

WHAT IS LAW

What is law?

Common ingredients

Recognized as regulating behavior
Exists within a framework – authority is within society
Not fixed – changes in law over time, governments change law eg. Employment law.
Depends on notion of justice

What is the aim of law?

Regulate anti-social behavior
Nature of people – society experiences conflict
Distinguish law from other forms
range of views, legitimize power, regulate and protect
– Law being paternalistic
Law and freedom – limits autonomy and freedom

The rule of law

The rule of law – published and clear, natural justice and the right to stakeholders to be heard. It is accessible. Crime prevention should not prevent the law.

Natural justice

Right to a fair hearing

LEGAL INSTITUTIONS/STRUCTURES

Separation of powers

The doctrine of the **separation of powers in Australia** divides the institutions of government into three branches: legislative, executive and judicial.

The legislature makes the laws
The executive put the laws into operation
The judiciary interprets the laws

Sources of law

Legislation
Common Law
Regulations

Federalism

**** add stuff here**

Commonwealth Constitution – Commonwealth Constitution Act 1900, was approved in a series of referendums held over 1889 – 1900.
Became law in 9 July 1900 and entered into force on 1 January 1901

State Constitutions

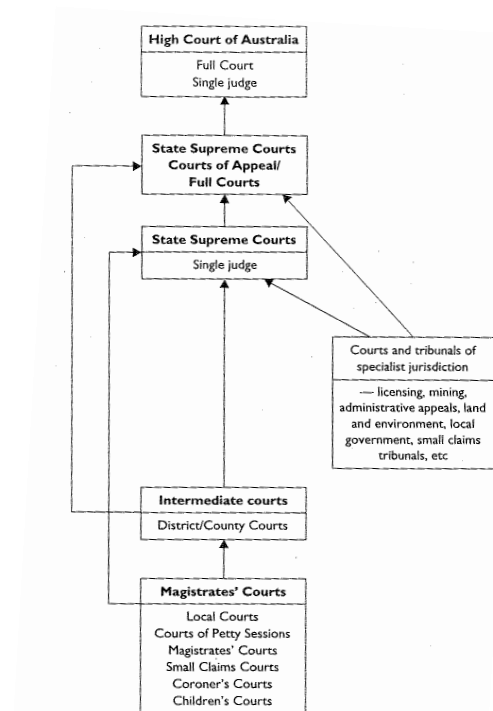
Each state has its own state Constitution,

The six state parliaments are permitted to pass laws related to any matter that is not controlled by the Commonwealth under Section 51 of the Australian Constitution.

The monarch's powers over state matters are exercised by a Governor in each state. The head of each state government is known as the Premier.

Courts Hierarchy

State Court Hierarchy



Federal Courts Hierarchy

