



The Australian Legal System



- Everyone must obey the law, no matter who they are, including the government.
- Everyone has equal rights under the law.
- The government of Australia is divided between different parts so that one person or one part of government does not have too much power.
- Parliament makes the law. Courts interpret the law and resolve disputes.

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Everyone who lives in Australia has to obey Australian laws. It does not matter where you have come from. Even though one in four people in Australia is born overseas, we all have to obey Australian law.

The Legal System



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In Australia, we have a democracy. This means that we vote in the government to represent us and to make the laws; and the system is designed to stop any one person in government from having too much power. Every person who is a citizen over 18 years old in Australia must vote and choose the politicians that they want to represent them and make our laws. We vote on election days.

Democracy



www.legalaid.nsw.gov.au/_data/assets/pdf-file/0016/23821/Lets-Talk-Speakers-notes-online.pdf

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There are different levels of government.

We have a Federal government. This is a government for the whole of Australia. Federal parliament makes laws which cover all of Australia for example laws about marriage, immigration, social security, communication and defense.

Federal Governments



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We have different governments for each State and Territory. These are called State governments. The laws in every State are a bit different. State parliament makes laws that cover most crimes, driving and traffic, education and schools, renting and buying houses. For example, laws about renting houses might be different in each State.

State Governments



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We also have local government for much smaller areas. These are called local government or local councils. They make laws about parking fines, keeping animals and how to build your house, etc.

Local Governments



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Australian laws come from two separate and independent sources: Parliament and Courts. We will talk about Parliament first. Parliament is made up of all the politicians that have been elected by the people to represent them. For a new law to be made, one of the politicians must propose the law and then a majority of the parliament must agree.

Laws from Parliament



DISCUSSION

Ask the group if any of them have been to Canberra and visited parliament house. Many settlement groups are taken there on an "excursion", and often want to talk a bit more about what they saw.



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The other way we get our laws is through decisions that Judges have made in court, especially the highest courts. This can happen if parliament has not made clear laws about a problem that has to be decided by the court. Courts hear disagreements or disputes, and make decisions about who should win or lose. They might hear an argument between two people or disputes between organisations or criminal matters.

Laws from Court



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Parliaments and courts are separate and cannot interfere with each other or tell each other what to do. This means that neither of these groups can dominate. The government can't just put people in jail, it has to go through the separate court system. This is a way of making sure that the system is fair for people.

Parliament & Courts



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In this activity ask the group the following and invite them to indicate their response by raising their hand:

The person at the bottom here is a politician. How many of you think that a politician is a person who gives legal advice; a person who makes decisions in court, a person who makes laws or a person who makes sure people obey the law.

Matching Game



Judge



Police



Lawyer

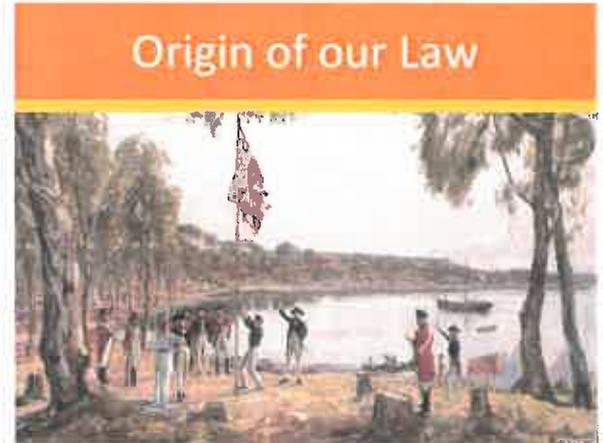


Politician

1. Person who gives legal advice
2. Person who makes decisions in court
3. Person who makes laws
4. Person who makes sure people obey the laws

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For tens of thousands of years, Aboriginal people occupied Australia and had their own complex laws and customs. When English people arrived just over 200 years ago, they brought their English laws with them. We started using the English legal system and now we make our own laws.



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In Australia we have laws about many areas of life. For example there are laws about where you can fish or smoke, where you can park your car, put your rubbish, laws about getting married and divorced, renting or buying a house and the kind of punishment you will get if you hurt or kill someone. If you are new to Australia, you may be surprised at how many things there are laws about.



DISCUSSION

Has anyone been surprised by any of the laws in Australia?
How different is our legal system to the legal system in other countries you have lived in?



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In Australia, everyone must obey the law and is treated equally if they break the law. This means that everyone has to obey the law and that no one, no matter how important or powerful, is above the law. Politicians, judges, generals and police must all obey the law. Also, everyone has equal rights under the law. *Point to the police officer in the picture.* If a police officer parks illegally they will be punished with a fine, just like you or me. Even a judge can be arrested and receive a fine.



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There are three main areas of law: Criminal Law, Family Law and Civil Law. Criminal law involves offence against the community eg stealing, assault, drug dealing, rape, murder. Crimes are punishable by fines or by prison time. Family law deals with marriage, divorce, property, care of children. Civil law includes almost everything else to do with every day life. Some examples are housing disputes, employment, human rights, fines, Centrelink, immigration, wills and discrimination.

Areas of Law



Crime



Family



Civil

FLASH CARDS ACTIVITY: CHOOSE THE LAW

We are now going to have an activity. I am going to give you each a card with a picture on it. Some of the images relate to criminal law, some relate to civil law and some relate to family law. Your task is to think about the picture and which area of law it belongs to. *Hand out a card to each participant.*

I am holding up a card with a picture of a business contract on it. This belongs to Civil Law. Do you all agree? Seek consensus/discussion. Invite all participants to take turns standing up and show the rest of the group their card. They are required to describe what is on their card and tell the group whether it belongs to crime, family or civil law.

Remember to collect the cards after the activity.



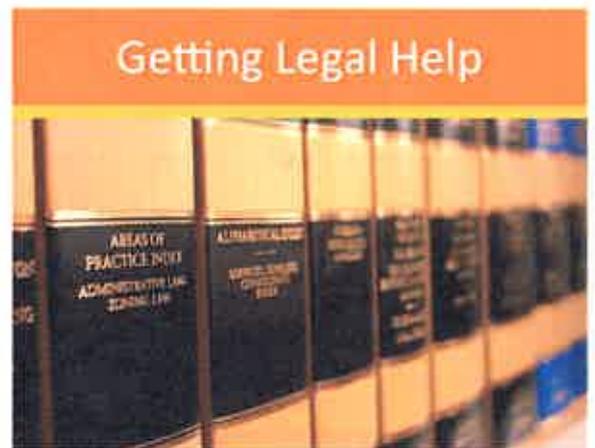
Getting Legal Help



- The best place to get legal information is to call Law Access.
- Legal Aid NSW gives free legal advice to anyone.
- You can get a better result by getting legal advice early
- Civil and family law problems often have time limits. If you miss the time limit you may lose your right to complain.
- Anything you tell your lawyer is confidential
- Keep copies of documents

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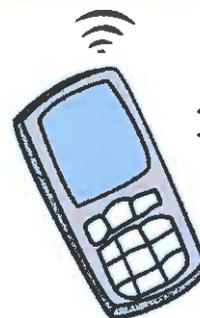
We are now going to be looking at different ways that you can get legal help if you live in NSW and have a legal problem. We will also talk about getting legal advice early and what to expect if you see a lawyer.



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If you have a legal issue, start by calling Law Access. Law Access can find the right legal service for you. Places where you can get advice include Legal Aid NSW, community legal centres and some charities have lawyers who provide advice. You can use TIS interpreters to call Law Access.

Hand out bookmarks



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