



# The Constitution and You

## Teacher Notes

### Overview

The Constitution and You program is a middle school program that meets several of the Western Australian Curriculum outcomes for Year 7 students in Humanities and Social Sciences, (HASS); and also one of the Australian Curriculum outcomes for Year 7 students. The aim is to develop an understanding and appreciation of the purpose and value of the Australian Constitution.

This program:

- Outlines a brief overview of Federation
- Describes the roles of the two houses of Australia’s bicameral Parliament
- Defines the three arms of government: Parliament, Executive and Judicature
- Explains the separation of powers including where the powers overlap in Australia
- Describes some of the advantages of Australia having its own written constitution

### Objectives

Students will:

- As a class, undertake a role-play on Federation which will give a historical context as to when and why our Constitution was written
- Work in pairs to complete hands on activities and a worksheet that will allow students to:
  - Compare the roles of upper and lower houses of Federal Parliament
  - Identify the three arms of government and categorise their features
  - Demonstrate the requirement of the separation of power in a democracy and discover the overlap in Australia’s version
  - Discuss and justify the advantages of having a written constitution

### Teacher’s role prior to incursion:

- Ensure that the students are seated at desks **arranged into pairs**. Students will require a pen or pencil to complete their own worksheet.
- The presenter will require a **magnetic whiteboard**.

### Western Australian Curriculum links

Curriculum Code	Year 7 Humanities and Social Sciences (HASS)
Civics and Citizenship - Designing our political and legal system	
<u>ACHCK048</u>	The purpose and value of the Australian Constitution.
<u>ACHCK048</u>	The concept of the separation of powers between the legislature, executive and judiciary and how it seeks to prevent the excessive concentration of power
<u>ACHCK048</u>	The division of powers between state/territory and federal levels of government in Australia
<u>ACHCK048</u>	The different roles of the House of Representatives and the Senate in Australia's bicameral parliament

## Australian Curriculum links

V8.2	Year 7 Humanities and Social Sciences (HASS)
Civics and Citizenship - Government and democracy	
ACHCK048	The key features of government under the Australian Constitution with a focus on: the separation of powers, the roles of the Executive, the Houses of Parliament, and the division of powers

### BACKGROUND INFORMATION FOR TEACHERS

#### FEDERATION

Federation is the name given to the union of the six self-governing colonies of Australia on 1 January 1901, to form one nation.

A federation is a system of government with two levels that share responsibility between a single national authority and several state authorities. The national level looks after national concerns such as currency, defence and taxation while the state level looks after state concerns such as the provision of health, road and education services.

Before Federation each Australian colony had its own government and its own laws, defence force, tariffs and postage stamps etc. In the 1890s the colonies came together at special meetings called conventions to try to agree about how to form a new federal system of governance. The people voted to accept this new constitution, which was then taken to the British Parliament and Queen Victoria signed the Commonwealth of Australia Constitution Act 1901. The colonies of New South Wales, Victoria, South Australia, Western Australia, Queensland and Tasmania were now united and became the six original states of the new nation, the Commonwealth of Australia.

#### THE AUSTRALIAN CONSTITUTION

A constitution is a set of rules or laws that sets out how a system of government will operate. It describes the institutional structure, the conditions under which power is held and exercised and how the rules may be changed.

The 1901 Commonwealth Constitution came about from the Federation movement of the 1880s.

Conventions were held to determine what a national parliament would have law making power over. These conventions drafted what was to become Australia's Constitution. As well as the Commonwealth Constitution (also known as the Australian or Federal Constitution) each state has their own Constitution.

Australia is unique because our Constitution was adopted by a popular referendum (vote of the people) and it takes a popular referendum to change it.

The Commonwealth Constitution came into being on 1 January, 1901.

## **THE FEDERAL PARLIAMENT**

### **THE HOUSE OF REPRESENTATIVES**

The House of Representatives is the lower house of the Commonwealth Parliament. It was designed as the “popular” house or the “house of the people”. There are a total of 150 members elected to sit in this house with the number of members elected determined by the size of each state’s population. At the 2019 Federal Election this number will increase to 151.

The Government of the day is formed from by the political party which wins the majority of seats (i.e. at least 76 seats) in the House of Representatives at the last election. The Prime Minister is the leader of this political party.

Members of the House of Representatives are elected by Australian voters every three years using the preferential voting system.

### **THE SENATE**

The Senate is the upper house of the Commonwealth Parliament. It was designed to act both as a States’ House and as a House of Review. The Government is not formed in the Senate and laws relating to money and taxes cannot begin there. All bills must pass both the House of Representatives and the Senate in order to become law.

The Senate’s role as the States’ House came about to ensure that the people from each of the different States would be represented equally and each have an equal voice in national decision-making. This stopped the bigger states from dominating the upper house.

The Senate is directly elected by Australians voters with the same number of Senators elected from each State by a system of proportional representation. They are elected for a six year term, with half of the Senators going to an election every three years.

## **THREE ARMS OF GOVERNMENT AND SEPARATION OF POWERS**

In Australia, there are three arms of government - the legislative arm (Federal Parliament) to make laws; the executive arm to administer laws and the judicial arm to interpret laws. Thus the power to make and manage federal law is divided between these 3 arms of government.

This division is based on the principle of the separation of powers. This principle is applied to democracies such as Australia’s, in order to prevent oppressive government as the three arms of government should be held by separate institutions. They can act as a check and balance on each other.

Notably, in Australia, the legislative and executive functions overlap, as the members of the Executive Government (i.e. Ministers), are drawn from the Parliament.

### **USEFUL WEBSITES**

ABC Splash <http://splash.abc.net.au/search?keyword=federation>

Parliamentary Education Office <http://www.peo.gov.au/>

Australian Parliament: [www.aph.gov.au](http://www.aph.gov.au)

Western Australian Parliament: [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)