

STUDENT RESOURCE BOOK



MODULE 2

PARLIAMENT OF WESTERN AUSTRALIA

THE CONCEPT OF THE SEPARATION OF POWERS BETWEEN THE
LEGISLATURE, EXECUTIVE AND JUDICIARY AND HOW IT SEEKS TO
PREVENT THE EXCESSIVE CONCENTRATION OF POWER (ACHCK048)



YEARS 7 & 8



SEPARATION OF POWERS!

AS WE HAVE SEEN IN THE PREVIOUS MODULE, THE DIVISION OF POWERS REFERS TO THE THREE LEVELS OF GOVERNMENT WITHIN AUSTRALIA: LOCAL, STATE AND FEDERAL. IT IS IMPORTANT NOT TO CONFUSE THIS CONCEPT WITH THE SEPARATION OF POWERS...

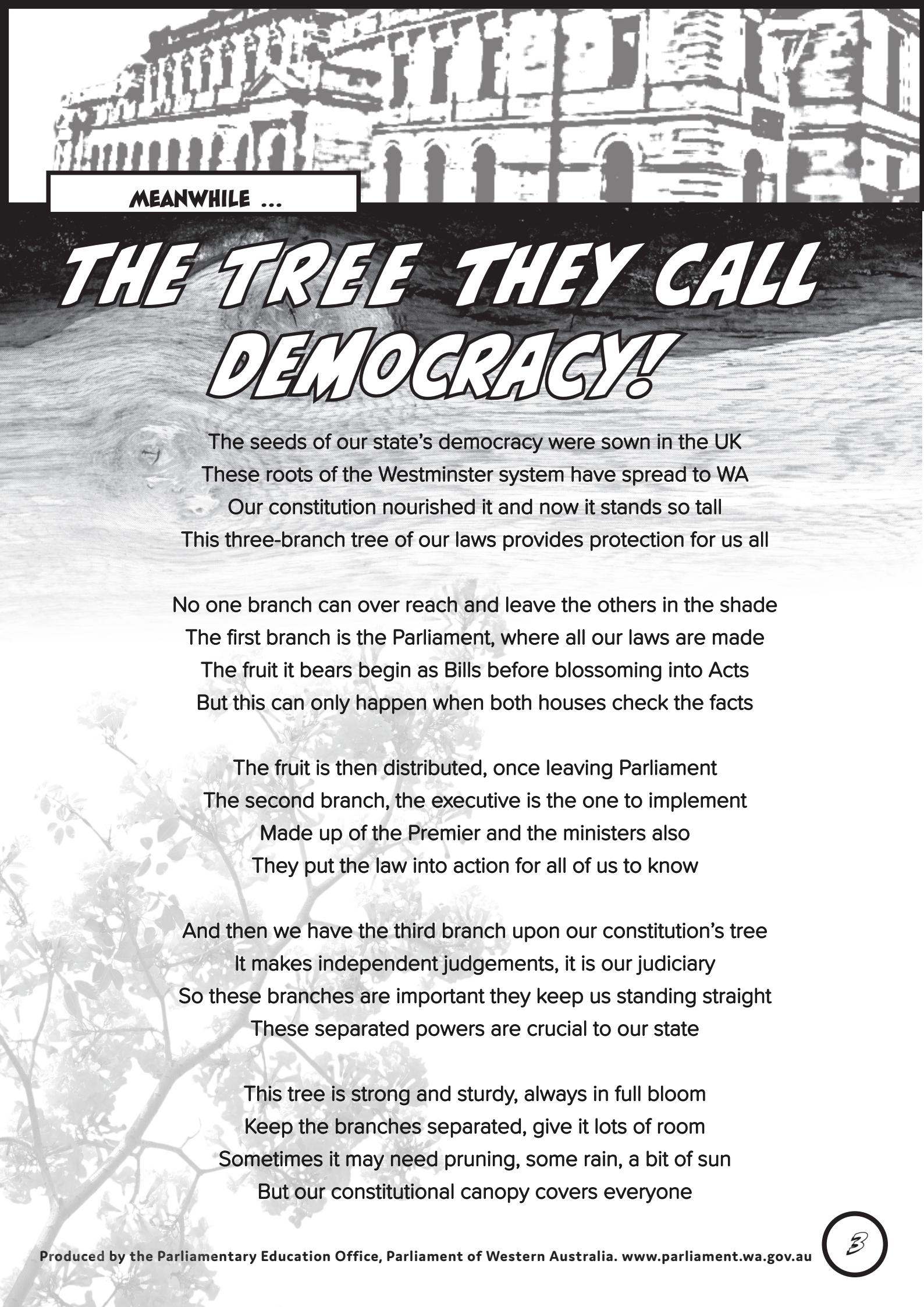
Like the division of powers, the separation of powers also has three aspects, but this is where the similarity ends. The separation of powers simply means that within our Westminster system of democracy, our federal and state governments have three separate branches that ensure one group cannot grow larger or gain more power than any other group.

THESE BRANCHES ARE THE PARLIAMENT, THE EXECUTIVE AND THE JUDICIARY. THESE THREE BRANCHES AND THE IMPORTANCE OF KEEPING THEM SEPARATE HAVE BEEN A BIG REASON WHY THE WESTMINSTER SYSTEM IS ARGUABLY ONE OF THE MOST STABLE FORMS OF DEMOCRACY IN THE WORLD...

It is called the Westminster system because the British Parliament is located in Westminster, London. Western Australia has adopted a very important safeguard to our democracy from this Westminster system, the separation of powers. This is because if one individual branch had too much power then it could affect your civil rights as a Western Australian citizen.

Therefore, if we think of our political system as an ancient tree that has its roots embedded within the Westminster system, the trunk represents democracy and the three branches represent the legislature, the executive and the judiciary. In other words, the Parliament which makes the laws, the government which administers the laws and the judges who interpret the laws.





MEANWHILE ...

THE TREE THEY CALL DEMOCRACY!

The seeds of our state's democracy were sown in the UK
These roots of the Westminster system have spread to WA
Our constitution nourished it and now it stands so tall
This three-branch tree of our laws provides protection for us all

No one branch can over reach and leave the others in the shade
The first branch is the Parliament, where all our laws are made
The fruit it bears begin as Bills before blossoming into Acts
But this can only happen when both houses check the facts

The fruit is then distributed, once leaving Parliament
The second branch, the executive is the one to implement
Made up of the Premier and the ministers also
They put the law into action for all of us to know

And then we have the third branch upon our constitution's tree
It makes independent judgements, it is our judiciary
So these branches are important they keep us standing straight
These separated powers are crucial to our state

This tree is strong and sturdy, always in full bloom
Keep the branches separated, give it lots of room
Sometimes it may need pruning, some rain, a bit of sun
But our constitutional canopy covers everyone





ANOTHER WAY WE CAN LOOK AT THE SEPARATION OF POWERS IS TO THINK OF A TEPEE OR A TRIPOD ...



A TRIPOD OR A TEPEE NEEDS
THREE STRONG LEGS, NOT TWO,
FOR WITHOUT THREE LEGS
SUPPORTING EACH OTHER,
BOTH COULD FALL ON YOU



Under this system of three strong and separate powers, the **FIRST BRANCH, THE PARLIAMENT**, through both houses, has the responsibility of making laws throughout Western Australia. This branch comprises 95 members of Parliament (59 in the Legislative Assembly and 36 in the Legislative Council) who are collectively responsible for introducing, amending and in some cases removing legislation.

The **SECOND BRANCH, THE EXECUTIVE**, is responsible for putting into action the laws that have been made by the Parliament. This branch is made up of the Premier and Cabinet and they must implement the laws the way the Parliament has stated. Each minister in charge of different Government agencies and departments therefore has ultimate responsibility to ensure that both existing and new laws are put in place as Parliament intended.

The **THIRD BRANCH, THE JUDICIARY**, has the responsibility of interpreting laws and their implementation. Judges in the Supreme Court of Western Australia are appointed until the age of 70. This means that they can interpret laws that the Parliament has made, or whether the executive has implemented them correctly, without fear of losing their job.

This independence means they are free to rule on the laws without feeling pressured by either the Parliament or the executive.



GROUP ACTIVITY.....

'THE TRIPOD PARTY PLANNERS'

YOU WORK FOR A COMPANY CALLED TRIPOD PARTY PLANNERS. IN GROUPS OF THREE, ALLOCATE THE FOLLOWING ROLES TO EACH MEMBER OF YOUR GROUP: PARLIAMENT, EXECUTIVE, AND JUDICIARY. COLLECTIVELY, YOUR GROUP WILL NEED TO DESIGN, IMPLEMENT AND JUDGE THE SUCCESS OF YOUR PARTY PLAN ...

Elsie, a year 8 student who wants you to plan her fourteenth birthday party, has approached you. Try to think of all the things needed to make Elsie's birthday party a success. Also, consider how you can minimise risks to the partygoers and what strategies you could put in place to make it a fun and safe environment.



PARLIAMENTARY PAT:

Your role is to design an invitation for the party and devise ten rules to ensure it runs smoothly.



EXECUTIVE EWAN:

Your role is to make a list of all of the things that will need to be organised to ensure the party is a hit.



JUDICIARY JANE:

Your role is to look over what Parliamentary Pat has decided and what Executive Ewan has arranged and look for any of the ten rules that have not been upheld. You may have to clean up an unintended mess that could turn the party into a disaster!

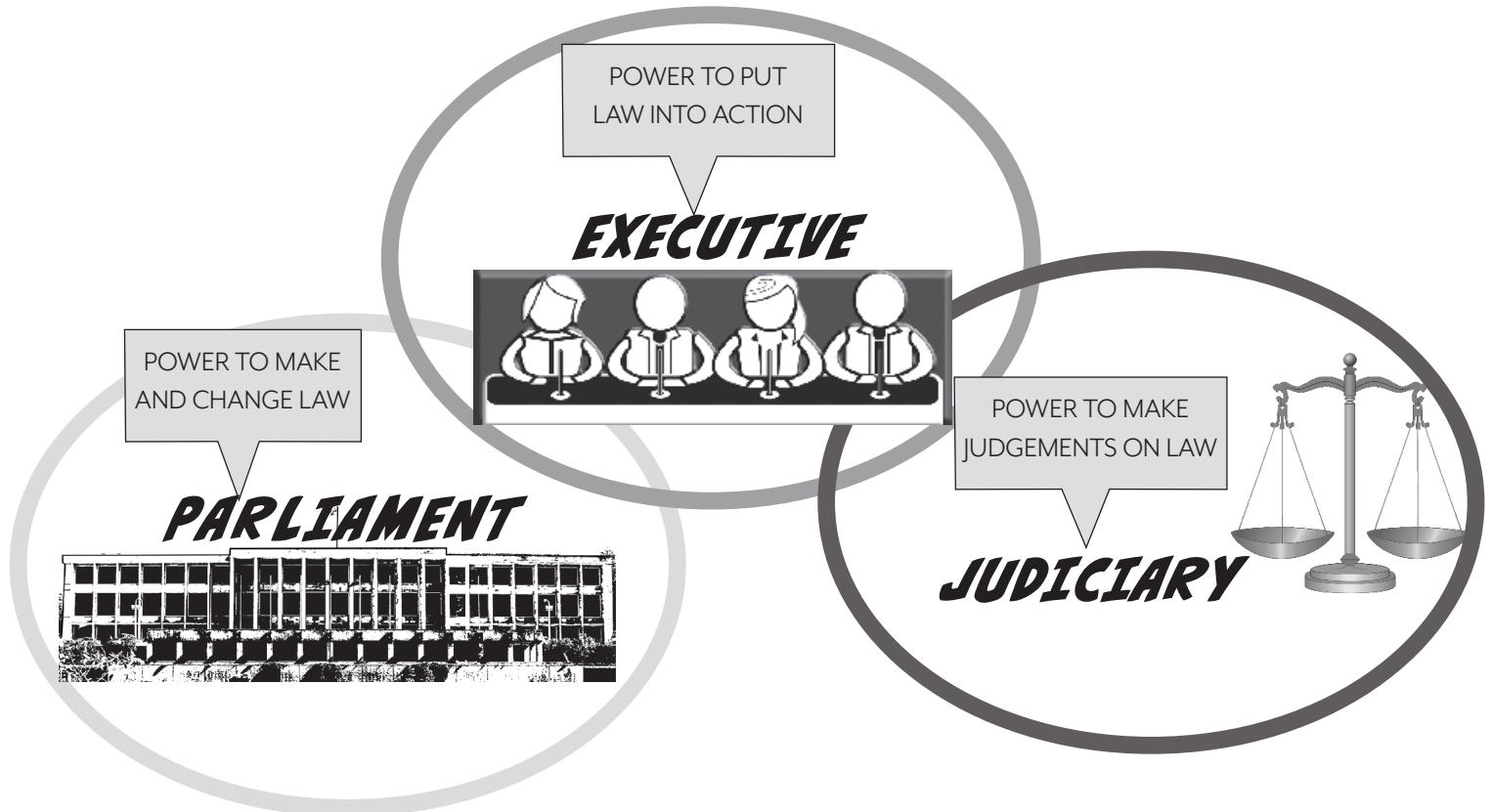
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ONCE YOU HAVE COMPLETED YOUR PARTY PLAN REPORT BACK TO THE WHOLE CLASS. DON'T TELL THE CLASS WHICH ROLE EACH OF YOU WERE PLAYING, SEE IF THEY CAN GUESS!

AND FINALLY...

By looking at the diagram below, explain in your own words the three powers, their roles and composition.



Parliament _____

Executive _____

Judiciary _____

