



## Legislature Organ of the State Makes Laws

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### Editor Note

The system of government in Western Australia is that of a parliamentary democracy based on the rule of law. More than 250 years ago, a famous French philosopher, the Baron de Montesquieu, published a book. *The Spirit of the Laws* (1748). In the book he claimed that liberty existed in England because of the way in which the system of government was organized.

He recognized three branches of government, namely the legislature; executive; and judiciary. Each branch checked each other to prevent any person or arm becoming too powerful. Legislative power is exercised by Parliament and the President of the Republic. Execution is exercised by the President of the Republic and the Government. Judiciary is vested in the courts of law, whose decisions are executed in the name of the people. The constitutionally established judicial system of Greece consists of two jurisdictions, the administrative and the civil, which are in turn organized in three instances: the courts of first instance, the courts of appeals and the Supreme Courts. The Council of State, which is the Supreme. Administrative Court of Greece, the Supreme Civil and Criminal Court, and the Court of Audit, which has jurisdiction on the audit of the expenditures of the State, local government agencies and other legal entities, are the country's highest courts.

The power to execute (enforce) laws. The executive has the power

to put into effect, in individual cases, the general rules made under the legislative power. In Western Australia, the peak executive body is the Executive Council. The Executive Council is appointed by the Governor under Letters Patent issued by Her Majesty the Queen. In practice it consists of all the members of the ministry and is presided over by the Governor

Greek judges belong to one of these two jurisdictions; thus, an administrative judge is not entitled to judge a penal or civil case, while a civil judge is not entitled to judge an administrative case and the power to make laws. In Western Australia, the legislative arm of government is the Parliament (the 'legislature'). The Western Australian Parliament is bicameral (made up of two houses), consisting of the Legislative Council (upper house) and the Legislative Assembly (lower house). All ministers also meet as a body called the cabinet, which is led by the Premier.

The Premier and the cabinet are not recognized in the constitution, but in practice make the major decisions relating to government policy and guide ministerial decision-making. The carrying out or execution of the laws is undertaken by the public service (government departments) and statutory authorities. Although the functions of government in Western Australia can conveniently be classified into legislative, executive, and judicial, there is no formal constitutional separation of these powers as there is, for instance, in the constitution of the United States.

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Received June 30, 2020; Accepted July 05, 2021; Published July 10, 2021

Citation: Sunhee Y (2021) Legislature Organ of the State Makes Laws. J Civil Legal Sci 10: e106.

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