

What's the law? – Australia's legal system

Presenter's notes

How to use these notes

Topic: Australia's legal system, courts, judges' roles, police and politicians, going to court.

Resources: *What's the law?* free online resource 'Australia's legal system', which contains a photo story, activity sheets and answer sheets.

These notes provide guidelines for a presenter's script and information on how to use these resources when presenting to a community group. The notes include a story summary, questions and answers, key messages, areas for further discussion and referral information.

Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation – they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and information provided under 'Possible discussion points and referral information' below.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact cle@legalaid.wa.gov.au or (08) 9261 6500.

Introduce yourself and *What's the law?*

Before you begin the presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid WA:

- Legal Aid WA helps the community in many different ways if they have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* free online resource and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often it is the same legal problems that arise. These problems can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law?* have been made to help you learn about the law on thirteen different topics.

Begin with some introductory statements and general questions about the topic:

- Today we are going to show you a photo story about how the legal system works in Australia. It could be very different from your experience of the law in your home country.
- In Australia, the law applies to everyone in the country regardless of what their position is. It even applies to the Prime Minister of Australia.
- Who is the Prime Minister? Do you know how they were elected?

Summarise the photo story

- This story is about Abdi and Gahmal.
- Abdi and Gahmal discuss whether the Prime Minister, police, politicians and judges have to follow the law. They also talk about voting.
- Abdi is in trouble with the law and he must go to court. He is worried about his privacy, and about people in his family and community knowing he is in legal trouble.

Ask questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask the following questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the photo story, think about the next four questions:

Who makes the law in Australia?

Who can vote?

What must judges do and can you pay judges?

What do lawyers do for people?

Show the photo story



Answer the questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

Who makes the law in Australia?

- Politicians are elected to parliament when we vote for them at elections.
- Politicians listen to the community and make laws to protect society.
- These laws may apply to Western Australia only, or the entire country. Different states and territories have different parliaments and laws, although many laws are similar across the country.
- Judges in the courts can also make laws in Australia. Judges have different powers to politicians and are separate to government.

Who can vote?

- You must enrol to vote if you are an Australian citizen and over 18 years old.
- You may get a fine if you do not vote during an election.
- It is illegal to pay someone to vote – this is a bribe.
- You can choose who you vote for in Australia.

What must judges do and can you pay judges?

- Judges apply the law to different legal problems after they have heard all the facts. They are paid a salary by the government.
- Judges do not make decisions according to who they 'prefer'. If one side is wrong under the law then this is the decision the judge will make.
- It is illegal to bribe a judge.

What do lawyers do for people?

- Lawyers help people understand the law and solve legal problems.
- Not all legal problems involve going to court. Lawyers help with many problems that do not end up going to court or a tribunal.

Emphasise key messages

- Voting is an important right and obligation for citizens in Australia.
- Australian courts, politicians and police are fair and free from corruption.
- Call Legal Aid WA or your community legal centre if you have legal problems or have to go to court.

Further questions and discussion

- Does anyone have any questions?

You are not expected to be a lawyer to use this resource. Many teachers and community workers use this resource successfully. If a participant raises personal legal issues, you can provide referral information. If you are not a lawyer, legal assessment or advice should be referred to the **Legal Aid WA Infoline** on **1300 650 579** or the closest community legal centre (<http://www.communitylaw.net/>) or Legal Aid WA office.

Possible discussion points and referral information

Voting

- Information about voting: **WA Electoral Commission**: <https://www.elections.wa.gov.au/>
- **Parliament of Australia**: www.aph.gov.au

Citizenship test and application

- Eligibility for Australian citizenship may be based on your own circumstances or those of your parents.
- The **Department Home Affairs** website has questions to help work out eligibility to apply for Australian citizenship and the type of application that suits you best <https://immi.homeaffairs.gov.au/citizenship/become-a-citizen> .
- You can call the **Citizenship Information Line** to discuss your personal circumstances or to get forms and further information. In Australia, telephone **131 880** between 8:30 am and 4:30 pm Monday to Friday. Callers requiring language assistance can call the Translating and Interpreting Service (TIS) on **131 450**.
- Generally, a person is eligible to become an Australian citizen if the Minister for Immigration is satisfied that the person:
 - is aged 18 or over at the time the person made the application; and

- is a permanent resident; and
- satisfies the general residence requirement (living in Australia on a valid Australian visa for four years immediately before applying, which must include the last 12 months as a permanent resident; not have been absent from Australia for more than one year in total in the four-year period, including no more than 90 days in the year before applying), or the special residence requirement, or satisfies the defence service requirement, at the time the person made the application; and
- understands the nature of an application; and
- possesses a basic knowledge of the English language; and
- has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship; and
- is likely to reside, or to continue to reside, in Australia or to maintain a close and continuing association with Australia if the application were to be approved; and
- is of good character at the time of the Minister's decision on the application.

The person must also take the citizenship test: <https://immi.homeaffairs.gov.au/citizenship/test-and-interview> .

Police powers – what police can and can't do

You can show the 'Police' photo story if time permits.

- See the speaker's notes on police powers.
- Information about dealing with police and relevant publications: Legal Aid WA website Answering questions from the police <https://www.legalaid.wa.gov.au/>.
- Complaints against WA Police: refer to the Legal Aid WA website <https://www.legalaid.wa.gov.au/>.

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