



## ATAR course examination, 2018

### Question/Answer booklet

# POLITICS AND LAW

Please place your student identification label in this box

Student number: In figures

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In words

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### 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.

## 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			
<b>Total</b>					100

## Instructions to candidates

- The rules for the conduct of the Western Australian external examinations are detailed in the *Year 12 Information Handbook 2018*. Sitting this examination implies that you agree to abide by these rules.
- Answer the questions according to the following instructions.
 

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.
- 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.
- Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

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

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

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 45 minutes.

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**Question 1**

**(10 marks)**

(a) Explain what is meant by a 'political mandate'.

(2 marks)

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(b) Explain **one** reason why a minor party **and/or** an Independent in the Australian Senate could argue that they have a mandate.

(3 marks)

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**Question 2**

**(10 marks)**

- (a) Explain what 'the Opposition' refers to in the Commonwealth Parliament. (2 marks)

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- (b) Outline **three** roles of the Opposition in the Commonwealth Parliament. (3 marks)

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**Question 3**

**(10 marks)**

(a) Outline **two** elements of 'collective ministerial responsibility'.

**(2 marks)**

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(b) Explain **one** circumstance in which a Minister might face resignation. Make reference to an example in the response.

**(3 marks)**

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Question 4

(10 marks)

(a) Explain the term 'popular participation' as it applies to the Australian political system.

(2 marks)

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(b) Explain **how** 'popular participation' differs from 'political representation'.

(3 marks)

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

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

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 35 minutes.

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**Question 5****(20 marks)**

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

**Source 1**

The following is an edited extract from an article posted by Mike Smith on December 28, 2017. It concerns a decision by a magistrate in the New South Wales Local Court on September 26, 2017. (*R v Adam Easton* [2017] NSWLC 19)

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<sup>1</sup>repudiate – to deny the validity of

**See next page**







**Question 6****(20 marks)**

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

**Source 2**

The following is an edited extract from the text of a lecture given by The Hon Justice Michael Kirby AC CMG, in the series of lectures on the jurisprudence of the Commonwealth for the Commonwealth Legal Education Association. The lecture was delivered in Brisbane on October 6, 2001 at a function organised by the University of Queensland and the Commonwealth Legal Education Association.

**Judicial Accountability in Australia**

Save for the judges of the highest courts sitting in appeals, from whose judgments there is no appeal, a judge is, by law, accountable through the appellate process ...

It has long been the law that judges are obliged to give reasons for their decisions. At least they must do so in Australia where the decision is subject to appeal. The extent of the reasons will depend on the circumstances of the case.

... It has been recognised by the High Court of Australia that the true foundation for this principle of judicial accountability is that it is an attribute of the administration of justice. The obligation to state reasons, and to publish them, is a healthy corrective against the arbitrary exercise of judicial power. In most cases, once published, such reasons will be susceptible to appeal. Moreover, they will be subject to scrutiny and criticism by litigants, colleagues, the media and scholars.







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

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

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 100 minutes.

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**Part A: Unit 3**

Answer **one** question from a choice of **two**.

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**Question 7****(25 marks)**

The lawmaking process, by both the Commonwealth Parliament and the Australian court system, is subject to many influences, including those from both individuals and pressure groups.

Evaluate the relative influence of individuals and pressure groups in this process.

**or**

**Question 8****(25 marks)**

At federation, there was an equitable financial relationship between the Commonwealth and the States but now, in the twenty-first century, the Commonwealth dominates the States financially.

Evaluate this claim.

**Part B: Unit 4**

Answer **one** question from a choice of **two**.

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**Question 9****(25 marks)**

Analyse the extent to which the procedures and processes of the parliament, compared to judicial review, keep the Commonwealth Parliament accountable.

**or**

**Question 10****(25 marks)**

Analyse **two** separate ways human rights are protected in Australia and in **one** other country.

**End of questions**





































## ACKNOWLEDGEMENTS

- Source 1** Paragraphs 1 & 2: Smith, M. (2016, December 28). *Voting is now voluntary in Australia* [Web log post]. Retrieved May, 2018, from <https://ethicalconsultingservices.wordpress.com/2017/12/28/voting-now-voluntary-oz/>
- Paragraph 3: *R v Adam Easton* [2017] NSWLC 19 [41]. Retrieved May, 2018, from <https://www.caselaw.nsw.gov.au/decision/5a39c28ae4b074a7c6e1b416>
- Source 2** Kirby, M. (2001). *Judicial accountability in Australia* [sic] (pp. 2, 13, 14). Retrieved May, 2018, from <https://www.michaelkirby.com.au/content/volume-48-2001> (1748 – Judicial accountability)

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