



POLITICS AND LAW

ATAR course examination 2023

Marking key

Marking keys are an explicit statement about what the examining panel expect of candidates when they respond to particular examination items. They help ensure a consistent interpretation of the criteria that guide the awarding of marks.

Section One: Short answer

30% (30 Marks)

Question 1

(10 marks)

- (a) Outline what is meant by 'the opposition' in the Commonwealth Parliament. (2 marks)

Description	Marks
Outlines what is meant by 'the opposition' in the Commonwealth Parliament	2
Makes a general statement about 'the opposition' in the Commonwealth Parliament	1
Total	2
Answers could include: <ul style="list-style-type: none"> • the political party with the second largest number of seats in the House of Representatives • the party or group of parties in a coalition, which has the greatest number of non-government Members in the House of Representatives. It is organised as a body with the officially recognised function of opposing the Government. Accept other relevant answers.	

- (b) Explain
- one**
- factor the opposition in the Commonwealth Parliament faces when presenting as a viable alternative government. (3 marks)

Description	Marks
Explains one factor the opposition faces in the Commonwealth Parliament in presenting as a viable alternative government	3
Outlines one factor the opposition faces in the Commonwealth Parliament in presenting as a viable alternative government	2
Makes a general statement about the opposition in the Commonwealth Parliament in presenting as a viable alternative government	1
Total	3
Answers could include: <ul style="list-style-type: none"> • lack of access to resources – lack of funding and financial resources, staffing, lack of access to information, lack of access to expert advice/advisors, resources allocated by the Prime Minister • executive dominance • weak or unpopular opposition leader – lack of clear policies, vision and direction • inexperienced shadow ministers with lack of access to resources or fractured opposition party (divisions within party/party factions) – may appear incompetent and not ready to govern. Accept other relevant answers.	

Question 1 (continued)

- (c) Discuss **two** factors that have enhanced the role of the opposition in the Commonwealth Parliament in recent years. (5 marks)

Description	Marks
Discusses two factors that have enhanced the role of the opposition in the Commonwealth Parliament in recent years	5
Outlines two factors that have enhanced the role of the opposition in the Commonwealth Parliament in recent years or Discusses in detail one factor that has enhanced the role of the opposition in the Commonwealth Parliament in recent years and states one other factor or Discusses in detail one factor that has enhanced the role of the opposition in the Commonwealth Parliament in recent years	3–4
States one or two factors that have enhanced the role of the opposition in the Commonwealth Parliament in recent years or Makes a general statement about how the opposition enhances its role	1–2
Total	5
<p>Answers could include:</p> <ul style="list-style-type: none"> increased use of third-party think tanks to overcome the lack of information/research having a popular/charismatic and strong opposition leader with a clear vision and policies increasing the call for accountability of the government; use of question time to query governmental policy/actions of a particular minister use of a diversified Senate – working and negotiating with crossbenchers to force the government to reassess a particular bill or policy, or if it has the majority in the Senate opposition can initiate debate on subjects of its own choosing. Many discussions of matters of public importance are on topics proposed by the opposition opposition members may use the private Members' business procedures and the other opportunities to raise matters the opposition is able to move censure motions or to move to suspend standing orders to debate matters opposition members serve on parliamentary committees and their views are taken into account in the committees' reports. <p>There is an expectation that at least one relevant example is used in the discussion.</p> <p>Accept other relevant answers.</p> <p>Note: 'recent' refers to the last 10 years.</p>	

Question 2

(10 marks)

- (a) Outline what is meant by the term 'political mandate'. (2 marks)

Description	Marks
Outlines what is meant by the term 'political mandate'	2
Makes a general statement about the term 'political mandate'	1
Total	2
<p>Answers could include:</p> <p>A 'political mandate' is:</p> <ul style="list-style-type: none"> the authority given by the voters to the party/parties (government) with a majority in the House of Representatives to implement the programs and policies outlined in the election platform different types of political mandates include: government mandate, 'balance of power mandate'. <p>Accept other relevant answers.</p>	

- (b) Explain **one** reason why, in theory, political parties in the Senate cannot claim a mandate. (3 marks)

Description	Marks
Explains one reason why, in theory, political parties in the Senate cannot claim a mandate	3
Outlines one reason why, in theory, political parties in the Senate cannot claim a mandate	2
Makes a general statement why, in theory, political parties in the Senate cannot claim a mandate	1
Total	3
<p>Answers could include:</p> <ul style="list-style-type: none"> Westminster convention decrees that the party with the majority of seats in the House of Representatives enjoys the right to govern. The government claims it has a mandate because it has won a majority of seats in the lower house the Senate, known as the States House, is designed to represent the States. This is reflected in the voting where representatives require a much lower vote to gain a seat. The Senate is designed to act as a House of Review the mandate theory asserts that the government has both the responsibility and the right to have the Parliament enact the legislative proposals that its party or parties had championed during the preceding election campaign. If the government fails to pursue enactment of those proposals, it fails in its obligation to the electorate and it breaks the links of democratic governance. Those links involve a clear and simple logic: a party seeks support from the voters for its policies; the voters endorse that program by voting for the party and giving it enough seats to form the government; and the party then has the responsibility to enact its policies into law. (for further reference visit: https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/platparl/c09) <p>Accept other relevant answers.</p>	

- (c) Discuss **two** reasons why political mandates have declined in importance in recent years. (5 marks)

Description	Marks
Discusses two reasons why political mandates have declined in importance in recent years	5
Outlines two reasons why political mandates have declined in importance in recent years or Discusses in detail one reason why political mandates have declined in importance in recent years and states another reason or Discusses in detail one reason why political mandates have declined in importance in recent years	3–4
States one or two reasons why political mandates have declined in importance in recent years or Makes a general statement about the declining importance of political mandates in recent years	1–2
Total	5
<p>Answers could include:</p> <ul style="list-style-type: none"> • claims for a mandate for a particular governmental policy is more of a political argument to persuade opponents (House of Representatives/Senate) to allow the legislation to pass • governments do not necessarily introduce legislation for all policies taken to the electorate in the campaign • governments introduce legislation on policy areas not raised during an election campaign • the lack of government control of the Senate has meant that a government cannot fully implement its policies, e.g. Turnbull – plebiscite on marriage equality, family benefits/paid parental leave • in Australia, because of the combination of the powers of the Senate and its elected character and legitimacy: <ul style="list-style-type: none"> ▪ new governments which have jumped the electoral hurdle must then usually jump a parliamentary hurdle ▪ which is the more formidable due to the rigid party discipline that marks our politics and thus has diminished the importance of political mandates. 	
Accept other relevant answers.	
Note: 'recent years' refers to the last 10 years.	

Question 3

(10 marks)

- (a) Outline what is meant by 'the executive' in the Australian political system. (2 marks)

Description	Marks
Outlines what is meant by 'the executive' in the Australian political system	2
Makes a general statement about 'the executive' in the Australian political system	1
Total	2
<p>Answers could include:</p> <p>The executive:</p> <ul style="list-style-type: none"> • is one of the three arms of government • is made up of the King (represented by the Governor-General), Prime Minister and ministers • makes policy and controls government administration • in Australia, is answerable to parliament for their actions. <p>Accept other relevant answers.</p>	

- (b) Explain the role of Senate Estimates in the Commonwealth Parliament. (3 marks)

Description	Marks
Explains the role of Senate Estimates in the Commonwealth Parliament	3
Outlines the role of Senate Estimates in the Commonwealth Parliament	2
Makes a general statement about Senate Estimates in the Commonwealth Parliament	1
Total	3
<p>Answers could include:</p> <ul style="list-style-type: none"> • Senate Estimates committees investigate the revenue and expenditure of the executive • Estimates hearings are usually held three times a year. The first hearings take place over two weeks after the Treasurer presents the Budget to Parliament • the budget estimates of the government are examined twice a year in hearings that are conducted in public and require senior public servants and ministers to answer questions. <p>Accept other relevant answers.</p>	

- (c) Identify and discuss the role of **one** committee of the Commonwealth Parliament, apart from Senate Estimates, that keeps the executive accountable. (5 marks)

Description	Marks
Identifies one committee of the Commonwealth Parliament, apart from Senate Estimates, that keeps the executive accountable Discusses in detail the role of the committee identified Uses at least one relevant example in discussing the committee's role in terms of executive accountability	5
Identifies one committee of the Commonwealth Parliament, apart from Senate Estimates, that keeps the executive accountable Discusses the role of the committee identified Identifies at least one relevant example in discussing/outlining the committee's role in terms of executive accountability	3–4
Identifies one committee of the Commonwealth Parliament, apart from Senate Estimates, that keeps the executive accountable and/or States the role of the committee identified	1–2
Total	5
<p>Answers could include:</p> <ul style="list-style-type: none"> • Public Accounts and Audit Committee (Stuart Robert) • Senate Standing Committee for the Scrutiny of Delegated Legislation • The Legal and Constitutional Affairs Committee • Senate Select Committee on COVID 19. <p>The committee system provides only limited scope for the effective scrutiny of the executive.</p>	
Accept other relevant answers.	
Note: the committee identified must directly relate, in terms of its role, to executive accountability, not a committee that applies to all members of Parliament.	

Question 4

(10 marks)

- (a) In terms of the practices of governance, outline what is meant by 'participation'. (2 marks)

Description	Marks
Outlines, in terms of the practices of governance, what is meant by 'participation'	2
Makes a general statement about what is meant by 'participation'	1
Total	2
Answers could include: 'Participation' in the involvement of citizens in the political system which can include: <ul style="list-style-type: none"> • voting in elections to decide the government of the day • involvement in political debate, including submissions to committees, submissions of petitions. Accept other relevant answers.	

- (b) Explain **one** difference between the rule of law and natural justice. (3 marks)

Description	Marks
Explains one difference between the rule of law and natural justice	3
Outlines one difference between the rule of law and natural justice	2
Makes a general statement about any element of the rule of law or natural justice	1
Total	3
Answers could include: Difference: <ul style="list-style-type: none"> • the rule of law is centred on principles to achieve justice while natural justice is centred on procedural fairness which incorporates aspects of the rule of law. Rule of law: <ul style="list-style-type: none"> • no-one is above the law • everyone is equal before the law • the law must be applied to everyone equally, regardless of their status • the law is clear and understandable • the law is essential in restricting the use of arbitrary powers. • (for further reference visit: https://www.ruleoflaw.org.au/what-is-the-rule-of-law/) Natural justice: <ul style="list-style-type: none"> • the way rules and procedures are applied by any person or agency that adjudicates disputes between others about the rights of others • dispute is resolved by an unbiased adjudicator in an open forum • each party to a dispute has an equal opportunity to present its case. Accept other relevant answers.	
Note: <ul style="list-style-type: none"> • the meaning of the rule of law/natural justice needs to be evident in the response • definitions of the terms are not necessary to achieve full marks. 	

- (c) With reference to a country other than Australia, discuss **two** ways the rule of law is upheld or undermined in that country. (5 marks)

Description	Marks
Discusses, with reference to a country other than Australia, two ways the rule of law is upheld or undermined	5
With reference to a country other than Australia: Outlines two ways the rule of law is upheld or undermined or Discusses one way the rule of law is upheld or undermined and states one way it is upheld or undermined or Discusses in detail one way the rule of law is upheld or undermined	3–4
With reference to a country other than Australia: States one way the rule of law is upheld or undermined or Makes a general statement about the rule of law	1–2
Total	5
<p>Answers could include:</p> <ul style="list-style-type: none"> • no-one is above the law • everyone is equal before the law • the law must be applied to everyone equally, regardless of their status • the law is clear and understandable • the law is essential in restricting the use of arbitrary powers. • (for further reference visit: https://www.ruleoflaw.org.au/what-is-the-rule-of-law/) <p>Accept other relevant answers.</p>	

Section Two: Source analysis

20% (20 Marks)

Question 5

(20 marks)

- (a) Outline what is meant by 'conventions' in Australia's system of government. (2 marks)

Description	Marks
Outlines what is meant by 'conventions' in Australia's system of government	2
Makes a general statement about 'conventions' in Australia's system of government or Gives an appropriate example of a 'convention'	1
Total	2
Answers could include:	
<ul style="list-style-type: none"> • a 'convention' is an unwritten rule, not a law • it is an accepted way of doing something • the Westminster parliamentary system centering on responsible government is built around these unwritten rules. 	
Accept other relevant answers.	

- (b) With reference to
- Source 1**
- discuss, in your own words, Morrison's defence of having himself secretly sworn into a range of portfolios when he was Prime Minister. (4 marks)

Description	Marks
Identifies from the source, Morrison's defence of having himself secretly sworn into a range of portfolios when he was Prime Minister Discusses in detail this defence with relevant information Answer is in the candidate's own words with direct reference to the source Uses political and legal terminology	4
Identifies from the source, Morrison's defence of having himself secretly sworn into a range of portfolios Discusses his defence providing some relevant information Answer is mostly in the candidate's own words with some reference to the source Uses political and legal terminology	3
Identifies Morrison's defence of having himself secretly sworn into a range of portfolios The discussion is limited to citing mainly from the source	2
Identifies from the source Morrison's defence of having himself secretly sworn into a range of portfolios or Makes a general statement concerning the actions of Morrison or Cites verbatim from the source	1
Total	
Answers could include:	
Defence of Morrison's actions:	
<ul style="list-style-type: none"> • popular expectations of Morrison as Prime Minister. 'He was responsible for every drop of rain' • Morrison imagined the public believed 'government started and ended with him' • no law was broken. 	
Accept other relevant answers.	
Note: Morrison's defence must be drawn from the source.	

- (c) With reference to examples, discuss what is meant by Australia’s system of ‘representative and responsible government’. (6 marks)

Description	Marks
Discusses what is meant by ‘representative government’ Discusses what is meant by ‘responsible government’ Indicates that Australia is a combination of the two in terms of who is elected and how government is formed and functions Uses political and legal terminology	5–6
Outlines what is meant by ‘representative government’ Outlines what is meant by ‘responsible government’ Indicates that Australia is a combination of the two in terms of who is elected and how government is formed and functions Uses some political and legal terminology or Discusses in detail either ‘representative’ or ‘responsible government’ Indicates that Australia is a combination of the two in terms of who is elected and how government is formed and functions Uses some political and legal terminology	3–4
States what is meant by ‘representative and/or responsible government’ or Makes a general statement about ‘representative and responsible government’	1–2
Total	6
<p>Answers could include:</p> <p>Representative government:</p> <ul style="list-style-type: none"> • members of parliament are elected by the people at regular intervals and are in parliament to represent the interests of the electorate. These representatives make decisions on their behalf. The government is the party/coalition/alliance/grouping that achieves the ‘confidence’ of the lower house • government reflects the will of the majority; parliament is capable of expressing or at least respecting the voices of minority groups in society; electoral systems that provide citizens with equal voting power. <p>Responsible government:</p> <ul style="list-style-type: none"> • is the foundation of the Westminster system of parliamentary democracy • a system of government that embodies the principle of parliamentary accountability • responsible government is a political principle, which states that governments must be accountable for their actions • the government must maintain the confidence of the House and is accountable and answerable to it, and ultimately is accountable and answerable to the people • governments and ministers are kept accountable by a number of methods. <p>The link:</p> <ul style="list-style-type: none"> • to remain in government, a party or coalition must maintain the support of the majority of members in the House of Representatives. If a government becomes irresponsible and loses the confidence of the people, it must resign. Similarly, if individual ministers do not act with integrity and responsibility, they also must resign. This is part of the principle of responsible government. It ensures the government is accountable to the Parliament and ultimately the people. 	
<p>Accept other relevant answers.</p>	
<p>Note: candidates could deal with each concept separately, but to receive higher marks must indicate how they are linked in Australia’s system of government.</p>	

Question 5 (continued)

- (d) Evaluate **two** ways in which the Prime Minister and/or Cabinet can undermine the operation of the Westminster system of parliamentary government. (8 marks)

Description	Marks
Identifies two ways in which the Prime Minister (PM) and/or Cabinet can undermine the operation of the Westminster system of parliamentary government Evaluates each way showing how it undermines the operation of the Westminster system of parliamentary government Uses relevant evidence in the discussion	7–8
Identifies two ways in which the PM and/or Cabinet can undermine the operation of the Westminster system of parliamentary government Attempts to evaluate each way showing how each undermines the operation of the Westminster system of parliamentary government Uses relevant evidence in the discussion	5–6
Identifies two ways in which the PM and/or Cabinet can undermine the operation of the Westminster system of parliamentary government States how each way undermines the operation of the Westminster system of parliamentary government Makes no attempt to evaluate either way or Identifies one way in which the PM and/or Cabinet can undermine the operation of the Westminster system of parliamentary government Makes an evaluation showing how it undermines the operation of the Westminster system of parliamentary government Uses relevant evidence in the discussion	3–4
Identifies one or two ways the PM and/or Cabinet can undermine the operation of the Westminster system of parliamentary government or Makes a general statement about the undermining of the Westminster system of parliamentary government	1–2
Total	8
<p>Answers could include:</p> <p>Ways the PM and/or Cabinet can undermine the system:</p> <ul style="list-style-type: none"> • cabinet dictatorship – bypassing parliament – COAG executive orders • lack of accountability to parliament by ministers • PM and/or Cabinet’s ability to defeat censure and no-confidence motions in the House of Representatives • PM and/or Cabinet’s dominance over the party to ensure there is party discipline and solidarity, thus preventing MPs (particularly in the ALP with their signed ‘pledge’) from deviating from the party line • government control of House agenda – the 2015 Abbott government rushed through an emergency amendment to close loopholes in the Migration Act in two days. This was to safeguard Australia’s offshore detention network • PM and/or Cabinet, through the Leader of the House (Tony Burke), controls the tabling of Bills and thus Private Member Bills are seldom tabled • government’s use of parliamentary procedures to limit debate and scrutiny – guillotines and gagging Second Reading Debate and flood-gating Bills. The government using its numbers to vote to adjourn debate on the Opposition is Private Member’s Bill – the Marriage Amendment (Marriage Equality) Bill 2015. 	

Key features of the Westminster system of parliamentary government:

- a head of state – the Sovereign or their representative
- an elected Parliament, made up of two houses (bicameralism)
- a government formed by the political party or coalition that has majority support in the lower house of parliament
- a Prime Minister who heads the Government who has the confidence of the House
- a ministry, drawn from members of parliament – usually members of the government party/parties – who exercise executive authority and are accountable to the House of Representatives (collective and individual ministerial responsibility)
- an independent judiciary
- an apolitical professional public sector that provides the Government with impartial advice and implements the Government's policies and programs.

Accept other relevant answers.

Question 6

(20 marks)

- (a) Outline what is meant by 'democratic principles'. (2 marks)

Description	Marks
Outlines what is meant by 'democratic principles'	2
Makes a general statement about 'democratic principles'	1
Total	2
Answers could include: 'Democratic principles': those values, philosophies or ideas/ideals that are practised by democratic societies that emphasise political representation and popular participation, judicial independence, the rule of law and natural justice, to enable full democracy.	

- (b) With reference to
- Source 2**
- discuss, in your own words, why the expulsion of members 'should be left to voters at election time'. (4 marks)

Description	Marks
Identifies from the source, why the expulsion of members 'should be left to voters at election time' Discusses in detail these reasons Answer is in candidate's own words making reference to the source Uses political and legal terminology	4
Identifies from the source, why the expulsion of members 'should be left to voters at election time' Discusses these reasons Answer is mostly in the candidate's own words making some reference to the source Uses some political and legal terminology	3
Identifies from the source, why the expulsion of members 'should be left to voters at election time' The discussion is limited to citing mainly from the source	2
Identifies from the source, why the expulsion of members 'should be left to voters at election time' or Makes a general statement concerning why the expulsion of members 'should be left to voters at election time' or Cites verbatim from the source	1
Total	4
Answers could include: Reasons why the expulsion of members 'should be left to voters at election time': <ul style="list-style-type: none"> • potential for the power of parliament to expel members to be misused or abused, particularly by the party in power in a house; thus this power/decision is taken away from the people who have elected members and chosen the composition of parliament. In a representative democracy, the power to choose and elect members is given to the people and therefore the power to expel should be too • contravenes the democratic principles of participation (being involved in the electoral process) and representation (choosing representatives to express majority will) – means it should be left to the voters to decide the composition of parliament • this notion is reinforced by section 24 of the Commonwealth Constitution – the houses of parliament are to be 'directly chosen by the people'. Note: reasons must be drawn from the source.	

- (c) With reference to examples, discuss **two** ways the courts have a role in keeping the Commonwealth Parliament accountable. (6 marks)

Description	Marks
Identifies two ways the courts have a role in keeping the Commonwealth Parliament accountable Discusses in detail the ways/methods Uses relevant examples in the discussion Uses political and legal terminology	5–6
Identifies two ways the courts have a role in keeping the Commonwealth Parliament accountable Discusses the ways/methods Uses at least one relevant example in the discussion Uses political and legal terminology or Identifies one way the courts have a role in keeping the Commonwealth Parliament accountable Discusses in detail the way/method Uses at least one relevant example in the discussion Uses political and legal terminology	3–4
States one or two ways the courts have a role in keeping the Commonwealth parliament accountable or Makes a general statement about the courts and the accountability of the Commonwealth Parliament	1–2
Total	6
<p>Answers could include:</p> <ul style="list-style-type: none"> • separation of powers: the High Court of Australia and federal courts provide a check and balance on the parliament to ensure they are not acting ultra vires by reviewing legislation, members, and senators • courts interpret the Commonwealth Constitution to check the legislative and financial powers of the parliament • courts interpret statutes and their application – check on whether they are clear, adequate and/or have potential conflicts with other statutes • act as the Court of Disputed Returns to hear matters relating to the election and qualifications of members of parliament. <p>Examples could include:</p> <ul style="list-style-type: none"> • <i>Spence v. Queensland</i> [2019] HCA 15 – Queensland argued that section 302CA of the Commonwealth Electoral Act was unconstitutional and that it was ultra vires for the Commonwealth Parliament to interfere in states' electoral matters; section 302CA was declared invalid • <i>Williams v. Commonwealth</i> [2014] HCA 23 (Williams No. 2) – involved the use of legislative power in the welfare power section 51(xxiiiA) of the Commonwealth Constitution (Australia). The High Court of Australia reviewed parliament's legislative power and struck down this case for contravening section 51(xxiiiA) as the authorised payments for the National School Chaplaincy Program were paid to the Scripture Union Queensland instead of directly to students • <i>Roach v. Electoral Commissioner</i> [2007] HCA 43 – parliament held to account when parliament's amendments to the Commonwealth Electoral Act were declared invalid • Jacqui Lambie 2017 – the High Court determined that Jacqui Lambie was ineligible to be elected to parliament as she had been in breach of section 44 of the Commonwealth Constitution (Australia). Other section 44 disqualifications included Senators Nick Xenophon, Scott Ludlam, Malcolm Roberts, Larissa Waters, Matthew Canavan, Fiona Nash, Barnaby Joyce. 	
Accept other relevant answers.	
Note: this is solely about parliamentary accountability.	

Question 6 (continued)

- (d) Evaluate the extent to which the House of Representatives and Senate Privileges Committees keep the Commonwealth Parliament accountable. (8 marks)

Description	Marks
Discusses the role and powers of the House of Representatives and Senate Privileges Committees in keeping the Commonwealth Parliament accountable Uses relevant examples in the discussion Makes an evaluation of the extent to which the House of Representatives and Senate Privileges Committees keep the Commonwealth Parliament accountable	7–8
Discusses the role and powers of the House of Representatives and Senate Privileges Committees in keeping the Commonwealth Parliament accountable Uses at least one example in the discussion Attempts to make an evaluation of the extent to which the House of Representatives and Senate Privileges Committees keep the Commonwealth Parliament accountable	5–6
Outlines the role and powers of the House of Representatives and Senate Privileges Committees in keeping the Commonwealth Parliament accountable Attempts to use an example in the discussion Makes no attempt to evaluate the extent to which the House of Representatives and Senate Privileges Committees keep the Commonwealth Parliament accountable	3–4
Identifies the role and powers of the House of Representatives and Senate Privileges Committees in keeping the Commonwealth Parliament accountable or Makes a general statement about the role and powers of the House of Representatives and Senate Privileges Committees in keeping the Commonwealth Parliament accountable	1–2
Total	8
<p>Answers could include:</p> <ul style="list-style-type: none"> the House of Representatives and the Senate each have standing committees whose role is to focus on the accountability of its members includes: Standing Committee of Privileges and Members' Interests (House of Representatives), Senate Standing Committee of Privileges, and Senate Standing Committee of Senators' Interests Privileges committees (in the House and Senate) act as tribunals within parliament and aim to hold members who abuse parliamentary privilege or whose behaviour is unparliamentary, to account. Members can be sanctioned, reprimanded or disciplined these committees usually provide weak accountability of members; they are composed of members of parliament, thus they lack independence and impartiality Interests committees of the House and Senate oversee and report on members' financial interests and can investigate members who may have financial interests that conflict with their public duties. <p>Examples include:</p> <ul style="list-style-type: none"> Craig Thomson MHR – breach of parliamentary privilege: <ul style="list-style-type: none"> Feb 2014 Speaker Bronwyn Bishop referred to the House Standing Committee of Privileges and Members' Interests March 2016 Committee found that Thomson had misled Parliament, but the Committee's powers should be 'exercised sparingly' as it felt that there were 	

mitigating circumstances. A finding of contempt by the House, and the condemnation that this would embody, in itself would be a very serious sanction. ... an appropriate penalty would be for the House to reprimand Mr Thomson for his conduct (for further reference visit:

<https://independentaustralia.net/pdf/ia-print.php?article=8776>)

- the process took four years from the time of Thomson's speech and the report – by which time Thomson had left Parliament
 - in response to such a finding, the committee had power to recommend a term of imprisonment of up to six months or a fine of up to \$5,000.
- Christian Porter: October 2021 the Speaker Smith agreed that there was a 'prima facie case' to examine whether or not the former attorney-general breached disclosure rules. Labor (the Opposition) moved to refer Porter to the House Privileges Committee over his declaration that part of his defamation legal fees were paid by a blind trust with funds from an unknown source. Speaker Smith agreed that the referral was warranted. The Morrison Government, using its numbers blocked the referral.
 - Lidia Thorpe: October 25, 2022 the President of the Senate granted precedence to the self-referral of Sen. Thorpe to the Senate Privileges Committee. Following media reports that Sen. Thorpe – then member of the joint Committee on Law Enforcement, had failed to disclose a personal relationship with a former member of an outlaw motorcycle gang while the committee examined matters related to such gangs ... The President concluded that it was appropriate for the Senate to give it the earliest opportunity to determine whether the matter warranted investigation by the Privileges Committee. ... The Senate granted a minister leave to move to refer the matter. After a brief debate the matter was referred on the voices (for further reference visit: aph.gov.au (Procedural Information Bulletin No 366 Privileges Committee reference))
 - 7 March 2023 Senate Committee Report: found no evidence of contempt, but that Sen. Thorpe should have declared the relationship to avoid a perceived conflict of interest. 'Senators should exercise caution in relation to the possibility of direct conflicts of interest and also the perception that their personal relationships may conflict with their official duties'.
 - Hugh Mahon MP – expelled from the House in 1920 (section 8 of the Parliamentary Privileges Act 1987 now prevents expulsion).
 - Note: Stuart Robert was not referred to the Privileges and Members' Interests Committee, instead there was an internal investigation.

Accept other relevant answers.

Note: this question is not linked to keeping individual ministers/the executive accountable per se.

Section Three: Essay

50% (50 Marks)

Marking guide to essay answers

Questions 7–10

Description	Marks
Explains relevant terms and outlines parameters of discussion	
Explains all relevant terms and outlines parameters of discussion	5
Explains some of the terms and outlines parameters of discussion	4
Indicates what will be addressed in the discussion	3
Attempts to provide a focus for discussion	2
Makes a general statement concerning the topic/claim	1
Subtotal	5
Discussion of relevant issues including pertinent examples	
Discusses comprehensively relevant issues using a well-structured format and supportive examples in a cohesive, logical sequence and uses relevant political and legal terminology	9–10
Discusses some relevant issues incorporating some examples in a cohesive, logical sequence and uses relevant political and legal terminology	7–8
Limited discussion with limited examples in a logical sequence and uses relevant political and legal terminology	5–6
Limited discussion of the issues with limited political and legal terminology	3–4
Makes general statements concerning the topic	1–2
Subtotal	10
Evaluation/assessment/analysis	
Evaluates/assesses/analyses the claim using specific evidence which demonstrates a comprehensive understanding of the topic; explicitly links the response to the terminology of the question	7
Evaluates/assesses/analyses the claim using appropriate evidence which demonstrates an understanding of the topic; attempts to explicitly link the response to the terminology of the question	6
Evaluates/assesses/analyses the claim using some evidence which demonstrates some understanding of the topic; makes a limited attempt to link the response to the terminology of the question	5
Constructs a relevant, but weak evaluation/assessment/analysis; an implicit response to the terminology of the question	4
Constructs a weak evaluation/assessment/analysis; limited use of the terminology of the question	3
No evaluation/assessment/analysis; attempts to link to the terminology of the question	2
No evaluation/assessment/analysis; a statement only; little evidence the response is relevant to the terminology of the question	1
Subtotal	7
Conclusion	
Draws together the argument linking the evidence	3
Summarises the argument	2
Makes general/superficial statements	1
Subtotal	3
Total	25

Section Three: Part A

(25 Marks)

Question 7

(25 marks)

High Court interpretation of the Commonwealth Constitution has significantly altered the operation of Australian federalism.

Evaluate this claim with reference to both financial and non-financial judgments.

Relevant terms and parameters of discussion:

- High Court and interpretation of the constitution
- significantly altered: explains what has changed as a result of the decision
- operation of Australian federalism: the power balance between the Commonwealth and the States has shifted
- financial judgments: those pertaining to income and expenditure especially related to the Commonwealth and State governments
- non-financial judgments: those not related to income and expenditure, i.e. related to legislative powers.

Judgments and the operation of federalism include:

Financial:

- Uniform Tax Cases (1942) and (1957). Section 51(2)
 - the State governments would not hand over direct taxes for the duration of the war in return for reimbursement grants in order for the Commonwealth to impose uniform taxes. The States challenged the four Acts, but the High Court upheld the laws. In 1946 the Commonwealth legislated again which in effect meant that the States could collect income tax, but this would mean the loss of grants as well as 'double taxation'
 - 1957 Victoria challenged the legislation, but the High Court upheld its essential provisions.

Significantly altered federalism:

Yes, as it exacerbated the vertical fiscal imbalance (VFI) and made the States financially dependent on the Commonwealth. At federation the States were basically self-funding.

- Ha Case (1997). Section 90
 - In Ha the High Court struck down a NSW business licensing law and put the validity of all business licence fees in doubt. The NSW licensing fee on tobacco infringed s.90. (Case was heard with Hammond & Associates).
- *Vanderstock & Anor v. The State of Victoria* (2023). Section 90
 - The High Court struck down Victoria's e-vehicle State tax as it was deemed an excise and thus, exclusively a Commonwealth tax.

Significantly altered federalism:

Yes. Prior to this the High Court had adopted an increasingly broad meaning of 'excise tax' and the States had tried to get round this focussing by on business licence fees on petrol, alcohol and tobacco. For all States this was a central component to revenue. This judgment abolished this source of revenue for the States overnight and further exacerbated VFI.

Vanderstock judgment has deprived Victoria of a key source of revenue and ultimately other States from the same revenue source.

- Section 96 grants (Specific Purpose Payments – SPP) which declares that a Commonwealth law may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit'.
 - Federal Roads Case (1926) – *The Federal Aid Roads Act* (1926) authorised the Commonwealth Parliament to make agreement with the States for the making and remaking of roads with Commonwealth financial support. Victoria, and one other State

Question 7 (continued)

challenged the legislation on the basis of its validity. The Court dismissed the action stating the Act was a valid enactment.

Significantly altered federalism:

Since the 1950s SPPs have been of increasing importance in shaping federalism in Australia. The Commonwealth can stipulate how money is spent and priorities in expenditure. As VFI has increased so has the proportion of SPPs to the States.

Non-financial:

- Engineers' Case (*Amalgamated Society of Engineers v. Adelaide Steamship Co.* (1920))
- Significantly altered federalism: rejected the doctrines of 'implied immunities' and 'reserve powers' and took a broader view of Commonwealth power to the detriment of the States
- Concrete Pipes Case (1971) decision the Court cleared the way for the Commonwealth government to make greater use of Section 51(20) (the corporations power) to regulate corporate and economic activity in Australia.

- *New South Wales v. Commonwealth of Australia*; *Western Australia v.*

Commonwealth of Australia (2006) *Work Choices*. Case based on Section 51(20).

Significantly altered federalism and Australian industrial relations law, displacing the existing federal system of compulsory conciliation and arbitration based on the industrial arbitration power and excluding the operation of a range of state and territory workplace regimes. It should be noted that the Rudd government revoked the *Work Choices* legislation in 2009 and introduced The Fair Work Commission.

- Section 51(29) cases involving the 'external affairs' power. Under these rulings the High Court allowed for the Commonwealth to legislate on matters that would otherwise be State responsibilities, if the legislation is giving effect to international agreements. Highly significant as no State matter is ultimately beyond the reach of the Commonwealth.
- Cases that could be used include:
 - *Koowarta v. Bjelke Petersen* (1982) the Court upheld anti-discrimination legislation
 - *Commonwealth v. Tasmania Dams Case* (1983) the Court held that the Commonwealth did have the power to prevent the building of the dam (World Heritage listing)
 - *Richardson v. Forestry Commission of Tasmania* (1987-88) [Lemonthyme]. The Court took this power slightly further and in effect stopped logging in Tasmanian forests that were being considered for World Heritage listing.

Evaluation: The High Court has significantly altered the operation of Australian federalism both financially and non-financially since 1903.

Accept other relevant answers.

Note: this discussion is only about the High Court and whether or not its judgments have significantly altered the operation of federalism.

Question 8

(25 marks)

The roles and powers of the Governor-General are either regulated by convention or are redundant.

Evaluate this claim.

Relevant terms and parameters of discussion:

- Roles of Governor-General include:
 - constitutional representative of the King
 - opening and closing of the Commonwealth Parliament
 - appointing members to the Federal Executive Council
 - being Commander-in-Chief of the naval and military forces
 - representing Australia overseas and at ceremonial occasions
 - granting Royal Assent to legislation
 - convening a joint sitting of Parliament.
- Powers of Governor-General (reserve powers):
 - appoint and dismiss ministers (Section 64)
 - to dissolve (or refuse to dissolve) the House of Representatives (Section 5)
 - to dissolve Parliament (both houses) on the occasion of a deadlock (Section 57)
 - to withhold assent to bills (Section 58).

Reserve powers – those powers the Governor-General can exercise without or in spite of the advice of the Prime Minister.

- Regulated by convention:
 - the unwritten rules that are integral to the Westminster system of responsible government which include:
 - the Prime Minister is the leader of the majority in the House of Representatives (has the confidence of the House)
 - the Governor-General acts on the advice of the Prime Minister
 - a government must be able to guarantee Supply, or else resign.
- Redundant:
 - no longer needed or useful.

Relevant examples could include:

- Roles of Governor-General are carried out on the advice of the Prime Minister:
 - February 1983 Sir Ninian Stephen sought clarification from Prime Minister Fraser after a written request for a double dissolution. This was granted after both verbal and written communications between the two parties
 - Prime Minister Morrison and his self-appointment to several portfolios not questioned by Governor-General Hurley. Office of Governor-General has indicated that the Governor-General following advice of Prime Minister in accordance with the 'principles of responsible government' (for further reference visit: <https://www.gg.gov.au/about-governor-general/media/statement-appointment-former-prime-minister-portfolios-other-department-prime-minister-and-cabinet>).
- The issues raised by 'The 1975 Constitutional Crisis' discussed on the basis of whether particular powers are regulated by convention or redundant. These include:
 - who is the Prime Minister (confidence of the House)?
 - what are the Prime Minister's obligations (under Westminster), if their government cannot guarantee supply?
 - the appointment and dismissal of ministers (note its use when Whitlam requested Kerr to withdraw the commission of):
 - Clyde Cameron June 1975 who refused to accept demotion
 - Jim Cairns July 1975 relative to the Harris letter and the Loans Affair.
 - it should be noted that since federation most ministers resign when requested by a Prime Minister (99 on the basis of conventions of IMR and CMR up to March 2022) (for further reference visit: <https://australianpolitics.com/executive/ministerial-resignations-and-dismissals-since-1901>)
 - the workability of government and the rule of law/constitutionalism.

Question 8 (continued)

Evaluation:

- in evaluating the roles and powers, these need to be brought back to the statement of whether or not the roles and powers of the Governor-General are regulated by convention or are redundant
- historically speaking it is most likely argued that both the roles and powers are regulated by convention
- the role of Commander-in-Chief is symbolic and hence could be argued as redundant as it is the government of the day and key personnel that take on this role and the associated powers
- 'The 1975 Constitutional Crisis': the reserve powers of the Governor-General are anachronistic in a modern-day democracy, but conversely when there is a breakdown of conventions within the government of the day and the parliamentary system then the reserve powers (constitutionalism) have a place in resolving the issue by:
 - dismissing the Prime Minister (s.64) and
 - calling a double dissolution (s.57) and
 - letting the people decide who is to govern going forward.

Accept other relevant answers.

Section Three: Part B

(25 marks)

Question 9

(25 marks)

Analyse how, and to what extent, the Australian court system is self-regulating and therefore requires no external accountability.

Relevant terms:

Australian court system:

- hierarchical court system with the High Court of Australia at its apex and is the final court of appeal for all Federal, State and Territory courts
- each jurisdiction has its own hierarchical court system culminating in the High Court of Australia.

Self-regulating:

- involves institutional self-governance which includes accountability mechanisms which originate within the court system: the appeals process, transparent trial processes and natural justice which enhance public confidence, codes of conduct and the role of chief justices in each jurisdiction.

External accountability:

- mechanisms by which the court system including the judiciary are subject to external regulation and control
- compared to judicial independence: the capacity for the courts to perform their functions free from actual or perceived interference.

Accountability:

- imperative for a non-elected body, such as the courts, to be held to account; performs governmental functions of enforcing legal rights and obligations – must be held accountable to the public whose interests it serves.

Analysis includes:

A detailed discussion of how the Australian court system is self-regulating:

- the appeals process: lower courts are accountable to superior courts and therefore hold lower court decisions and judges to account. Judges must give reasons for their decisions; so that courts are open and transparent. These are published and accessible to the public, which can also then be scrutinised on appeal. Superior courts can reverse a lower court's decision. Reasons for decisions promote good decision-making and can also form the basis for appeals. The appeals process is when decisions are formally reviewed and subjected to criticism and scrutiny
- appeals encourage judges to make good law and provide incentives for judges who aspire to be promoted to higher courts
- appeals can also identify and provide oversight to underperforming judges, e.g. Judge Sandy Street and Judge Salvatore Vasta both judges in the Federal Court judges who have been criticised in appeal cases:
 - Judge Sandy Street case: *CQX18 v Minister for Home Affairs* [2019] FCA 386 on appeal was ordered to be reheard by a different judge: *CQX18 v Minister for Home Affairs* [2019] FCAFC 142 adding further criticisms of his conduct and finding he failed to give procedural fairness to the Iranian asylum seeker (for further reference visit: <https://www.theguardian.com/law/2019/aug/22/asylum-case-rejected-by-controversial-judge-sandy-street-will-be-reheard>)
 - Judge Salvatore Vasta is being sued for acting beyond his judicial power when jailing a father of two in December 2018 for a minimum of six months for not obeying orders to provide financial documents. The sentence, overturned by the Full Court of

Question 9 (continued)

the Family Court, was strongly criticised by an appeal court (described by the court as a 'travesty of justice'), wasn't preceded by a finding of contempt or an opportunity for the Brisbane man to put on evidence

- Note: 30 August 2023, Federal Court Justice Michael Wigney held Judge Salvatore Vasta could not rely on judicial immunity and was personally liable for the man's false imprisonment. The Commonwealth and the state of Queensland were also held liable (awarded \$300,000 in damages) (for further reference visit: <https://www.smh.com.au/national/wrongly-jailed-father-successfully-sues-judge-for-false-imprisonment-in-landmark-case-20230829-p5e0fz.html>)
- a second person is suing Judge Vasta. Leigh Jorgensen a Queensland tourism operator who was before the court in an underpayment case. Believing he had breached freezing orders, Vasta found Jorgensen guilty of contempt of court and sentenced him to 12 months in jail. The full court of the Federal Court intervened and described Vasta's behaviour in the case as an "egregious departure from the role of a judge presiding over an adversarial trial" which meant his capacity to "objectively evaluate the evidence was fundamentally compromised". It described his approach as "sarcastic, disparaging and dismissive of significant parts of Mr Jorgensen's evidence" and said his questioning was "aggressive and, at times, unfair" (for further reference visit: <https://www.theguardian.com/law/2021/sep/29/queensland-man-suing-judge-salvatore-vasta-claims-he-abused-government-power>).
- trial processes and public confidence; adversarial system of trials ensure natural justice and fair trials by having rules of evidence, both parties presenting their cases, an impartial adjudicator, open hearings and evidence-based decisions. Transparency and openness provide accountability for the court system. An open court means that almost all the business of judging is done in public, thus making it subject to public and professional scrutiny
- codes of conduct
- Chief Justices – role in identifying, mentoring.

The extent to which this is the case:

- cost and time delays, but doesn't consider complexities of some cases
- integrity of judges can undermine public confidence e.g. Heydon J.
- self-regulation alone is not enough; potential to undermine public confidence, if there is not an independent check on the judiciary. Perception that the judiciary is unaccountable
- security of tenure which shields judges from accountability; guarantees judicial independence and the separation of powers
- some instances where the open court principle is not adhered to, but usually for reasons related to trade secrets, in the interests of a fair trial or national security. Sexual assault cases and cases involving children are often held in a closed court
- appeals and judgment by peers can lack independence – perception that it lacks independence. However, judges take an oath or affirmation to do right according to law without fear or favour
- reasons for decisions are also exposed to the legislature, which can, in response, change the law. It is open to the legislature to change or clarify the law
- the judiciary must account for the public resources it uses.

The extent to which it requires no external accountability:

- robust self-regulation and internal accountability methods, however, self-governance of the judiciary cannot be the only mechanism of accountability; it can be subject to abuse or reduced accountability, especially if judges fail to develop the necessary administrative capacity to manage the court system
- therefore, other external methods of accountability are required – oversight by parliament; added layer of external accountability through Parliamentary legislation and scrutiny. Can override common law, can limit or remove discretion
- parliamentary removal or censure of judges; Section 72 Commonwealth Constitution (Australia). For example, Murphy J. Senate investigation; Judge Angelo Vasta was removed by the Qld Parliament (1989) both instances were connected to behaviour.

Analysis:

- on the whole the Australian court system is self-regulating, with particular mechanisms in place
- does the Australian court system require external accountability? This should be questioned when one examines Judge Sandy Street and Judge Salvatore Vasta and their record.

Accept other relevant answers.

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Question 10

(25 marks)

Analyse how, and to what extent, the Australian political and legal system promotes the protection of human rights.

Relevant terms and parameters of discussion:

- rights: recognised freedoms or principles of human beings that cannot be limited by, and are often protected by, laws
- identifies examples/types of rights that are protected in various ways
- discusses the protection provided by these rights in practice making reference to particular cases and the outcomes.

Analysis:

- a detailed discussion of how (the various ways) the Australian political and legal system protects human rights
- how the Australian political and legal system promotes this protection:
 - specific sections of the Commonwealth Constitution, specific statutes, specific common law, specific state charter of rights (Victoria 2006; ACT 2004; Queensland 2019)
 - decisions by particular Australian courts
 - decisions/legislation by the executive/Commonwealth Parliament or State/Territory institutions.

Detailed discussion includes:

- common law protection in Australia could include: freedom from arbitrary arrest; right to be assumed innocent until proven guilty; right to a fair trial; right to a trial by jury for serious criminal offences (state jurisdictions)
- statute law protection in Australia could include: *Racial Discrimination Act* (1975); *Sex Discrimination Act* (1984); *Disability Discrimination Act* (1992); *Age Discrimination Act* (2004); *Human Rights and Equal Opportunity Commission Act* (1986)
- Commonwealth Constitution rights include: the right not to be discriminated against on the basis of the state where you reside (117); the right to receive 'just terms' when property is acquired by the Commonwealth (51(33)); the right to a trial by jury for indictable Commonwealth offences; the right to free interstate trade and commerce (92); the right to the free exercise of religion and not to impose religious observance on an individual nor establish a state religion (116)
- international obligations of Australia to protect human rights with a general statement and at least two specific examples. These include UNHCR (1948); ICCPR (1980) and associated protocols, including the right to make a complaint to the International Human Rights Committee (1991); ICESCR (1975) and the obligation to make periodic reports on its implementation every 5 years. CERD (1975); CEDAW (1983).

Decisions by particular Australian courts regarding human rights:

- *Ruddock v. Vadarlis* [2001] FCA1329, (Tampa) the majority found that the *Migration Act* did not limit the government's authority under s.61 of the *Constitution* to exclude, detain or expel 'aliens' (for further reference visit: <https://www.kaldorcentre.unsw.edu.au/news/tampa-affair-15-years-1>)
- *Dietrich v. the Queen* [1992] HCA57-177 CLR292, reaffirmed the common law right to a fair trial and on this basis if it is a serious criminal offence then proceedings should be delayed if legal representation is not available. Note it is not specifically the right to legal representation at public expense

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Question 10 (continued)

- *Alexander v. Minister for Home Affairs* [2022] HCA19 The court ruled that the stripping provision in the *Australian Citizenship Act* (2007) (Cth) was invalid. The Minister can only decide a matter of criminal guilt. The plaintiff was declared to remain an Australian citizen despite the Minister's determination under s.36B of the Act that the plaintiff had ceased to be an Australian citizen because the Minister was satisfied that he engaged in a foreign incursion, having allegedly joined the Islamic State and entered the Al-Raqqa Province in Syria (for further reference visit: <https://www.hrlc.org.au/human-rights-case-summaries/2022/6/8/high-court-finds-citizenship-stripping-provision-invalid>)

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Analysis:

- the extent to which the Australian political and legal system promotes this protection?
- makes an assessment, based on the evidence presented, of the extent to which the Australian political and legal system promotes the protection of human rights
- the analysis will have looked at how each of the ways Australia has/has not done this and if the Australian political and legal system actively promotes this protection.

Accept other relevant answers.

ACKNOWLEDGEMENTS

- Question 1(a)** Dot point 2 from: Commonwealth of Australia. (2018). House of Representatives Practice (7th ed.). D.R. Elder (Ed). Retrieved August, 2023, from https://www.aph.gov.au/-/media/05_About_Parliament/53_HoR/532_PPP/Practice7/combined.pdf?hash=17DE820A4B6D7F47EA296777BF6D2F2CBD609F7C&la=en
- Question 1(c)** Dot points 5–8 adapted from: Commonwealth of Australia. (2018). *House of Representatives Practice* (7th ed.). D.R. Elder (Ed). Retrieved August, 2023, from https://www.aph.gov.au/-/media/05_About_Parliament/53_HoR/532_PPP/Practice7/combined.pdf?hash=17DE820A4B6D7F47EA296777BF6D2F2CBD609F7C&la=en
- Question 2(b)** Dot point 1 & 3 from: Commonwealth of Australia. (n.d.). 9. *Mandates and Reforms*. Retrieved August, 2023, from https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/platparl/c09 Used under a Creative Commons Attribution-Non Commercial-NoDerivs 3.0 Australia licence.
- Question 2(c)** Dot point 5 adapted from: Nethercote, J. R. (2013, September 13) The Legitimacy of 'Mandate'. *The Sydney Morning Herald*. Retrieved August, 2023, from <https://www.smh.com.au/politics/federal/the-legitimacy-of-mandate-20130912-2tncq.html>
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- Question 6(d)** Dot point 7 adapted from: Karp, P. (2021, November 1). Christian Porter to be Formally Asked to Explain Declaration That 'Blind Trust' Helped Pay his Legal Fees. *The Guardian*. Retrieved September, 2023, from <https://www.theguardian.com/australia-news/2021/nov/01/christian-porter-to-be-formally-asked-to-explain-declaration-that-blind-trust-helped-pay-his-legal-fees>
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- Dot point 10 (last paragraph) adapted from: Henderson, A. (2016, Feb 12). *Stuart Robert Resigns From Turnbull Ministry Following Probe Into China Trip*. ABC News. Retrieved September, 2023, from <https://www.abc.net.au/news/2016-02-12/stuart-robert-to-resign-fom-ministry-abc-understands/7163226>
- Question 7** Dot point 9 from: Parliament of Australia. (1977). *Commonwealth of Australia Constitution Act (The Constitution)* (ss. 96). Retrieved September, 2023, from http://classic.austlii.edu.au/au/legis/cth/consol_act/coaca430/s96.html

Question 9

Dot point 9 (sub dot point 3) adapted from: Knaus, C. (2021, September, 29). Queensland Man Suing Judge Salvatore Vasta Claims He Abused Government Power. *The Guardian*. Retrieved September, 2023, from <https://www.theguardian.com/law/2021/sep/29/queensland-man-suing-judge-salvatore-vasta-claims-he-abused-government-power>

Question 10

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