) is a different party to the Liberal Party of Australia (LP).

### Party Abbreviations

**ALP:** Australian Labor Party  
**CP:** Country Party  
**FT:** Free Trade  
**LP:** Liberal Party of Australia  
**LIB:** The Liberal Party  
**UAP:** United Australia Party  
**NAT:** Nationalist  
**PROT:** Protectionist  
**NL:** National Labor.

**Source:** Australian Electoral Commission website  
LEADERSHIP IN THE PARLIAMENT

Some parliamentarians have important leadership roles within their parties and in the chamber, in addition to their duties as elected members of parliament.

Leadership roles in the House of Representatives

The Speaker
The Speaker sits at the head of the House of Representatives and is responsible for the orderly running of the chamber. The Speaker is elected by the House from its 150 members and is typically an experienced member of parliament (see Speaker of the House of Representatives). Usually, the Speaker is a government member.

The Prime Minister
After a federal election, the parliamentary party or coalition of parties with the support of the majority of members elected to the House of Representatives forms the government. The Prime Minister is chosen by government members to be the leader of the government. The Prime Minister has many roles, including leading discussion on government policy, selecting ministers, representing Australia overseas and advising the Governor-General about important government matters (see Prime Minister).

The Leader of the Opposition
The Leader of the Opposition is chosen by the largest parliamentary party or coalition of parties that is not in government. The Leader of the Opposition leads their team in holding the government to account, and developing and presenting alternative policies to those of the government (see Leader of the Opposition).

Minor parties
Each minor party in the House of Representatives also has a leader, who acts as a spokesperson for the party and leads the party in deciding policy.

The Leader of the House and The Manager of Opposition Business in the House
The Leader of the House is a minister appointed to make sure that the government’s business, especially bills and other matters, proceeds through the House of Representatives smoothly and efficiently. Their duties include timetabling debates, dealing with urgent business and planning government tactics. The Leader of the House works closely with the Prime Minister, Whips and the Clerks as well as their equivalent in the opposition, known as the Manager of Opposition Business in the House, to arrange and manage the chamber’s daily program. Normally, there is cooperation between the government and the opposition in this process.

Whips
The Chief Government Whip and the Chief Opposition Whip act as team managers who organise the activities of their party members in the chamber. Each Chief Whip has two Deputy Whips who assist them in their duties, including organising speakers in debates, ensuring that party members attend divisions and counting votes in the chamber (see Party Whip).
LEADERSHIP IN THE PARLIAMENT

Leadership roles in the Senate

The President
The President sits at the head of the Senate and is responsible for the orderly running of the chamber. The President is elected by the Senate from the 76 senators and is typically an experienced member of parliament (see President of the Senate).

The Leader of the Government in the Senate and The Leader of the Opposition in the Senate
The Leader of the Government in the Senate and the Leader of the Opposition in the Senate are each chosen by their party or parties to lead them in the chamber. While the Leaders sit at the main table of the Senate, they do not have the same powers as the Prime Minister or the Leader of the Opposition. However, they do act as their main party spokesperson in the Senate.

Minor parties
As in the House of Representatives, each minor party in the Senate also has a leader, who acts as a spokesperson for the party and leads the party in deciding policy.

The Manager of Government Business in the Senate and The Manager of Opposition Business in the Senate
In the Senate, the government and the opposition also appoint members of their team to arrange and manage their business. The Manager of Government Business in the Senate and the Manager of Opposition Business in the Senate liaise with each other, their party leaders and other colleagues to ensure the smooth flow of business through the Senate.

Whips
Each party in the Senate also chooses members of its team to be Whips, with similar roles to the Whips in the House of Representatives (see Party Whip).

LINKS
PEO website
Fact Sheet: Political Parties

APH website
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19

Left: Leader of the Government in the Senate, Senator the Hon Mathias Cormann
Middle: Leader of the Opposition in the Senate, Senator the Hon Penny Wong
Right: The President of the Senate, Senator the Hon Scott Ryan
The Mace is the symbol of the authority of the House of Representatives and the Speaker (see Speaker of the House of Representatives).

Function
At the start of each sitting day in the House of Representatives, the Mace is carried into the House by the Serjeant-at-Arms where it is placed on the central table (see Serjeant-at-Arms). The crown of the Mace always points to the government side of the chamber and the Australian Coat of Arms faces up. The Mace sits on the central table as long as the House is officially meeting and the Speaker or a deputy is present.

When not in use, the Mace is kept in a glass cabinet in the Speaker’s office.

Design
The Mace was made in London and was designed to resemble the Mace used in the British House of Commons. It is made of silver coated in gold and weighs about eight kilograms. The head bears a royal crown, the Australian Coat of Arms, the royal cipher (a monogram with the Queen’s initials) and emblems of the six Australian states. The crown is decorated with etchings of fruit, rams’ heads and wheat, to symbolise the importance of Australia’s sheep and agricultural industries.

History
In medieval times, the royal Serjeants-at-Arms carried a mace stamped with the Royal Arms. This was a weapon used to assert the authority of the monarch. By 1415, the House of Commons in the British Parliament had appointed its own Serjeant-at-Arms to serve the members of the House. The tradition of the Mace in the House of Representatives is taken from this practice in the House of Commons.

The Mace used in the House of Representatives was a gift to the Australian Parliament by the House of Commons and King George VI in 1951. The gift marked the Jubilee year (50th anniversary) of Australia’s federation.

LINKS
PEO website
Fact Sheet: House of Representatives

APH website
History and role of the Mace
www.tinyurl.com/APHmace
MAGNA CARTA

The Magna Carta, or ‘Great Charter’, dates back to 1215. It is seen as an important step in the development of democracy and the British Parliament, and has influenced the creation of founding documents such as the 1689 British Bill of Rights and the 1901 Australian Constitution.

1215 edition

The first version of the Magna Carta, written in 1215, was a peace treaty between King John of England and his barons. It established the principle that all people, including the king, had rights and responsibilities under the law.

Prior to the Magna Carta, King John had absolute power as a feudal monarch. He gave the barons their titles and estates (or lands) in return for their loyalty. King John was a cruel tyrant, who expected the barons to give him money and troops to fight a long and pointless war with France. The barons had to tax their people harshly to pay for the war and force men from their estates to fight in the ongoing conflict.

By 1215, the barons were fed up with the king’s behaviour and many rebelled against him. They seized the Tower Of London and demanded the king listen to them. In June, in a meadow at Runnymede, the king and the barons met and agreed on the terms of the Magna Carta. As was common practice, the document was copied out, fixed with the king’s seal and sent to all parts of the kingdom to be read out to the people, many of whom were illiterate.

In return for the barons pledging loyalty to King John, the Magna Carta limited the king’s power, with most of the document detailing the rights of the barons under the feudal system. However, it also described the rule of law, including the important point that the king was subject to the law, like all others. Individual rights and liberties were defined, with one of the most notable sections reading:

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

To no one will we sell, to no one deny or delay right or justice.
The following years

Almost immediately, King John ignored the Magna Carta and broke his agreement with the barons. He died in 1216 and his nine year old son, Henry III, became the king. As he grew, his guardians made three more editions of the Magna Carta, in an attempt to win back the support of the barons. Some changes were made, but many of the original ideas stayed the same.

In 1225, King Henry III issued the fourth, and heavily revised, version of the Magna Carta, in return for a kingdom-wide grant of tax. As his father had before him, the king fought with the barons. In 1264, Simon de Montford, a baron, overthrew the king and became the ruler. De Montford believed that the king’s power should be limited. He called together knights and non-noble representatives from across the kingdom to meet in a parliament. Although it would be many years before parliament met regularly and included commoners in its ranks, the idea of the modern parliament had begun.

In 1265, de Montford was killed on the battlefield by King Henry’s son, Edward, who succeeded his father as king in 1272. Throughout the 1200s, the Magna Carta was increasingly quoted as laws were made and petitions were prepared against the unfair use of power.

1297 Inspeximus edition

Edward I ordered that an Inspeximus edition of the Magna Carta be reissued in 1297, so called because it inspected and approved the document signed by a previous king. In this edition, King Edward declared that the Magna Carta would from then on be a part of common law and that any court judgements that went against it would be ‘undone and holden for naught’.

Legacy

Although written in medieval England, the Magna Carta’s significance has extended well beyond that time and place. In its original edition, it mainly focussed on the troubled relationship between a feudal king and his barons. However, the Magna Carta’s enduring legacy has been its statement of the basic rights and liberties of people under the law. This principle, first written into a document 800 years ago, has been developed and strengthened over the centuries, influencing documents as diverse as the 1776 US Declaration of Independence and the 1948 Universal Declaration of Human Rights.

Perhaps 24 copies of the various editions of Magna Carta remain in existence, mostly held in English libraries or public collections. Parliament House in Canberra has on public display one of only two copies of the original 1297 Inspeximus edition held outside England.

LINKS

PEO website
Closer Look – A short history of Parliament

APH website
Magna Carta
www.magnacarta.senate.gov.au

Other websites
The British Library
www.bl.uk/magna-carta
The Magna Carta committee
www.magnacarta.org.au
A proposal for a new law or a change to an existing one is called a bill (see Bills and Laws).

A bill can only become a law if it is passed by a majority vote in the House of Representatives and the Senate. The bill must be agreed to in identical form by both chambers, and given Royal Assent by the Governor-General. It is then known as an Act of Parliament.

**Stages of a bill**
Most bills are introduced into the House of Representatives and then sent to the Senate. Bills may commence in the Senate, except for money and taxation bills. Most bills are introduced by government ministers; however, other members of parliament can introduce their own bills, known as private members’ or private senators’ bills.

**Duration and number of bills**
It may take weeks or even months for a bill to pass through Parliament. However, an urgent bill can be passed in a matter of days. About 200 bills are introduced into Parliament each year and about 90 per cent are passed into law.

**History**
The practice of the Clerk reading the bill aloud three times dates back to the early days of the British Parliament, before printing was invented or many people could read. The Clerk had to read the bill aloud so that members of parliament knew what the bill was about.

**LINKS**
PEO website
Fact Sheet: Amendments

APH website
House of Representatives Infosheet: Making laws
www.tinyurl.com/Infosheet7

Senate Brief: The Senate and Legislation
www.aph.gov.au/Senate/briefs/brief08

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**MAKING A LAW**

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**THE usual PATH of a BILL**

**HOUSE OF REPRESENTATIVES**

- **1ST READING**
- **2ND READING**
  - House committee*
  - Consideration in detail*
- **3RD READING**
- **BILL IS PASSED**

**SENATE**

- **1ST READING**
- **2ND READING**
  - Senate committee*
  - Committee of the whole*
- **3RD READING**
- **BILL IS PASSED**

**GOVERNOR-GENERAL**

- **Royal Assent by the Governor-General**
- **BILL BECOMES AN ACT OF PARLIAMENT**

- **Royal Assent**—The Governor-General signs the bill.
- **Bill becomes an Act of Parliament**—a law for Australia.

*optional stage
MEMBERS OF THE HOUSE OF REPRESENTATIVES

There are 150 members elected to the House of Representatives. Each member represents one of Australia’s 150 electorates. On average, 150,000 people live in each electorate, with an average of 100,000 voters.

Members of the House of Representatives and senators are all referred to as members of parliament. The term ‘MP’ is short for ‘member of parliament’, but is only used for members of the House of Representatives. The term ‘member’ is also used only to refer to a member of the House of Representatives.

The duties of members are conducted both within the Parliament and their electorates.

Parliamentary role
During sitting weeks (about 18 to 20 weeks a year), members are engaged in parliamentary duties, including:

- debating and voting on bills (proposed laws)
- representing the views of people in their electorate
- working on parliamentary committees that examine important issues
- attending parliamentary party meetings to decide on party policy
- scrutinising (closely examining) the work of the government
- discussing issues of national and international importance.

Electorate role
When Parliament is not sitting, members are engaged in electorate duties, including:

- working on parliamentary committees to collect information from community organisations and lobby groups that want to present their views to Parliament
- helping constituents who may be having difficulties with issues such as taxes, immigration, health or pensions
- speaking with community groups such as pensioner associations and sporting clubs
- visiting schools and making presentations
- dealing with local concerns for constituents, such as road construction or environmental issues.

Working hours
Members work long hours, both in Parliament and in their electorates. Parliament meets for an average of eleven hours a day. However, members may begin their day in Parliament House at about 7am and end their day at 10pm or later. Members also spend many hours travelling, both between their electorate and Parliament House, and throughout their electorate.
MEMBERS OF THE HOUSE OF REPRESENTATIVES

Period of service
Elections for the House of Representatives are held at least every three years. Members can stand for re-election as many times as they like (see Federal Elections).

Addressing a member
In the House of Representatives, members are referred to by:

- their electorate name — for example, the Member for Newcastle, or
- if applicable, their ministry or shadow ministry — for example, the Minister for Health.

Some members who are or have been ministers or Presiding Officers may also use the title of ‘the Honourable’, abbreviated to ‘the Hon’.

History
Section 24 of the Australian Constitution states that the number of members of the House of Representatives shall be, as near as possible, ‘twice the number of senators’. The number of members in the first House of Representatives in 1901 was 75, as set out in the Constitution. This number has steadily increased since then, in line with the increase in Australia’s population.

The longest-serving member in the House of Representatives was William (Billy) Hughes, who was an MP from 1901 to 1951, including his time as Prime Minister from 1915 to 1923.

LINKS

PEO website
Fact Sheet: Parliament

APH website
House of Representatives Infosheet: The work of a Member of Parliament
www.tinyurl.com/Infosheet15
**MINISTERS AND SHADOW MINISTERS**

Federal ministers are members of the federal government who have been allocated an area of responsibility for how Australia is run. This area of responsibility is known as a portfolio. The way in which portfolios are created varies according to the government of the day. Some examples of federal ministerial portfolios include health, environment, finance, education, defence, foreign affairs, trade, community welfare, and immigration.

The Prime Minister and ministers are part of executive government. The executive is responsible for developing government policy and putting government decisions into action. The Australian Constitution gives the Queen executive power; in reality, it is the Prime Minister and ministers who perform the work of the executive government.

**How ministers are chosen**

The Prime Minister chooses experienced and knowledgeable government members to be ministers, and expects them to work together on behalf of the government.

There are usually about 20 ministers in the House of Representatives and about 10 in the Senate.

The most high-profile portfolios are given to the most experienced government members, and they become part of the Cabinet. This is the main decision-making group within executive government (see Cabinet).

**Role**

Most ministers are in charge of a government department or assist in the administration of a department, such as the Department of Defence, Department of Treasury or the Department of Health and Ageing. A government department is an organisation of people employed in the Australian Public Service. They assist ministers in developing government policy and implementing laws. Ministers work with their department, community organisations and professional associations to prepare new laws and change existing laws which need updating or improving. When a minister introduces a bill (proposed law) into the Parliament, they must explain why the law is necessary and how it will solve a particular problem. If the bill becomes a law, the minister and their department are responsible for putting the law into action.
MINISTERS AND SHADOW MINISTERS

Ministerial responsibility
Ministers are accountable for the actions of their department; if something goes wrong they are expected to take responsibility for it.

Ministers and the Public Service are answerable to the Parliament. Any member of parliament can hold the government to account by examining the work of any minister and their department. All ministers must be able to appear in Parliament each day during Question Time and respond to questions about how the government is running Australia (see Question Time).

Ministers and top-level officials from government departments may be required to attend Senate estimates hearings to explain the work of the department (see Senate Estimates).

Ministerial code of conduct
Each government sets its own ministerial code of conduct. This code is controlled by the executive, not the Parliament. It is not a law or regulation and can be changed.

Shadow ministers
Shadow ministers are members of the opposition, chosen by the Leader of the Opposition.

Shadow ministers have the important responsibility of scrutinising (closely examining) the work of the government and individual ministers. Each shadow minister concentrates on the work of a particular minister and government department. Shadow ministers also put forward and explain opposition policies. Top-level shadow ministers form a Shadow Cabinet which meets regularly to develop these policies.

If there is a change of government a shadow minister may become a minister. This is why it is important for them to understand the work of the department they ‘shadow’ and consider how they would run their portfolio.

Frontbenchers
Ministers and shadow ministers are also referred to as frontbenchers, as they sit on the front row of seats in the House of Representatives or the Senate.

Ministers and shadow ministers in the House of Representatives
Ministers and shadow ministers in the Senate

LINKS
PEO website
Fact Sheet: Backbenchers and Frontbenchers

APH website
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
Senate Brief: Ministers in the Senate
Ministry and Shadow Ministry
www.aph.gov.au/Senators_and_Members/Members
NATIONAL SYMBOLS

Coat of Arms
The Commonwealth Coat of Arms is the formal symbol of the Commonwealth of Australia. It is used to identify the authority and property of the Australian Government, the Australian Parliament and Commonwealth courts. For example, it appears on the cover of Australian passports, government buildings and some 50 cent coins.

The first Commonwealth Coat of Arms was introduced on 7 May 1908. The second was introduced on 19 September 1912 and is still used today.

The Commonwealth Coat of Arms contains a shield with the symbols of the six Australian states. These symbols are enclosed in a border to represent federation in 1901, when the states united to form a nation. The shield is held by two native Australian animals, a kangaroo to the left and an emu to the right. The gold Commonwealth Star above the shield has seven points. One point represents each of the six states and the seventh point represents all the territories. There is a scroll displaying the word 'Australia' beneath the shield. The national floral emblem, golden wattle, forms the background.

Australian flags
The Australian national flag is the country’s most recognisable symbol. It was first flown on 3 September 1901 at the Royal Exhibition Building in Melbourne. However, it was not proclaimed as the official national flag until 1953.

The flag includes a Union Jack, a white Commonwealth Star and the Southern Cross, all on a blue background. The Union Jack represents Australia’s historical link with the United Kingdom and our continuing place in the Commonwealth.

The Commonwealth Star has seven points which represent the six states and the territories of Australia. The seventh point was added in 1908 and has been the only change to the flag.

The Southern Cross is a constellation of stars which can only be seen in the southern hemisphere.

Australia has other official flags, including the Australian Aboriginal flag and the Torres Strait Islander flag. These flags were proclaimed on 14 July 1995.

The Australian Aboriginal flag was first flown on 12 July 1971 at Victoria Square in Adelaide. The flag is made up of three colours – black, red and gold. Black symbolises Australian Indigenous people. Red symbolises the colour of earth and ochre, which is used in Indigenous ceremonies. The circle of gold in the centre of the flag represents the sun.

The Torres Strait Islander flag was adopted in May 1992. It contains a white dhari, a traditional dancer’s headdress, which is an important symbol for Torres Strait Islanders. Below the dhari is a white five-pointed star, a symbol of sea navigation. The five points represent the island groups in the Torres Strait and white represents peace. These symbols are on a blue background, surrounded by panels of green and black. Blue represents the sea, green represents the land and black represents the people.
National anthem

*Advance Australia Fair* is Australia’s national anthem. It was written by Peter Dodds McCormack in 1878, but did not become Australia’s national anthem until much later.

From 1901 to 1974, Australia’s national anthem was *God Save the King/Queen*. In 1973, a competition was held for a new national anthem. The judges decided that the entries did not meet the standard of other popular Australian songs – *Advance Australia Fair*, *Waltzing Matilda* and *Song of Australia*. They recommended that one of these three songs be chosen as the new national anthem. In a national poll conducted in 1974, 51.4% of people chose *Advance Australia Fair*, followed by 19.4% who voted for *Waltzing Matilda*. As a result, the Whitlam government changed the national anthem to *Advance Australia Fair*.

In 1976, the Fraser government reinstated the use of *God Save the Queen*. In 1977, another poll was conducted and *Advance Australia Fair* was again chosen.

A further seven years passed, before *Advance Australia Fair* was proclaimed the national anthem by the Governor-General on 19 April 1984.

National floral emblem

Australia’s national floral emblem is the golden wattle, *Acacia pycnantha*. It was proclaimed by the Governor-General on 19 August 1988.

When in flower, the golden wattle is green and gold, Australia’s national colours.

The floral emblem has been used in many official designs, including stamps, currency, awards and the Commonwealth Coat of Arms. The emblem of the Order of Australia is a single wattle flower.

The first day of September each year is National Wattle Day. It is around this time of year that the golden wattle starts to bloom.

National colours

Australia’s national colours are green and gold.

Green and gold are colours found in the Australian environment. Gold represents sand, grain, fleece and mining. Green represents trees and crops. Green and gold are also the colours of Australia’s national floral emblem, the golden wattle.

Green and gold were proclaimed the national colours on 19 April 1984, together with the national anthem. These colours are mainly associated with Australia’s sporting achievements in international events, such as the Olympic Games.

Champion BMX rider Caroline Buchanan, riding in Australia’s national colours at the London 2012 Olympic Games

**LINKS**

Other websites
It’s an Honour
www.itsanhonour.gov.au
Australian National Botanic Gardens: Floral Emblems of Australia
OPPOSITION

The opposition is formed by the largest party or coalition of parties that does not have the support of the majority of members in the House of Representatives.

The opposition is sometimes called the alternative government, because it could form government if it was to win the support of the majority of members.

Although the opposition is formed in the House of Representatives, there are also members of the opposition in the Senate. The opposition may or may not hold the majority of seats in the Senate.

Opposition responsibilities

The responsibilities of the opposition include:

- scrutinising (closely examining) the work of the government
- asking the government to explain its actions
- debating bills (proposed laws) in the Parliament
- working on committees that examine bills and important national issues
- providing alternatives to government policies.

Opposition leadership

By convention, the Leader of the Opposition sits in the House of Representatives. There is also a head of opposition in the Senate called the Leader of the Opposition in the Senate.

Some members of the opposition are selected by the Leader of the Opposition to be shadow ministers and are responsible for examining the work of ministers. For example, the Shadow Minister for Foreign Affairs scrutinises the work of the Minister for Foreign Affairs (see Ministers and Shadow Ministers).

The Leader of the Opposition and top-level shadow ministers make up the Shadow Cabinet. The Shadow Cabinet is the leading decision-making group in the opposition, meeting regularly to develop opposition policies.

LINKS

PEO website
Fact Sheet: Leader of the Opposition

APH website
H of R Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
The Australian Parliament consists of the Queen (represented by the Governor-General), the Senate and the House of Representatives. The Parliament is located in Canberra, in the Australian Capital Territory.

In 1901 the Australian Constitution established the Australian Parliament, also known as the federal Parliament or the Commonwealth Parliament.

The Australian Parliament has four main roles:

- Making and changing federal laws.
- Representing the people of Australia.
- Providing a place where government is formed.
- Keeping a check on the work of the government.

Law-making

The Parliament makes new laws and amends existing laws. To make or amend a law, a bill (a proposed law) must be introduced into the Parliament. Most bills are introduced by ministers, although non-government members of parliament may introduce their own bills. Bills are debated and voted on by members of parliament.

A bill becomes a law if it is passed with a majority vote in the House of Representatives and the Senate and is given Royal Assent (approval) by the Governor-General. A law is then also known as an Act of Parliament. Each year, Parliament introduces about 200 bills and passes about 160 bills (see Bills and Laws). A bill is usually a response to a problem or a way to improve things for the people of Australia.

Representing Australians

Members of parliament represent the views and interests of Australians.

There are 150 members elected to the House of Representatives (also referred to as MPs). Each member represents one of the 150 electorates in Australia. On average, 100,000 voters live in each electorate.

Seventy-six senators represent Australian states and territories. There are twelve senators from each state and two senators from each territory.

Members of parliament represent their electorates or states/territories by finding out about people’s interests and concerns and by speaking about them in Parliament. Members of parliament assist constituents who may be having difficulties with issues such as pensions, migration and taxation (see Members of the House of Representatives and Senators).

Members of parliament also represent the people by considering how bills and decisions of Parliament will affect those in their electorate or state/territory.

Formation of government

The Parliament provides an institution in which the government is formed from the party (or coalition) with the support of the majority of members in the House of Representatives. As the government is made in the House of Representatives, it can also be unmade if it does not retain the confidence, or support, of the majority of members. Although the government is formed in the House of Representatives, both the government and opposition also have members elected to the Senate (see Government).

The government manages important national issues like trade, immigration or the environment. Laws passed by the Parliament are put into action by the government. The government also represents Australia internationally.
Checking the work of the government

The Parliament scrutinises (closely examines) the work of the government in several ways, including:

- examining bills, in chamber debates and parliamentary committees
- analysing government decisions in major policy debates
- participating in Senate estimates hearings three times a year, to investigate how the government has spent tax-payers’ money
- questioning the government each day at Question Time in both the House of Representatives and the Senate.

(see Parliamentary Committees and Question Time).

Parliamentary scrutiny helps to ensure the government acts responsibly when managing Australia’s affairs, spending public money and serving the interests of the people.

LINKS

APH website
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
Senate Brief: The Role of the Senate
www.aph.gov.au/Senate/briefs/brief10

Australia’s Parliament House, Canberra
Parliament House is located on Capital Hill in Canberra. The 226 members of parliament meet here to represent the Australian people and make decisions for the nation. Parliament House is a unique building which has become an enduring symbol of Australia’s democracy.

Parliament House was designed by Mitchell/Giurgola and Thorp Architects, whose design was selected from 329 entries in international competition. Opened by Queen Elizabeth II on 9 May 1988, it replaced the provisional Parliament House. Old Parliament House, as it is now called, opened in 1927 and was only intended to be a temporary home for the Parliament. By the 1980s the Parliament had outgrown this building, with three thousand people working in a space originally designed to accommodate 300. It was decided that the Parliament needed a permanent home.

10,000 people worked on the construction of Parliament House, which is built almost entirely of Australian materials. It took seven years to complete at a cost of $1.1 billion. Parliament House is one of the largest buildings in the southern hemisphere. It is 300 metres long and 300 metres wide, has a floor area of more than 250,000 square metres and 4500 rooms. When Parliament meets, 4000 to 5000 people work in the building.

The design is based on two huge curved walls, each 460 metres in length, which separate Parliament House into four main zones:
- the House of Representatives chamber and offices on the eastern side
- the Senate chamber and offices on the western side
- a central zone which includes ceremonial and public spaces
- the executive government wing on the southern end of the structure.

The building is designed to blend with the environment. One million cubic metres of earth and rock were removed so that the central zone of Parliament House could be built into Capital Hill. It was placed within the two curved walls and covered over with grass to recreate the shape of the hill.

The Forecourt, which is the main entrance to Parliament House, is designed to invite people into the building to observe the democratic process. A large open space, it is framed by two walls that appear to be outstretched as if in a gesture of welcome.
The two curved walls in Parliament House also separate the two chambers. This separation represents Australia’s bicameral parliamentary system in which laws can only be passed if both houses agree. The House of Representatives and Senate chambers are the largest spaces in the building. Members of parliament meet in the chambers to debate bills (proposed laws) and represent the people from their electorate or state/territory.

The colours of the chambers are based on those used in the British Parliament, with red for the Senate and green for the House of Representatives. These traditionally rich colours have been adapted to reflect the Australian landscape. The green used in the House of Representatives and the red in the Senate are similar to the grey-green and red ochre colours of Australian native plants, such as eucalypts.

The distinctive flagmast marks the exact centre of the building, stands 81 metres high and weighs 220 tonnes. It is one of the largest stainless steel structures in the world. The Australian flag flies over Parliament House 24 hours a day and is about the size of the side of a double-decker bus.

**LINKS**

PEO website
Closer Look: Australia’s Parliament House
PARLIAMENTARY COMMITTEES

Parliamentary committees are an important part of the work of the Parliament. They investigate issues and bills (proposed laws) in detail, so that the Parliament can be well-informed before making decisions of national significance.

One of the roles of the Parliament is to make laws for the nation. However, there is often limited time to debate complex issues in detail in the parliamentary chambers. Members of parliament can vote to appoint a committee to take on this role. A committee may have weeks or even months to make a closer study of an issue.

Types of committees

There are several types of committees:

- Standing committees operate continuously and concentrate on examining bills and issues relating to particular subjects. For example, the House of Representatives Standing Committee on Education and Employment examines bills and issues relating to these two areas.

- Select committees are set up by the Parliament to examine specific issues. A minister may establish a select committee to investigate a policy issue. After a report is presented to Parliament, the committee disbands. For example, in 2009 the Senate Select Committee on Agricultural and Related Industries inquired into the impact of bushfires in Australia.

- Estimates committees usually meet three times a year to scrutinise how the government has spent Budget funds. The only witnesses who appear before an estimates committee are ministers and senior public servants in government departments (see Senate Estimates).

In recent years, committees have become more important in the work of the Parliament, especially since law-making is increasingly more complex. Committees are also a powerful way to bring Parliament to the people and allow a greater variety of opinions to be heard.

Membership

Most members of parliament, except ministers, serve on parliamentary committees. These committees are usually made up of six to ten government and non-government members of parliament.

Committees may consist of senators or members of the House of Representatives, or may be established as joint committees which include members of both houses of Parliament. One committee member is voted to be the chairperson who runs the committee proceedings.

Each committee has a secretariat – a group of parliamentary employees who assist with running the hearings and writing a report to present to the Parliament.

Procedure

When Parliament establishes a committee of inquiry, it decides on the terms of reference — that is, the specific purpose of the inquiry. The committee advertises in newspapers and invites written submissions from the community, experts and interest groups regarding the issue.

Committee members read the submissions and may invite selected people or groups to appear before the committee to provide further evidence or answer questions from committee members.

Committees take place at Parliament House, but also travel all over Australia to discuss issues with many different people.

Committee hearings are usually formal public meetings of the Parliament. Hansard reporters record everything that is said. Submissions and hearings are published in Hansard and are available on the Parliament House website. The media often attend and report on proceedings. After the public hearings are finished, the committee writes a report which is formally presented to the Parliament. Members of parliament often use evidence from a committee report to propose bills or amendments to existing laws.

LINKS

APH website
Parliament House virtual tour
virtualtour.aph.gov.au
Committees
www.aph.gov.au/Parliamentary_Business/Committees
House of Representatives Infosheet: Committees
www.tinyurl.com/Infosheet4
Senate Brief: Senate Committees
www.aph.gov.au/Senate/briefs/brief04

A parliamentary committee in action
PARTY WHIP

The party whip is a member of parliament who is selected by their parliamentary party to take on the role of team manager. Each party has whips who work in the House of Representatives or the Senate.

Role

The whip’s role is so diverse and busy that the major parties have a chief whip and two deputy whips. They have several responsibilities, including:

- meeting with the whips of opposing parties to plan the parliamentary day, set the agenda and sort out procedural details
- organising a list of party members who wish to speak on bills (proposed laws) and other business and giving this to the Speaker or President
- making sure that all party members attend and vote as a team in a division
- counting and recording the votes in a division
- providing advice and support for party members
- ensuring that party decisions are carried out
- negotiating ‘pairs’ from opposing parties, so that numbers between the government and opposition are kept in balance if members of parliament are absent.

In the chamber

In the House of Representatives, whips sit in the back row behind their party. In the Senate, whips sit among their party and towards the President. In both cases, the whips are positioned in the chamber so that they are able to see who is present and what is happening among party members.

Whips are quite visible as they move around the chamber speaking to colleagues, organising the business of the party and making decisions with opposing party whips, the Clerks, the Speaker or the President.

History

The term ‘whip’ comes from the sport of fox-hunting in England. The whipper-in was the person who whipped all the hunting hounds into a pack, pointed them in the right direction to chase the fox and ensured that the pack did not stray. The use of the term ‘whip’ may date back as far as the seventeenth century in the British Parliament.

LINKS

PEO website
Fact Sheet: Political Parties

APH website
House of Representatives Infosheet: The House, Government and Opposition
www.tinyurl.com/Infosheet19
A petition is a request by a group of citizens for Parliament to take action to solve a particular problem. It is the oldest and most direct way that citizens can draw attention to a problem and ask Parliament to help them. The Australian Parliament receives many petitions each year on many different subjects.

Form and content

In the House of Representatives, a petition can be presented on paper or electronically. To be accepted it must follow the standing orders of the House and be about something the House is responsible for. It also must be clear what the petition is asking the House to do. The petition must be addressed to the Speaker and members of parliament. It cannot promote anything illegal, contain offensive language or be longer than 250 words.

A petition to the Senate may also be presented on paper or electronically, and must follow the Senate standing orders. It must be addressed to the whole chamber and contain a request for action written in respectful language. A senator must present a petition to the chamber on behalf of the petitioners and it must be certified by the Clerk as being in accordance with the standing orders.

Presentation to the Parliament

The Senate and House of Representatives each have rules about how a petition can be presented to the chamber.

In the House of Representatives, petitions are presented on Mondays by the chair of the Petitions Committee. These are presented along with any responses by government ministers to petitions previously presented to the House. The chair will usually give a short speech at the same time. Petitions can also be presented by another member of parliament.

Petitions can be presented to the Senate on any sitting day.

After a petition has been presented to Parliament, the text of the petition and number of signatures is printed in Hansard. A petition may be forwarded to the minister responsible for the matter raised in the petition for further consideration.
History

The right to petition the monarch and parliament to solve a problem dates back to the thirteenth century in Britain. At that time, proposed laws were little more than petitions to the monarch. Petitions in their current form date from the seventeenth century.

In the Australian Parliament, one of the most famous petitions was presented to the House of Representatives in 1963. This petition was presented by a member on behalf of the Yolgnu people of Yirrkala in the Northern Territory. It requested Parliament recognise their traditional land on the Gove Peninsula in Arnhem Land, which was under threat from mining. This petition combined bark painting, text in English and Yolgnu, and was decorated with Aboriginal designs. The petition is on public display in Parliament House. As a result of the Yirrkala Petition, the Parliament established a select committee to investigate the issue.

Some unusual petitions have been presented to the Senate, including one that was written on a jacket and continued on a roll of cloth. This petition related to the textile, clothing and footwear industries and was presented on 2 April 1992.

LINKS

APH website
Petitions
www.aph.gov.au/Parliamentary_Business/Petitions
A political party is an organisation that represents a particular group of people or set of ideas. It aims to have members elected to Parliament so their ideas can affect the way Australia is governed.

Political parties have branches located around Australia. Party members in each branch suggest ideas for party policies. They help choose, or pre-select, party candidates for local, state and federal elections. They also assist with election campaigns, distribute ‘how to vote’ cards on Election Day, and help scrutinise the counting of votes. Before a political party can enter a candidate in an election, it must officially register with the Australian Electoral Commission. It also has to meet certain regulations under the Electoral Act, such as having a written constitution and at least 500 members who are eligible to be on the electoral roll.

The two biggest parties in Australia are the Liberal Party of Australia and the Australian Labor Party. Smaller parties, also called minor parties, include the Nationals, the Australian Greens, the Country Liberal Party, Katter’s Australian Party, the Nick Xenophon Team, Pauline Hanson’s One Nation, Derryn Hinch’s Justice Party, the Jacquie Lambie Network, the Liberal Democratic Party and Family First.

Parliamentary parties
A political party becomes a parliamentary party when it has party members elected to a parliament at the federal, state or territory level.

Parliamentary parties are powerful because their members work as a team and generally vote the same way on issues before the parliament.

Coalitions
A coalition is formed when two or more political parties join together. In a parliament, parties may form a coalition to create a bigger group and gain more power. In the federal Parliament, parties that form a coalition sit next to each other in the House of Representatives and Senate. They generally vote the same way, although they may have different ideas on particular bills (proposed laws). Each party in a coalition usually holds separate party meetings.

A coalition that forms federal government may choose several ways of working together. For example:
- the Prime Minister is usually drawn from the larger party
- the Deputy Prime Minister is usually drawn from the smaller party
- ministries may be shared between the two parties according to the ratio of seats held by the two parties.

The Liberal Party of Australia and the Nationals have formed the longest-running coalition in the federal Parliament. These two parties are currently running a coalition government and have also done so in the three periods 1949 to 1972, 1975 to 1983, and 1996 to 2007.

Minor parties
Minor parties only have a small number of members elected to Parliament. They may form part of the government or the opposition through a coalition or agreement with another party. If this is not the case, they sit with the Independents on the seats that curve around at the end of each chamber. These seats are called non-government seats in the House of Representatives and cross-benches in the Senate.

Sometimes minor parties can hold the balance of power. This means that their vote may decide the outcome of an issue if the government and opposition disagree.
Party meetings
During sitting weeks, each parliamentary party has a party meeting which is held in their party room.

The main purpose of party meetings is to decide how the party will work as a team in the Parliament. In party meetings, members of parliament may:

- elect office-holders such as the party leader, ministers and the whips (team mangers)
- debate and make decisions about party policy
- discuss tactics and organise party members to speak on particular bills
- resolve potential conflict and differences of opinion to ensure party unity.

Party meetings are only for party members and are confidential.

When not in Parliament, political parties also hold branch meetings. These meetings are generally open to all members of the party, as well as members of the public who are interested in becoming involved.

History
In the first decade after federation, the major parties in the federal Parliament were the Free Trade Party, the Protectionist Party and the Australian Labor Party. The Australian Labor Party is the oldest Australian political party and was formed by the trade union movement in the 1890s.

LINKS
APH website
Members
www.aph.gov.au/Senators_and_Members/Members
Senators
Other websites
Australian Electoral Commission: Current Register of Political Parties
www.tinyurl.com/AECpolitical-parties

PREPARING FOR A NEW PARLIAMENT

In Australia, the federal electoral cycle is determined by the Australian Constitution and the Commonwealth Electoral Act 1918. The House of Representatives can meet for a maximum of three years from the opening of the Parliament before its members must face re-election. The Prime Minister chooses the date for a federal election. This could be at any time during the three-year term.

Prorogation of Parliament and Dissolution of the House of Representatives

The Governor-General brings the work of the Parliament to a close by issuing a special proclamation called a prorogation. This is an ancient power of the British Crown adopted in the Australian Parliament as a formal way of closing Parliament. A prorogation may occur at any time, but nowadays is usually used only before an election is called.

The House of Representatives is then dissolved (brought to an end). The dissolution of the House of Representatives triggers the issuing of writs for the election of new members to the House.

Half-Senate elections (to elect half of the 72 state senators plus the four senators representing the two territories) are usually held at the same time as elections for the House of Representatives, though they need not be (see Federal Elections).

The entire Senate is not dissolved, except in the special case of a double dissolution election under section 57 of the Constitution (see Double Dissolution).

Caretaker government

After the Parliament is prorogued, bills and other business before the House of Representatives and the Senate lapse, and will need to be reintroduced in the next Parliament. After the House is dissolved, the government becomes a caretaker government and, by convention, does not make major decisions, except in consultation with the opposition. The sittings of the Senate are terminated, but Senate committees may still operate. Parliamentary business can resume once the opening ceremony for the new Parliament has been held.

Opening a new Parliament

A new Parliament starts with an opening ceremony with some traditional practices borrowed from the British Parliament. One such practice is that the new Parliament is declared open in the Senate rather than the House of Representatives. This is so the Governor-General can attend and deliver a speech. This tradition dates back to the practice of the British Parliament in which, since the seventeenth century, the monarch has not entered the House of Commons. In Australia, the Governor-General does not enter the House of Representatives.

An important part of the opening ceremony is the swearing-in of all members of the House of Representatives, as well as the four senators elected to represent the two territories. New state senators are sworn in after the following 1 July.

A modern addition to the opening of a new Parliament is an Aboriginal Welcome to Country ceremony, which was held for the first time in February 2008 before the opening of the 42nd Parliament.

LINKS

APH website
House of Representatives Infosheet: A new parliament
www.tinyurl.com/Infosheet9
Senate Brief: The Opening of Parliament
www.aph.gov.au/Senate/briefs/brief02
**PRESIDENT OF THE SENATE**

The President is a senator who is chosen as the Presiding Officer. This means that in addition to representing their state or territory, the President is responsible for running the meetings of the Senate.

The President of the Senate and the Speaker of the House of Representatives are both Presiding Officers. The President is addressed as Mr or Madam President.

**Choosing the President**

All 76 senators vote to elect the President. This is conducted by a secret vote on the first sitting day after 1 July following a Senate election. The President is usually a member of the government with a lot of parliamentary experience. They are expected to treat all senators fairly and equally. A Deputy President is also elected to assist the President. Major parliamentary parties nominate a panel of Acting Deputy Presidents to share the load of chairing the Senate throughout the day.

**Chamber role**

The President has several responsibilities within the chamber, including:

- running meetings of the Senate, much like a chairperson runs a meeting
- making sure that the rules of the Senate, known as the standing orders, are obeyed
- participating in special ceremonial occasions, such as the opening of Parliament.

**Department role**

When not in the chamber, the President works from an office in the Senate and has several responsibilities, including:

- overall responsibility for the Department of the Senate, including budgets, staffing and allocation of senators’ offices
- working with the Speaker of the House of Representatives to ensure that many services in Parliament House are maintained, including broadcasting and computing services, and the cleaning and upkeep of Parliament House and its surrounds
- representing the Senate in dealings with the House of Representatives, the government, the Governor-General, other parliaments or foreign heads of state.

**Representation in the Senate**

(See Senators)

The President does not usually participate in debates. However, in accordance with section 23 of the Australian Constitution, they vote along with other senators. This provision was included in the Constitution to ensure that all states have equal representation when votes are taken. In the event of a tied vote, a question is resolved in the negative (lost), because a majority vote has not been reached.

**President’s Chair**

The President’s Chair is located at one end of the Senate facing the U-shaped seating. It is the focus of parliamentary meetings, positioned so that the President can see and hear everything that happens in the chamber and so that everyone in the chamber can see the President.

The President’s microphone is always switched on, unlike those of other senators. This means that the President can always be heard and is able to maintain order in the chamber.
Vice Regal Chair

Situated behind the President’s Chair is the Vice Regal Chair. This is used by the Queen or the Governor-General. When the Vice Regal Chair is occupied, it is moved forward and the President’s Chair is moved to the right of its usual location.

A third chair to the left of the Vice Regal Chair is for distinguished visitors to the Senate, such as visiting heads of state. When this chair is in use it is placed immediately to the left of the President.

History

The name of the President of the Senate was borrowed from the United States Congress (US legislature). Although the Australian Constitution was drafted with reference to the English and US systems of parliamentary democracy, the role of the President in the Senate is different to that of English and US parliamentary presiding officers.

LINKS

PEO website
Fact Sheet: Senate

APH website
Senate Brief: The President of the Senate
www.aph.gov.au/Senate/briefs/brief06
PRESS GALLERY

The press gallery is made up of approximately 250 journalists and related staff who work for newspapers, television, radio stations and other organisations that collect and publish information. The press gallery also describes the area of Parliament House in which journalists work. This includes offices, broadcasting studios and special viewing areas above the Presiding Officer’s chair in both the Senate and House of Representatives.

Role

The role of the press gallery is to gather information and publish stories about what happens in federal Parliament. The stories might include items about Question Time, policies and decisions of the government and opposition and particular people such as ministers and shadow ministers.

Relationship with the Parliament

The press gallery and members of parliament both wish to publicise the work of the Parliament. Members of parliament depend on the media to inform the public about what is happening in the Australian Parliament. Ministers and shadow ministers are interviewed on television and radio from the Parliament House studios so that they can explain what they are doing in Parliament. Members of parliament call press conferences, inviting the press gallery to hear and ask questions about a particular issue. Members may also be interviewed as they enter and leave Parliament House; this is known as a doorstop interview. Members of parliament and the media do not always agree on events and the media may publish highly critical accounts of parliamentary activities.

The press gallery is influential because the journalists and media organisations are free to select the news and publish what they think is interesting and important. They decide which members of parliament they will interview and publicise. Journalists have a professional responsibility to find the truth about a subject and to compare information from different sources. In this way, the media exercises an important scrutinising role in the Parliament.

Relationship with the public

The public relies on the media to scrutinise the Parliament and government and to search out the truth of events and stories. As a result, the media have a lot of influence on public opinion, and members of parliament are careful in the way they work with journalists.

In the chambers

In both the House of Representatives and the Senate, there are special seats reserved for the press gallery. These are located above and behind the Speaker and the President where the journalists can see and hear everything that is happening. Subject to the Presiding Officers’ approval, journalists sit in these galleries and take notes, especially during Question Time. They also watch the proceedings on television in their offices so that they can copy video clips for news programs.

LINKS

APH website
House of Representatives Infosheet: Finding out about the House
www.tinyurl.com/Infosheet12
PRIME MINISTER

The Prime Minister is the leader of the Australian Government and the leader of the nation. By convention, the Prime Minister is a member of the House of Representatives who leads the parliamentary party, or coalition of parties, with the support of the majority of members in the House.

Choosing the Prime Minister
The Prime Minister is chosen by a vote of the members of the government. The Prime Minister can keep their job as long as they are a member of parliament and retain the support of the government.

Australia has no maximum period of service for a Prime Minister, unlike countries such as the United States, where the President can only serve for two four-year terms.

Role
The Prime Minister is the most powerful person in Parliament. They have many tasks, including:

- chairing meetings in which the government discusses policies and examines bills (proposed laws)
- selecting members of the government to be ministers
- leading Cabinet (Prime Minister and ministers) in deciding government policy
- acting as the chief government spokesperson
- representing the Australian Government overseas
- advising the Governor-General about important issues such as the appointment of ambassadors and heads of government departments
- advising the Governor-General about constitutional matters
- deciding when to call a federal election and leading the government in the election.

House of Representatives
When in the House of Representatives, the Prime Minister sits at the central table in front of the government and directly opposite the Leader of the Opposition. As the head of the Australian Government, they take the lead in presenting major speeches to Parliament about government policy and answering many questions directed to the government during Question Time (see Question Time).

The Australian Constitution
Although the Prime Minister is often seen as the most important person in the Parliament, the role is not mentioned in the Australian Constitution. The Prime Minister works according to practices and customs that developed over hundreds of years in the British Parliament and were then adopted by the Australian Parliament.

The Prime Minister’s residences
There are two official residences that can be used by the Prime Minister and their family:

- The Lodge, in Canberra
- Kirribilli House, in Sydney.

History
The Hon Scott Morrison MP is the current Prime Minister. Australia has had 30 prime ministers.
<table>
<thead>
<tr>
<th>NAME</th>
<th>PARTY</th>
<th>TERM</th>
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<tr>
<td>Sir Edmund Barton</td>
<td>PROT</td>
<td>01.01.1901 – 24.09.1903</td>
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<tr>
<td>Alfred Deakin</td>
<td>PROT</td>
<td>24.09.1903 – 27.04.1904</td>
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<tr>
<td>John (Chris) Watson</td>
<td>ALP</td>
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<td>FT*</td>
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<tr>
<td>Alfred Deakin</td>
<td>PROT*</td>
<td>05.07.1905 – 13.11.1908</td>
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<td>13.11.1908 – 02.06.1909</td>
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<tr>
<td>Alfred Deakin</td>
<td>PROT</td>
<td>02.06.1909 – 29.04.1910</td>
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<td>Andrew Fisher</td>
<td>ALP</td>
<td>29.04.1910 – 24.06.1913</td>
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<tr>
<td>Sir Joseph Cook</td>
<td>LIB</td>
<td>24.06.1913 – 17.09.1914</td>
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<tr>
<td>Andrew Fisher</td>
<td>ALP</td>
<td>17.09.1914 – 27.10.1915</td>
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<tr>
<td>William (Billy) Hughes</td>
<td>ALP</td>
<td>27.10.1915 – 14.11.1916</td>
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<td>NL</td>
<td>14.11.1916 – 17.02.1917</td>
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<td>17.02.1917 – 09.02.1923</td>
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<td>Stanley Bruce</td>
<td>NAT*</td>
<td>09.02.1923 – 22.10.1929</td>
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<tr>
<td>James Scullin</td>
<td>ALP</td>
<td>22.10.1929 – 06.01.1932</td>
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<tr>
<td>Joseph Lyons</td>
<td>UAP</td>
<td>06.01.1932 – 09.11.1934</td>
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<td>09.11.1934 – 07.04.1939</td>
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<tr>
<td>Earle Page</td>
<td>CP*</td>
<td>07.04.1939 – 26.04.1939</td>
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<tr>
<td>Sir Robert Menzies</td>
<td>UAP</td>
<td>26.04.1939 – 14.03.1940</td>
</tr>
<tr>
<td></td>
<td>UAP*</td>
<td>14.03.1940 – 29.08.1941</td>
</tr>
<tr>
<td>Sir Arthur Fadden</td>
<td>CP*</td>
<td>29.08.1941 – 07.10.1941</td>
</tr>
<tr>
<td>John Curtin</td>
<td>ALP</td>
<td>07.10.1941 – 05.07.1945</td>
</tr>
<tr>
<td>Francis (Frank) Forde</td>
<td>ALP</td>
<td>06.07.1945 – 13.07.1945</td>
</tr>
<tr>
<td>John Gorton</td>
<td>LP*</td>
<td>10.01.1968 – 10.03.1971</td>
</tr>
<tr>
<td>Sir William (Billy) McMahon</td>
<td>LP*</td>
<td>10.03.1971 – 05.12.1972</td>
</tr>
<tr>
<td>Edward (Gough) Whitlam</td>
<td>ALP</td>
<td>05.12.1972 – 11.11.1975</td>
</tr>
</tbody>
</table>

**Party Abbreviations**

ALP: Australian Labor Party  
CP: Country Party  
FT: Free Trade  
LP: Liberal Party of Australia  
LIB: The Liberal Party  
UAP: United Australia Party  
NAT: Nationalist Party  
PROT: Protectionist  
NL: National Labor

*Coalition government

Note: The Liberal Party (LIB) is a different party to the Liberal Party of Australia (LP).

**Source:** Australian Electoral Commission website  

**LINKS**

PEO website  
Fact Sheet: Government  

APH website  
House of Representatives Infosheet: The Australian system of government  
www.tinyurl.com/Infosheet20

Other websites  
Prime Minister of Australia  
www.pm.gov.au/
QUESTION TIME

Question Time occurs in both the House of Representatives and the Senate and is one of the ways the Parliament scrutinises, or closely examines, the work of the executive government (Prime Minister and ministers).

Purpose

Question Time allows the opposition to ask executive government questions and to critically examine its work. Ministers are called upon to be accountable and explain their decisions and actions in their portfolios (areas of government responsibility). Question Time also provides ministers with an opportunity to present their ideas, their leadership abilities and their political skills.

During Question Time, the opposition also has a chance to present themselves as the alternative government.

Procedure

Question Time begins with the Speaker or President calling for questions without notice and asking ‘are there any questions’? The first question always comes from the opposition. The government and opposition in turn then put questions to the Prime Minister or ministers.

Question Time is recorded for television and in print form.

Question Time can be loud and argumentative, with plenty of lively debate and interjection. Each chamber is full during Question Time and the press gallery is always there to report on proceedings (see Press Gallery).

Schedule

Question Time occurs at 2pm every day when Parliament is sitting and usually lasts for about one hour. By custom, the Prime Minister decides how long Question Time will last and indeed if it will be held at all. The Australian Parliament has a long tradition of expecting the government of the day to hold itself accountable during Question Time.

Questions without notice

Ministers do not know the content of questions posed by the opposition during Question Time. These are likely to be tough, designed to test ministers’ capacity to answer quickly and confidently. During Question Time, government backbenchers also pose questions to ministers, in order to highlight government policies and achievements. These are prepared prior to Question Time and are known as ‘Dorothy Dixers’, after a magazine columnist who used to write her own questions and answers.
Questions on notice

At the conclusion of Question Time, the Prime Minister in the House of Representatives and the Leader of the Government in the Senate will ask ‘that further questions be placed on the Notice Paper’.

Questions on notice are written questions directed to ministers by members of parliament, placed on the Notice Paper (daily agenda) and answered in writing by ministers. These questions are used to obtain more detailed information about government policy and actions on particular issues. Questions and answers are not read out in the chamber, although they are printed in Hansard. Many questions on notice are submitted to the Parliament every year.

History

Question Time has evolved in the Australian Parliament over a long period of time. The first Parliament made provision for questions on notice to be asked and the answers were read to the chamber by the relevant minister. Over time, questions without notice were also put to ministers, particularly in regard to important or urgent matters. The focus in Question Time today is on making the government accountable for its actions and dealing with the political issues of the day.

LINKS

APH website
House of Representatives Infosheet: Questions
www.tinyurl.com/Infosheet1
Senate Brief: Questions
www.aph.gov.au/Senate/briefs/brief12
RECORDS OF THE PARLIAMENT

Official records are kept of everything that is said and done in Parliament. They include Hansard, Journals of the Senate and Votes and Proceedings. Anyone can check these records to see what is being said about a bill (proposed law) or issue and to find out about decisions made by the Parliament. As well as informing people about its work, these records are an important way of keeping Parliament open and accountable.

Hansard

Hansard is an edited transcript (written record) of what is said in the Senate, House of Representatives, Federation Chamber and committee hearings (public meetings). Its official title is Parliamentary Debates. Hansard records the spoken word, such as members’ speeches and witness statements made to committees. It also includes votes, the text of petitions, ministers’ written statements and answers to questions. Speeches are edited to remove repetition and grammatical errors but not so as to change meaning.

Hansard is named after the family who produced the record of British ‘parliamentary debates’ from 1812 to 1889. Up until the late 18th century it was illegal to report what was said in either the House of Commons or the Lords, although a record of the decisions made by the Parliament was available to the public. It was thought that parliament’s deliberations, or discussions, should be kept private because otherwise members of parliament might be too influenced by the opinions of their constituents. Today, however, public scrutiny of the Parliament is seen as an important part of our democracy.

In 1803 William Cobbett started publishing ‘Parliamentary Debates’, which reproduced newspaper reports of speeches made in Parliament. After Thomas Curson Hansard took over the publication in 1812, he changed the title to ‘Hansard’s Parliamentary Debates’ and employed reporters to cover chamber proceedings. While both the British and Australian Parliaments have assumed responsibility for reporting and printing parliamentary debates, these records are still referred to as Hansard.

Hansard is available to view online at: www.aph.gov.au/Parliamentary_Business/Hansard

Journals of the Senate and Votes and Proceedings

Official records are also kept about the actions and decisions made by the Parliament. In the Senate this record is called the Journals of the Senate and in the House of Representatives it is called Votes and Proceedings. Unlike Hansard, they record what is done by each chamber rather than what is said by individual members of parliament. For example, they list the bills introduced and who introduced them, every vote held and how each member of parliament voted, as well as documents tabled in (presented to) the chamber. The Standing Orders, or rules, of both the Senate and House of Representatives state that the Clerk in each chamber must keep and publish these records (see Standing Orders). The Journals of the Senate and Votes and Proceedings are legal records that provide the most accurate information about the activities of the Parliament.

Journals of the Senate are available to view online at: www.tinyurl.com/Journals-of-the-Senate

Votes and Proceedings are available to view online at: www.tinyurl.com/VotesProceedings

Other publications

Several other documents are available online that detail the daily work of the Parliament and provide up-to-the-minute reports of what is happening in the Parliament.

For the House of Representatives, these documents can be found at: www.tinyurl.com/Chamber-documents-HoR

For the Senate, these documents can be found at: www.tinyurl.com/Chamber-documents-Senate

LINKS

APH website

House of Representatives Infosheet: Finding out about the House www.tinyurl.com/Infosheet12


Left to right: Hansard; Journals of the Senate; House of Representatives Daily Program; Senate Daily Summary
REFERENDUMS AND PLEBISCITES

Referendum
In Australia, a referendum is a vote used to approve a change to the Australian Constitution. Section 128 of the Constitution sets out certain rules that must be followed in order for a change to be approved.

Process
A proposed change to the Constitution must start as a bill (proposed law) presented to the federal Parliament. If the bill is passed by the Parliament, the proposal must then be presented to Australian voters in a referendum. The referendum must take place no sooner than two months and no later than six months after the bill is passed.

Before the referendum is held, members of parliament prepare arguments for or against the proposed change. These are sent to the Australian Electoral Commission (AEC), which is in charge of running federal elections and referendums. The AEC arranges for the ‘Yes’ and ‘No’ cases, along with a statement of the proposed change, to be posted to every Australian on the electoral roll.

On polling day, the voting process is similar to that used for federal elections, in which polling places are established at schools and other public buildings around the country. Each voter’s name is marked off the electoral roll and they are given a ballot paper. Voters then write ‘Yes’ or ‘No’ in a box opposite the proposed change on their ballot-paper.

Results
A referendum is only passed if it is approved by a majority of voters across the nation and a majority of voters in a majority of states (this is known as a double majority). Territory voters are only counted in the national majority.

If a referendum is successful, the change must be implemented.

Plebiscite
In Australia, a plebiscite (also known as an advisory referendum) is used to decide a national question that does not affect the Constitution. It can be used to test whether the government has sufficient support from the people to go ahead with a proposed action. Unlike a referendum, the decision reached in a plebiscite does not have any legal force.

Australia has held two national plebiscites, in 1916 and 1917, relating to the introduction of conscription during the First World War; both were defeated. No specific rules exist about the running of a plebiscite. In the event that another plebiscite was conducted, it may be that the Parliament will decide on the rules of operation.
**History**

Since 1901 there have been 19 referendums, proposing 44 changes to the Constitution; only eight changes have been agreed to.

<table>
<thead>
<tr>
<th>TITLE</th>
<th>DATE</th>
<th>RESULT</th>
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<tbody>
<tr>
<td>Senate Elections</td>
<td>12 December 1906</td>
<td>Passed</td>
</tr>
<tr>
<td>Finance</td>
<td>13 April 1910</td>
<td>Not passed</td>
</tr>
<tr>
<td>State Debts</td>
<td>13 April 1910</td>
<td>Passed</td>
</tr>
<tr>
<td>Legislative Powers, Monopolies</td>
<td>26 April 1911</td>
<td>Not Passed</td>
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<tr>
<td>Trade and Commerce, Corporations, Industrial Matters, Railway Disputes, Trusts, Nationalisation of Monopolies</td>
<td>31 May 1913</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Legislative Powers, Nationalisation of Monopolies</td>
<td>13 December 1919</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Industry and Commerce, Essential Services</td>
<td>4 September 1926</td>
<td>Not Passed</td>
</tr>
<tr>
<td>State Debts</td>
<td>17 November 1928</td>
<td>Passed</td>
</tr>
<tr>
<td>Aviation, Marketing</td>
<td>6 March 1937</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Post-war Reconstruction and Democratic Rights</td>
<td>19 August 1944</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Social Services</td>
<td>28 September 1946</td>
<td>Passed</td>
</tr>
<tr>
<td>Organised Marketing of Primary Products, Industrial Employment</td>
<td>28 September 1946</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Rent and Prices</td>
<td>29 May 1948</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Powers to Deal with Communists and Communism</td>
<td>22 September 1951</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Parliament</td>
<td>27 May 1967</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Aboriginals</td>
<td>27 May 1967</td>
<td>Passed</td>
</tr>
<tr>
<td>Prices, Incomes</td>
<td>8 December 1973</td>
<td>Not Passed</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>TITLE</th>
<th>DATE</th>
<th>RESULT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simultaneous Elections, Mode of Altering the Constitution, Democratic Elections, Local Government Bodies</td>
<td>18 May 1974</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Simultaneous Elections</td>
<td>21 May 1977</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Senate Casual Vacancies, Referendums – Territories, Retirement of Judges</td>
<td>21 May 1977</td>
<td>Passed</td>
</tr>
<tr>
<td>Terms of Senators, Interchange of Powers</td>
<td>1 December 1984</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Parliamentary Terms, Fair Elections, Local Government, Rights and Freedoms</td>
<td>3 September 1988</td>
<td>Not Passed</td>
</tr>
<tr>
<td>Republic, Preamble</td>
<td>6 November 1999</td>
<td>Not Passed</td>
</tr>
</tbody>
</table>


**LINKS**

- **PEO website**

- **APH website**

- **Other websites**
The Australian Parliament consists of the Queen (represented by the Governor-General), the Senate and the House of Representatives.

The Australian Parliament is bicameral, which means there are two houses. The Senate is also known as the upper house.

Role
The Senate is made up of 76 senators. Twelve senators represent each state and two senators represent each territory.

Senators:
• represent the views of Australians and discuss matters of national and international importance
• make and change federal law, by debating and voting on bills (proposed laws). A bill must be agreed to in identical form in the Senate and the House of Representatives and given Royal Assent by the Governor-General. It then becomes a law
• scrutinise (closely examine) the work of the government, especially in Question Time and through parliamentary committees.

(See Senators).

Appearance
The furnishings and carpet in the Senate are red. This signifies our traditional link with the red decoration of the House of Lords in the British Parliament. The red ochre tones used in the Senate are soft shades, typical of the Australian eucalypt landscape.

The seats in the Senate are arranged in rows to form a U-shape. The President sits at the open end of the U-shape and is responsible for the orderly running of the chamber (see President of the Senate). Government senators sit to the right of the President and opposition senators sit to the left. The Leader of the Government in the Senate and the Leader of the Opposition in the Senate sit in front of their respective teams at a central table. Minor parties and Independents sit in the central curved part of the U-shape.

The Senate has three raised viewing galleries. One is directly above the President and is reserved for the press gallery (see Press Gallery). The other galleries on either side of the chamber are open to the public. Members of the press gallery and the public may visit the chamber at any time.
REPORTING
Parliamentary proceedings are recorded and broadcast on ABC TV and radio, A-PAC (Australian Public Affairs Channel) and on the internet at www.aph.gov.au. Hansard reporters produce a daily record of all that is said in the Senate. This record is available on the internet.

HISTORY
The physical appearance of the Senate and some of its practices are derived from the British Parliament. However, the drafters of the Australian Constitution also looked to the United States (US) Congress when deciding on the form of the Australian Parliament. For example, the names ‘Senate’ and ‘House of Representatives’ were borrowed from the US system. Although the Senate has links with both the British Parliament and the US Congress, it has developed its own unique style and procedures over the last century.

LINKS
APH website
Parliament House virtual tour
virtualtour.aph.gov.au
Senate Brief: The Origins of the Senate
www.aph.gov.au/Senate/briefs/brief09
Senate Brief: The Role of the Senate
www.aph.gov.au/Senate/briefs/brief10
Senate estimates hearings, also known as estimates committees or simply ‘estimates’, allow senators to scrutinise (closely examine) how executive government is spending taxpayers’ money. Senators focus on how government has spent this money and on the government’s future spending plans. The hearings are called ‘estimates’ because they examine what the government estimates it will collect and spend in the financial year (1 July to 30 June).

Membership
Estimates committees consist of six senators – three from the government, two from the opposition and one minor party or Independent senator. A government senator runs the meetings of each committee.

Purpose
One of the functions of the Parliament is to scrutinise the work of the executive government. While the government is responsible for raising and spending public money, it cannot legally spend money without the approval of the Parliament. Through estimates hearings, the Parliament ensures that it knows, in detail, how the government plans to collect and spend money. On this basis, the Parliament may approve government spending across many areas.

Process
In the annual Budget speech to the Parliament in May, the Treasurer explains spending plans in each minister’s portfolio (area of responsibility) – for example, defence, education or the environment. Following this, the estimates committees scrutinise the Budget statements. These documents have been presented by the Treasurer to the Parliament and contain details of all the main income and spending for the financial year.

After the committees have scrutinised the Budget statements, committee hearings begin. Ministers and top-level officials from government departments and authorities must explain government spending and how government programs are run. Only ministers who are senators are required to attend and answer questions. Senate ministers speak on behalf of ministers who work in the House of Representatives. In this case, Senate ministers representing ministers from the House may rely on the departmental officials to know the details of the department’s budget.

After the May estimates hearings, each committee presents a report to the Senate on its findings, including any recommendations or issues of concern. Extra estimates hearings later in the year and early in the following year allow senators to check and further question government spending and the actions of government departments or authorities.
Timing
Estimates hearings are usually held three times a year, soon after the Treasurer presents the government’s annual Budget to the Parliament in May, and then again around November and the following February. Estimates hearings last for up to two weeks. Sessions for individual government departments may last several days, with hearings beginning at 9am and continuing until 11pm, with four committees running at the same time.

Observing a hearing
All estimates hearings are open to the media and the public, and are televised. Since these hearings are a formal meeting of the Parliament, Hansard records and publishes all statements and debates in the hearings for public information and scrutiny.

Significance
Estimates hearings attract public attention because sometimes there are disagreements between ministers and non-government senators. Under detailed questioning from non-government senators, ministers and department officials may reveal details about government practice that have previously not been public. Estimates hearings may prompt improvements in the way government departments are run, as well as reminding the government that it is accountable to Australians for its policies and actions.

LINKS
PEO website
Fact Sheet: Parliamentary Committees
Fact Sheet: Budget
APH website
House of Representatives Infosheet: The budget and financial legislation
www.tinyurl.com/Infosheet10
Senate Brief: Consideration of Estimates by the Senate’s Legislation Committees
www.aph.gov.au/Senate/briefs/brief05
SENATORS

There are 76 senators in the Senate; twelve senators represent each state and two senators represent each territory.

A person elected to the Senate is called a senator. Along with members of the House of Representatives, senators may also be referred to as members of parliament. The duties of a senator are conducted both within the Parliament and their state or territory.

Parliamentary role

During sitting weeks (about 18 to 20 weeks a year), senators are engaged in parliamentary duties, including:

- debating and voting on bills (proposed laws)
- representing state/territory views in Parliament
- working on parliamentary committees that examine important issues
- attending parliamentary party meetings to decide on party policy
- scrutinising (closely examining) the work of the government
- discussing issues of national and international importance.

State/territory role

When Parliament is not sitting, senators are engaged in duties in their states or territories, including:

- working on parliamentary committees to collect information from community organisations and lobby groups that want to present their views to Parliament
- helping constituents who may be having difficulties with issues such as taxes, immigration, health or pensions
- speaking with community groups such as pensioner associations and sporting clubs
- visiting schools and making presentations
- meeting with constituents and taking their views back to Parliament.

Working hours

Senators work long hours, both in Parliament and in their states or territories. Parliament meets for an average of eleven hours a day. However, senators may begin their day in Parliament House at about 7am and end their day at 10pm or later. Senators also spend many hours travelling, both between their state or territory and Parliament House and throughout their state or territory.
Period of service

State senators are elected for a period of six years using a system of rotation that ensures that only half the state senators end their term every three years. Half-Senate elections are usually held at the same time as elections for the House of Representatives, though they do not have to be.

Territory senators are elected for a period of three years at the same time as the members of the House of Representatives and half the Senate.

Senators can stand for re-election as many times as they like (see Federal Elections).

Addressing a senator

In the Senate, senators are referred to by:

• their last name – for example, Senator Jones, or
• if applicable, their ministry or shadow ministry – for example, the Minister for Immigration.

Some senators who are or have been ministers or Presiding Officers may also use the title of ‘the Honourable’, abbreviated to ‘the Hon’.

History

Section 24 of the Australian Constitution states that the number of members of the House of Representatives shall be, as near as possible, ‘twice the number of senators’. The first Senate in 1901 had 36 senators, as set out in the Constitution. This number has steadily increased since then.

The longest-serving senator was Senator Sir George Pearce, who was a senator from 1901 to 1938.

LINKS

PEO website
Fact Sheet: Parliament

APH website
Senate Brief: The Role of the Senate
www.aph.gov.au/Senate/briefs/brief10
The Australian Constitution is the set of rules by which Australia is run. The first three chapters of the Constitution define three largely separate groups — the Parliament, the Executive and the Judiciary — and the roles they play in Australian governance. The power to make and manage federal law is divided between these three groups. This division is based on the principle of the ‘separation of powers’.

Under this principle, the power to govern should be distributed between the Parliament, the Executive and the Judiciary to avoid one group having all the power. Each group should work within defined areas of responsibility so that each keeps a check on the actions of the others.

**Separation of roles**

<table>
<thead>
<tr>
<th>POWER</th>
<th>ROLE</th>
<th>COMPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliament</td>
<td>The Parliament makes and amends the law</td>
<td>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</td>
</tr>
<tr>
<td>Executive</td>
<td>The Executive puts the law into action</td>
<td>The Executive is made up of the Queen (represented by the Governor-General), Prime Minister and ministers</td>
</tr>
<tr>
<td>Judiciary</td>
<td>The Judiciary makes judgements about the law</td>
<td>The Judiciary is made up of the High Court and other federal courts</td>
</tr>
</tbody>
</table>
Exceptions to the principle

Australia does not have a complete separation of powers because some of the roles of the Parliament, the Executive and the Judiciary overlap. For example, the Prime Minister and ministers are part of the Executive and the Parliament. High Court judges, the Prime Minister and ministers are officially appointed by the Governor-General, who is part of the Parliament and the Executive.

The role of the Governor-General

Section 61 of the Constitution states that ‘the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative’. This means that the Governor-General has been given certain powers to act on behalf of the Queen. However, the role of the Governor-General is not just defined by the Constitution, but also by custom and tradition.

While executive power is exercised by the Governor-General, in reality this is normally done on the advice of the Prime Minister and ministers, who have day-to-day responsibility for governing Australia. The Governor-General does not have the authority to make decisions on behalf of the government, but has a role in both the government and the Parliament (see Governor-General).

Responsible government

The separation of powers works together with another principle known as responsible government, to guide the way law is made and managed. Responsible government means that a party, or coalition of parties, must maintain the support of the majority of members of the House of Representatives in order to remain in government. This provides another check on the Executive, ensuring they remain accountable to the Parliament and do not abuse their power.

History

The origins of the principle of the separation of powers can be traced back as far as ancient Greece. It was made popular much later by French philosopher Charles de Montesquieu in 1748 in his work L’Esprit des Lois (the Spirit of the Laws). He wrote that a nation’s freedom depended on the three powers of governance—legislative, executive and judicial—each having their own separate institution. This principle has been widely used in the development of many democracies since that time.
The Serjeant-at-Arms is a parliamentary officer in the House of Representatives. They are one of the few people, other than members of parliament, who work in the chamber.

The Serjeant-at-Arms is required to be in the chamber at the beginning of each sitting day, during Question Time, divisions and after meal breaks.

Department role
When not in the chamber, the Serjeant-at-Arms works from an office in the Department of the House of Representatives and has several responsibilities, including:

- organising office accommodation and supplies for members and staff
- maintaining security in the House of Representatives areas of Parliament House
- advising the Speaker on broadcasting House proceedings
- organising bookings for visitors to the House of Representatives.

History
The role of the Serjeant-at-Arms dates back to early British history. Originally, serjeants-at-arms were members of the British royal bodyguard. In the fourteenth century, a royal Serjeant-at-Arms was appointed to serve in the British House of Commons. From its beginning, the Australian Parliament adopted the practice of appointing a Serjeant-at-Arms to serve in the House of Representatives.

Dress
Traditionally, the Serjeant-at-Arms wore silver-buckled shoes, stockings, knee-breeches, black coat with a large rosette on the back, waistcoat, stiff shirt front, white lace around the neck (called a jabot) and cuffs, white gloves and a ceremonial sword. In the current Parliament, the Serjeant-at-Arms usually wears a modified version of this costume.
The Speaker is a member of the House of Representatives who is chosen as the Presiding Officer. This means that in addition to representing their electorate, the Speaker is responsible for running the meetings of the House of Representatives.

The Speaker of the House of Representatives and the President of the Senate are both Presiding Officers of the Parliament. The Speaker is addressed as Mr or Madam Speaker.

Choosing the Speaker
All 150 members of the House of Representatives vote to elect a new Speaker. This is conducted by a secret vote in the House after the official opening of Parliament following a federal election. The Speaker is a member with a lot of parliamentary experience, usually nominated by the government. They are expected to treat all members of the House fairly and equally. A Deputy Speaker is also elected to assist the Speaker. The major parliamentary parties nominate a panel of Acting Deputy Speakers to share the load of chairing the House of Representatives throughout the day.

Chamber role
The Speaker has several responsibilities within the chamber, including:
- running meetings of the House of Representatives, much like a chairperson runs a meeting
- making sure that the rules of the House of Representatives, known as the standing orders, are obeyed
- participating in ceremonial occasions, such as the hosting of foreign heads of state who address the Parliament.

Department role
When not in the chamber, the Speaker works from an office in the House of Representatives and has several responsibilities, including:
- overall responsibility for the Department of the House of Representatives, including budgets, staffing and allocation of offices to members of the House of Representatives
- working with the President of the Senate to ensure that many services in Parliament House are maintained, including broadcasting and computing services and the cleaning and upkeep of Parliament House and its surrounds
- representing the House of Representatives in dealings with the Senate, the government, the Governor-General, other parliaments or foreign heads of state.

Representation in the House
(See Members in the House of Representatives)
The Speaker does not usually participate in debates. In accordance with section 40 of the Australian Constitution, they do not vote unless there is a tie, in which case the Speaker has the casting vote.
Speaker’s Chair

The Speaker’s Chair is located at one end of the House of Representatives facing the U-shaped seating. It is the focus of parliamentary meetings, positioned so that the Speaker can see and hear everything that happens in the chamber and so that everyone in the chamber can see the Speaker.

The Speaker’s microphone is always switched on, unlike those of other members of the House. This means that the Speaker can always be heard and so is able to maintain order in the chamber.

The Mace

The Mace is the symbol of the Speaker’s authority to preside over meetings of the House of Representatives. It is placed on the central table in the House whenever the Speaker or their deputy is in the Chair and the House of Representatives is meeting (see Mace).

History

The office of Speaker dates back to 13th century England. In early English parliaments the Speaker informed the monarch about the decisions of the Parliament. The role of the Speaker in those times was a dangerous one. Some Speakers were murdered, imprisoned or exiled as a result of speaking on behalf of a parliament that was beginning to challenge the authority of the monarch.

Although the Australian Constitution was drafted with reference to the English and United States (US) systems of parliamentary democracy, the role of the Speaker in the House of Representatives is different to that of English and US parliamentary presiding officers.

LINKS

PEO website
Fact Sheet: House of Representatives

APH website
House of Representatives Infosheet: The Speaker
www.tinyurl.com/Infosheet3
Standing orders are the rules used to manage the work of the House of Representatives and the Senate. Along with the Australian Constitution and customs that have developed over many years, standing orders guide the way the chambers operate each day.

Content and use of standing orders

Section 50 of the Constitution gives each chamber the power to make and change its own standing orders. The House of Representatives’ and the Senate’s standing orders are similar but not the same. Each chamber has over 200 standing orders, which include details about:

- the election of the Speaker of the House of Representatives and the President of the Senate (known as Presiding Officers), who run chamber meetings
- the conduct of parliamentary business
- procedures for debates
- the definition of disorderly behaviour and how it will be dealt with methods for voting.

If a member of parliament disagrees with something that has happened in the chamber, they can call a ‘point of order’. This means drawing a specific standing order to the attention of the Presiding Officer (or deputy), who chairs the meeting. The chair then has to interpret the point of order, to decide if it is valid. The Clerk sometimes assists with this because they have a detailed knowledge of the standing orders.

A vote of members of parliament in their chamber can change a standing order at any time or suspend standing orders for a period of time.

Sessional orders

The House of Representatives or the Senate may choose to adopt sessional orders, which are temporary rules. This allows members of parliament to experiment with new practices before deciding whether to make a permanent change to the rules.

History

When the Australian Parliament was established in 1901, temporary standing orders were adopted, largely based on rules which had governed colonial parliaments. Over the years, both the Senate and the House of Representatives have adopted permanent standing orders and have made regular changes to these.

LINKS

APH website
House of Representatives Infosheet: Making decisions – debate and division
www.tinyurl.com/Infosheet14
House of Representatives Standing and Sessional Orders
www.tinyurl.com/APH-standing-orders-reps
Standing Orders and other orders of the Senate
www.tinyurl.com/APH-standing-orders-of-the-sen
THREE LEVELS OF LAW-MAKING

Australia has three levels of law-making – often referred to as the three levels of government – that work together to provide Australians with the services they need.

The three levels are:

- federal (or national) Parliament, in Canberra
- state/territory parliaments, in each state/territory capital city
- local councils (also called shires or municipalities), across the nation.

Australia has one federal Parliament, six state and two territory parliaments, and over 560 local councils.

Responsibilities

Representatives are elected to federal and state/territory parliaments and local councils, so that all Australians have someone to represent them at each level of government. Parliaments and councils make laws; governments put these laws into action.

Some of the responsibilities of federal, state/territory and local governments overlap, but generally each level of government provides different services to Australians:

- The federal government has broad national powers. Among other things, it administers (puts into action) laws in relation to defence, immigration, foreign affairs, trade, postal services and taxation.
- State/territory governments have the power to look after laws not covered by the federal government; for instance, hospitals, schools, police and housing services.
- The powers of local councils are defined by Acts of Parliament passed by state parliaments and include responsibility for building regulations, rubbish collection, local roads and pet control.

All levels of government raise money, through collecting taxes, to pay for services provided to Australians. State/territory and local governments also receive some money from the federal government, and states fund local councils.
Territories

Local councils in the Northern Territory (NT) are established by the NT Legislative Assembly under a local government law. The Australian Capital Territory (ACT) does not have local councils, as the ACT Legislative Assembly combines both state and local government functions.

The Australian Constitution

Section 51 of the Australian Constitution details the powers of the federal Parliament to make laws in relation to national matters. These laws are administered by the federal government. Issues not listed in section 51 are the responsibility of state governments. Under section 109 of the Constitution, if a state Parliament and the federal Parliament pass conflicting laws on the same subject, then the federal law overrides the state law. Section 122 of the Constitution allows the federal Parliament to override a territory law at any time.

LINKS

PEO website
Closer Look: Governing Australia: three levels of law-making

Other websites
Australian Government: How Government Works
**USHER OF THE BLACK ROD**

The Usher of the Black Rod is a parliamentary officer in the Senate. They are one of the few people, other than senators, who work in the chamber.

The duties of the Usher of the Black Rod are conducted both within the chamber and the Department of the Senate.

**Chamber role**

The Usher of the Black Rod has several responsibilities within the chamber, including:

- escorting the President into and out of the chamber, while carrying the Black Rod (see Black Rod)
- assisting the President to maintain order in the chamber and the public galleries of the Senate
- recording the attendance of senators
- standing guard during a division vote when all chamber doors are locked
- delivering formal messages from the Senate to the House of Representatives
- playing an important role in ceremonial occasions, such as the opening of Parliament.

The Usher of the Black Rod is required to be in the chamber at the beginning of each sitting day, during Question Time, divisions and after meal breaks.

**Department role**

When not in the chamber, the Usher of the Black Rod works from an office in the Department of the Senate and has several responsibilities, including:

- organising office accommodation and supplies for senators and staff
- maintaining security in the Senate areas of Parliament House
- finance and human resources for the Department of the Senate
- printing and publishing Senate business documents
- organising special ceremonial occasions, such as the opening of Parliament.

**The Black Rod**

The Usher of the Black Rod is also responsible for the Black Rod, which is their official symbol. The Black Rod is approximately 1.3 metres long and made of ebony wood. It has a silver crown on the end above the Australian Coat of Arms. The Usher carries the Black Rod on ceremonial occasions.

**History**

The role of the Usher of the Black Rod dates back to the 14th century in Britain. The Usher was appointed to serve the monarch in the British House of Lords and was originally an officer of the Most Noble Order of the Garter, a British order of knighthood. The Black Rod was used to discipline anyone who offended the Order. From its beginning, the Australian Parliament adopted the practice of appointing an Usher of the Black Rod to serve in the Senate.

**Dress**

Traditionally, the Usher of the Black Rod wore a long-tailed coat, knee-breeches or kilt, court shoes, gloves, lace cuffs and sword. In the current Parliament, the Usher of the Black Rod wears a suit.

**LINKS**

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David Foote, DPS AUSPIC
VOTING IN THE CHAMBERS

In the Senate and the House of Representatives, members of parliament are often engaged in making decisions, including debating bills (proposed laws) and issues of national importance. In order for a question to be resolved, it must be voted on and agreed to by a majority in the chamber.

There are two types of voting in the chambers: a ‘vote on the voices’ and a ‘division’.

**Vote on the voices**

When a decision needs to be made, it is first put to a vote on the voices. This means that the Speaker or President asks members of parliament to cast their vote by saying ‘aye’ or ‘no’. The Speaker or President announces the result after listening to the response. If no-one challenges the result, the matter is decided. If the result is challenged by more than one member of parliament, a division is called.

**Division**

During a division, members of parliament move to either side of their chamber to show how they are voting.

Prior to a division, the Speaker or President instructs the Clerk to ‘ring the bells’. The Clerk presses a button on the table in front of them, which activates a bell inside over 2700 clocks throughout Parliament House. The clocks also include two small lights that signal in which chamber the division is being called. A green light flashes to indicate a vote in the House of Representatives; a red light flashes when a vote is to occur in the Senate. This is done to alert members of parliament who are not in the chamber that a division is about to occur in the chamber.

Usually the division bells are rung for four minutes. If another division is called immediately after, the bells only ring for one minute between each division.

Once the bells have stopped ringing, the chamber doors are locked. Members of parliament who have not made it to the chamber before the bells stop are not allowed to enter. The Speaker or President then conducts the division by asking all those members of parliament voting in the affirmative (yes) to move to the right side of the chamber and those voting against to move to the left. This allows the vote to be counted accurately and the names of those voting to be recorded.

**Tied votes**

In the House of Representatives, the Speaker does not vote unless the result is a tie, in which case the Speaker has the casting vote to decide the matter. In contrast, the President of the Senate may always vote along with other senators. This provision was included in the Constitution to ensure that all states have equal representation when votes are taken in the Senate. If there is a tied vote in the Senate, the question is resolved in the negative (lost), because a majority vote has not been reached.

**LINKS**

PEO website
Fact Sheet: Crossing the Floor

APH website
House of Representatives Infosheet: Making decisions – debate and division
www.tinyurl.com/Infosheet14
Brief Guides to Senate Procedure: Voting in the Senate
www.aph.gov.au/Senate/guides/guide03

Clock in Parliament House - One light flashes red for the Senate and the other flashes green for the House of Representatives