



## SAMPLE COURSE OUTLINE

---

**POLITICS AND LAW**  
**ATAR YEAR 12**

---

**Copyright**

© School Curriculum and Standards Authority, 2015

This document – apart from any third party copyright material contained in it – may be freely copied, or communicated on an intranet, for non-commercial purposes in educational institutions, provided that the School Curriculum and Standards Authority is acknowledged as the copyright owner, and that the Authority's moral rights are not infringed.

Copying or communication for any other purpose can be done only within the terms of the *Copyright Act 1968* or with prior written permission of the School Curriculum and Standards Authority. Copying or communication of any third party copyright material can be done only within the terms of the *Copyright Act 1968* or with permission of the copyright owners.

Any content in this document that has been derived from the Australian Curriculum may be used under the terms of the [Creative Commons Attribution-NonCommercial 3.0 Australia licence](#)

**Disclaimer**

Any resources such as texts, websites and so on that may be referred to in this document are provided as examples of resources that teachers can use to support their learning programs. Their inclusion does not imply that they are mandatory or that they are the only resources relevant to the course.

## Sample course outline

### Politics and Law – ATAR Year 12

#### Semester 1 – Unit 3 – Political and legal power

Week	Key teaching points
1–3	<p><b>Political and legal systems</b>            The Commonwealth Constitution: legislative, executive and judicial powers</p> <ul style="list-style-type: none"> <li>• Responsible government and executive power in Australia</li> </ul> <p>The USA (a non-Westminster system) Constitution: legislative, executive and judicial powers</p> <ul style="list-style-type: none"> <li>• Representative government in Australia and the USA</li> <li>• Similarities (legislative and judicial powers) and differences (especially executive powers and the checks and balances) between the two systems</li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <p><b>Task 1:</b> Short answer – legislative, executive and judicial powers</p>
4–6	<p><b>Political and legal systems</b>            Functions of the Commonwealth Parliament in theory and practice and the decline of parliament thesis</p> <ul style="list-style-type: none"> <li>• legislative, including Section 51               <ul style="list-style-type: none"> <li>▪ legislative process in the House of Representatives and Senate</li> <li>▪ executive control</li> <li>▪ party discipline</li> <li>▪ minor/micro parties and independents</li> </ul> </li> <li>• the Senate and political power (contemporary issue of political power)</li> <li>• authorise expenditure, including Section 53</li> <li>• make and unmake government: executive accountability</li> <li>• representation, including Section 7 and Section 24               <ul style="list-style-type: none"> <li>▪ party discipline</li> <li>▪ processes of the parliament and representation</li> </ul> </li> <li>• forum for national debate</li> <li>• lawmaking process in parliament with reference to the influence of               <ul style="list-style-type: none"> <li>▪ individuals</li> <li>▪ political parties: major parties, minor parties, micro parties</li> <li>▪ pressure groups</li> </ul> </li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul> <p><b>Task 2:</b> Source analysis – lawmaking process in parliament</p>
7–8	<p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul> <p><b>Task 3 Part A:</b> Investigation – roles and powers of the Governor-General            Begin research as material is covered in class</p> <p><b>Political and legal systems</b>            Roles and powers of the Governor-General, including Sections: 61, 62, 63, 64, 68, 28, 57, 72 and ‘the 1975 crisis’</p> <p><b>Political and legal issues</b>            A reform of the Constitution – Australia to become a republic            Roles and powers of the Prime Minister, Cabinet and Ministry            Roles and powers of the opposition and shadow ministry at the Commonwealth level            Political mandates in theory and in practice, including competing mandates</p>

Week	Key teaching points
	<p><b>Political and legal issues</b> A contemporary issue relating to political power (last three years)</p> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul> <p><b>Task 3 Part B:</b> Validation essay</p>
9–10	<p><b>Political and legal systems</b> Roles and powers of the High Court of Australia, including Sections 71, 72, 73, 75 and 76 Common law decisions</p> <ul style="list-style-type: none"> <li>• the defence of qualified privilege: <i>Harbour Radio Pty Ltd vs Trad (2012) HCA 44</i></li> <li>• <i>Mabo vs Queensland (No 2) ('Mabo case') [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992)</i></li> </ul> <p>Constitutional decisions</p> <ul style="list-style-type: none"> <li>• <i>JT International SA vs Commonwealth of Australia; British American Tobacco Australasia Limited &amp; Ors vs Commonwealth of Australia (2012) HCA 30 Plain Packaging Act 2011 and Section 51(xxxi)</i></li> <li>• <i>New South Wales &amp; Ors vs Commonwealth (2006) HCA 52 Work Choices legislation 2006 and Section 51(xx)</i></li> </ul> <p>Lawmaking process in the courts, with reference to the influence of</p> <ul style="list-style-type: none"> <li>• individuals</li> <li>• political parties: major parties, minor parties, micro parties</li> <li>• pressure groups</li> </ul> <p><b>Political and legal issues</b> A contemporary issue relating to legal power (last three years)</p>
11–14	<p><b>Political and legal systems</b> Federalism in Australia</p> <ul style="list-style-type: none"> <li>• constitutional powers of the State and Commonwealth parliaments, including exclusive, concurrent and residual powers, Sections 51, 52, 90, 107, 109</li> <li>• financial powers of the Commonwealth Parliament, including taxation power, tied or special purpose grants, including Sections 51(ii), 87, 90, 92, 96</li> </ul> <p>Change in the balance of power since federation</p> <ul style="list-style-type: none"> <li>• financial powers, including vertical fiscal imbalance (VFI) and horizontal fiscal equalisation (HFE), the Grants Commission</li> <li>• referral of powers Section 51(xxxvii)</li> <li>• the Council of Australian Governments (COAG)</li> <li>• co-operative federalism and coercive federalism</li> <li>• High Court of Australia (HCA) constitutional interpretation <ul style="list-style-type: none"> <li>▪ Section 51(xxix) external affairs power</li> <li>▪ Section 51(xx) corporations power, taxation power</li> <li>▪ consequences for federalism in Australia</li> </ul> </li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <p><b>Task 4:</b> Essay – federalism in Australia</p> <p><b>Political and legal systems</b> Formal and informal methods of constitutional change and their impact</p> <ul style="list-style-type: none"> <li>• referendums, including Section 128: especially 1928, 1946, 1967, 1977, 1984, 1999</li> <li>• HCA decisions (see above)</li> <li>• referral of powers Section 51(xxxvii)</li> <li>• unchallenged legislation</li> </ul>
15	<b>Task 5:</b> Semester 1 Examination

## Semester 2 – Unit 4 – Accountability and rights

Week	Key teaching points
1–3	<p><b>Political and legal systems</b> The accountability of the Commonwealth Parliament</p> <ul style="list-style-type: none"> <li>• through elections for the House of Representatives and the Senate</li> <li>• through the House of Representatives and Senate Privileges Committees</li> <li>• within the procedures and processes of the Parliament</li> <li>• through judicial review</li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <p><b>Task 6:</b> Short answer – accountability of the Commonwealth Parliament</p>
4–5	<p><b>Political and legal systems</b> The accountability of the Executive and public servants through</p> <ul style="list-style-type: none"> <li>• collective and individual ministerial responsibility in practice</li> <li>• Senate Estimates and the Senate Legal and Constitutional Affairs Committee</li> <li>• through the Commonwealth Auditor General and the Administrative Appeals Tribunal (AAT)</li> <li>• through judicial review</li> </ul> <p>An overall review of the practices of governance in Australia</p>
6	<p><b>Political and legal systems</b> The extent of the accountability of the Governor-General and the Office of Governor-General</p> <ul style="list-style-type: none"> <li>• appointment process</li> <li>• removal process</li> <li>• ‘the 1975 crisis’</li> <li>• ‘the Hollingworth affair’</li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <p><b>Task 7:</b> Source analysis – accountability of the Governor-General and the Office of Governor-General</p>
7–8	<p><b>Political and legal systems</b> The accountability of the courts (including judges) through</p> <ul style="list-style-type: none"> <li>▪ the appeals process</li> <li>▪ parliamentary scrutiny and legislation</li> <li>▪ transparent processes and public confidence</li> <li>▪ the censure and removal of judges, including Section 72</li> </ul>
9–10	<p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul> <p><b>Task 8 Part A:</b> Investigation – the protection of human rights in the USA Begin research as material is covered in class The ways human rights are protected in Australia</p> <ul style="list-style-type: none"> <li>• the Commonwealth Constitution, explicit and implicit rights</li> <li>• common law rights, including <ul style="list-style-type: none"> <li>▪ right of access to the courts</li> <li>▪ legal professional privilege</li> <li>▪ privilege against self-incrimination</li> <li>▪ freedom of speech and the press</li> </ul> </li> <li>• statutory rights, including Commonwealth and State discrimination laws; State (racial) vilification laws</li> <li>• charter of rights such as the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria) and the <i>Human Rights Act 2004</i> (Australian Capital Territory) and their limitations in terms of protecting rights.</li> </ul> <p>The ways human rights are protected in the USA</p>

Week	Key teaching points
	<p>The status of international covenants, protocols and treaties in protecting human rights in Australia</p> <ul style="list-style-type: none"> <li>• the ICCPR (1984) and the extent of its application in Australia</li> </ul> <p>Civil, political, economic, social and cultural rights in Australia: general meaning and examples of each type</p> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul> <p><b>Task 8 Part B:</b> Validation essay – the protection of human rights in Australia</p>
11–14	<p><b>Political and legal systems</b></p> <p>The ways in which Australia <b>and</b> the USA can both uphold and/or undermine democratic principles, with reference to</p> <ul style="list-style-type: none"> <li>• political representation</li> <li>• popular participation</li> <li>• the rule of law</li> <li>• judicial independence</li> <li>• natural justice</li> </ul> <p><b>Political and legal issues</b></p> <p>The changing experience of women with respect to their political and legal rights in Australia</p> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <p><b>Task 9:</b> Essay – changing political and legal rights for women in Australia</p>
15	<b>Task 10:</b> Semester 2 Examination