

# ROLES OF THE CROWN AND HOUSES OF THE VICTORIAN PARLIAMENT IN LAW-MAKING

## STUDENT LEARNING ACTIVITY

### Overview

The study of Australia's laws and legal system involves an understanding of institutions that make our laws. Parliament is the supreme law-making body and its main function of the parliament is to make laws for and on behalf of the community. In this lesson you will look at the roles of the Crown and Houses of Parliament on Victoria in law-making.

After completing this lesson plan, you will be able to

- Define and use the correct legal terminology, principles and information relating to parliamentary procedure
- Understand the role of the Crown in law-making
- Understand the roles of the Legislative Assembly and the Legislative Council
- Be more engaged with the Parliament of Victoria.

### Roles of the houses of parliament in Victoria in law making

One of the important roles of parliament is to make new laws and update old laws for the good government of our society.

Victoria has a bi-cameral parliament and there are two houses, an upper house and a lower house. The Victorian Parliament is made up of the

- Legislative Assembly (lower house), with 88 members who each represent an electorate.
- Legislative Council (upper house), with 40 members from eight regions. Each region has five members.
- The Crown, represented by the Governor.

Bi-cameral means having two Houses of Parliament.

Members of Parliament can belong to a political party or be independent.

Electorates in this house are called districts.

### Role of the Legislative Assembly

The government in Victoria is formed in the Legislative Assembly, with the party or coalition of parties with the majority of seats holding power, and its leader becoming the Premier. The Opposition comprises the largest party or group that is not part of the government. It is the role of the Legislative Assembly to represent all Victorians and to make new laws and update old laws for the good of the community. Most Bills originate in this house, and only the Assembly can initiate finance Bills (those dealing with raising or spending of money by the government). This house scrutinises the actions of the government and holds it to account for its policies and actions. The Legislative Assembly influences the legislative agenda of the state.

## Role of the Legislative Council

The Legislative Council acts as a house of review. It scrutinises and debates Bills and can reject or ask for amendments to Bills from the lower house, though it cannot reject appropriation (money) Bills. This house can initiate legislation, though this only happens occasionally. The government does not need a majority in this house.

The electorates of the Legislative Council are called regions, and there are five regions in Victoria.

## How does the Parliament of Victoria make laws?

You will explore the need for, and the factors that may influence parliament in bringing about a change in the law, later in your studies. Here the actual legislative process and the role played by the houses is outlined.

### Legislative process

Generally, a Bill may be initiated in either House of the Parliament of Victoria although in practice most Bills originate in the Legislative Assembly. Once it has passed one house, it then goes through a similar process in the other house before becoming law. Thus a Bill is scrutinized and reviewed through the two Houses.

A Bill is a proposal for a new law or a change to an existing one. If passed it becomes a law known as an act of parliament.

Statute or legislation is the title given to laws made by parliament.

### Introduction and First Reading

The introduction is a formal stage at which the member introducing the Bill reads the long title of the Bill. At this stage, the Bill is still confidential and is not available in hard copy or on parliament's website. At this point a statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* is read.

### Second Reading

The Clerk announces the Bill by reading its short title and the member or minister moves that it be read a second time. The member then makes the second reading speech outlining the Bill's intentions. This speech explains the general purpose and broad reasons for the Bill. Parliament is then adjourned to allow time for members to study and consider public reaction to the proposed law. Upon returning, an Opposition member outlines the Opposition's opinion of the Bill and then the general principles of the Bill are debated. After the debate has concluded, a vote is taken to decide whether it should proceed to the next stage. If the Bill is supported by a majority of members, it proceeds to the next stage.

### Consideration in Detail (Legislative Assembly) or Committee of the Whole (Legislative Council)

This is where the specific details of the Bill are discussed and debated in great depth, clause by clause, so that amendments can be suggested and agreed to. During this stage the Bill can be discussed by the whole House or sent to a smaller committee for investigation and scrutiny. This stage may be dispensed with if all members agree.

### Third Reading

There may be some debate at the third reading stage but normally most of the debate will have already taken place. Once a Bill passes its third reading, it has passed through all stages in the House.

### Royal Assent

Once a Bill has been passed by both Houses of Parliament in the same form, it is presented to the Governor of Victoria for Royal Assent.

## How effective is the bi-cameral system?

The stability of a bi-cameral legislative system comes from the ability of the two houses to provide checks and balances on each other's power. Legislation is scrutinised in both houses and this leads to quality decision making. If the government does not have a majority in the upper house, this scrutiny becomes even more effective.

Nevertheless, some other legislatures, like Queensland, New Zealand and Sweden manage well with only one house, though in NZ the parliamentary committee system plays an even more important role in review and scrutiny. Some say that having two houses can be an unnecessary cost and adds to delays in law making.

However, a majority of countries in the world with a democratic form of government have a bi-cameral system.

## The roles played by the Crown in law-making

The Governor of Victoria is appointed by the Queen (the Crown), on the advice of the Premier, to act as her representative as Head of State in Victoria. The Governor is the custodian of Victoria's Constitution and has constitutional responsibilities which include calling an election, giving Royal Assent to Bills passed by the parliament, appointing ministers and securing the orderly transition of one government to the next.

On July 1 2015 the Honourable Linda Dessau AM became Victoria's 29<sup>th</sup> Governor, the first woman to hold the position.

The giving of Royal Assent to legislation is a vital part of the legislative process and is the formal approval by the Crown, enabling a Bill that has passed both Houses of Parliament to become law. A Bill formally becomes an Act of Parliament once signed by the Governor, who signs two copies, which are then sealed with wax.

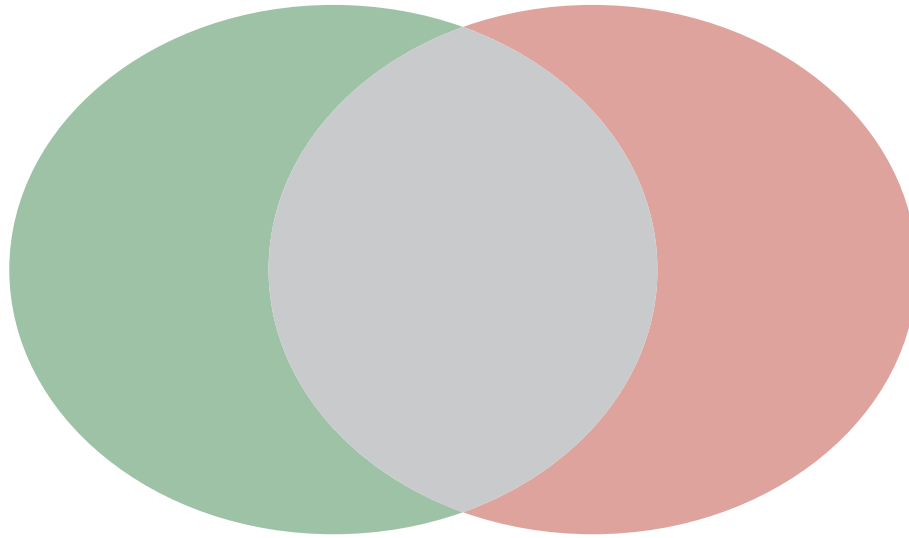
## Check your understanding

Answer the following questions:

- Complete the following to outline key information about the following:

	Legislative Assembly	Legislative Council	Crown
Number of Members			
Level - Upper, Lower or N/A			
'Area' covered by Members			

2. Complete the diagram to compare the roles of the Legislative Assembly and the Legislative Council in law-making:



3. Explain the roles of the Legislative Assembly, the Legislative Council and the Crown in law-making.
4. *I am very important, and laws cannot be made without me. Once I give my approval, Bills evolve.*  
Explain what the above statement refers to and justify your choice.
5. In what way does the Legislative Council achieve its role as a house of review?

A large, light blue rectangular area intended for students to write their answers. It features a vertical line down the center, a blue cross symbol on the top left corner, and a blue rectangular block on the top right corner.

6. Outline the process of a Bill:

1	
2	
3	
4	
5	The same stages must then be passed by the other house.
6	

- 7. Select and further explain one of the processes a Bill must go through in the houses of parliament.
- 8. If the Crown were not available to perform their role, discuss what would happen to the Bills passed by the houses?
- 9. Apart from making laws, what other functions does parliament have?

For more information and resources, visit parliament's website:  
[www.parliament.vic.gov.au/education/learning-a-teaching-resources/vce](http://www.parliament.vic.gov.au/education/learning-a-teaching-resources/vce)