

CLIL-ACTIVITY online 2

- 1 **Read** the following provisions of Austrian Federal Constitutional Law. Then get into pairs. **Explain** the basic principles using the terms and phrases in the box. Take turns.

democratic principle ■ republican principle ■ federal principle ■ rule of law principle ■ separation of powers ■ liberal principle ■ to derive ■ controversial opinion/discussion provisions provisions

Excerpt of the *Federal Constitutional Law*

Article 1

Austria is a democratic republic. Its law emanates from the people.

Article 2

- (1) Austria is a federal state.
- (2) The federal state is formed by the autonomous provinces of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tirol, Vorarlberg, and Vienna.
- (3) Changes in the number of the provinces or a restriction of the participation of the provinces provided for in this paragraph and in Art. 3 do also require constitutional regulations of the provinces.

Article 18

- (1) The entire public administration shall be based on law.
- (2) Every administrative authority can on the basis of law issue ordinances within its sphere of competence.
[...]

Article 94

- (1) Judicial and administrative powers shall be separate at all levels of proceedings. [...]

- 2 **Discuss** the advantages and disadvantages of direct democracy and indirect democracy in class. You can collect your ideas in a mind map.
- 3 **Put** the **information** describing the Austrian legislative process in a **meaningful order**. Compare your results with a partner.
- a) ____ During the *Second Reading*, it is still possible for members of parliament to move amendments of the bill. Once concluded, the National Council votes on the bill and on whatever amendments have been introduced in the *Second Reading*.
 - b) ____ The committee frequently makes amendments to the original draft, which is then put to a vote. A rapporteur is elected to prepare his/her report, which summarises the discussions as well as the motions made. The report also outlines the proposed text of the bill (if it has been approved by a majority in the committee).
 - c) ____ Every National Council enactment is transmitted to the Federal Council without delay.
 - d) ____ The impetus to pass a new law often develops outside Parliament or the government. The vast majority of bills and adopted texts come from the Federal Government (Government Bills).
 - e) ____ The *Second Reading* is followed by a *Third Reading* that comprises the vote on the entire text. It serves only to eliminate contradictory wordings and typographical errors.
 - f) ____ Still, the Federal Council may also take action of its own accord and move Federal Council Bills with the support of one third of its members.
 - g) ____ The plenary serves as the forum before which members and their parliamentary groups can once again state what they feel is important and elaborate on the pros and cons of a proposed bill. This debate is called the *Second Reading*. It usually takes place in the presence of the competent members of the Federal Government.
 - h) ____ While the Federal Council cannot change legislative proposals adopted by the National Council, it can reject them within a period of eight weeks by means of a reasoned objection to the National Council enactment. In doing so, it exercises its veto power. This veto power however only has a suspensive effect in most cases (i.e. it only defers the passing of a bill).
 - i) ____ Members usually vote by standing (if they approve) or remaining seated (if they disapprove).

- j) ____ Once a bill has been introduced, it is distributed to the members of the National Council. Subsequently, the President of the National Council has to assign the bill to a committee.
- k) ____ Now the Federal President has to authenticate the enactment, i.e. she/he confirms that the law has been passed according to the procedure required by the Constitution. The law is then also signed – the correct term is “countersigned” – by the Federal Chancellor.
- l) ____ The National Council may decide to embark on what is termed a First Reading, and the movers of a *Private Members’ bill* have the right to call for it.
- m) ____ In this case, the National Council has to deliberate once more on its enactment. It can reiterate its original decision on the condition that at least one half of the Council’s members are present.
- n) ____ Five Members may jointly move a bill in a sitting of the National Council (*Private Members’ Bills*).
- o) ____ Once a bill has passed the *Third Reading*, it is considered to as adopted by the National Council.
- p) ____ In the course of this *First Reading*, the general contents of the bill in question are discussed.
- q) ____ The law is then promulgated; that means that it is published in the *Federal Law Gazette*.
- r) ____ Citizens have the option to introduce bills by means of a popular initiative, which has to relate to a matter that can be settled by Federal legislation.
- s) ____ The object of deliberations in committee is to allow members with special expertise and experience with the matter in hand to discuss the bill in detail.
- t) ____ Usually, one speaker per political party will take up a position on the text. The idea is to introduce the draft and solicit support for it.

4 Evaluate the statements and tick whether they are true or false.

statement	true	false
a) For most laws, the Federal Council can pass an “insistence resolution” if the National Council does not approve a law.		
b) In a “sole government”, one party provides all members of the government.		
c) Federal laws in Austria are mainly passed by the Federal Council.		
d) The active right to vote for the Federal President starts at the age of 35 years.		
e) The republican principle refers to the division of state authority in Austria.		
f) The right to run for election as Federal President starts at the age of 35.		
g) The Federal President examines whether the passed laws are in accordance with the Constitution.		
h) The Federal President of Austria is elected by the people at least every 5 years.		
i) The Federal Council can pass an "insistence resolution" on most laws and thus outvote the National Council.		
j) The final decision as to whether a law is passed rests with the Federal President.		
k) Most legislative proposals are made by the Federal Government.		

l) The <i>Second Reading</i> of the legislative process is not mandatory and therefore does not take place very often.		
m) A constitutional law can be passed in parliament by a majority of 2/3, with at least half of the members (Members of Parliament, MPs) present.		
n) At least 5 members of the National Council are needed to jointly propose a bill.		
o) After an election to the National Council, the Federal President usually asks the leader of the party with the largest number of votes to form the government.		
p) Austria can be predominantly defined as an indirect democracy.		
q) The term "legal person" refers to judges, lawyers and notaries.		