**Dr Zareh Ghazarian (Zareh):** Today we'll be chatting to Dr Ellie Foomani about the second Civics and Citizenship curriculum strand, Laws and Citizens. Hi, Ellie. Could you explain to us what are some key concepts of the Laws and Citizens strand?

**Dr Ellie Foomani (Ellie):** Good question. In Laws and Citizens, we explore the workings of the Australian legal system and why it is important for our society. We look at how laws are made, the role of the courts, and how people in law enforcement work to protect society.

**Zareh:** So at the primary levels, especially at the lower primary levels, we introduce the concepts of rules and laws. Why do we need rules and laws, do you think?

**Ellie:** Well, rules and laws are necessary for a well-functioning society and to ensure that people's rights are legally protected. Rules apply to specific groups, such as a classroom or in sports, to keep people safe and to make sure that they're acting fairly. Laws are for everyone, to protect individuals from harm, and to maintain a healthy, peaceful society. It can be helpful to encourage a student to think about the reasons behind rules and laws, for example, how they're important for individual and group safety.

**Zareh:** Okay. Thanks, Ellie. Now, you mentioned laws. Is there a difference in the laws made at different levels of government?

**Ellie:** Well, the process of making laws is quite similar at the state and federal levels of government. In the Federal Parliament, a bill, which is the term used to describe a new proposed law or proposed change to an existing law, must be passed by both the House of Representatives and the Senate. Once the bill goes through this process, it must then be given royal assent or in other words, it must be signed off by the governor-general. A similar process is followed in changing laws in the state of Victoria, where the proposed new or changed law must get the support of both houses of parliament. Once that bill has passed both houses, it then goes to the governor who must provide royal assent, so the law can come into effect. Different levels of government can only make laws in areas they're responsible for. For example, the national level of government can make laws on areas such as immigration or defence as it has responsibility in those areas. It cannot make laws on matters concerning public transport, for example, because that is an area that the state government has responsibility for.

**Zareh:** So, then at the middle secondary levels, we explore different types of laws. What is the difference between statutory law, common law and delegated law?

**Ellie:** That's a really good question. It can be quite confusing navigating the many types of laws. The statutory law is the law that is determined by the parliament. When a bill successfully passes the process of approval by both houses and given Royal Assent, it becomes a statute law. Common law is the name given to laws that are made by the decisions of the courts. When judges make decisions about how to interpret and apply the law, these decisions become precedent. This will then be used to guide how similar issues will be dealt with in future by the courts. Delegated law is when ministers are given the power to change certain elements of existing laws.

**Zareh:** Thanks for highlighting those differences, Ellie. But if we were to think about the legal system more broadly, could you tell us about its role, functions and principles in Australia?

**Ellie:** Yes. Australia's legal system has a vital part in maintaining social order and providing justice. One of the main principles that underpin the legal system is the rule of law. This refers to the idea that everyone is subject to the law, including the government. Given Australia's constitution defines the powers of the national government, the rule of law means that there are limits on the powers of government. Other features of the rule of law include the right to be presumed innocent until proven otherwise, the notion that laws should be easily accessible and that citizens must be given natural justice or, in other words, fairness during the decision making process.

**Zareh:** Those are certainly very important features, but now let's talk about why and how laws are enforced.

**Ellie:** Well, laws are enforced based on the principle of the rule of law. Enforcing laws is important in ensuring consistency, as well as maintaining social order and justice in our community. There are a number of organisations responsible for law enforcement in different contexts. At the national level, for example, the Australian Federal Police works to address criminal activity at the national level. Victoria Police on the other hand is responsible for upholding state laws.

**Zareh:** We've talked about police, what about the courts? Why do we have them? And how do they operate?

**Ellie:** Actually, courts have an important role to play in upholding the law and making decisions about disputes that may rise among individuals, organisations and governments. Their job is to apply and interpret the law, which we can see when jury members and judges pass verdicts on matters. There are different types of courts, which are organised into a hierarchy. This progresses from local level courts, for example, the magistrates court through to state level and federal level courts. The High Court has a particularly important role in interpreting the constitution.

**Zareh:** Now, that is an important role, but I'm wondering, to what extent is the Australian legal system effective in promoting democratic values, protecting human rights and freedoms?

**Ellie:** So the Australian legal system reflects Australia's liberal democratic system. An important feature of the legal system is that it applies to everyone. No one is above the law. The legal system upholds democratic values by protecting the rights and freedoms of individuals. For example, there are laws that protect people from discrimination and harassment. Another key idea is that the judiciary is separate from parliament. This is designed to make sure the government is held accountable. As we spoke about before, there are a number of features within the legal system which try to ensure justice is provided fairly. If someone is accused of committing a crime, they have the right to a fair trial. In order to have a fair trial, the accused has the right to have legal representation, that is, to have a lawyer and the right to be tried by a jury. This ensures that the accused person is able to defend themselves against allegations. The person may also be able to appeal the decision of the court to a higher court.

**Zareh:** Ellie, it's been fantastic to have your expertise on this topic. Thanks so much for joining me today.

**Ellie:** My pleasure. Thank you for having me.

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