

Separation of powers

This topic explainer explores what the separation of powers is and how it operates in the ACT.

🎯 Learning goals

- The separation of powers divides law-making and management between the legislature, executive, and judiciary so that power is checked and no single group controls everything.

☰ Curriculum links

Year 6 AC9HS6K06
Year 7 AC9HC7K01

What is the separation of powers?

The separation of powers divides the functions of making and managing laws between three different groups: the **legislature**, **executive**, and **judiciary**. Each group performs its own function:

- The **legislature** (parliaments) are responsible for making, removing, and changing laws
- The **executive** (government ministers) are responsible for putting laws into action, and
- The **judiciary** (courts) are responsible for interpreting and enforcing laws.

The reason these powers are divided among different groups is to make sure that the function of making and managing law are performed sensibly, with no single group being more powerful than the rest.

Australia does not have a complete separation of powers because the members of the executive (ministers) must also be elected members of the legislature.

Separation of powers in the ACT

Legislature

The ACT Legislative Assembly is made up of 25 members (MLAs) who are elected every four years.

The Assembly has the power to make, remove, and change laws for the ACT. A majority of MLAs (13 of 25) is required to exercise this power.

Executive	The executive is made up of up to nine of the 25 MLAs. This includes the Chief Minister and up to eight ministers.	The executive has the power to put laws into action and enforce them. People who work for the ACT Public Service help to do this. Some examples of public service jobs include teachers, police officers, nurses, park rangers, and bus drivers.
Judiciary	The judiciary is made up of ACT courts – the Magistrates Court, Court of Appeal, and Supreme Court – and the federal High Court of Australia	The judiciary has the power to interpret the ACT's laws. The High Court is Australia's highest court and can resolve issues from lower courts.

Reflection questions

- The ACT does not have a strict separation of powers. Which two groups overlap and how?
- A separation of powers is important because it stops one group having all the power and using it without checks and balances. What could happen if all the power was held by one group?
- How might an ACT public servant, such as a park ranger, help put laws into action?

Classroom activities

There is a two-part in-class activity associated with this topic available on our website:

- [Activity: Separation of powers](#) (PDF 253KB)

Other resources

There are a range of other helpful resources available on this topic, the best of which we have compiled below:

- [\[ACT\] Poster: The separation of powers in the ACT](#) (PDF 381KB)
- [\[Federal\] Factsheet: Separation of powers](#) (peo.gov.au)
- [\[SA\] Interactive activity: Sort the separation of powers](#) (parliament.sa.gov.au)