

## SOURCES OF LAW

In Queensland, responsibility for sentencing is shared between the Parliament, the courts and government.

### Learning outcomes

Students will:

- describe key terms using legal terminology, including crime, case law and statute law
- describe the separation of powers doctrine in the Queensland legal system.

### Focus question

**Where do the laws used in punishment and sentencing originate?**

### Key concepts

case law

courts

executive government

Parliament

statute law

### Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11.

It ties in with Unit 1: Beyond reasonable doubt, Topic 4: Punishment and sentencing.

### Getting started

Ask students to open and save a copy of the Queensland Sentencing Advisory Council's [Queensland Sentencing Guide](#).

The Guide explains how Queensland courts sentence adults found guilty of a criminal offence.

This will be a useful resource you can refer to throughout Topic 4.



### Further resources

The following websites may further enhance the learning outcomes associated with this resource:

Caxton Legal Centre Inc.,  
[The Queensland Law Handbook](#)

Office of the Queensland Parliamentary Counsel,  
[Finding Queensland Legislation and Information](#)

[Queensland Government](#)

Queensland Parliament, [Work of Committees](#)

Queensland Parliament, [Record of Proceedings](#)

Supreme Court Library Queensland, [CaseLaw](#)

Queensland Legislation website,  
[Office of the Queensland Parliamentary Counsel](#)

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### Your turn

Open the [Queensland Sentencing Guide](#) and read pages 11-12. Answer the questions below:

1. Identify the three arms of government responsible for sentencing. Explain the contribution to the sentencing process each arm of government makes. Why is it important that these arms of government are separate?
2. Explain the difference between statute and case law. What role does each source of law play in the sentencing process?
3. There are many stages a proposed law must go through before it can be enforced. Create an annotated infographic that illustrates the legislative process of a recently passed law that impacts punishment and sentencing. In your infographic ensure you include:
  - a. The long and short title of the Bill.
  - b. A quote from the first and second reading of the Bill (you can find this in the Queensland Parliament Hansard Record of Proceedings – see <https://www.parliament.qld.gov.au/work-of-assembly/hansard>

#### Hint:

Check the Index to Parliamentary Debates for the year the Bill was introduced to locate the date these speeches were delivered and click through using the links included in the Index. Make sure you identify the relevant Member of Parliament, their portfolio and date and time the reading speech took place.

- c. The name of the Committee responsible for examining the Bill and its recommendations. You may also like to identify one or two individuals or organisations that made a submission to the Committee.
  - d. Identify who gave the Bill royal assent and the date it came into force (you can find this by reading Section 2 of the Act)
4. List what legislation you would use to locate information on Queensland's criminal offences, maximum penalties and sentencing guidelines.
  5. Explain which source of law you would follow if there is a conflict between statute law and case law. Why do you think this is the case?