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Using your book

We want you to be able to explore extra details about Government in Australia, to write about each section and to know the work so that you can share with the Lord the wonderful things He has revealed to you.

There are three ways in this course that you will be able to share your new-found knowledge.



ENLARGE THE PLACE — ISAIAH 54:2

Enlarge the place of your tent, and let them stretch out the curtains of your dwellings; Do not spare; lengthen your cords, and strengthen your stakes.

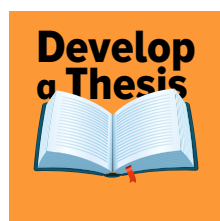
This symbol shows where you can seek out extra information that you can write about and tell your teacher and friends. You may not have time to do all the 'Enlarge the place' exercises so ask your teacher or parent to guide you in which ones to do and how much time to spend on them.



WRITE THE VISION — HABAKKUK 2:2

Then the Lord answered me and said, 'Write the vision and make it plain on tablets, that he may run who reads it'.

Habakkuk was told to write what he had been shown and make it clear. You will be able to write your answers to these exercises in your exercise books. All your written answers should be in clear sentences, and use diagrams if needed to make your answer clearer.



DEVELOP A THESIS — 1 PETER 3:15

But sanctify the Lord God in your hearts, and always be ready to give a defence to everyone who asks you a reason for the hope that is in you, with meekness and fear.

God is central in every aspect of life and Peter encourages us to not only have a pure heart before God, but also to be able to think from biblical premises. These exercises present you an opportunity to think through some of the issues of civil government from a biblical perspective.

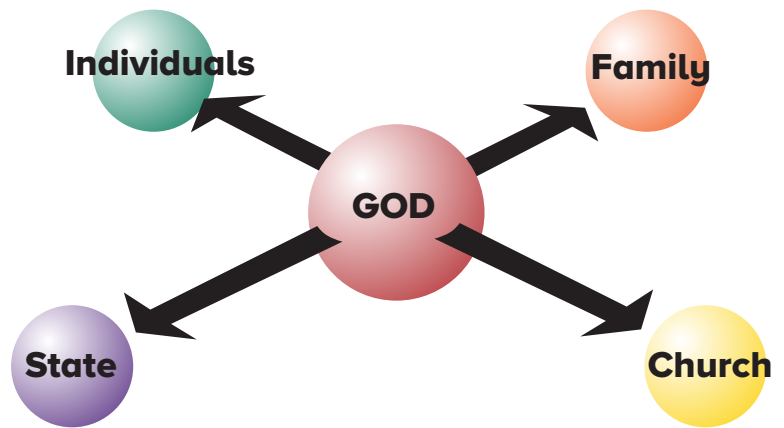
These exercises for competent senior students are designed as minor theses to help further develop essay writing skills.

Things you will need

- binder or exercise book
- encyclopedia, internet or government resources and materials

THE FOUR SPHERES OF AUTHORITY

We have discovered that the Bible teaches that God delegates His authority to men (Matthew 28:18-20), who are to remain under His authority and subject to the teaching of His word, the Bible. This authority is not given to one man, or even one group of men, but according to the Dutch theologian Abraham Kuyper, is divided into *spheres of authority*.



Kuyper taught that the governmental spheres of authority flowing from God can be divided into four basic spheres: the individual, the family, the church and the state (civil government).

Sphere 1 The individual – self-government

Every person is created in God's image, as shown in Genesis chapter 1:

God said, 'Let Us make man in Our image, according to Our likeness.'

GENESIS 1:26

God has given man authority to be a governor, instructing him to take dominion over His creation. Man is to govern God's creation and included in this is his responsibility before God, first and foremost, for his own life. Jesus instructed His followers to be His *disciples*, so that they could *govern* their lives according to God's will.

Disciple A follower; an adherent to the doctrines of another. Hence the constant attendants of Christ were called his disciples; and hence all Christians are called his disciples as they profess to learn and receive his doctrines and precepts.

WEBSTER'S 1828 DICTIONARY

Although popular culture would claim that 'religion and politics don't mix', Christianity is fundamentally a *political* faith; in that it instructs us in *governing our own lives*, for the glory of God.

The basic government is self-government, and only the Christian man is truly free and hence able properly to exercise self-government.

R J RUSHDOONY IN *THE POLITICS OF GUILT AND PITY*

Jesus Christ desires to bring His discipline (or government) to each of our lives in the liberty and freedom that submission to God brings. Ultimately there is no liberty or freedom outside our relationship with Jesus Christ.

In Galatians 5:23 we are told that one of the fruits of the Holy Spirit is self-control, or *self-government*. God designed human beings to be self-governing, and Christians are especially privileged to have the Governor of the Universe (in the person of the Holy Spirit) dwelling within, enabling their lives to be governed according to the will of God.

The apostle Peter teaches us in 1 Peter 2:9 that we are a 'royal priesthood':

But you are a chosen generation, a royal priesthood, a holy nation, His own special people, that you may proclaim the praises of Him who called you out of darkness into His marvellous light.

The Bible teaches that a priest is a man set aside to offer sacrifices to God. The New Testament expands the Old Testament teaching, making each Christian a priest. This is called the *priesthood of all believers* by theologians. As priests we bring offerings to God and the New Testament instructs us that first we offer our lives to God as our sacrifice. The apostle Paul wrote of this in Romans 12:1-2:

THE STRUCTURE OF GOVERNMENT IN AUSTRALIA

The system of civil government in Australia has come to us through our nation's forebears in Great Britain. It is known as the Westminster System of Government and is firmly based on biblical principles.

Westminster

is the name of the district in London which houses both Westminster Abbey and the British Houses of Parliament. The famous clock tower, Big Ben, is a notable feature of this world-famous building.



This Westminster system has been widely considered to be the best form of civil government yet devised by man and it has provided national security, prosperity and peace in many Western nations (such as Australia, the USA, Canada and New Zealand) who have adapted their forms of civil government from the British model.

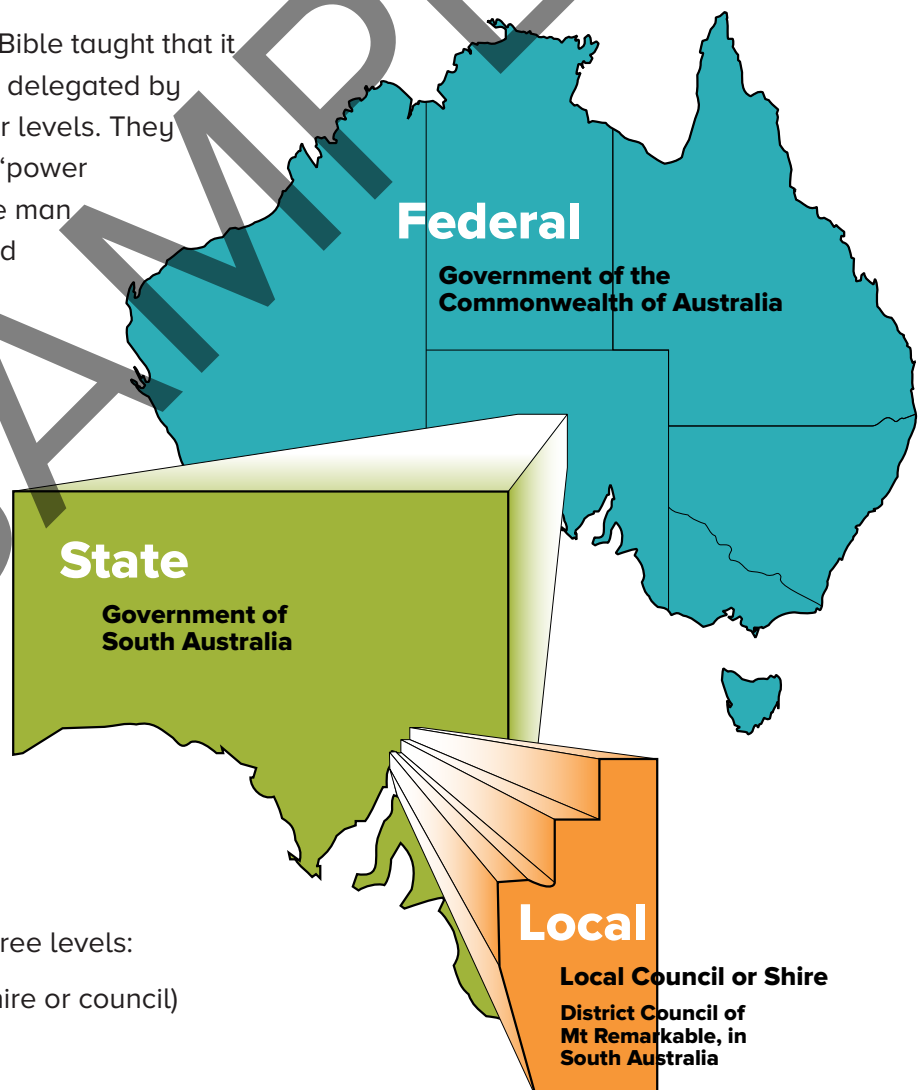
As a direct result of man's fall into sin and consequent wickedness,

most human government has been tyrannical. Unrighteous leaders have persecuted and murdered millions of people. In the midst of this terrible abuse of power God raised up a people who over a thousand or more years worked to develop a system of civil government that would be faithful to the teaching of the Bible. This is a legacy of the British people, despite their imperfections, to the world.

Within this system they saw that the Bible taught that it was important to divide the authority delegated by God to civil governments into parts or levels. They understood Lord Acton's maxim that 'power tends to corrupt'. This is true because man is sinful – he is rebellious against God and will not be obedient to God's standard as presented in His Law. Thus wisdom dictates that we don't allow any man (or group of men) to have too much power over their fellow man. This idea of divided authority has given rise to the form of government we have in Australia, known as *federalism*. When men come together in obedience to God wonderful results can be achieved for God's Kingdom.

In many nations power and authority has been divided into levels of civil government. In Australia there are three levels:

- Local Government (also called shire or council)
- State Government
- Federal Government (also called Commonwealth Government).



2 Our national heritage

EARLY EXPLORATION

There is significant evidence to suggest that different groups from various locations around the globe came to Australia before the birth of Christ. In addition to several different groups of aboriginal peoples, artifacts and rock carvings suggest that other people groups, perhaps Phoenicians and/or Egyptians, lived and mined for precious metals in Australia in the centuries before Christ.

In the second century AD the Greek astronomer, Claudius Ptolemy, postulated the existence of a southern continent, which he believed would balance the land masses of the earth. This continent came to be known as *Terra Australis*, the 'Great South Land'. In 1605 the Portuguese navigator, Pedro Fernandez de Quiros, sailed by what is now called the New Hebrides. Believing it was the unknown continent, he called it *Australia del Espiritu Santo*, the 'Great South Land of the Holy Spirit'.



1644 map showing 'Hollandia Nova' (New Holland) and 'Terre Australe' (Terra Australis)

Enlarge the Place



4

Find out what you can about the early theories concerning the great southern continent that were common in Europe before the eighteenth century.



Captain James Cook

Australia was officially 'discovered' for Great Britain by Captain James Cook in 1770. His expedition around the world was under the auspices of the Royal Society of London, a scientific club founded by English Puritan Christians in the seventeenth century. Its stated goal was 'to gain knowledge of the wonders of God's creation.'

In the fulfilling of this goal, the Royal Society played a strategic part in the 'discovery' and subsequent colonisation of Australia.

Australia was first settled by the British in 1788 and whilst some free settlers came on the early voyages, the main motivation was the establishment of penal settlements.

Following the Declaration of Independence by the American Colonies in 1776, England was no longer able to export prisoners to the USA and there arose an urgent need to find another location. The first penal colony was located at Sydney and more followed in other parts of Australia. This unfortunate beginning for the new nation laid the ground

1880

1885

1890

1895

1900

1905

1910

1880–81

New South Wales Premier Henry Parkes, at Inter-colonial Conferences in Melbourne and Sydney, promoted the formation of a Federal Council to manage matters of joint concern to the colonies, such as defence and quarantine.

1884

Parkes, in the New South Wales Parliament, now opposed the establishment of a Federal Council, as he considered it would impede the way to 'a sure and solid Federation'. Despite his opposition and that of New South Wales, the Federal Council was established in 1885, but was not an effective body.

1889

Parkes, at Tenterfield, NSW called for the replacement of the Federal Council by a strong national parliament and government for all Australia urging that a convention of delegates from the colonial parliaments meet to devise a federal constitution.

1890

Western Australia's first bicameral parliament meets. Delegates of the colonies meet at a conference in Melbourne and agree to call a national constitutional convention the following year, where Parkes makes his historic utterance: 'The crimson thread of kinship runs through us all'.

1891

The first National Australasian Convention met in Sydney. A draft constitution was adopted and referred to the colonial parliaments for their approval, but was unsuccessful.

1893–97

Popular movements such as the Australian Natives' Association, the Border Leagues and Federation Leagues did much to promote federation. A conference at Corowa in 1893 called for the popular election of delegates to another constitutional convention and for a referendum on the results.

1895

A meeting of Premiers in Hobart agreed to a second constitutional convention on the basis of the Corowa resolution.

1896

A 'People's Federal Convention at Bathurst indicated growing popular support for federation.

1897

The second National Australasian Convention met in Adelaide, attended by elected delegates from each state except Queensland. The Convention met for a second session in Sydney.

1898

The third and final session of the second National Australasian Convention met in Melbourne, and finalised a draft constitution. The draft was approved at referendums in Victoria, South Australia and Tasmania, but fell short of the majority in New South Wales. Referendums did not take place in Western Australia or Queensland.

1899

A meeting of Premiers, including the Queensland Premier, in Melbourne, made several amendments to the draft constitution. New referendums were held in each colony except Western Australia and the revised draft was approved.

1900

The *Commonwealth of Australia Constitution Act* was passed by the British Parliament on 5 July, and received royal assent on 9 July. Western Australia decided to join the proposed federation in August.

1901

On 1 January the new nation of Australia officially came into existence. On 9 May the first Commonwealth Parliament was opened in Melbourne.

1880s

1890s

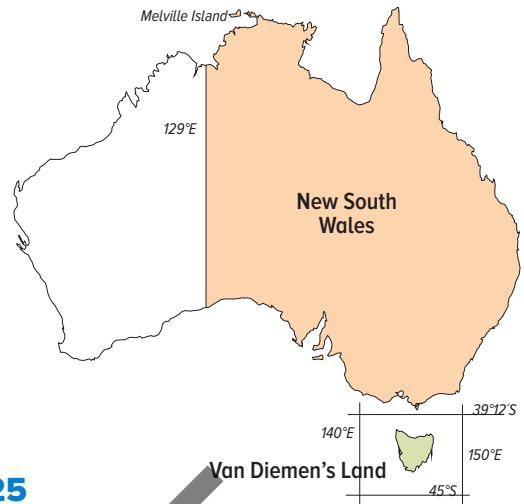
1900s

DEVELOPMENT OF AUSTRALIA'S TERRITORIAL BOUNDARIES



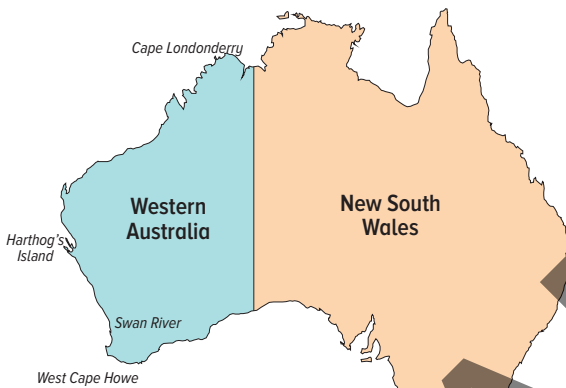
1788

New South Wales was defined in Governor Phillip's commissions from the Crown dated 12 October 1786 and 2 April 1787. The northern and southern limits were set at Cape York in latitude 10°37' south and South Cape in latitude 43°39' south. To the east, the colony also included adjacent islands in the Pacific Ocean between these latitudes. The western limit was set at the meridian 135° east.



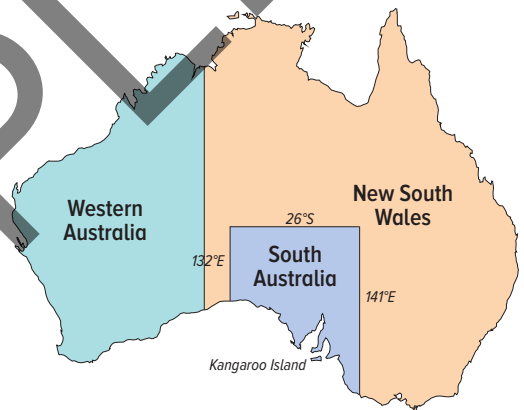
1825

Van Diemen's Land, defined on 16 July by a frame of meridians and parallels (apart from Macquarie Island which was specifically named), came into existence on 3 December. The western boundary of New South Wales was moved to the meridian 129° east to include the new settlement on Melville Island.



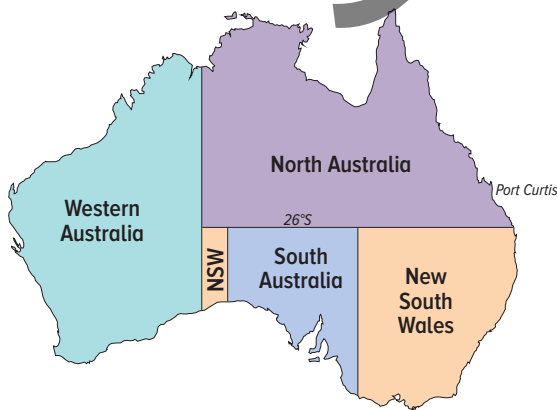
1831

The settlement on Swan River was established by James Stirling in June 1829 and Western Australia was defined in letters patent on 4 March 1831. The limits on the south, west and north were set at West Cape Howe, Hartog's Island and Cape Londonderry respectively. The eastern limit coincided with the meridian 129° east. 'Adjacent islands' were also included.



1836

The province of South Australia was first defined on 19 February 1836. The rectangular colony was bounded by meridians 132° and 141° east, parallel 26° south and the coast. Kangaroo Island and other islands adjacent to the coast were included, together with all 'bays and gulfs'. The colony was proclaimed on 28 December 1836.



1847

The colony of North Australia was defined in letters patent dated 17 February 1846. It comprised that part of New South Wales north of parallel 26° south. The new colony was proclaimed at Port Curtis on 30 January 1847. The settlement at Port Curtis lasted only six months and the colony was officially reincorporated into New South Wales on 16 January 1849.



1851

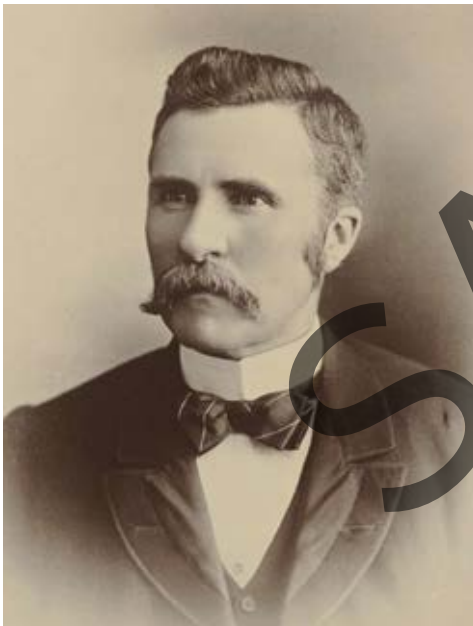
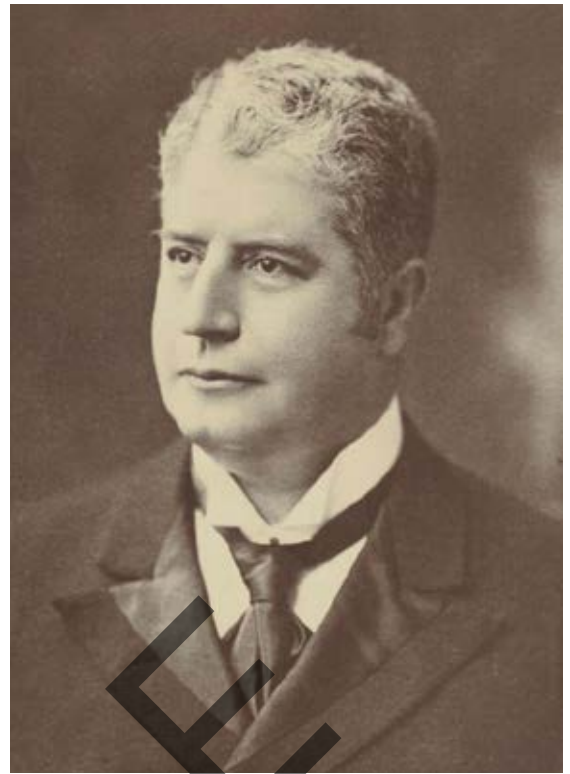
The colony of Victoria was defined in an act 'for the better government of the Australian colonies' dated 5 August 1850. It comprised that part of New South Wales south of a line linking Cape Howe to the nearest source of the Murray River and by that river to the South Australian boundary. The act became effective on 1 July 1851.

Edmund Barton (1849–1920)

Born in Sydney, and described as a clever boy with a love of literature, music and art, Barton later studied law and was called to the bar in 1871. He first entered the New South Wales Parliament in 1879. His rise to political prominence was rapid, and by 1883 he had become Speaker of the Legislative Assembly of NSW.

Between 1893 and 1897 Barton passionately devoted himself to the federation movement and to the drafting of the constitution. By 1897 Barton was considered leader of the federation movement of Australia and was elected chairman of the drafting and constitution committees at the Federal Convention in Adelaide in March 1897. By the end of the century Barton had overseen the drafting of the amended constitution, its protracted and difficult passing through the NSW Legislative Assembly and Council, as well as an exhausting campaign through two referenda to its eventual approval by the British Parliament in 1900.

Barton was a member of the Constitutional Committee and was chosen as one of the colonial representatives to go to London in 1900. He became the first Australian prime minister, but resigned in 1903 to become a justice in the High Court. Barton was a Freemason.



John Quick (1852–1932)

Sir John Quick – lawyer, politician and author – was born on 22 April 1852 near St Ives in England. With the aid of scholarships at the Melbourne University, he graduated with a Bachelor of Laws in 1877 and in June 1878 was called to the Victorian Bar. He continued in journalism as leader of *The Age* parliamentary staff. He had been a prominent member of the Forest Street Methodist Church and a Freemason.

He was prominent at the Bathurst convention of 1896 before being elected second of ten Victorian delegates to the Australasian Federal Convention which framed the Commonwealth constitution in 1897–98.

He was a member of the Victorian Legislative Assembly and he was responsible for suggesting the formation of national conventions, which resulted in the framing of the Constitution. He co-authored a book with Robert Garran entitled *The Annotated Constitution of the Australian Commonwealth*. He was elected unopposed as the first federal member for Bendigo, a seat he held until 1913.

The development of Australia's limited civil government

Australia's constitution is a continuation of the principle of limited civil government, inherited from Great Britain. Limited civil government has a division of powers to provide checks and balances, designed to protect the individual citizen (subject) of the nation.

This Christian concept of government has been and always will be under attack from those who reject God and believe human authority is supreme. These people conclude from their Humanistic faith that all power should be in the hands of a king, a dictator, or a parliament. The concept of supreme authority or sovereignty ultimately being in men's hands through parliament has become known as the doctrine of *parliamentary sovereignty*. People of this persuasion have done and are doing all they can to undermine the Christian principles which have been the foundation of our system of government.

The Constitution of our nation is structured around the biblical principle simply expressed in Isaiah 33:22:

...the Lord is our **Judge**, the Lord is our **Lawgiver**, the Lord is our **King**...

That is, there are three essential functions of a civil government listed in the above biblical order, which need to be kept separate from each other:

- 1 Judge** – Judiciary – the legal and court system,
- 2 Lawgiver** – Parliament – the people's representation (legislature)
- 3 King** – Crown – the executive of the government

Our legal system is based on the British system and has three foundational principles, represented by the three statues located high on the gables of the Royal Courts of Justice in London.

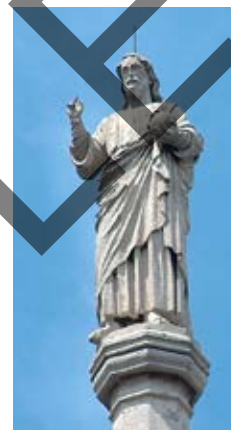
On the left gable is King Solomon, who is the biblical paragon of the desirable and godly virtues of wisdom, judgment and the impartiality of the law. His statue holds a scroll and a model of the temple. King Solomon symbolises the impartiality of judges and represents a legal system based on God's perfect character and integrity.

On the right gable is Alfred the Great, the king who ruled in England from AD871 until his death in AD899. King Alfred restored to England a legal system based on the Ten Commandments (Exodus 20). Alfred was a godly king and something of a theological scholar. As a result of the laws Alfred instituted in England, he was able to claim that people could walk the length and breadth of England without fear of attack, which was certainly not the case previously. Thus, the statue of King Alfred represents a legal system based on the absolute values of the Bible, particularly the Ten Commandments.

The third statue, centrally located, is of Jesus Christ, our mediator and advocate, who represents the spirit, or the intent, of the law. He represents the principle of a living law that will dictate a different penalty for different conditions of the same basic crime. Jesus teaches that law is for man, not man for the law. The law



King Solomon



Jesus Christ



King Alfred



How the coronation service relates to our government

Whilst we live on the other side of the world to the United Kingdom, Queen Elizabeth II is Queen of Australia. The Coronation service establishes without doubt that Australia is a Christian nation, legally governed under the law of God. It is most unfortunate that few of our elected representatives (politicians) embrace this reality, and even fewer see merit in being governed under God's law.

You will be aware, particularly through media sources, that there are many in Australia who dislike being under a Christian government and do all they can to undermine the Christian foundation upon which our nation rests. Such people refer to Australia as a democracy, rather than a constitutional monarchy. The form of the Commonwealth of Australia government is a constitutional monarchy. The method by which we elect representatives is by a democratic process (in that voting is compulsory for all Australian subjects/citizens).

There are too many who want to rewrite the sections of the Australian Constitution that reflect the Christian faith and, in particular, the preamble to the Constitution. The ongoing push to make Australia a Republic and the desire to remove all the blessings of the Coronation service is driven largely by anti-Christian and anti-British sentiment.



Is democracy the best form of government?

In 1887 Alexander Tytler, a history professor at the University of Edinburgh in Scotland, had this to say about the fall of the Athenian Republic some 2,000 years ago:

A democracy is always temporary in nature; it simply cannot exist as a permanent form of government. A democracy will continue to exist up until the time that voters discover that they can vote themselves generous gifts from the public treasury. From that moment on, the majority always votes for the candidates who promise the most benefits from the public treasury, with the result that every democracy will finally collapse over loose fiscal policy, [which is] always followed by a dictatorship.

Under the Westminster system of government our parliament, comprised of elected representatives (politicians), is delegated power to govern the nation. The power of government is defined and limited by the Australian Constitution. A premise of our system is that the power of government flows from God to the people who elect representatives to administer power and make laws, according to the will of the people they represent. As a thinking student you will see we have a potential problem. If our government is established to recognise God as our Lord and King of our nation and we elect people, by the people, to make our laws, then our laws will only remain Christian if Christians vote for Christian representatives – and more than that, if our Christian representatives understand that they are to make laws according to God's law!

Each new bill that is passed by the parliament (legislature) needs to be signed by the representative of the Crown (the Governor-General) in the Commonwealth Government before it is able to become law. If the Crown (Governor-General) refuses to sign a bill it cannot become law. The Crown, through the Governor-General, holds significant power through the Australian Constitution. The Governor-General can and does refuse to sign and sends bills back to the parliament from time to time. This is a powerful protection that the Westminster system provides for Australians.

A further protection is provided in Section 59 of the Australian Constitution which says that the King or Queen may also repeal a law for up to twelve months after its proclamation, if its application is considered by the Governor-General to be detrimental to the people.

The Crown, through the Governor-General, has authority over the parliament. The parliament can be summoned or prorogued (held back to a later time), or an election can be called at the discretion of the Crown. Whilst the Crown (through the Governor-General) is usually reluctant to dismiss parliaments, it is important that the Governor-General retains powers over the effective operation of the parliament. These powers held by the Governor-General are known as *reserve powers*.

7 Constructor – Local government is responsible for the building and maintenance of local roads, and is involved in buildings, community centres, recreation areas and other shared community facilities where appropriate.



8 Employer – Local government in Australia employs a large number of people, approximately one-third of the public service workforce. The rate of increase in employment in local government rises as new responsibilities devolve to it.

9 Implementer of legislation – Local government has the responsibility for implementing state and federal legislation, mostly of a regulatory nature.



10 Planner – Local government works together with state and federal planning authorities to ensure development is carried out in a planned manner, without disruption to existing social and economic structures, and in accordance with the wishes of the community.

11 Policy-maker – As the third section (first level) of government, local government is responsible for the formulation of policies for its areas of responsibility and jurisdiction.

12 Regulator – Local government also has the power to make and implement regulations covering the good government and wellbeing of the local community.

13 Service provider – As well as many property services, local government provides community services, including health, welfare, recreation, accommodation and support services to the community.

14 Volunteer force – Local government is a volunteer service. Members of local government are elected representatives of the community who voluntarily serve and thus encourage voluntary involvement in the provision of community services.

COUNCILS AT WORK, LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW

Write the Vision



D

WRITE THE VISION – SET D

All written answers should be in sentence form.

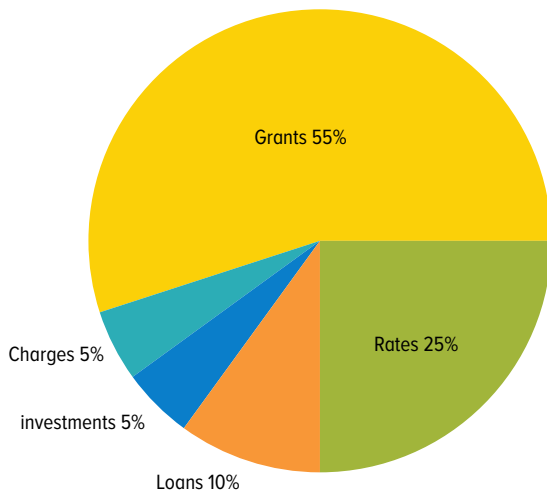
1. Local government in Australia was created by and is controlled by state governments. Arguing from a biblical position, would local government be more effective with or without the control of state governments?
2. Write what you think the Bible teaches about the role of government and its importance in the three levels of civil government.

Extra Credit

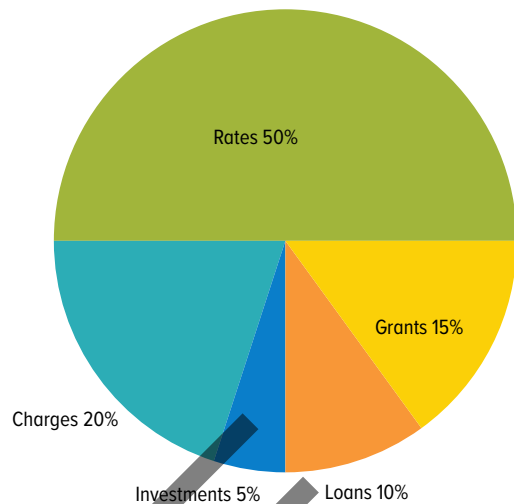
Under the heading *Role of local government* are listed aspects of its role as perceived by the *Local Government Association*. Choose two of the roles listed and comment on them in the light of the Bible's teaching.

LOCAL GOVERNMENT REVENUE SOURCES

Small rural council



Large metropolitan council



SUMMARY

Local government represents a smaller number of people in a comparatively smaller geographical area. Thus, it is closer and more accountable to the people governed. The governed are also more responsible to ensure those who serve them do so with integrity. Biblical Christians strongly support the idea of personal responsibility and would want to see local government given a more prominent place in the government of the nation. The closer and more accountable a governing body is to the people governed, the more likely it is to serve them better.

The only issues to be dealt with by the state government should be those that a local government cannot effectively administer. For example, the construction of railways or major highways could not be carried out by the local government as these infrastructure projects are not limited to the local government area.

Some consider it a major strength that Australian local governments are under the control of the state governments, so that corruption in local government can be dealt

with by the state government. The assumption here is that state governments are not as corrupt as local governments and that through the greater integrity of the state government they have the ability to ensure local governments function according to the external standards set down in state Acts. Whilst this idea sounds very good, the fallacy in the argument is that the more power aggregated into larger organisations, the more sin prevails and greater the likelihood of corruption. Thus, it would seem logical that there is more likely to be corruption at state government level than at local government level.



Main Road 92 connects Canberra to Nowra and was funded largely by the NSW State Government

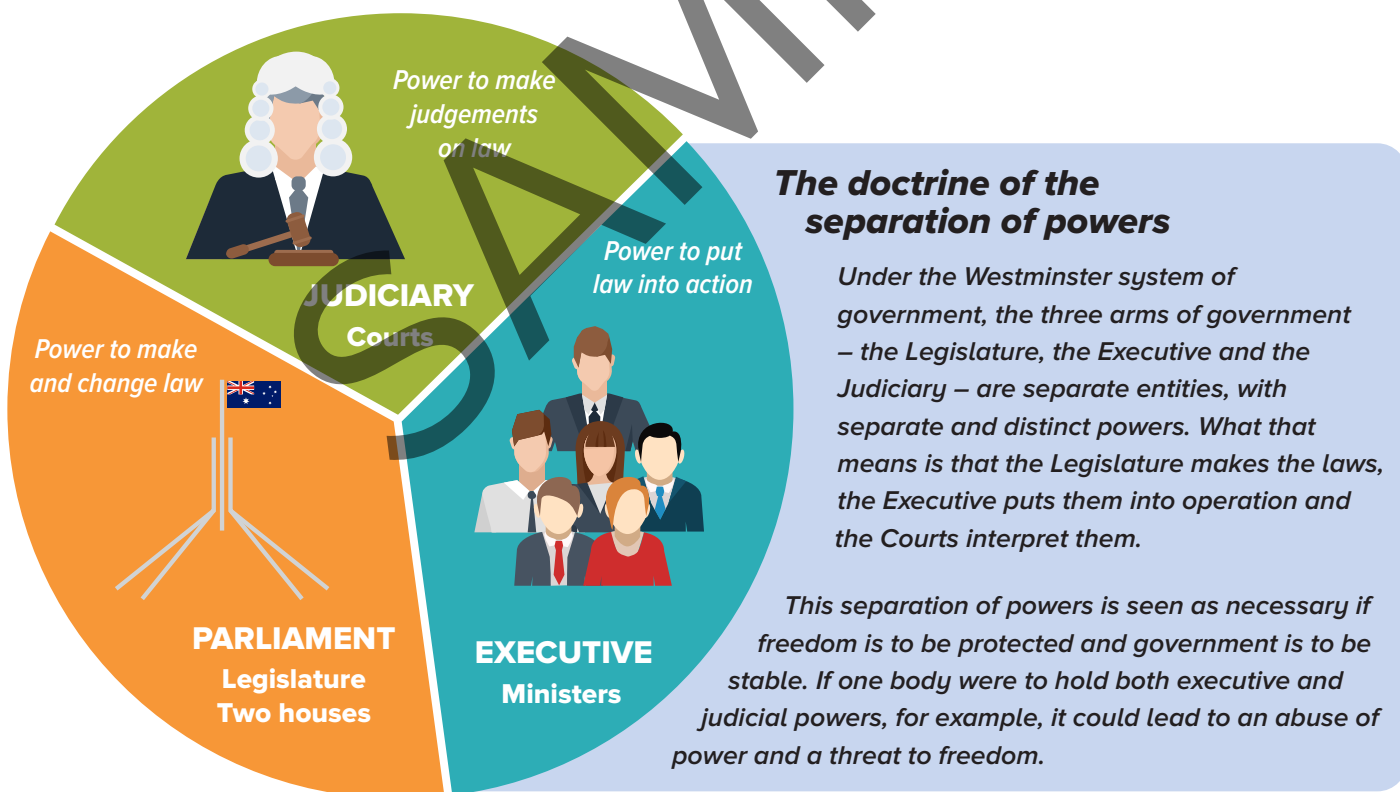
As the Chief Executive Officer of the State, the Governor's role includes these powers:

- summon, prorogue and dissolve parliament
- recommend measures to parliament
- make grants of Crown land
- appoint and/or dismiss ministers
- assent to bills passed by both houses of parliament, or to reserve them for assent by the Queen
- appoint judges, royal commissioners and higher public servants
- exercise the prerogative of mercy – the Governor can issue pardons to prisoners, and remit fines or sentences imposed by the courts.



Government House (the Governor's residence), Perth WA

It is parliamentary convention that these powers are only exercised on the advice of ministers.



Some people think it would be a good idea to do away with the states and just have one central government, in Canberra. What do you think of that idea in the light of biblical principles?

STATE PARLIAMENT

The parliaments of the states (apart from Queensland) are bicameral parliaments, which means they have two houses. The lower house is called the Legislative Assembly or House of Assembly, and the upper house is called the Legislative Council.

Lower house

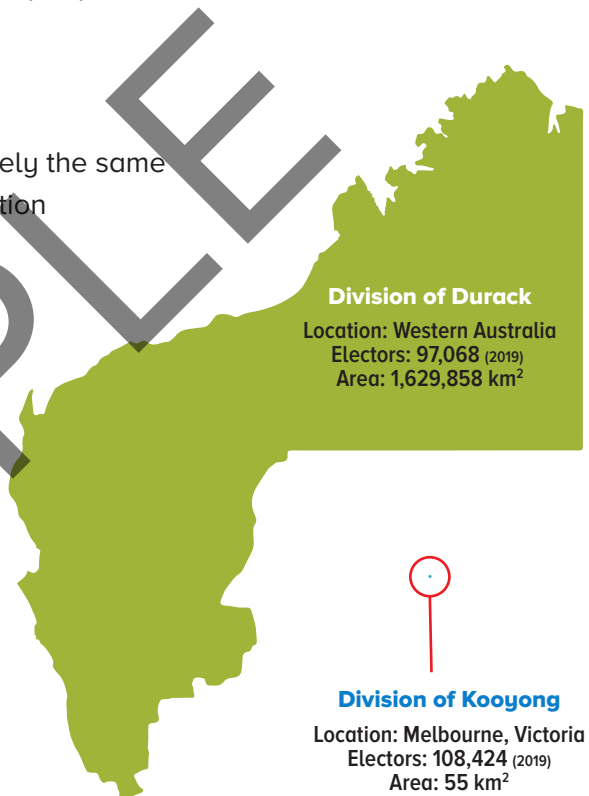
The lower house in each state in Australia is modelled on the House of Commons in the British Parliament. It is called the Legislative Assembly in New South Wales, Victoria and Western Australia, and the House of Assembly in South Australia and Tasmania.

Elected representatives, called Members of the House of Assembly (MHAs) or Members of the Legislative Assembly (MLAs) are elected from *electorates* (groups of voters) to a position in the parliamentary chamber, commonly called a *seat*. The term *seat* not only indicates that the member has a physical seat in the house, but also that he occupies the 'seat of authority' on behalf of the people who elected him and whom he represents.

ELECTORATES

Each electorate for the lower house in a state has approximately the same number of electors to ensure approximately equal representation for the citizens of the state. This is why the geographical area represented by each seat varies significantly. There is often one seat that represents a large portion of the state which is very sparsely populated. Electors vote for candidates who have nominated for the particular electorate.

Electoral procedure is much the same as was described in the chapter on local government.



Speaker's chair in the NSW Legislative Assembly

SPEAKER

The proceedings (or sitting) of the House are chaired by the *speaker*, who is generally appointed from within the governing party. Despite this he is responsible to act impartially and to ensure order in the proceedings of the House.

LEADERS

The state premier (the leader of the government party) and the leader of the opposition (the leader of the largest non-government party) hold their seats in the lower house.



The name **Canberra** is popularly claimed to derive from a local Aboriginal word for 'meeting place' and had been in common use in the district for more than three-quarters of a century. The people of Australia, nevertheless, responded with imagination and good humour to a Government invitation to find a suitable name for their future capital. 'Cookaburra', 'Wheatwoolgold' and 'Kangaremu' headed a list of Australiana which also included 'Sydmelperadbrisho' and 'Meladneyperbane'.

On 12 March 1913 Lady Denman, the wife of the Governor-General, officially declared the name Canberra for the nation's capital.

Foundations

The Commonwealth Parliament was to have constitutional powers which included defence, foreign policy, taxation, customs and excise duties, interstate and overseas trade, currency, posts and telegraphs, immigration, and arbitration in industrial disputes extending beyond the limits of one state. These areas of responsibility were carefully defined in an attempt to retain the idea of a federal commonwealth and to limit the size and power of the Commonwealth Government.

To protect the integrity of the Commonwealth and each of the states, it was decided the constitution could only be changed by referendum, with the people of the nation voting with:

- an absolute majority overall
- a majority in a majority of states, that is, four or more states.



The opening of the first Commonwealth Parliament in Melbourne, 9 May 1901

The clear motivation was to make it difficult, but not impossible, to change the constitution. This provision has proved to be a blessing to the nation on many occasions as only a few proposed changes have been approved by the people voting at referendum.

Enlarge
the Place



11

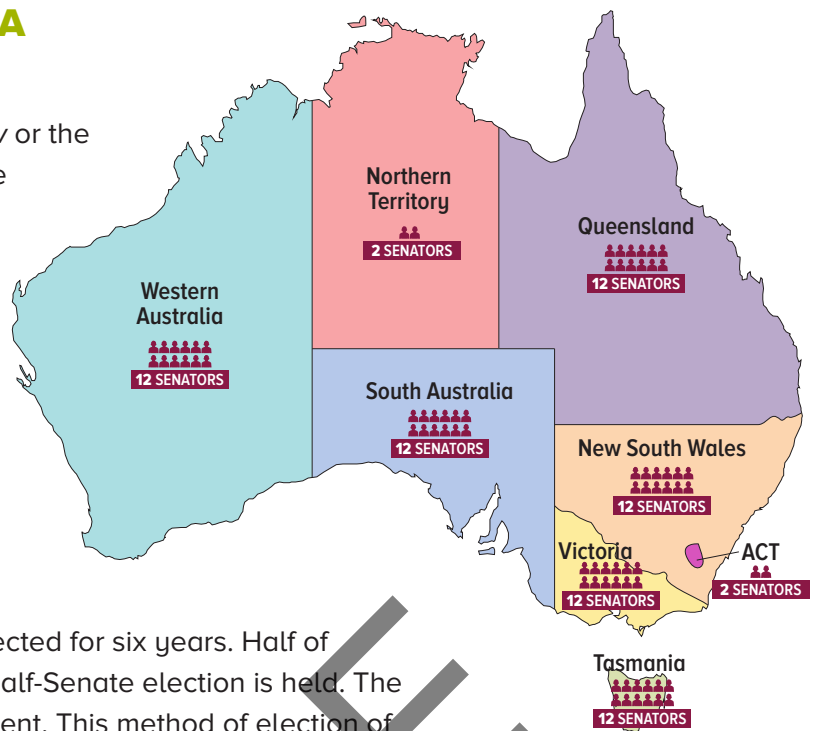
Discover and discuss some of the reasons that it took over fifty years for the Australian colonies to form themselves into one nation and then tell whether or not you think it was a good idea.

THE PARLIAMENT OF AUSTRALIA

The upper house – the Senate

The Senate (also known as the *house of review* or the *states' house*) is chaired by the President of the Senate. The members are known as *senators*.

As the map shows there are 76 senators in the Australian Parliament – twelve from each state and two from each of the two territories. In the original constitution there was provision for six senators from each state, which has subsequently been reviewed as the population has grown.



ELECTIONS

In the normal course of events senators are elected for six years. Half of the senators retire every three years, when a half-Senate election is held. The elections for both houses are normally concurrent. This method of election of senators ensures continuity in the Senate because half of the members continue in office following each half-Senate election. This deliberate plan of our founders helps set the Senate apart from the House of Representatives enhancing its unique purpose and function. In the case of a double dissolution of parliament all senators retire and seek re-election.

MAJOR FUNCTIONS

The Senate has several major functions which reflect its importance and its uniqueness as the 'house of review'.

- The Senate provides checks and balances to support the federal system. The Senate was given significant powers to safeguard the interests of the states. For example, there are the same number of senators for each state, regardless of the population. This provision assists in protecting the interests of smaller populations in some states, such as Tasmania, whose interests may be compromised if larger states had greater voting power.
- The Senate's legislative powers are almost the same as the House of Representatives, making it the second most powerful upper house in the world (after the Senate in the USA).
- The Senate acts as a house of review, with the responsibility of expressing second opinions in relation to legislative and other proposals initiated in the House of Representatives. The Senate implements this through its system of committees.
- The Senate initiates non-financial legislation as it sees fit, probes and checks the administration of laws, exercises surveillance over the Executive's regulation-making power, and protects personal rights and liberties.



A double dissolution

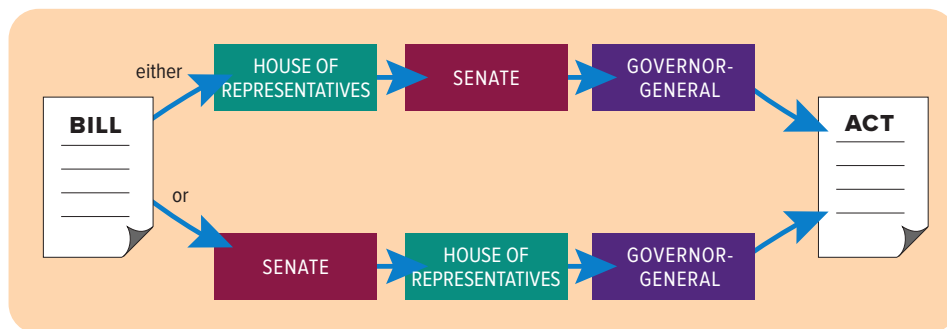
occurs when both the Senate and the House of Representatives are shut down (dissolved), in order for a federal election to take place. A double dissolution election is different to regular elections, when only half the Senate seats are contested. In a double dissolution, the Governor-General dissolves 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. A double dissolution can only happen when there is a deadlock between the two houses of parliament, and it usually occurs at the request of the prime minister.

Consideration of bills

The major work of parliament is the consideration of *bills* (proposed laws). A bill is usually created to address an important issue facing the Australian community. When a bill becomes law it is then known as an *Act of Parliament*.

The stages through which a bill passes in the process of becoming an Act of Parliament are as follows:

- 1 a **motion for leave to introduce a bill** is brought to the house
- 2 there is a **first reading** of the bill, which is a formal introduction of the bill
- 3 the bill undergoes a **second reading**, when the general principles of the bill are debated
- 4 the bill is considered in **committee**, where details are discussed and amendments may be made
- 5 there is the **adoption of the report** from the committee
- 6 there is the **third reading** of the bill, when the bill is voted on and thus passed or rejected in that chamber or house.



The passage of a law through parliament

When a bill passes all stages in the House of Representatives it then goes to the Senate, where it goes through the same procedure. If it is amended by the Senate it must return to the House of Representatives where the amendment must be approved and the bill modified or withdrawn. When both houses have agreed to the bill it is presented to the Governor-General for royal assent. The bill is then an Act of Parliament, becomes law and comes into operation on its day of proclamation or royal assent.

Write the Vision

WRITE THE VISION – SET G

G All written answers should be in sentence form.

1. Why was Canberra located where it is, and why was it necessary to build a new city to be the Capital of Australia?
2. From your research in the Constitution and other sources, list the powers of the Governor-General as Australia's head of state.
3. a. Why is the Senate sometimes called the 'states' house'?
b. What is meant by the term used of the Senate as a 'house of review'?
4. There is currently a maximum three-year term for the House of Representatives. There is debate, usually sponsored by politicians, to increase the length of the term to four years. What do you think would be the pros and cons of this debate?
5. Tell the story of the passage of a typical bill through the houses of parliament and how the bill becomes an Act and thus part of the law of the nation.

Extra credit

1. Why do you think the states limited the power of the Federal Government in drawing up the Constitution?
2. Explore the constitutional provision for the Governor-General to be able to dismiss the government and call an election.



The House of Lords, London, UK

Australian system

In deciding that a constitution would be the foundation for a national government, Australians explored the governmental systems of other nations, even though they were largely satisfied that the system of government operating in the colonies was an excellent model. Each colony had adopted the British Westminster system and had developed their own constitutions already, which made departure from the Westminster system unlikely, if not impossible.

The Australian colonies worked with and under the British system – each was founded by the British authorities and the vast majority of colonists were British – and it would therefore be logical to assume that the newly formed Commonwealth would be governed by a British system. Nevertheless, the new entity of the Commonwealth of Australia had some quite significant differences when it came to structuring parliament from the United Kingdom. Ultimately our ‘founding fathers’ chose a combination of the British and American systems. Australia chose the monarchical Westminster system of Great Britain, with a viceregal office of Governor-General, holding a similar position in the Australian system to that held by the monarch in Great Britain. Australia continued with the parliamentary concepts and traditions of the British Parliament, but borrowed the names and electoral procedures from the Congress of the United States of America using the better-suited terms ‘Senate’ and ‘House of Representatives’. The British terms ‘House of Commons’ and ‘House of Lords’ were taken from feudal times and were not suited to Australia.



The Senate chamber, Washington DC, USA

Write the Vision



WRITE THE VISION — SET I

All written answers should be in sentence form.

1. Our nation, your football club, your church and many other groups have a constitution. What do you understand a constitution to be?
2. What are the important points in the preamble of the Australian Constitution, particularly from a Christian point of view?

7 Glossary

aboriginal	An original inhabitant
Act	Legislation or statute; the decision of a lawmaking body
adjudicating	Deciding or settling a matter by law or as an authority
advocate	One who pleads in our favour of someone or something – Christ is our advocate
alien	A person who is not a citizen of the country in which he lives; a foreigner
amendment	An article added to a law or set of laws, or put in place of a previous article
annex	To take permanent possession of, as a country taking additional territory
appropriate	To set apart or approve the spending of money for a particular purpose
arbitration	Settlement of a dispute by a person or persons to whom the conflicting parties agree to refer it for decision; mediation
attainted	Found guilty of a crime, involving loss of civil privileges
bankrupt	The financial state of a person or business when legally declared unable to pay one's debts
barrister	A lawyer who is qualified to plead in a court of law
bicameral	Consisting of two houses or legislative bodies
bill	A written proposal for legislation, prepared to be presented in parliament
bounties	Bonuses or gifts paid by the government
Cabinet	The group of senior ministers in a government
census	Gathering of details about the population; an official count of the people
certified	Information declared true and correct by an official spoken, written, or printed statement
checks and balances	Safeguards built into a system to avoid any inappropriate action by setting up limits on power or balancing one institution's powers against another
colony	A group of emigrants settled abroad and the new territory claimed and settled by them
commission	A body of people appointed to perform certain prescribed duties and to report on their findings
committee	A group of people set aside to complete a particular task
common law	A body of law created by judges by virtue of being stated in written opinions. It functions through the doctrine of Precedent; a body of rules developed by the courts to guide them in their application of the common law.



The Australian Constitution

As Altered to June 1987.

[9th July 1900]

An Act to constitute the Commonwealth of Australia.

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland; and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- | | |
|---|---|
| Short title | 1. This Act may be cited as the Commonwealth of Australia Constitution Act. |
| Act to extend to the Queen's successors | 2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom. |
| Proclamation of Commonwealth | 3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth. |
| Commencement of Act | 4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act. |
| Operation of the constitution and laws | 5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth. |