

Parliament of Victoria

How laws are made



Teacher guide - Primary
Teacher notes, activities and a case study

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Introduction

The passage of a bill through Parliament and into law can seem deceptively simple; it's read and passed in both houses before receiving Royal Assent. But it can be more complex than this. The process involves considering whether there needs to be a new law or an amendment to an old law, what is included in that law, how many people might be affected by the law and need or should have input, and how and when the law might be implemented.

The activities in this resource begin to explore some of these processes, beginning with exploring why we have laws and the differences between rules and laws, and finally considering how laws are made. The law commonly known as Oscar's Law is provided as an example of a recent case study for how a law is made. It includes links to the government response, committee report, and committee submissions that might be useful as excerpts for student to explore the perspectives of different groups and why and how people have input into the law-making process.

Key questions

- Why do people make rules and laws?
- What is the difference between a law and a rule?
- What role does the Parliament of Victoria play in making laws?
- What is the process of making laws for the Parliament of Victoria?
- How can you be involved in the process of making a law on an issue that you think is important?

Prior knowledge

The activities throughout this resource are suitable for students from Grade 3 to 6, however they can be adapted for students in lower secondary or used to establish prior knowledge and revise key concepts.

When engaging in these activities, students will need to have some prior knowledge of:

- Members of Parliament of Victoria are elected by the people of Victoria

Students will continue to develop and deepen their understanding of this through the different activities. They will also develop and deepen their understanding of

- The difference between rules and laws
- How laws are made

What is the difference between rules and laws?

Both rules and laws help to maintain peace and order in a society, but there are some differences between rules and laws and the way they work in society.

Rules are usually agreements on how we must behave or act, such as at sports games, at school or in someone's house. Rules can be written down or what we might refer to as explicit (everybody can easily know them) but some rules are much harder to identify, or what we call hidden or implicit. An example of an explicit rule might be a sign at the door of someone's house asking you to take your shoes off before entering. An example of an implicit rule might be the expectation that you only take one biscuit for afternoon tea when visiting someone's house; the rule is not written down and you may not get into trouble but the person offering might disapprove if you take two biscuits.

Rules can change depending on who makes and enforces them—each student's home or school may have a set of different rules. How the rules are enforced may also change. In a sporting club, if you break the rules the opposition team may get an advantage. At school, if the rules are broken you may have to spend some time reflecting on this and perhaps helping the teacher clean up or be on yard duty with the teacher.

Laws are written down and ordered. They are formal ways to define how people and organisations are expected to behave and generally apply to everyone in the community. They are there to protect people in the community, to maintain order, and prevent people from behaviour that might be deemed dangerous, disorderly, and harmful to the public. Laws also help our society to function. For example, by collecting taxes the government has money to spend on services and programs that benefit community members.

Communities, whether sporting, school, neighbourhood communities or other types of communities, all rely on their members to behave respectfully and discourage behaviour that might be unsafe or harmful. That's why we have rules and laws; to help maintain order and to protect the community and everyone in it.

Teacher notes

Parliament making laws

Many students maybe familiar with the terms 'rules' and 'laws' but being able to separate these and understand their differences can be challenging.

The following questions and discussion points may be useful to establish students' prior knowledge and what they understand about laws and the role parliament plays in making laws.

- What rules do you need to follow and who sets these rules? Where and when do you need to follow these rules?
- What are some examples of the laws that relate to your school and family life?
 - An example might be seatbelts or, during Covid-19 restrictions, wearing face masks in certain settings.

- What do you think the differences are between a rule and a law?
 - Laws are made by Parliament and may carry a penalty (for example, an official warning, a fine or jail) if they are broken.
 - Laws are written down so that they anyone can read them.
 - Rules can be both written down (explicit) and hidden (implicit).
 - People who break the rules may receive warnings or not be allowed to participate in activities, or not allowed to go to certain places.
 - Society may disapprove of people who break rules because the rule-breaking behaviour might be inappropriate, dangerous, harmful or inconvenient.
 - Sometimes rules may become laws.
- Who do you think makes the laws in Victoria?
 - This is both Parliament of Victoria and the Commonwealth Parliament. This may be an opportunity to discuss the different levels of government and who is responsible for what.
- How are new laws created or changes to current laws made?
- What are the two houses in the Parliament in Victoria and what role does each of them play in making laws?

As an extension activity, students may like to explore the differences between explicit and implicit rules, finding examples and discussing how explicit and implicit rules are formed. Students can also discuss the benefits of a bicameral (two house) parliamentary system and compare this to a unicameral (one house) parliamentary system. Most parliaments in Australia have two houses, but there are three that have a unicameral system: Northern Territory, Australian Capital Territory and Queensland. New Zealand also has a unicameral system.

You may also like to investigate 'delegated legislation'. This is where laws (acts, legislation, or statutes) outline broad guidelines or principles but leave the detail to be defined in regulations, rules or local laws. Examples included rules or laws made by local councils or public authorities like VicRoads. You may like to ask students to find examples of delegated legislation and compare how these laws might be different between local council areas.

Activity 1.0 asks students to explore the difference between rules and laws in more detail. While the instructions indicate students working in pairs so they can think through either rules or laws and then compare them, this may be more suitable as a class discussion or an individual task. You may like students to write some guidelines or create a dichotomous key for determining whether something is a rule or a law. Dichotomous keys are a classification tool usually used in science to classify organisms. [This website](#) has an example of a dichotomous key in science and how to go about creating one.

Students can list different examples of things that might be either rules or laws, and then create a series of questions to determine which category the example fits in. Students can then swap their dichotomous keys or use other students' examples to see if the classification system works in different circumstances. Dichotomous keys can initially be hard for students to work through, so this activity may take some time.

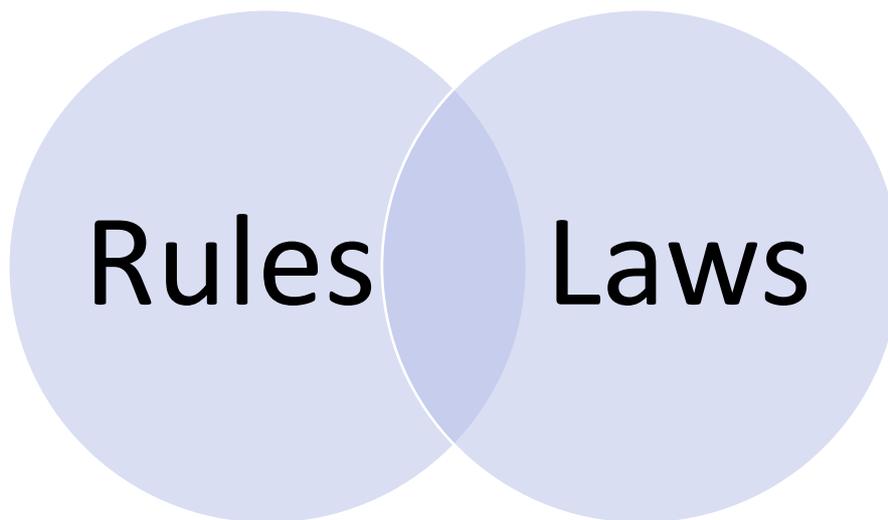
Activity 1.0 - explore and respond

The differences between rules and laws

How do you think rules and laws are similar and different?

Venn diagrams can help to compare the similarities and differences between two (or sometimes more) things. Follow these steps:

- Work with a partner
 - One person can write down everything they know about rules
 - The other person can write down everything they know about laws
- Compare what you have written down
 - If you have both written down the same thing for rule and laws, write (or draw) this into the middle of the Venn diagram, where the circles overlap.
 - If it is something that just belongs to rules, write (or draw) this into the rules part of the circle.
 - If it is something that just belongs to laws, write (or draw) this into the laws part of the circle.



Sometimes it is not clear whether something might be a rule or law. You might like to come up with some examples and answer the questions below to help you work out whether they are rules or laws:

- Does everyone have to follow it or is it only certain people?
- Does it change when in different places or at different times?
- Why is the rule or law in place?
- Who was responsible for making the rule or law in your example? How can you find out?
- What other questions could you ask to determine whether something was a rule or a law?

How are laws made?

Laws are made by Parliament and their official names are acts, statutes, or legislation. But before a law (act, statute, or legislation) is made, it must be drafted. These drafts are called bills. The bills are presented to Parliament and then debated by the Members of Parliament who are the people that Victorians have voted for.

The Victorian Parliament is made up of two parts, or houses: the Legislative Assembly and the Legislative Council. For a bill (a draft) to become a law it needs to pass through both houses. That means the majority of Members of Parliament in both the Assembly and Council need to agree that the bill should become a law.

One house (usually the Legislative Assembly, but not always) debates and votes on the bill first, and if they vote for the bill to be passed it will then be debated in the other house. The other house will also debate the bill and vote, and if they agree that the bill should become a law, the bill is then taken to the Governor for one last step in the approval process.

The Governor is the local representative of the Queen, our Head of State. Once the Governor has provided their approval, a process called Royal Assent, the bill is officially a law. Everybody living in Victoria or who visits Victoria must follow the new law. It is then up to the police, courts, and judges in Victoria to apply the law.

Teacher Notes

The video [Parliament of Victoria explains: How Parliament makes laws](#) (runtime 2.36 min) provides an overview of how bills are passed through Parliament to become laws. The video uses some technical language so there may be vocabulary that is unfamiliar to students. [The Reciprocal Teaching strategy](#) (Department of Education and Training, Literacy Toolkit) is a guided reading approach designed to support student reading and encourage talk about the meaning of texts. The questions below are designed to help students understand the video. The process includes the following:

- Before watching the video, students have a conversation about what they might know about law making and what they might expect to see and hear in the video. The [‘Think, Puzzle, Explore’](#) thinking routine will help students step through this process.
- Students watch the video, making notes on any questions they have or anything that don’t understand. Students can then discuss these questions and seek clarification on anything that might help them better understand the video. There is a [glossary](#) for your reference at the end of this document.
- Students generate questions about the text, such as ‘why are there two houses?’ or ‘what happens if a bill doesn’t pass one of the houses?’ There is a question matrix in the [Additional Resources](#) section of this document, students may find useful when generating questions.
- Finally, students work individually, together or as a class group, to produce a summary of the video.

Activity 2.0 provides some activities and questions for students to help them understand the video and connect the law-making process to their lives. It may be worth noting that students can have a role in the law-making process by either contacting one of their local Members of Parliament and/or being involved in the Committee Inquiry process by making a submission. There are often inquiries that are relevant to students' lives such as driving ages and school bus usage.

All current inquiries, the terms of reference (instructions) and submission details can be found at parliament.vic.gov.au/committees

Activity 2.0 – explore and respond

Watch the video [*Parliament of Victoria explains: How Parliament makes laws*](#) and complete the follow activities and questions:

- Create a flow chart showing the process of making a law.
- Why do you think the Parliament of Victoria has a Legislative Assembly (lower house) and a Legislative Council (upper house)? Explain why both houses are involved in the law-making process?
- What are some reasons why a law may not come into effect immediately after it has received Royal Assent?
- Identify some laws that you, your school, friends, family or other individuals and communities must follow in Victoria? Are they different to laws in other parts of Australia?
- How can people have a say in what laws are made? How can you have a say in what laws are made?

Case Study: Oscar's Law

If you're looking for an example of a suitable law to discuss or to further enhance or extend students' knowledge in passing a bill through Parliament, a good case study to explore is Oscar's Law, its official name the *Domestic Animals Amendment (Puppy Farms and Pet Shops Bill 2016)* or *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017*. The passage of this bill was quite complex, but there are some good resources that may be useful to draw on such as the Committee report and Government Response for Oscar's Law [on the Parliament's webpage](#) and the Committee process. Sections that might be useful include:

- Government response to the Parliamentary Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016
 - 2. Response to Committee recommendations, pp. 3-4, provides an overview of the work the government had been doing and intend to do in relation to the bill.
- Report: Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016
 - 4.1 Dog breeder and rescue organisations, p. 27-35, includes the intention of the bill and provides an overview of the different positions taken into account.
 - 4.2 Impact on dog breeders, pp. 35- 42, provides an overview of some of the impacts breeding restrictions would potentially cause
 - 4.4 Issues for foster organisations/animal rescue, pp. 48-50, provides an overview of the impact for foster care for dogs.

The Committee process is an important part of making laws. It is where Members of Parliament conduct research and hear from community members, groups and individuals that may be impacted by the new law. Committees are a way for Parliament to consult with the community and the community can have their say. A list of people and groups (called 'witnesses') who participated in the hearings process can be found on the [Economy and Infrastructure Committee webpage](#). This page also has a copy of the transcripts (a copy of what was said) from the hearing that you can download and read. There may be some arguments or excerpts that could provide some useful examples when discussing the Committee inquiry process. Some transcripts that may be useful, include:

- Banksia Park Puppies, Matt Hams & Kirstin Hams – Tuesday, 15 November 2016, 9am
- RSPCA, Dr Liz Walker – Tuesday, 15 November 2016, 10.30am
- Oscars Law, Debra Tranter – Wednesday, 9 November 2016, 7.45pm

Activity 3.0 asks students to take a closer look at the committee process through using some of the submissions and witness statements and modelling parts of the committee process. This may be a lengthy process, as an alternative you may like to use thinking routines such as '[Circle of Viewpoints](#)', '[Compass Points](#)', '[Sticking Points](#)', or '[Ways Things can be Complex](#)' may be useful as an extension activity for students to begin exploring how different people and organisations may have different needs and therefore view laws differently.

The Reciprocal Teaching strategy discussed in the Teacher Notes for *How are laws made* section may be a useful approach for students when reading the transcripts of witness statements from the Oscar's Law Committee Inquiry. More on Reciprocal Teaching and the process can be found on the [Literacy Toolkit website](#).

Activity 3.0 - Research and present

Having a say in the law-making process

The Committee process is an important part of making laws. It is where Members of Parliament do research and hear from community members, groups and individuals that may be impacted by the new law. Committees is where Parliament consult with the community and the community can have their say.

There were lots of different people and groups who wanted to have their say on Oscar's Law. A list of people and groups (called 'witnesses') can be found at the Economy and Infrastructure Committee website. This webpage also has a copy of the transcripts (a copy of what was said) from the hearing that you can download and read.

Weblink: <https://www.parliament.vic.gov.au/eic/article/3173>

Select one of the following groups who contributed to the inquiry:

- Banksia Park
- Pets Australia
- Dog Rescue Association of Victoria Inc
- Oscar's Law (the organisation)
- Upmarket Pets

Either individually or in groups, read the transcript and answer the following questions:

- What did the group or individual think about the bill?
- What evidence did they use to support their arguments?
 - Think about whether the arguments related to animals, people, money and/or the environment.
- Why do you think they had this view or perspective on the bill?
- Why do you think they put a submission into the committee?
 - Were they speaking on behalf of themselves or other people as well?
 - Why might someone speak on behalf of a group of people?
 - Why might an individual put in a submission to a committee?
- What did they want to happen with the bill?
- What impact (influence or effect) did they want the bill to have or thought the bill would have?

Summarising your findings

Summarise what you have read from your chosen transcript. Make sure you include:

- The name of the group or individual
- What they were arguing
- Any evidence they used to support their arguments
- What they were recommending

As you listen to your classmates share their summaries, write down:

- The name of the group or individual
- Some of the key arguments and evidence
- What they were recommending
- Whether you think your group or individual would agree with the recommendations

Making recommendations

Once a committee has completed their research, read all the submissions and listened to all the witnesses, they put together a report. The length of the report can vary quite a bit as it includes an summaries and discussion of all the findings and recommendations. You can have a look at the report and Government Response for Oscar's Law [on the parliament website](#).

After listening to everyone's summaries, what recommendations would you make to the government? Why would you make these recommendations?

Try and come up with a list of recommendations that the whole class agrees to.

Reflecting on your reading

After you have read the individual or group submission, use the following questions to reflect on what you have learnt:

- What did you learn about Oscar's law?
- Was there anything that you read or learnt that surprised you or that was unexpected? Why/why not?
- Why is it important for committees to listen to lots of different peoples' ideas?
- Was it difficult for everyone to agree on the recommendations? Why/Why not?
- What might members of committees do if they don't agree with all the recommendations?

Additional resources

Question Matrix

	Event	Situation	Choice	Person	Reason	Means
Present	What is?	Where/when is?	Which is?	Who is?	Why is?	How is?
Past	What did?	Where/when did?	Which did?	Who did?	Why did?	How did?
Possibility	What can?	Where/when can?	Which can?	Who can?	Why can?	How can?
Probability	What would?	Where/when would?	Which would?	Who would?	Why would?	How would?
Prediction	What will?	Where/when will?	Which will?	Who will?	Why will?	How will?
Imagination	What might?	Where/when might?	Which might?	Who might?	Why might?	How might?

Wiederhold, C.W. (2007). *Cooperative learning & higher-level thinking: the Q-matrix*. Heatherton, Vic. Hawker Brownlow Education

Victorian Curriculum connections

The curriculum connections below relate, but are not limited to, the Victorian Curriculum: Civics and Citizenship. The activities have been mapped specifically to the Grades 3 & 4 curriculum and have been designed to be adaptable to a range of classroom contexts and work flexibly, especially in terms of the amount of time spent and the depth of discussion.

The description below provides an overview of how the resource maps to the achievement standards for Grades 3 & 4. The content descriptors following this overview relate to the most relevant connections between the content, activities, and Victorian Curriculum: Civics and Citizenship.

Grades 3 & 4

The activities in this resource allow students to develop an understanding of how decisions can be made democratically. Students recognise the importance of rules and distinguish between rules and laws. They describe how people participate in their community as active citizens and factors that shape a person's views and perspectives on different issues.

Government and democracy

- Identify features of government and law (VCCCG001)
- Identify how and why decisions are made democratically in communities (VCCCG002)

Law and citizens

- Explain how and why people make rules (VCCCL004)
- Distinguish between rules and laws and discuss why rules and laws are important (VCCCL005)

Grades 5 & 6

The activities in this resource allow students to develop and extend their understanding of the role of parliament in creating laws. Students identify various ways people can participate effectively in groups to achieve shared goals. They analyse contemporary issues and use evidence to support a point of view about civics and citizenship issues. They identify possible solutions to an issue as part of a plan for action.

Government and democracy

- Discuss the values, principles and institutions that underpin Australia's democratic forms of government ... (VCCCG008)

Laws and citizens

- Explain how state laws are initiated and passed through parliament (VCCCL012)

Citizenship, diversity and identity

- Identify different points of view on a contemporary issue relating to democracy and citizenship (VCCC015)
- Investigate how people with shared beliefs and values work together to achieve their goals and plan for action (VCCCC016)

Glossary

Parliamentary terms	Definition
Candidate	<p>A person who is standing for election. In Victoria this is anyone enrolled to vote in the state. You cannot stand for election if you:</p> <ul style="list-style-type: none"> • are not correctly enrolled in Victoria • are a judge of a court of Victoria • have been convicted or found guilty of an offence punishable by five years' jail or more, under Victorian or any Commonwealth nation's law • are going through bankruptcy • are a member of either House of the Commonwealth Parliament
Legislative Assembly	<p>Sometimes referred to as the lower house and is coloured green in Parliament of Victoria.</p> <p>This is the house (or chamber) where most laws begin and is the house where government is formed. In Victoria there are 88 Members of Parliament in the Legislative Assembly.</p> <p>All Parliaments in Australia have a Legislative Assembly. In Queensland and the two territories (Australian Capital Territory and the Northern Territory) the Legislative Assembly is the only house.</p>
Legislative Council	<p>Sometimes referred to as the upper house and is coloured red in Parliament in Victoria.</p> <p>This is the house (or chamber) of review, where most bills are reviewed. Laws can start in the Legislative Council, but this is less common. There are 40 Members in the Parliament of Victoria's Legislative Assembly, 5 from each of the electorate regions.</p> <p>Queensland, Australian Capital Territory and Northern Territory do not have Legislative Councils.</p>
Member of Parliament	<p>A Member of Parliament is the elective representative and can be a member of either the Legislative Assembly or Legislative Council.</p> <p>They are sometimes referred to as either Members or MPs. The initials M.P. (or MP) is used as an abbreviation after their name to show their role in Parliament.</p>
State Electoral Districts	<p>There are 88 electoral Districts in Victoria.</p> <p>Voters in each District elect one Member of Parliament (MP) to represent them in Victoria's Legislative Assembly.</p>
State Electoral Regions	<p>There are 8 electoral Regions in Victoria.</p> <p>Voters in a Region elect five MPs to represent them in Victoria's Legislative Council. Each Region is made up of 11 Districts.</p>
Preferential voting	<p>A system of voting which is used in the Legislative Assembly.</p> <p>Voters put candidates in an order of preference using numbers. A number must be placed against each of the candidates.</p> <p>If no candidate (a person hoping to be elected) receives more than half of first preference votes, the preferences of the least popular candidates are distributed until a candidate has the majority of the votes.</p> <p>This system favours the major parties. The party who ends up with the most elected representatives in the Legislative Assembly will form the government. Click here for a more detailed explanation from the Victorian Electoral Commission.</p>

Proportional representation	<p>A system of voting which is used in the Legislative Council elections. People can either select a candidate based on their party or can vote for candidates in the order they prefer.</p> <p>Candidates win based on a share (quota) of the number of overall votes for the region.</p> <p>It increases the chances of minor parties and independents winning seats in the Legislative Council. It also makes it difficult for a major party to have the majority in the Legislative Council. Click here for a more detailed explanation from the Victorian Electoral Commission.</p>
Primary vote/First preference	<p>A first-preference vote or primary vote is the individual voter's first choice of candidates.</p>
Political Party	<p>An organisation which has a particular philosophy that informs their policy objectives. Members of a political party will then propose bills that align with the party's philosophy.</p> <p>A minor party is recognised as a non-government party of at least 5 members.</p>
Independent candidate	<p>An election candidate who claims not to be affiliated with a political party.</p>
Secret Ballot	<p>The secret ballot is a voting method in which a voter's choices in an election or a referendum are anonymous. Victoria was the first Parliament to have a secret ballot.</p>