



Rules and Laws Online Program

Background Notes

1. What are rules and laws?

Rules and laws have been around for a very long time. In fact, in Australia, Aboriginal and Torres Strait Islander peoples have been practicing traditional lore and customs for over 65,000 years and continue to do so.

Rules are instructions that set behaviours and actions for a group of people taking part in an activity. There are many examples of this, such as games, sport, contests, or school. Rules are not legally binding, and rules do not apply to everyone, because they are made for a specific activity. If someone were to break a rule while participating in a specific activity for that rule, then there would be a consequence. Examples of consequences could be a verbal warning and timeout from a teacher if a student is disrupting class, or a yellow card for a player making a foul in a soccer game. When we think about who can make rules, they could be parents, guardians, referees, teachers, and even students. In fact, everyone can make rules. Rules are used to help keep things fair, safe, and orderly for the people who are participating in that activity. Rules best work when they are agreed to by all the people who are doing that activity. If this is achieved, then everyone participating or playing in that activity can have fun and feel great.

Laws on the other hand can be seen as compulsory rules that everyone must follow. They are compulsory because laws play a very important role in helping our community. Laws can be found all over Australia, as they are needed to make sure everyone is helping and respecting each other. Laws need to be made by people who understand the community and know how laws can protect us. Laws in Australia are made by qualified people, such as politicians, who are elected Members of Parliament. Any Australian citizen who is over the age of 18 years can elect a Member for their area in both State and Federal Parliaments. Members of Parliament make laws to help solve a specific problem in the community. The Federal Parliament in Canberra takes suggestions for new laws from organisations, government departments, community groups, and businesses. Since laws need to be followed by everyone, laws have serious consequences, and carry with them serious penalties if they are broken. These consequences could be a fine for damaging property, or jail time for hurting other people. Government organisations such as the WA Police, help make sure everyone follows laws, because they are very important to keep us safe, keep order, and keep things fair for everyone.

Australia borrowed many ideas about law from Europe, especially England as we first started out as six separate British colonies. One of the most important ideas of law in Australia comes from a very old English document called the Magna Carta. This document is important because it speaks about one of the most important ideas of law; “the rule of law”.

2. Historical highlights for Rules and Laws

Magna Carta or “Great Charter”

In Medieval England, in the 1200s, many people had little choice or freedom and had to pay high taxes to fund wars with France. There was unrest between King John and his subjects, including the barons.

The barons decided the best way to overcome unrest was to make an agreement with the King. The agreement is known as **Magna Carta (Great Charter)** which included 63 clauses (sections) and provided the people of England with written laws, some of which limited the powers of the King and improved the rights of the people. Some of these ideas included in the Magna Carta have helped shape Australia as we know it today. One of these is the idea of the **rule of law**, which means the law should apply to everyone equally, regardless of who they are.

A fun fact is that the Federal Parliament in Canberra is home to a 1297 edition of the Magna Carta. This historical document is only one of four in the world, and the only copy in the southern hemisphere.

Rule of law idea

The “rule of law” idea or principle establishes that regardless of a person’s status or power, everyone in Australia is subject to and must follow the law. This principle is stated in one of Australia’s most important legal documents’, the “Commonwealth of Australia Constitutional Act” or more commonly known as The Australian Constitution. Clause 5 of the Constitution states; “...all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of ever part of the Commonwealth.” This document lays out very important laws for Australia, and details information about the election of politicians who make our laws. People say this document is so important, it is also known as ‘the birth certificate of a nation’.

1901 Australia’s Constitution

In 1901 Australia became a Federation, one country. We were no longer six separate British colonies, and our Australian Constitution came into effect. The Constitution is a very important law book that explains the rules for how our government should be set up and the roles and responsibilities of the Federal Parliament.

Although the intention of the Australian Constitution was to unite the colonies and the Australian people, First Nations Australians were excluded, as they were not recognized within the document and were not given a voice in discussions concerning the creation of a Federation. As a result, Aboriginal and Torres Strait Islander People have continuously sought to be recognized and acknowledged within the Australian Constitution and by the Australian Government. Because our constitution is an important law book, if we want to change it, we need everyone who is eligible to

vote to take part in a special vote called a referendum. One of the most successful referendums to amend parts of the Constitution occurred in 1967 when First Nations Australians and other Australians advocated for two sections of the Constitution to be altered. The two sections were:

- Section 51(xxvi): The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws.
- Section 127: In reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.

On Saturday 27th May 1967, 91% of voters, voted yes, allowing part of section 51 (xxvi) to be deleted, and repealing section 127 of the Constitution.

3. The importance of rules and laws

Rules and laws are important to everyone because they make our community harmonious. This means that living in Australia, a democratic country, everyone can expect to live, work, and play in safe, orderly, and fair communities. Rules and Laws are important because having them, makes sure people and groups understand how to behave in a fair, orderly & safe manner.

Understanding the behaviours that rules and laws set out isn't a one-way relationship. All of us will be a member of a community group such as a club, home, or a school. Being a part of a community group also means that we can help decide the rules that they make. For example, we can all make sure everyone picks up their own rubbish and tidy the classroom before school is finished. By everyone agreeing to this rule, and making it successful, students and teachers can better enjoy the school, without worrying about rubbish and the mess and disorder it can make.

People following rules and laws benefits groups and communities. When people follow rules and laws, this action helps people avoid danger, chaos, and selfish behaviour. This important relationship between rules & laws, and the people who follow them isn't a new idea. Almost 2,500 years ago in ancient Greece, a very wise man named Aristotle said, "Law is order, and good law is good order". Thinking about what this ancient Greek philosopher said, rules and laws are important ideas that are made to protect us and safeguard our community. If we didn't have rules and laws in place, we and our local community could be in trouble.

If we took the example of a town that didn't have any rules or laws, that town would not be a good place to live. Without rules and laws for people to follow, anyone could do whatever they want, because there would be nothing to make sure people behaved safely, fairly, orderly or care for other people. In this town, a lot of people would get hurt, and the community no longer becomes a safe and fun place to live. It is important to remember that this relationship of people following rules and laws, makes for **social cohesion**.

4. Social cohesion

Summary

The Australian Human Rights commission (2015) defines Social Cohesion as “...*positive social relationships – it is the bond or ‘glue’ that binds people...A socially cohesive society is one which works towards the wellbeing of all its members, fights exclusion and marginalisation, creates a sense of belonging, promotes trust and offers its members the opportunity of upward mobility.*”

Social cohesion is about knowing the enormous benefit to a community when people respect and help each other and know the importance of rules and laws. Also, social cohesion reminds us that everyone in a community is a member and has a part to play in making sure the community runs smoothly, and helping fellow members follow the rules and laws. For a community to achieve social cohesion everyone in that community will need to follow the same set of behaviours which the rules and laws set out. When a community has social cohesion, it is a great place to live, work and play.

5. In summary

Rules and laws are important instructions that help with many parts of our lives. Providing safeguards for our community and making us feel that we belong. For example, rules can help organise things for us, making sure classrooms are tidy, and make sure everyone has a turn in speaking or playing a game. Laws are compulsory instructions that can stop major accidents, like making cars stop at a red traffic light and wearing a seatbelt. Rules are only followed by certain groups, whereas laws need to be followed by everyone. When people follow rules and laws, then we have social cohesion. This means that our communities are working well and providing the safeguards to keep us safe, fair, and orderly. However, social cohesion can only be achieved if everyone understands they are a member of a community and have a role to play.

6. For further information:

- Parliament of Australia: https://www.aph.gov.au/Visit_Parliament/Art/Icons/Magna_Carta
- The Australian Constitutional Centre: <https://www.australianconstitutioncentre.org.au/the-rule-of-law/>
- The 1967 Referendum: [The 1967 Referendum – Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/1967-Referendum)

