



ATAR course examination, 2019

Question/Answer booklet

POLITICS AND LAW

Please place your student identification label in this box

WA student number: In figures

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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.

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

- The rules for the conduct of the Western Australian external examinations are detailed in the *Year 12 Information Handbook 2019*. 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.

Question 1

(10 marks)

- (a) Outline **one** source of the powers of the Governor-General in the Commonwealth Constitution. (2 marks)

- (b) Explain the relationship between the Governor-General and the Federal Executive Council (FEC) as outlined in Section 62 of the Commonwealth Constitution. (3 marks)

- (c) Discuss **one** argument for and **one** argument against the power of the Governor-General to dismiss a Minister, including a Prime Minister. (5 marks)

Question 2

(10 marks)

- (a) According to the Commonwealth Constitution, outline in which bodies Commonwealth judicial power is vested. (2 marks)

- (b) Explain the concept of 'separation of powers' as it exists in Australia. (3 marks)

(c) Discuss **two** features of the separation of powers as it operates in a particular non-Westminster political and legal system. (5 marks)

Question 3

(10 marks)

- (a) Outline the purpose of Standing Orders in the Commonwealth Parliament. (2 marks)

- (b) Explain **one** way in which the Senate can keep the Commonwealth Parliament accountable. (3 marks)

- (c) Discuss **one** argument for and **one** argument against the proposition that ‘elections keep the House of Representatives accountable’.

(5 marks)

Question 4

(10 marks)

- (a) Outline what is meant by 'transparent processes' in the Australian courts. (2 marks)

- (b) Explain the process for removing Justices from the High Court in Australia. (3 marks)

(c) Discuss **two** ways in which the Commonwealth Parliament can hold the courts accountable. (5 marks)

End of Section One

See next page

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.

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 Radio National broadcast on Wednesday 12 August, 2015 by Erica Vowles, *What the history of referendums tells us about constitutional recognition*.

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- (a) Outline the purpose of Section 128 of the Commonwealth Constitution. (2 marks)

- (b) With reference to **Source 1**, explain in your own words, **two** reasons why some referendums fail. (4 marks)

Question 5 (continued)

- (c) With reference to **two** successful referendums in Australia, discuss how each altered the Commonwealth Constitution. (6 marks)

Question 6

(20 marks)

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

Source 2

The following is edited from an extract published by the Centre for Independent Studies entitled *The Limits of Australian Anti-discrimination Law* written by Helen Andrews in August 2016.

... Equality before the law is a fundamental tenet of the Anglosphere¹ legal system – all the more so in countries like Australia and the United States that pride themselves on their lack of a titled aristocracy.

...

Racial vilification complaints accounted for 18% of complaints filed with the AHRC² under the *Racial Discrimination Act* in 2014–15. In terms of public interest, however, speech-limiting provisions are among the most prominent features of anti-discrimination law. The case of *Eatock v Bolt* was a flashpoint in this debate, due to the national prominence of the respondent, columnist Andrew Bolt. The aspect of this decision most threatening to free speech rights was not the judge's finding that Bolt's columns constituted vilification on the grounds of race, but his findings that the columns did not fall under the protections in section 18D for 'fair comment on [a] matter of public interest' ... One can acknowledge the validity of racial vilification as a legal offence and still recognise that the political issues raised by Bolt – the allocation of taxpayer-funded grants and, more broadly, the rise of identity politics – are topics of legitimate interest to Australian citizens.

...

Too often in their 50-year history, anti-discrimination laws have been expanded not for any logical reason, much less any evidence-based reason, but simply because a minority seemed to be 'next' or had 'come of age' as a pressure group. Too rarely have people stopped to ask whether anti-discrimination law is really the best means for accomplishing some new political goal, especially given that ... anti-discrimination laws may not even be accomplishing the goals for which they were expressly designed any more.

¹Anglosphere – a group of English-speaking countries that share common roots in British culture and history

²AHRC – Australian Human Rights Commission

- (a) Outline what is meant by 'equality before the law'. (2 marks)

- (b) With reference to **Source 2**, explain in your own words, **two** issues associated with the expansion of anti-discrimination law. (4 marks)

Question 6 (continued)

(c) Discuss **two** rights protected by common law in Australia today. (6 marks)

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.

Part A: Unit 3

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

Question 7**(25 marks)**

In recent years, the Prime Minister's roles and powers have been too dependent on the Senate of the Commonwealth Parliament.

Evaluate this claim.

or

Question 8**(25 marks)**

The High Court of Australia, through its judgments, has had a significant political impact in Australia.

Evaluate this claim, making reference to particular judgments of the High Court of Australia.

Part B: Unit 4

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

Question 9**(25 marks)**

Analyse the extent to which collective and individual ministerial responsibility and Senate Estimates have held the Executive accountable in the Australian political system in recent years.

or

Question 10**(25 marks)**

Analyse the extent to which Australia and **one** other country uphold the democratic principles of popular participation and the rule of law.

End of questions

ACKNOWLEDGEMENTS

- Question 5** Source 1 adapted from: Vowles, E. (2015, August 12). What the history of referendums tells us about constitutional recognition. *ABC Radio National*. Retrieved May, 2019, from <https://www.abc.net.au/radionational/programs/rearvision/referendums-and-constitutional-recognition/6691246>
- Question 6** Source 2 adapted from: Andrews, H. (2016). *The limits of Australian anti-discrimination law*, pp. 8–11. Retrieved May, 2019, from <https://www.cis.org.au/app/uploads/2016/08/rr17.pdf>

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