

Club rules

Generally deal with:

- Name of club
- Object (= purpose) of club (eg develop football/netball in the X area)
- Club colours
- Members (procedure to join, obligation to pay fees & obey these rules)
- Register of members
- Code of conduct (behaviour of members, coaches, parents of players)
- Discipline of members (suspension, expulsion etc)
- Complaints & appeals
- Executive committee (duties, powers, rules for meeting)
- Office bearers (President, Treasurer, Secretary etc & their duties)
- Election of committee & office bearers
- Bank account & operation of account
- Annual meetings & special general meetings
- Common seal (to be affixed to official club documents)
- Inspection of books (ie records of club)
- Life members
- Alteration of rules
- Forms (for membership, application to be coach, nomination for club position)

National Constitutions

Essentials of the Australian Government:

Chapter 1: Parliament = rule maker

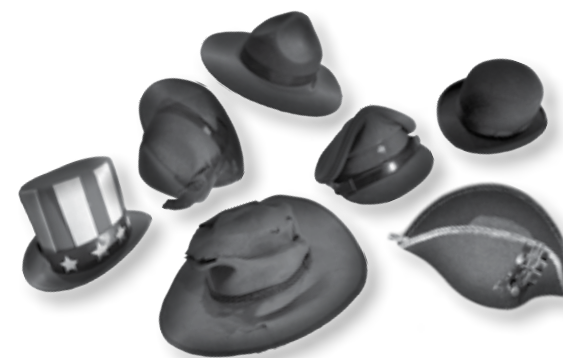
- Legislative power vested in the Parliament (the Queen, the Senate and the House of Representatives)
- Governor-General is the Queen's representative
- How Parliament is brought together (summoned)
- Composition of Senate & House of Reps
- Who can vote for senators & members
- Allowances (salary) of members
- Rules of procedure of each House
- Law making powers of Parliament
- Disagreements between the Houses

Chapter 2: Executive = decision maker & doer

- Governor-General exercises executive power as the Queen's representative
- Federal Executive Council to advise the Governor-General
- Governor-General may appoint Ministers of State
- Ministers of State to sit in Parliament
- Number of Ministers & their salary
- Appointment of civil servants
- Command of naval & military forces

Chapter 3: Judiciary = dispute resolver

- Judicial power vested in the High Court
- Appointment of judges & their salary
- What matters the Court can decide (Jurisdiction)



Hats off to our federal Constitution!

CONVERSATIONS ABOUT OUR AUSTRALIAN FEDERAL CONSTITUTION

with John Christensen

Background notes (for students of all ages!)

Federalism — an overview

Federation is a political arrangement under a written constitution consisting of a nation divided into smaller geographical regions (known variously as states, provinces or cantons).

A federation is often thought of as a combination of smaller regions. In Australia those regions (then known as colonies) were significant participants in the federation process — though the preamble to the Commonwealth Constitution Act recites that 'the *people*' of the colonies had agreed to unite.

The nation has a set of institutions (legislative, executive and judicial) that have authority over the whole country. The powers conferred on those institutions are *national* in character (such as defence and foreign affairs). The regions have a similar set of institutions dealing with matters of a regional or local character.

Federalism — four essential elements

1. Federation involves two governments in operation in the same region. Each government operates directly on the people in the region.
(Note: As a result, in each region there are:
 - two constitutions in force
 - two parliaments & sets of laws
 - two executives (ie sets of ministers)
 - two sets of courts.)
2. Neither the nation nor a region can change the constitution of the other. Each must have a relative degree of autonomy.
(Notes: The inability to change the constitution of another unit in the federation implies that a region cannot secede without express provision in the national constitution. If a state in Australia establishes a system of local government, there could be a total of *three* sets of laws in force in the state, but the state and councils are *not* a federation because the state parliament can change or repeal its Local Government Act at any time. Similarly the regional governments created in the UK under its system of devolution. Although a territory in Australia may have been granted self government and have its own legislature, executive and courts, the continued existence of the territory and its institutions is subject to the forbearance of the Commonwealth Parliament.)
3. There must be a rule to resolve any conflict between a law of the nation and a law of a region.
(Note: In Australia, section 109 of the Commonwealth Constitution provides that if a law of a state is inconsistent with a law of the Commonwealth, the state law is invalid to the extent of the inconsistency.)
4. There must be an independent judicial authority to adjudicate between the nation and its regions. The power of adjudication includes the function (known as *judicial review*) to declare invalid a law or administrative act of the nation or of a region that is found to be beyond constitutional power.
(Note: in Australia, the High Court ultimately fulfils this role.)

(Adapted from Geoffrey Sawer, *Modern Federalism*, Pitman Australia, 1976, p 1.)

Some matters of terminology and basic facts

- colony: a place controlled, usually by a government, from another part of the world
- South Australia was originally known as the *Province* of South Australia but it was still in fact a colony
- Australian colonies were controlled by Britain (= UK) and became *states* on federation (though their status and powers in relation to the UK were still essentially colonial until the Australia Acts 1986)
- UK: United Kingdom (England, Scotland, Wales and (originally) Ireland — now *Northern* Ireland
- responsible government (often called self government) is a government formed by the political party or coalition that controls the lower house of parliament (in the Commonwealth this is the House of Representatives); a system of responsible government is not necessarily produce a representative government
- representative government is a government which represents the people who vote for it at periodic elections; citizenship and age restrictions usually apply; in the past restrictions on the right to vote were imposed according to property ownership, race and gender; the ideal of representative government is expressed in the slogan 'one vote, one value'
- telegraph: a system to send text messages called 'telegrams' between towns connected by wire; though cumbersome by today's standards, it enabled messages to be sent over vast distances at much greater speed than horse, railway or ship
- in Australia, Federal Constitution = Commonwealth or Australian Constitution
- the term 'convention' is used in two senses:
 - a temporary body set up like a parliament (and having similar procedural rules) that is convened to consider and decide major constitutional questions; its members may be elected or appointed
 - an unwritten practice or rule about how a constitution power or function is to be exercised (eg, the Governor-General acts on the advice of his or her Ministers)
- Branches of government
 - Parliament (rule maker)
 - Executive (policy decision maker and doer)
 - Judiciary (dispute resolver)