

# SEPARATION OF POWERS

The Australian Constitution is the set of rules by which Australia is governed. The first three chapters of the Constitution define three largely separate groups – the Legislature (Parliament), the Executive and the Judiciary – and the roles they play in Australian governance. The power to make and manage law is divided between these three groups. This division is based on the principle of the ‘separation of powers’.

Under this principle, the power to govern should be distributed between the Legislature, the Executive and the Judiciary to avoid one group having all the power. Each group should work within defined areas of responsibility so that each keeps a check on the actions of the others.

The Northern Territory also follows this principle of governance.

## Exceptions to the principle

Australia does not have a complete separation of powers because some of the roles of the Parliament, the Executive and the Judiciary overlap. For example, the Chief Minister and Ministers are part of the Executive and the Parliament. Supreme Court judges and Chief Ministers are officially appointed by the Administrator of the Northern Territory who is part of the Parliament and the Executive.

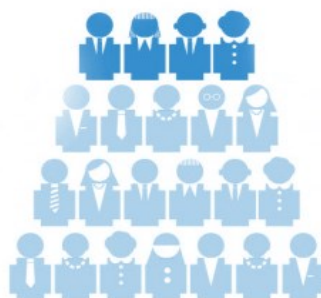
## THE LEGISLATURE



The Legislature, or the Parliament, **has the power to make and change laws**. It is made up of the elected Members of Parliament. In the Northern Territory there is only one house of parliament, a lower house, but at state and federal levels the Legislature is made up of both the lower and upper houses. In the Westminster System used in Australia the Legislature is also made up of the Queen, represented by the Administrator of the Northern Territory.

## THE EXECUTIVE

The Executive **has the power to carry out and enforce the law**. In the Northern Territory it is made up of the Chief Minister, Ministers, and Government Departments. In the Westminster System the Executive is also made up of the Queen, represented by the Administrator of the Northern Territory.



## THE JUDICIARY

The Judiciary **has the power to make judgements about the law**. In the NT it is made up of the Supreme Court and the Local Courts.