



- PARLIAMENTARY EDUCATION OFFICE
- SCHOOL BOOKINGS
- FAQs
- GLOSSARY
- PARLIAMENT AN OVERVIEW
- INFOSHEETS
- SENATE BRIEFS
- SEMINARS

## Parliament An Overview

### Page Menu:

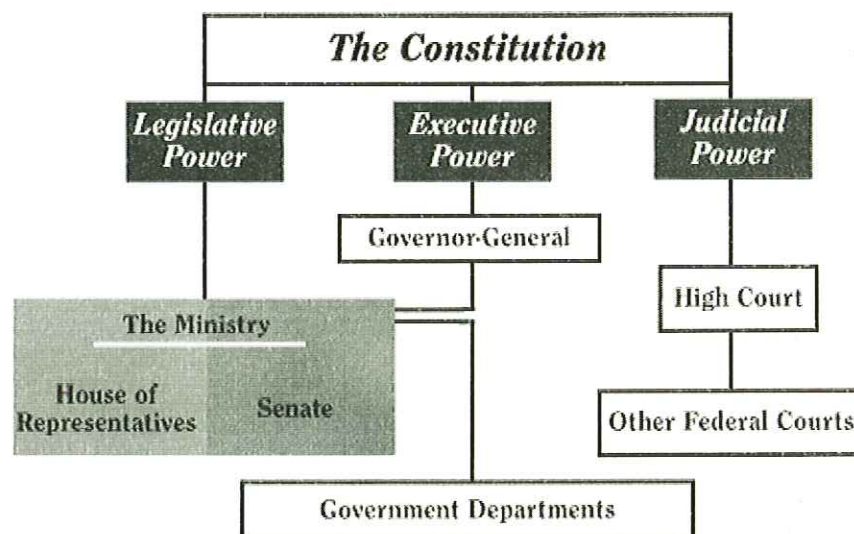
- [The Parliamentary System](#)
- [Separation of Powers](#)
- [The Commonwealth Parliament](#)
  - [Governor-General](#)
  - [The Senate](#)
  - [The House of Representatives](#)
- [Executive Government](#)
- [Federal Judicature](#)
- [Further Information](#)

## The Parliamentary System

The Australian Constitution of 1901 established a federal system of government. Under this system, powers are distributed between a national government (the Commonwealth) and the six States (three Territories - the Australian Capital Territory, the Northern Territory, and Norfolk Island have self-government arrangements). The Constitution defines the boundaries of law-making powers between the Commonwealth and the States/Territories.

[The Constitution: Full Description \(HTML version\)](#) | [PDF](#) | [State Governors of Australia and Administrators of the Northern Territory and the Island Territories](#)

[Top](#)



[Top](#)

## The Commonwealth Parliament

The Parliament is at the very heart of the Australian national government. The Parliament consists of the Queen (represented by the Governor-General) and two Houses (the Senate and the House of Representatives). These three elements make Australia a constitutional monarchy and parliamentary democracy.

There are five important functions of parliament:

- to provide for the formation of a government;
- to legislate;
- to provide the funds needed for government;
- to provide a forum for popular representation; and
- to scrutinise the actions of government.

Proposed laws (known as Bills) have to be passed by both Houses and be assented to by the Governor-General before they can become Acts of Parliament. With the exception of laws relating to revenue and taxation (which must be introduced in the House of Representatives), a proposed law can be introduced in either House.

Changes to the Constitution involve action by Parliament and the people. Both Houses of Parliament must agree on a proposed change, or if agreement cannot be reached, the Governor-General can present a proposal to the people. For a proposal to succeed, it must be favoured by a majority of voters in a majority of the states, and by a majority of voters overall.

[[House of Representative Infosheet No. 7 - Making Laws](#) | [Senate Brief No. 8 - The Senate and Legislation](#) | [Legislation: Sources of Australian Legislation](#)]

## The Governor-General

The Governor-General is appointed by the Queen on the advice of the Prime Minister. The Governor-General performs a large number of functions which are defined by the Constitution, but fall roughly into three categories: constitutional and statutory duties, formal ceremonial duties, and non-ceremonial social duties. On virtually all matters, however, the Governor-General acts on the advice of the Ministry.

## The Senate

The Senate has 76 Senators - 12 are elected for each of the 6 states, and 2 each for the Australian Capital Territory and the Northern Territory. State Senators are elected for 6 year terms, territory Senators for 3 year terms.

Historically, the Senate has been regarded as a State's House: the States enjoy equal representation in the Senate, regardless of their population, and State matters are still important to Senators.

The modern Senate is a very powerful Chamber. Bills cannot become law unless they are agreed to in the same terms by each House, except in the rare circumstances of a double dissolution followed by a joint sitting of both the houses

The Senate has a highly developed committee system and Senators

spend much of their time on committee work.

### **The House of Representatives**

The House of Representatives has 150 Members - each representing a separate electoral division. Members are elected for terms of up to 3 years.

The most distinctive feature of the House is that the party or group with majority support in the House forms the Government. The accountability of the Government is illustrated every sitting day, especially during Question Time.

Members have many other functions. They are involved in law making, committee work and in representing their electors.

[Top](#)

### **Executive Government**

The Prime Minister is appointed by the Governor-General, who by convention under the Constitution, must appoint the parliamentary leader of the party, or coalition of parties, which has a majority of seats in the House of Representatives. This majority party becomes the government and provides the ministers, all of whom must be members of Parliament.

The Federal Executive Council, referred to in the Constitution, comprises all ministers, with the Governor-General presiding. Its principal functions are to receive ministerial advice and approve the signing of formal documents such as proclamations, regulations, ordinances and statutory appointments.

Australia operates under a Cabinet system of government. The Cabinet, not mentioned in the Constitution, is the key decision-making body of the government and comprises senior Government Ministers. The decisions of Cabinet are given legal effect by their formal ratification by the Federal Executive Council.

[\[Australian Commonwealth Government Entry Point\]](#)

[Top](#)

### **Federal Judicature**

The Constitution provides for the establishment of the High Court of Australia and such other courts as Parliament may create. The judges of the High Court are appointed by the Governor-General in Council (acting on advice of the Federal Executive Council).

The functions of the High Court are to interpret and apply the law of Australia; to decide cases of special federal significance including challenges to the constitutional validity of laws; and to hear appeals, by special leave, from Federal, State and Territory courts.

[Top](#)

**For further information see:**

[Parliamentary Education Office – Education and teaching materials](#)  
[Australia's System of Government – Fact sheet by the Department of Foreign Affairs and Trade](#)  
[Sources of Information on the Parliament – Compiled by the Parliamentary Library](#)  
[Index to Australian Parliamentary Information](#)  
[Senate Briefs](#)  
[Odgers' Australian Senate Practice](#)  
[House of Representatives Infosheets](#)  
[House of Representatives Practice](#)

[Top](#)

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Comments to: [webmanager@aph.gov.au](mailto:webmanager@aph.gov.au)  
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