

17.3 The separation of powers

The first three chapters of the Australian constitution define the separate roles of three main branches of government. They are the **legislature**, the **executive** and the **judiciary**. These three powers of government are independent of each other. This means that one cannot influence the other.

Legislature

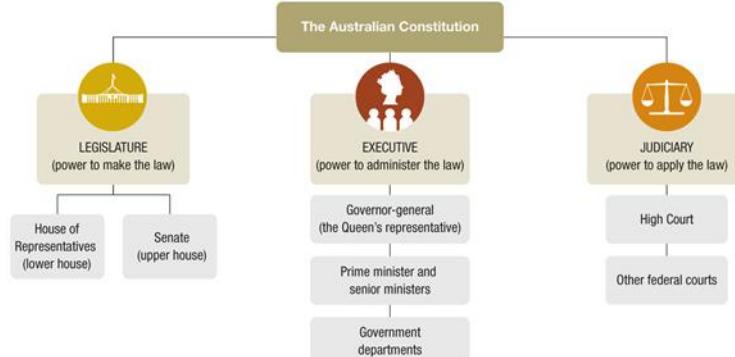
The legislature is responsible for creating the law. The legislature is made up of the two houses of parliament — the Senate (the upper house) and the House of Representatives (the lower house). Both the Senate and the House of Representatives are responsible for debating and passing new laws.

The lower house

The House of Representatives is made up of 150 members of parliament (MPs), each representing one of Australia's federal electorates. The role of the lower house



Source 2 Parliament House is located in Canberra. It is home to both the House of Representatives, known as the lower house, and the Senate, known as the upper house.



Source 1 The separation of powers at a federal level is set out in the constitution.

is to represent the views of Australian citizens and to make and scrutinise laws based on these views. A majority of proposed laws, called **Bills**, are introduced into parliament by the House of Representatives.

The upper house

The Senate is made up of 76 senators who represent the states and territories. It shares the role of making laws with the House of Representatives and reviews laws before they are made. The Senate can reject laws proposed by the lower house but it can also approve a Bill, with or without changes.

Executive

The executive is responsible for approving laws and putting them into action. It is made up of the prime minister, ministers and the governor-general who is the queen's representative in Australia.

The prime minister chooses the ministers who are commissioned by the governor-general to be part of the executive and implement that law. For example, the prime minister will select an MP to be the Minister for Education. This minister will be responsible for all matters relating to the education system and will be in charge of the Department of Education.

Judiciary

The role of the judiciary system is to make rulings or judgments about the law. It is made up of the High Court and other federal courts. These courts interpret the laws passed by parliament and apply them to specific cases and disputes.

In Australia there are four main federal courts where laws can be enforced. They are the:

- High Court of Australia (the highest court in Australia)
- Federal Court of Australia (hears cases on a variety of things including bankruptcy, tax and trade)
- Federal Circuit Court of Australia (hears less complex cases than the Federal Court but on similar issues)
- Family Court of Australia (hears cases on family disputes).



Source 3 The High Court decides on special cases that can affect the entire nation and on how the constitution is applied.

Check your learning 17.3

Remember and understand

- 1 What is meant by the separation of powers?
- 2 Who does the governor-general represent?
- 3 How many senators are there in the Senate?
- 4 How many MPs are in the House of Representatives?

Apply and analyse

- 5 Why do you think a prime minister would appoint ministers?

Evaluate and create

- 6 Visit the Parliamentary Education Office website, go to 'Closer Look' and 'Australia's Parliament House' (peo.gov.au). Create a poster with an annotated map of Parliament House. Be sure to clearly identify the Senate as well as the House of Representatives. Your poster should include information about the roles of each house as well as any other relevant information.