Government of **Western Australia**
School Curriculum and Standards Authority

Western Australian Certificate of Education
ATAR course examination, 2016

Question/Answer booklet

POLITICS AND LAW

Please place your student identification label in this box

Student number: In figures

In words

Time allowed for this paper

Reading time before commencing work: ten minutes
Working time: three hours

Materials required/recommended for this paper

To be provided by the supervisor
This Question/Answer booklet

Number of additional answer booklets used (if applicable):

To be provided by the candidate
Standard items: pens (blue/black preferred), pencils (including coloured), sharpener, correction fluid/tape, eraser, ruler, highlighters

Special items: nil

Important note to candidates

No other items may be taken into the examination room. It is **your** responsibility to ensure that you do not have any unauthorised material. If you have any unauthorised material with you, hand it to the supervisor **before** reading any further.

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Structure of this paper

Section	Number of questions available	Number of questions to be answered	Suggested working time (minutes)	Marks available	Percentage of examination
Section One Short answer	4	3	45	30	30
Section Two Source analysis	2	1	35	20	20
Section Three Essay Part A: Unit 3	2	1	100	50	50
Part B: Unit 4	2	1			
				Total	100

Instructions to candidates

1. The rules for the conduct of the Western Australian Certificate of Education ATAR course examinations are detailed in the *Year 12 Information Handbook 2016*. Sitting this examination implies that you agree to abide by these rules.

2. Section One: Consists of four questions. You must answer three questions. Write your answers in this Question/Answer booklet.

   Section Two: Consists of two questions. You must answer one question. Write your answers in this Question/Answer booklet.

   Section Three: Consists of two parts each with two questions. You must answer one question from each part. Write your answers in this Question/Answer booklet.

3. You must be careful to confine your answers to the specific questions asked and to follow any instructions that are specific to a particular question.

4. Additional working space pages at the end of this Question/Answer booklet are for planning or continuing an answer. If you use these pages, indicate at the original answer, the page number it is planned/continued on and write the question number being planned/continued on the additional working space page.

Section One: Short answer **30% (30 Marks)**

This section has **four (4)** questions. You must answer **three (3)** questions. Write your answers in the spaces provided.

Additional working space pages at the end of this Question/Answer booklet are for planning or continuing an answer. If you use these pages, indicate at the original answer, the page number it is planned/continued on and write the question number being planned/continued on the additional working space page.

Suggested working time: 45 minutes.

Question 1 **(10 marks)**

(a) Explain the term Cabinet. (2 marks)

(b) Explain briefly **three** roles and/or powers of the Cabinet. (3 marks)

(c) Discuss **one** argument for and **one** argument against the proposition that 'the Opposition does **not** keep the Cabinet accountable'. (5 marks)

Question 2 **(10 marks)**

(a) Explain what is meant by a reserve power of the Governor-General. (2 marks)

(b) Explain briefly **three** roles of the Governor-General. (3 marks)

(c) Discuss **one** argument for and **one** argument against the proposition that 'the Governor-General acted improperly by dismissing the Whitlam government'. (5 marks)

Question 3 **(10 marks)**

(a) Explain a purpose of the Privileges Committees of the Commonwealth Parliament. (2 marks)

(b) Explain briefly **three** procedures and/or processes of the Commonwealth Parliament that promote its accountability. (3 marks)

(c) With reference to **one** example, discuss how judicial review promotes the accountability of the Commonwealth Parliament. (5 marks)

Question 4 **(10 marks)**

(a) Explain the process of appointing a Justice to the High Court of Australia. (2 marks)

(b) Explain briefly **three** elements of 'natural justice' as it is practised in Australia. (3 marks)

(c) Discuss **two** ways how 'public confidence' is promoted in Australian courts. (5 marks)

End of Section One

Section Two: Source analysis **20% (20 Marks)**

This section has **two (2)** questions. You must answer **one (1)** question. Write your answer in the spaces provided.

Additional working space pages at the end of this Question/Answer booklet are for planning or continuing an answer. If you use these pages, indicate at the original answer, the page number it is planned/continued on and write the question number being planned/continued on the additional working space page.

Suggested working time: 35 minutes.

Question 5 **(20 marks)**

Read **Source 1** and answer **all** the question parts that follow.

Source 1

The following is an edited extract from a newspaper article entitled *'Smash those Senate blockages and let policy flow free'* written by Peter Van Onselen and published in The Weekend Australian, December 19-20, 2015.

> The theory of the Senate has long been that it acts as a check on government … But the notion of a second chamber in our bicameral system operating as a check and balance only works if government mandates are recognised. The problem is establishing exactly what constitutes a mandate.
>
> Understandably, minor parties that take policies to elections that differ from those being argued for by the party that wins government in the House of Representatives feel they have secured a mandate with the Senate numbers they secure to hold the line on what they argued for (or against) at the election. If the Opposition joins in … the likelihood is that the election-winning policies won't get through both parliamentary chambers.
>
> Is that appropriate? Most voters would surely say no.
>
> Never forget the only reason we are being forced to revisit the GST* debate is because the Australian Democrats wound back John Howard's GST from the version he took to the 1998 election … But at least the Democrats were willing to negotiate. The Greens with Labor and a scattering of Independents aren't likely even to do that.
>
> The composition of the Senate, and the inflated views of senators have about their own mandates, is the problem.

*GST – the acronym for the Goods and Services Tax

(a) Explain what is meant by a ‘mandate’. (2 marks)

(b) With reference to **Source 1**, explain **two** problems Australian governments have in dealing with the Senate. (4 marks)

Question 5 (continued)

(c) Discuss **one** argument for and **one** argument against Senators claiming a 'competing mandate'. (6 marks)

(d) Evaluate the role and power of contemporary Senates with the Senate's intended role at Federation. (8 marks)

or

Question 6 **(20 marks)**

Read **Source 2** and answer **all** the question parts that follow.

Source 2

The following is an edited extract from an online article published in The Conversation entitled: *'Following suit: why political conventions matter'*, written by Richard Mulgan, Emeritus Professor, Australian National University (December 9, 2015).

All political systems make extensive use of conventions … Conventions are accepted practices that don't have the authority of law but depend instead on the force of shared values and expectations. They are more fluid than legal rules and tend to evolve over time.

Though the Australian Commonwealth has a formal constitution … it still follows Westminster in allowing key principles of democratic accountability to operate according to convention.

Conventions of ministerial responsibility underpin the daily accountability of ministers to parliament and the public. ... Ministerial responsibility has been used to protect anonymity* of public servants, on the ground that only ministers should answer for their departments and agencies. Ministers are expected to take the blame for actions for which they are personally responsible, but not for those that are clearly the fault of officials.

Relations between ministers and the public service are also subject to shifting conventions. Westminster-based traditions support a politically neutral public service appointed on merit … But since the early 1990s, heads of departments (secretaries) who are appointed by the prime minister, have been employed on limited-term contracts terminable at any time. In 1996 incoming prime minister, John Howard, broke the convention that incumbent* secretaries would serve out their terms under a new government, by immediately replacing six secretaries.

*anonymity – secrecy of identity
*incumbent – currently serving

(a) Explain what is meant by ‘public servants’. (2 marks)

(b) With reference to **Source 2**, explain **two** differences between law and conventions. (4 marks)

Question 6 (continued)

(c) Discuss **one** argument for and **one** argument against the proposition that 'public servants should be held directly accountable for their actions'. (6 marks)

(d) Evaluate the significance of **two** Westminster conventions within Australia's political and legal system. (8 marks)

End of Section Two

Section Three: Essay **50% (50 Marks)**

This section has **four (4)** questions. Answer **one (1)** question from Part A: Unit 3 and answer **one (1)** question from Part B: Unit 4. Write your answers on the pages following Question 10.

Additional working space pages at the end of this Question/Answer booklet are for planning or continuing an answer. If you use these pages, indicate at the original answer, the page number it is planned/continued on and write the question number being planned/continued on the additional working space page.

Suggested working time: 100 minutes.

Part A: Unit 3

Answer **one (1)** question from a choice of **two (2).**

Question 7 **(25 marks)**

'High Court decisions have been the most significant reason for change in the federal balance of power.'

Evaluate this claim.

or

Question 8 **(25 marks)**

'Since 2006, events have confirmed that the powers of an Australian Prime Minister depend entirely on personal support within a party.'

Evaluate this claim.

Part B: Unit 4

Answer **one (1)** question from a choice of **two (2)**.

Question 9 **(25 marks)**

Assess the extent to which a particular group in Australia has experienced changes in its political and legal rights.

or

Question 10 **(25 marks)**

Assess the importance of international covenants, protocols and treaties in protecting human rights in Australia in relation to other methods of protection.

End of questions

Question number: _____

Question number: _____

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Question number: _____

Additional working space

Question number: _____

Additional working space

Question number: _____

ACKNOWLEDGEMENTS

Question 5 Adapted from: Van Onselen, P. (2015, December 19). Smash those Senate blockages and let policy flow free. *The Australian*. Retrieved June, 2016, from www.theaustralian.com.au/opinion/columnists/peter-van-onselen/smash-those-senate-blockages-and-let-policy-flow-free/news-story/2db12f35e8f03f9dfc19c3c41f2657a9

Question 6 Adapted from: Mulgan, R. (2015, December 9). Following suit: why political conventions matter. *The Conversation.* Retrieved June, 2016, from http://theconversation.com/following-suit-why-political-conventions-matter-49815

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