



Department of
Education

Year 11 ATAR Politics and Law

Unit One: Sources of Law in Australia



Parliament and
the Courts

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Year 11 Politics and Law (AEPAL) – Unit One

Sources of Law in Australia (Parliament and the Courts)

This unit of work should be completed in 3 weeks. The syllabus points covered include:

- the roles of the legislative, executive and judicial arms of government
- types of laws made by parliaments, courts and subordinate authorities
- legislative processes at state and national levels
- at least one contemporary issue involving the legislative process.

By the end of this unit of work you should have:

- defined key legal terms
- identified and described the passage of legislation through the Commonwealth Parliament
- identified and described the passage of legislation through the WA State Parliament
- explained the role of committees in the legislative process
- revised and explained sections of the Commonwealth Constitution relating to the passage of legislation through the Commonwealth parliament
- outlined the connection between the executive and legislative function in Australia
- defined key terms relating to the procedures of parliament
- completed notes relating to the law-making process of the courts (common law)

The textbook referred to in this unit of work is used by many schools. *Democracy and Justice: WACE Politics and Law ATAR Units 1 & 2* (Rev ed) by Stephen King. If this is not available, use another course textbook to assist with the tasks.

Task One

1. Using a dictionary, text or other source, provide a basic definition for the following:

a) Anarchy -

b) Custom -

c) Rule -

d) Law -

e) Fairness -

f) Justice -

g) Equality -

h) Values -

i) Parliamentary sovereignty -

2. Use the terms above to explain the role of the law in a democratic society.

3. Does everyone obey the law for the same reasons? Discuss the factors that motivate people to obey the law.

Task Two - Sources of Law (Parliament of WA)

1. Go to the Parliament of Western Australia website at <https://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/index> and complete the following activities. Specific links are provided to complete these activities.
 - a) Open the Fact Sheet 'Passage of Legislation' (Fact Sheet 18) at [https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/resources/file-18-passage-of-legislation/\\$file/Sheet%2018%20-%20Passage%20of%20Legislation.pdf](https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/resources/file-18-passage-of-legislation/$file/Sheet%2018%20-%20Passage%20of%20Legislation.pdf) . This Fact Sheet will download to your browser. You may need to open it. Read through the Fact Sheet carefully and draw a flow chart which outlines the process in the space below:

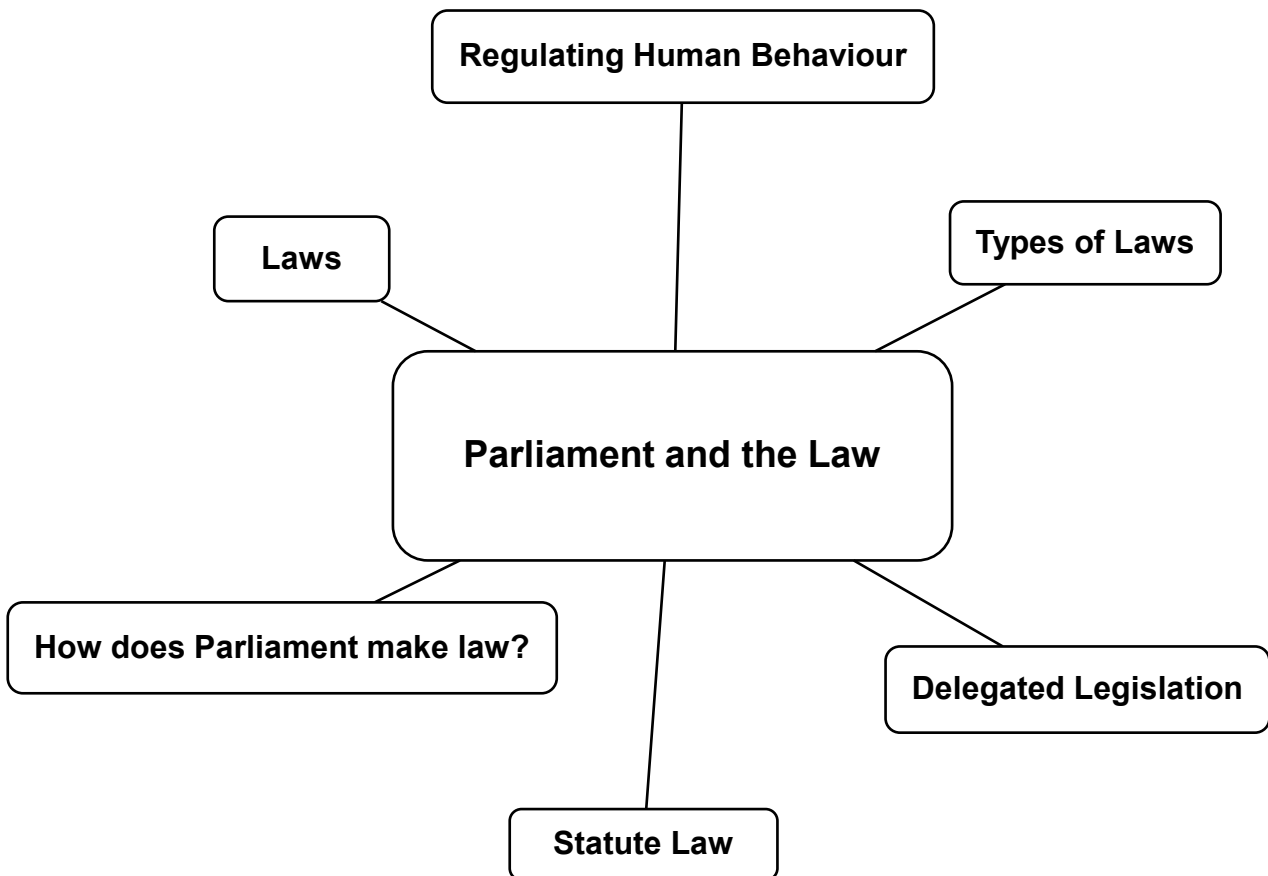
- b) Watch the video [‘How laws are made’](#) at <https://www.parliament.wa.gov.au/WebCMS/Multimedia.nsf/MultimediaShow> Outline the passage of a Bill through State Parliament.

- c) Open the Fact Sheet ‘Parliamentary Committees’ (Fact Sheet 19) at [https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/resources/file-19-parliamentary-committees/\\$file/Sheet%2019%20-%20Parliamentary%20Committees.pdf](https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/resources/file-19-parliamentary-committees/$file/Sheet%2019%20-%20Parliamentary%20Committees.pdf) This Fact Sheet will download to your browser. You may need to open it. Take notes using the sub-headings provided in the Fact Sheet in the space below:



Task Three - Sources of Law (Commonwealth Parliament)

1. Read Chapter 5 'Parliament and the Law' in the textbook *Democracy and Justice* by Stephen King. Take notes using the framework below:



2. Complete Questions 1-11 on page 121-122 of *Democracy and Justice* by Stephen King.
3. Go to the copy of the Constitution at https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution.aspx. Explain the sections of the Constitution and how they may affect the legislative function of the Commonwealth Parliament listed below:

a) Section 1 –

b) Section 13 –

c) Section 15 –

d) Section 23 –

e) Section 33 –

f) Section 40 –

g) Section 50 –

h) Section 53 -

i) Section 57 -

4. Outline the connection of the executive and legislative functions of Parliament in Australia.

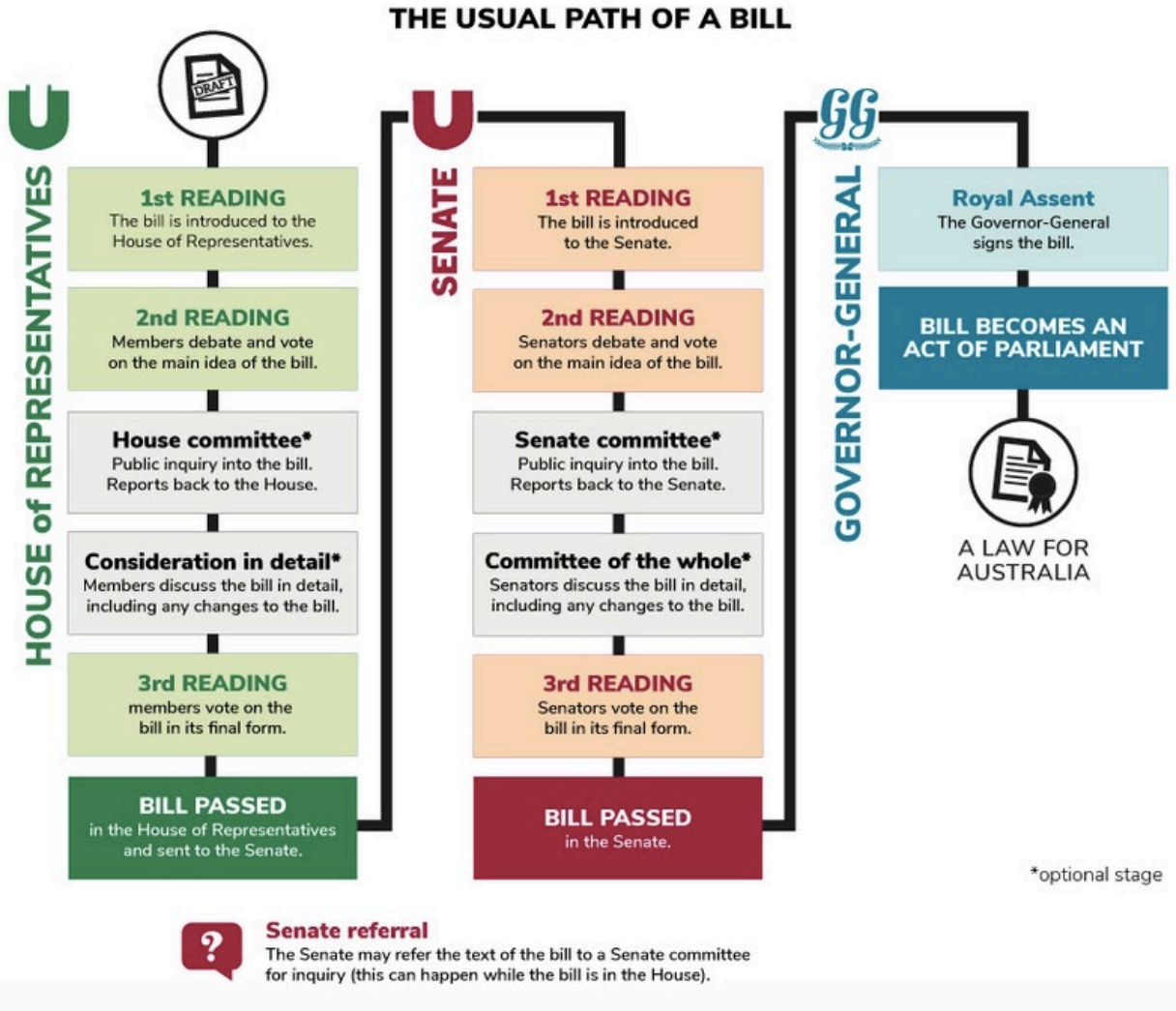
5. Go to the Parliament of Australia Glossary at <https://www.aph.gov.au/Help/Glossary>. Use this website and the Glossary in the textbook *Democracy and Justice* by Stephen King to the definitions and write them in the spaces below:

Adjournment debate	
Censure motion	
Division	
Dorothy Dixer	
Floodgating	

Gag	
Grievance debate	
Guillotine	
Motion	
Motion of No Confidence	
Name	
Order of Business	
Pairs	
Parliamentary privilege	

Petition	
Point of Order	
Private Members Bill	
Question Time	
Questions Without Notice	
Quorum	
Standing Orders	

6.



Examine the diagram above. It shows the passage of a Bill through the Commonwealth Parliament. Answer the following questions:

a) Explain the process for passage legislation in a full paragraph.

b) Outline the level of influence groups or individuals in Parliament may have on the legislative process. Use specific, recent examples to support your answer.

c) Discuss the role of committees on the passage of legislation.

b) Consensus -

c) Accountability –

d) Political participation -

Task Four – Sources of Law (Courts)

1. Read Chapter 6, 'Courts and the Law', in the textbook *Democracy and Justice* by Stephen King and take brief notes (key words only) using the framework that follows:

Judicial power	<ul style="list-style-type: none"> • Trials • Parties
Interpreting law	<ul style="list-style-type: none"> • Types and nature of law • Types of courts • Relationship between parliament and the courts
Statutory interpretation	<ul style="list-style-type: none"> • The need for interpretation • Inconsistencies and contradictions • Statutes are <i>in futuro</i> • Methods of statutory interpretation
Legal systems	<ul style="list-style-type: none"> • Civil law • Common law • Trials • Common law in the world - Beyond Australia
Common law system at work	<ul style="list-style-type: none"> • The overarching principle - Stare Decisis • The doctrine of precedent • The court hierarchy
Statute and common law	<ul style="list-style-type: none"> • The doctrine of precedent and statutory interpretation • Statute and common law compared • Complementary interactions between courts and parliament

2. Complete Questions 1-9 on page 151 of the textbook *Democracy and Justice* by Stephen King.

3. Differentiate/Distinguish between the following:

a) Statute and Common law -

b) Civil and Criminal Law -

c) Literal Rule, Golden Rule and Mischief Rule -

d) *Ratio Decidendi* and *Obiter Dicta* -

e) *Ejusdem generis* and *Noscitur a sociis* -
