

GLOSSARY OF CONSTITUTIONAL TERMS for civicsaustralia.org.au

[Act \(of Parliament\) \(Fact sheet 11: Parliament-the roles and powers of the Houses\).](#)

A law made by Parliament; a bill which has been passed by both the House of Representatives and the Senate and has received the royal assent by the Governor-General.

Australian Government

The national government of the Commonwealth of Australia, which is also known as the Federal Government or the Commonwealth Government. It was established by the Australian Constitution at the time of Federation in 1901.

Bill

A proposal for a new law which has been presented to Parliament.

[Cabinet, the \(Fact sheet 16: The powers of Ministers and their limits\).](#)

The Cabinet consists of the most senior ministers, including the Prime Minister in our Federal Government. The Cabinet's role is to make major policy decisions, including decisions about spending, appointments and introducing legislation.

citizen

A person who holds citizenship of a polity, such as a country, and who is a member of a political community that grants certain rights and privileges to its citizens, and in return expects them to act responsibly such as to obey their country's laws . Australian citizenship, including its rights and entitlements, is granted under the Citizenship Act 2007.

colony

A country or area under the full or partial political control of another country and occupied by settlers from that country. Before Australian federation in 1901 the states were known as colonies.

common law

A body of law based on custom and court decisions. Also known as case law or precedent, it is law that is incrementally developed through court decisions and adapted to the current context.

Commonwealth of Australia

The nation established 1 January 1901 as "one indissoluble Federal Commonwealth under the Crown" and for which the Australian Constitution is the foundation document.

confidence of the house

The support of more than half the members of the House of Representatives for the government, which may be shown by voting on a particular major issue. The Australian Government is formed by the party which has the confidence (or support) of the majority of the members of the House of Representatives.

Constitution

A set of rules on which a country, state or other organisation (such as a club) is governed. Usually, this takes the form of a legal document setting out specific powers for a government or governing of that entity.

[Court \(High\) Fact sheet 18: Courts-their role and powers\).](#)

Australia's highest court is established by Chapter 111 of the Australian Constitution. It has 7 members, it can hear matters both in its original jurisdiction and on appeal, and it is the final forum for appeal in Australia.

Court (Supreme)

The highest state court in each of the Australian states, the Australian Capital Territory, and the Northern Territory.

culture

A body of beliefs, attitudes, skills and tools by which communities structure their lives and interact with their environments.

deadlock

A situation where one House of the federal Parliament (that is, the Senate or the House of Representatives) fails for a second time, within a specified timeframe, to pass a bill as agreed to by the other House.

democracy

A system of government where power is vested in the people, who may exercise it directly or through elected representatives, and who may remove and replace their political leaders and government in free and fair regular elections. It is a system of government grounded in liberal democratic values and a belief in civic engagement. In Australia it includes a written constitution, a well-established representative parliamentary process based on the Westminster system and the separation of

powers, a constitutional monarch whose representative is the Governor-General, and the courts that independently and impartially decide disputes. The key values of Australian democracy include representative government; the rule of law; freedom of belief, expression, religion, assembly and other basic human rights.

delegated legislation

The making of statutory rules, regulations, legislative instruments and subordinate legislation by the Executive. It is legislation made not directly by an Act of the Parliament, but under the authority of an Act of the Parliament.

division of powers

Vesting of powers within the three different levels of government (the Federal government; State and Territory governments; and local governments). Under the Australian Constitution, the Commonwealth Parliament is vested with specific powers while the state legislatures retain general powers.

Under the Australian Constitution, there are powers to make laws that can only be exercised by the Commonwealth Parliament (called exclusive powers), those that can be made by both the Commonwealth and the states (called concurrent powers), and those that can only be made by the states (these are areas which aren't mentioned in the Constitution, and are called residual powers).

election

A formal and organised choice by vote of a person for a political office or other position. In Australia, the Australian Electoral Commission independently administers elections.

electorate

A member of the House of Representatives represents an 'electorate', that is, a particular geographic area each made up of a certain population size'. This is in contrast to the Senate, in which Senators represent a state or territory".

electors

People who have the right to participate in an election and choose to do so.

exclusive power (of the Constitution)

The sole right, given by the Constitution, of the federal Parliament, as opposed to state parliaments, to legislate on certain subjects; ; for example, the exclusive power vested in the Commonwealth Parliament under s 90 of the Australian Constitution to make laws on customs and excise.

[Executive \(Fact sheet 13: Executive Power Overview\).](#)

The branch of government which carries out or administers the laws. It comprises the Governor-General (or Governor at the state level), the ministry and the public service. The Executive Government is described in Chapter 11 of the Australian Constitution.

Express Rights

The Australian Constitution does contain a few, scattered rights such as freedom of religion and trial by jury.

Federal Executive Council

A constitutional mechanism for providing ministerial advice to the Governor-General. The Federal Executive Council, which is comprised of ministers and presided over by the Governor-General (or Governor, at the state level) meets to advise the Governor-General (or Governor) to formally make certain decisions that have often been determined by the Cabinet. The Governor-General can also make regulations that might have only been approved by a Minister. Once approved, decisions are given effect by the public service.

federalism

A principle of government, which defines a relationship between the central government at the national level and its constituent units at the regional, state or local levels. In Australia, federalism is the division of powers between the federal government and the states. The Commonwealth effectively has plenary power with respect to the Territories.

federation

The forming of a nation by the union of a number of states, each of which retains some power to govern itself, while ceding some powers to a national government. In Australia, federation refers to the creation of a single nation in 1901 by the joining together of New South Wales, Victoria, South Australia, Queensland, Western Australia and Tasmania to be known as the Commonwealth of Australia.

franchise

The right to vote.

Government

The group of people with the authority to govern a country or state, a particular ministry in office.

[Governor-General \(Fact sheet 15: The powers and role of the Governor-General\).](#)

A representative of the monarch at the federal level in Australia, the Governor-General exercises most of the monarch's powers. Other powers are conferred upon the Governor-General by the Constitution and statutes. In exercising their powers, the Governor-General is bound by convention to act on advice of his or her responsible ministers, except in relation to reserve powers.

[House of Representatives \(Fact sheet 11: Parliament-the roles and powers of the Houses\).](#)

One of the two houses of the Federal Parliament of Australia, whose Members are elected by an represent geographical areas of Australia known as electorates.

Implied rights

Implied rights are not expressly stated in the Constitution but are entailed by its text and structure. This includes for example, the implied right of political communication, which prohibits (in certain contexts) the Parliament of the Commonwealth or the states and territories from making laws that impermissibly restrict political communication. Implied rights are found by the Justices of the High Court by 'reading between the lines' of the Constitution.

joint sitting (of the two houses)

A rare meeting of both houses of Parliament together following a 'double dissolution' election to make a decision on a proposed law which the two houses, sitting separately, have been unable to agree on.

[judiciary \(Fact sheet 19: Protecting the independence of the Judiciary\).](#)

The judicial authorities of a country, judges collectively who in Australia work in the system of courts that adjudicate legal disputes, and interprets and applies the law, It is the third independent limb of Government set up under the separation of powers. Under the Australian Constitution, the judiciary is comprised of the Courts, where the judges interpret legislation made by the Parliament, and resolve disputes including about decisions of Government, but also between private parties. The Judicature is described in Chapter 111 of the Australian Constitution.

jury

A body of people who are citizens (typically twelve in number) sworn to give a verdict in a legal case on the basis of evidence submitted to them in court.

law

A system of rules that a particular country or community recognises as regulating

the actions of its members and which it may enforce by an imposition of penalties and sanctions. In Australia, the law comprises of Acts of parliament and the common law.

legislation

In Australia, legislation is a written law, also known as an Act of parliament or statute, which commences as a Bill, is passed by the parliament and has received royal assent (by the Governor-General or a governor, or, in very rare cases, directly by the monarch). A statute may commence upon royal assent, or a specified date, or upon a date declared in a proclamation. Legislation comprises of both 'Acts' and 'delegated legislation'.

Legislative Assembly (also known as the House of Assembly in some states)

The lower house of Parliament in New South Wales, Victoria, Western Australia, South Australia, and Tasmania and the sole house of Parliament in Queensland, the Australian Capital Territory and the Northern Territory. The Commonwealth Parliament has the House of Representatives as its lower house, rather than a Legislative Assembly.

Legislative Council

The upper house of Parliament in all Australian states except Queensland and the territories. The Commonwealth Parliament has an upper house called the Senate, rather than a Legislative Council.

Legislative process

The series of actions which result in a statute being made.

legislature

An assembly with the authority to make laws, such as the Australian Parliament. The legislative body of a country or state.

Local Government

The six states and the Northern Territory have established one further level of government. Local governments (also known as local councils) handle community needs like waste collection, public recreation facilities and town planning. The state or territory government defines the powers of the local governments and decides what geographical areas those governments are responsible for.

Member of Parliament

A member of a house of Parliament, usually used to describe a member of a lower

house and, in Australia, referring to Members of the House of Representatives, who may use the initials M.P. after their names.

minister (or minister of state)

A member of Parliament who is a member of the executive government, and who is usually in charge of a government portfolio. This includes being responsible for the corresponding government department and the public servants in it.

[ministry \(Fact sheet 16: The powers of Ministers and their limits\).](#)

Members from both houses of the Federal Parliament chosen from the party or coalition of parties with a majority in the lower house to form government, who are formally appointed by the Governor-General as his or her ministers of state and together with the Governor-General form the executive government.

minority government

A government formed by a party or coalition of parties which does not have a majority in the House of Representatives in its own right but have sufficient support within the House of Representatives (for example, through the support of minor parties) to be able to form Government.

money bill

A bill setting a tax or proposing the spending of money for a particular purpose. This includes an appropriation bill. Generally, money bills must be introduced in the House of Representatives (rather than in the Senate). The most important appropriation bill are Appropriation Bill (No.1) and Appropriation Bill (No.2) which are introduced each year to legislate the Budget for the coming year.

nation

A large body of people united by common descent, history, culture, or language, inhabiting a particular state or territory.

opposition

The second largest political party or coalition of parties after the government party in the House of Representatives which works to oppose what it believes to be wrong in government policies or actions, and which stands ready to form a government should the voters so decide at the next election.

[Parliament \(Fact sheet 10: Introducing the Australian Parliament\).](#)

Parliamentary democracy is a system of government in which power is vested in the people, who exercises their power by electing representatives in Parliament. As an assembly with the authority to make laws, the Australian Parliament, its powers and functions, are defined in Chapter 1 of the Australian Constitution. The executive

government is formed from members of parliament and is answerable to Parliament.

political party

An organisation which exists to achieve particular public policy objectives by having members elected to Parliament.

Prime Minister

The head of the elected national government and the Executive Government as the chief minister,

principle

A fundamental source or basis of something that serves as the foundation for it.

[referendum \(Fact sheet: 1 What is a referendum\)](#)

A vote by all voters on a question. Generally in Australia, a 'referendum' refers to the mechanism to change the Constitution. This involves a public vote on a proposed law to alter the Constitution that must be approved by a majority of all voters in Australia. A second requirement for a referendum to pass is the double majority where a majority of voters, in a majority (four) of the six states, vote to precipitate change. This process is required under s 128 of the Constitution.

Reserve powers

Powers accorded to the Governor-General by convention which are not written into the Constitution and which may be exercised without ministerial advice.

[representative democracy and government \(Fact sheet 20: Responsible and Representative Government\)](#)

The political idea of representation is based on the idea that some person or institution acts on behalf of the people, by representing their beliefs, attitudes and perspectives. Representative democracy is a system of government in which electors choose representatives to a parliament to make laws on their behalf. In the Australian system of government, the people elect representatives to the Commonwealth Parliament. Hence we have a system of representative government.

[responsible government \(Fact sheet 20: Responsible and Representative Government\)](#)

In Australia this means a system of government where the Commonwealth

Parliament and the government is answerable to elected representatives of the people for its actions. The ministry is drawn from within the Parliament from members of the party or parties which has the support of a majority of the lower house (in the Commonwealth Parliament the House of Representatives) and must maintain the confidence of a majority of that house.

rights and responsibilities

Entitlements and obligations that are associated with living in Australia. Rights and responsibilities are a cornerstone of modern democracies. While all people in Australia enjoy certain rights (for example, the right to vote and freedom from the Commonwealth Government making laws restricting the free observance of religion), there are also responsibilities (for example, paying taxes, jury service, and voting).

royal assent

The signing of a bill by the Governor-General, which is the last step in making a Bill into an Act of Parliament, or law.

rule

A requirement to behave in a particular way; a set of explicit or understood regulations or principles governing conduct or procedure within a particular area of activity, for example, school rules, rules of soccer. Rules are usually developed and set by people who have the power and authority to create and enforce them.

rule of law (the)

A legal principle that decisions of government are made in terms of the law and that all citizens are subject to the law and equal before the law. Embedded within the rule of law is the idea the legal system should operate relatively predictably so that individuals can organise their lives and not be subject to arbitrary power. The High Court has described the rule of law as an 'assumption' of the Constitution, as opposed to an enforceable commitment and so it's best described as a political ideal.

[secret ballot \(Fact sheet 22: The secret ballot and the 'Australian ballot'\)](#)

A ballot in which votes are marked in private.

[Senate \(Fact sheet 11: Parliament-the roles and powers of the Houses\)](#)

Senators are elected to represent a state or territory. The Senate is often referred to as the upper house and is one of the two houses of the federal Parliament of

Australia. There are 76 Senators, 12 from each of the six states and two each from the Northern Territory and the Australian Capital Territory, elected from each state and territory voting as one electorate.

Senator

A member of the Australian Senate.

[Separation of Powers \(Fact sheet 9: Introducing the three key institutions of government and the separation of powers\).](#)

A doctrine that the three arms of government - the executive, the legislature (parliament), and the judiciary (courts) - are separate and independent, with powers that act as a check and balance on each other. In Australia, the separation between the executive and the legislature is weak (blurred) because the executive is drawn from the legislature, but the separation between the judiciary and the other two arms of government is strong and is enforced by courts.

States

Prior to 1901 the six States were British colonies. After federation they maintained their own parliaments found in the capital cities of each State. They have their own Constitutions and make laws in areas such as housing, education, health, police and transport to name a few.

Statute

A law made by Parliament, the legislative branch of a government

[voting \(Fact sheet 20: what does the Constitution say about the right to vote?\)](#)

A means of formally expressing opinion or choice in a referendum or when electing a representative of a Parliament. The term is frequently understood in relation to government as a formal expression of preference for a candidate for office or for a proposed resolution of an issue within a parliament. In Australian referendums and federal elections voting is compulsory for those who are eligible to do so

Westminster system

A system of parliamentary government that developed in England and was exported to its colonies, including Australia. It is based on the idea that the executive government is responsible to parliament who are in turn accountable to the people. The executive government is formed by the party that enjoys the support of the lower House of Parliament. Ministers are members of Parliament and answerable to it.