

Index and Introduction



AUSTRALIAN
CONSTITUTION
CENTRE

Unit 8: Australia's legal system, the Courts and the Australian Justice System – Years 7-9 - Strand: Laws & Citizens

Topics 7.2 & 9.4: Key features of Government & the Australian Justice System: Separation of Powers and the Judiciary

C&C Strand: Laws & Citizens

Curriculum and ACARA Links:

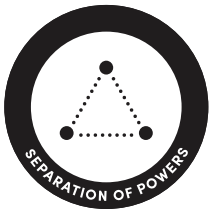
Revision:

Year 6 – Topic 6.3: The process for creating laws through Australia's democratic system of government and how regulations and laws are enforced and the personnel involved ([AC9HS6K08](#) Extension can be found in Unit 9, Year 8 – the characteristics of laws and how laws are made in the Australian legal system through parliaments (statutory law) and through the courts (common law) ([AC9HC8K04](#))

Year 7 - How Australia's legal system aims to provide justice, including through the rule of law, presumption of innocence, burden of proof, right to a fair trial and the legal representation of the accused ([AC9HC7K04](#))

Area/Questions and Takeaways

1. How do courts ensure independence, impartiality, fairness and openness in their decision making?
2. What are the exclusive judicial powers of the courts and how do the courts keep the exercise of legislative and executive powers in check?
3. How is the way judges are appointed and removed important in ensuring the independence of the courts?
4. What is the difference between Parliament making a law which makes an action a criminal offence, and Parliament seeking to find a person guilty and punish them for an offence? Why can't Parliament convict and punish a person today?
5. What is delegated legislation and why can the Executive Government make it?
6. Which institution releases public money for spending on government programs?
7. Who has the power to dissolve Parliament?



**AUSTRALIAN
CONSTITUTION
CENTRE**

TOPIC

SUMMARY

Activities/Lessons

In these lessons and activities students learn the importance of the judiciary in maintaining the separation of powers in Australia, and the way the different branches of government act as checks on the powers of each other.

Revision lessons. Unit 6: Topic 6.2 and 7.3

- **REVISE TRD 56:** The three institutions or branches of government: - Overview of the Separation of Powers (SoP) - The Constitution and the main institutions of Government.
- **REVISE TRD 65:** Courts - Their role and powers

Teacher Reference Documents (TRDs) and Activities/Lessons

TRD 66 - The Separation of Powers – protecting the independence of the judiciary (student resource)

TRD 67 - The Separation of Powers – protecting the independence of the judiciary (teacher resource)

TRD 68 - Judiciary – How are High Court judges appointed?

TRD 69 - Judiciary – How are judges removed?

Lesson/Activities One: Australia's separation of Powers and an independent judiciary.

TRD 70 - Separation of Powers – Why Parliament can no longer convict you of treason and order that you be beheaded (student resource)

TRD 71 - Separation of Powers – Why Parliament can no longer convict you of treason and order that you be beheaded (teacher resource)

Lesson/Activities Two: Why Parliament cannot exercise judicial power

TRD 72 - Separation of Powers – The blurred border between executive and legislative power (student resource)

TRD 73 - Separation of Powers – The blurred border between executive and legislative power (teacher resource)

Lesson/Activities Three: The weak separation between executive and legislative power

Achievement Standards:

By the end of Year 7 students describe the principles and features of the Australian legal system.

By the end of year 9 students identify the key features and jurisdictions of Australia's court system and explain the role and processes of courts and tribunals.

