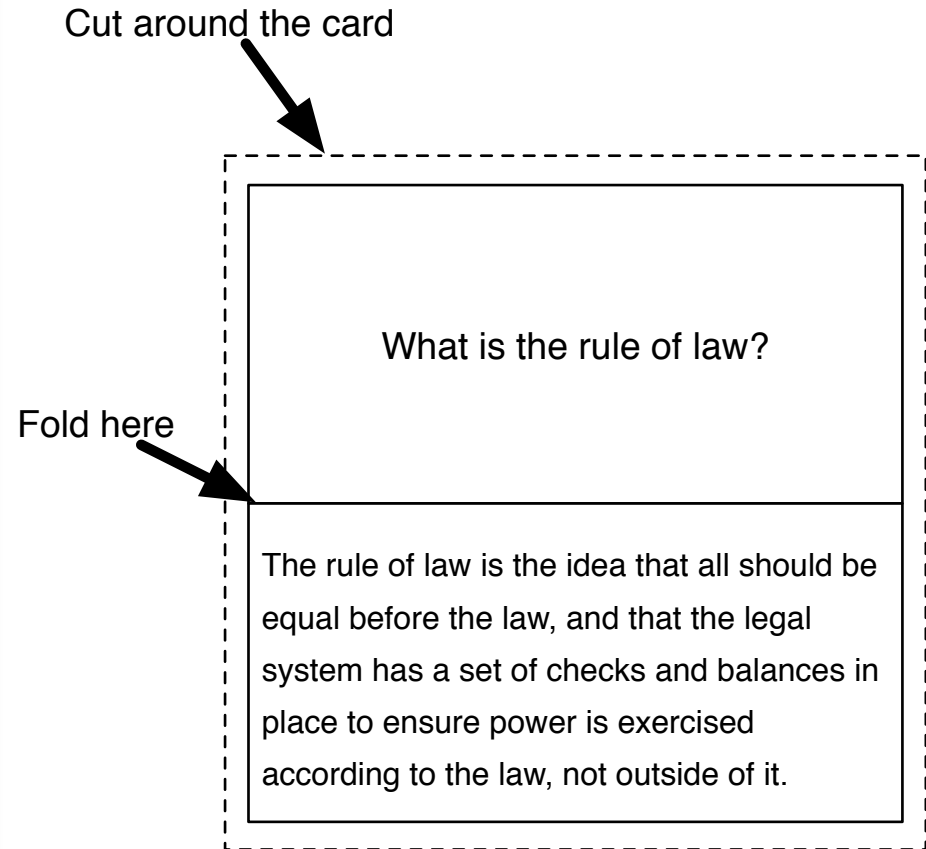


Rule of Law Flashcards

Suggested activities:

- 1) Cut out the cards on pages 1 and 2 including the question and the answer provided. Fold the card on the line and test yourself on the definitions. Speaking the definition out loud is an excellent way to help remember it - make sure you use the correct terminology and concepts!
- 2) Write your own answers to the questions on pages 3 and 4.
- 3) Create your own questions based on other concepts from the syllabus using the blank templates on pages 5 and 6.



What is the rule of law?

The rule of law is the idea that all should be equal before the law, and that the legal system has a set of checks and balances in place to ensure power is exercised according to the law, not outside of it.

Define fairness.

That the legal system applies laws that are just as well as appropriate to a situation.
Extension question: *how is fairness essential for justice to be done?*

Define equality.

That all people in the community are treated the same before the law regardless of socio-economic status, race, sex, religion, ethnicity, gender, sexuality or age. Extension question: *how is equality essential for justice to be done?*

Page 1

Define access.

The idea that legal processes and institutions must be available and accessible to all. Ideally, laws should be written down, freely available and not complex to the point they cannot be understood. Extension question: *how is access essential for justice to be done?*

What are the principles of the rule of law?

Fairness - government and the courts must follow the law.
Rationality - laws must be able to be followed.
Predictability - the outcome for breaking the law must be clear.
Consistency - the law is applied to all in the same way, no retrospective laws.
Impartiality - an independent decision maker ensures legal processes are fair and just.

Outline the concept of the separation of powers.

The separation of powers ensures that the powers of government are defined and that they do not overlap. This allows for checks and balances on the use of power of the three arms of government: the **legislature**, **executive** and **judiciary**.

What is the judiciary?

Explain its role in the separation of powers?

The judiciary is made up of the courts and judges. The jurisdiction of courts is defined in legislation, and judges make decisions according to legislation and precedent (common law). The High Court is responsible for hearing cases where the legality of legislation is called to question.

What is the executive?

Explain its role in the separation of powers?

The executive, or Executive Council, is made up of the Governor General, Prime Minister and other Cabinet Ministers responsible for government departments and the day to day running of the government. The executive reports to parliament on their progress.

What is the legislature?

Explain its role in the separation of powers?

The legislature are the two houses of Federal Parliament, the House of Representatives and the Senate. Each house has members of parliament who are elected by the people to write laws and vote on them. They represent the interests of their constituents by asking questions of the executive.

Page 2

What is procedural fairness/natural justice?

That legal processes must be free from bias and that individuals deserve the right to a fair hearing in court. For a hearing to be fair a judge must be impartial and free from external influences to make decisions based on the law, not on public or personal opinion.

What is anarchy?

The absence of the rule of law where a government cannot enforce laws or maintain procedural fairness.

What is tyranny?

Tyranny is the absence of the rule of law where a ruler takes control of a state and exercises their power without following legal processes or restrictions.

What is the rule of law?

Define fairness.

Define equality.

Page 3

Define access.

What are the principles of the rule of law?

Outline the concept of the separation of powers.

What is the judiciary?
Explain their role in the separation of powers?

What is the executive?
Explain their role in the separation of powers?

What is the legislature?
Explain their role in the separation of powers?

Page 4

What is procedural fairness/natural justice?

What is anarchy?

What is tyranny?

