

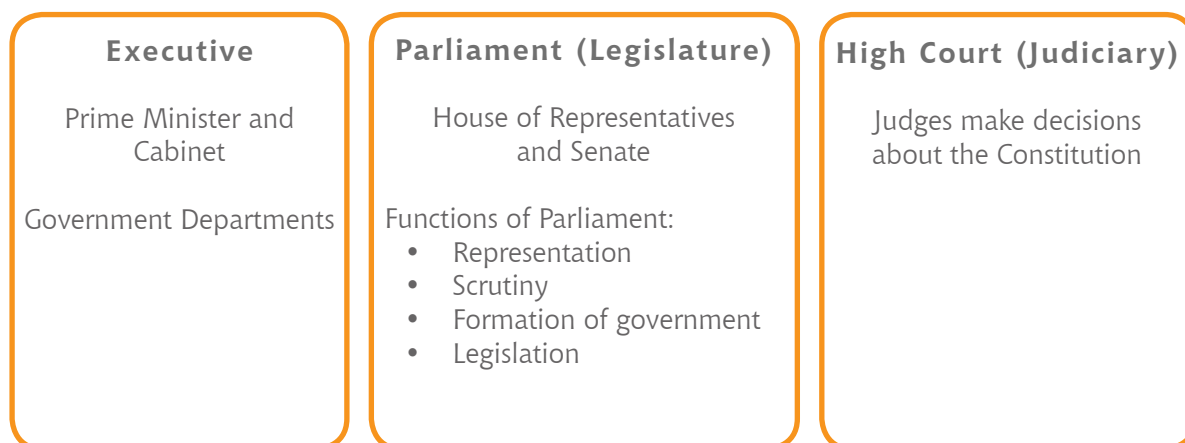
SEPARATION OF POWERS

Governing Australia needs lots of power. The Constitution says that this power is divided between three groups of people so they can balance each other. Each group checks the power of the other two. This division of power stops one person or group of people taking over all the power to govern Australia.

The idea of the separation of powers was described by Montesquieu in his *L'Esprit des Lois* in 1748. He said that a nation's liberty depended on the separation of the three types of power - legislative, executive and judicial - each having their own separate institution.

Legislative power means the power to make laws and is concentrated in the Parliament. Executive power means the power to implement laws and is given to the government. Judicial power gives the High Court power to decide whether laws are legal according to the Constitution.

Commonwealth of Australia



Separation of powers means that people in one of these three arms should not control the other two arms. The important exception is the Prime Minister and ministers who work in both the executive as well as in the legislature.