



## **SAMPLE COURSE OUTLINE**

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**POLITICS AND LAW**

**ATAR YEAR 12**

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## Sample course outline

### Politics and Law – ATAR Year 12

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

Week	Syllabus content	Suggested teaching points
1–3	<p>An understanding of the Year 11 content is assumed knowledge for students in Year 12.</p> <p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>Essential to the understanding of political and legal power is the knowledge of:               <ul style="list-style-type: none"> <li>responsible government</li> <li>representative government</li> <li>separation of powers</li> <li>division of powers</li> <li>Westminster conventions</li> </ul> </li> </ul> <p>(Note: these concepts should be considered throughout the unit as appropriate.)</p> <ul style="list-style-type: none"> <li>legislative, executive and judicial powers with reference to the Commonwealth Constitution (Australia) <b>and</b> with comparison to one non-Westminster political and legal system</li> </ul>	<p><b>Political and legal systems</b></p> <p>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> <p>Communication</p> <p><b>Task 1: Short answer (Week 3)</b></p>
4–6	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>functions of the Commonwealth Parliament in theory and in practice, including Sections 7, 24, 51, 53</li> </ul> <p><b>Political and legal issues</b></p> <p>The political and legal issues are best addressed in combination with the relevant content of the Australian political and legal system. This requires an examination of:</p> <ul style="list-style-type: none"> <li>at least one contemporary issue (the last three years) relating to political power</li> </ul>	<p><b>Political and legal systems</b></p> <p>Functions of the Commonwealth Parliament in theory and practice</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>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> </ul>

Week	Syllabus content	Suggested teaching points
	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>lawmaking process in parliament and the courts, with reference to the influence of <ul style="list-style-type: none"> <li>individuals</li> <li>political 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>	<ul style="list-style-type: none"> <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>The Senate and political power (contemporary issue of political power from the 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 2: Source analysis (Week 6)</b></p>
7–8	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>roles and powers of the Governor-General, including Sections 61, 62, 63, 64, 68, 28, 57, 72, and ‘the 1975 crisis’</li> </ul> <p><b>Political and legal issues</b></p> <p>The political and legal issues are best addressed in combination with the relevant content of the Australian political and legal system. This requires an examination of:</p> <ul style="list-style-type: none"> <li>at least one reform proposal to change the Commonwealth Constitution (Australia), such as <ul style="list-style-type: none"> <li>the move to become a republic</li> <li>reference to Indigenous Australians in the Commonwealth Constitution (Australia)</li> <li>recognition of local government in the Commonwealth Constitution (Australia)</li> <li>Commonwealth Constitution (Australia) section 44 (i), (ii) and (iii)</li> </ul> </li> </ul> <p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>roles and powers of the Prime Minister, Cabinet and the Ministry</li> <li>roles and powers of the opposition and the shadow ministry at the Commonwealth level</li> <li>political mandates in theory and in practice, including competing mandates</li> </ul>	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>Roles and powers of the Governor-General, including Sections: 61, 62, 63, 64, 68, 28, 57, 72 and ‘the 1975 crisis’</li> </ul> <p><b>Political and legal issues</b></p> <ul style="list-style-type: none"> <li>A reform of the Constitution – Australia to become a republic</li> </ul> <p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>Roles and powers of the Prime Minister, Cabinet and Ministry</li> <li>Roles and powers of the opposition and shadow ministry at the Commonwealth level</li> <li>Political mandates in theory and in practice, including competing mandates</li> </ul> <p><b>Political and legal issues</b></p> <ul style="list-style-type: none"> <li>A contemporary issue relating to political power (from last three years)</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 3 Part A: Investigation (Week 7)</b> Begin research as material is covered in class</p> <p><b>Task 3 Part B: Validation essay (Week 8)</b></p>

Week	Syllabus content	Suggested teaching points
	<p><b>Political and legal issues</b></p> <p>The political and legal issues are best addressed in combination with the relevant content of the Australian political and legal system. This requires an examination of:</p> <ul style="list-style-type: none"> <li>at least one contemporary issue (the last three years) relating to political power</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>	
9–10	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>roles and powers of the High Court of Australia, including Sections 71, 72, 73, 75 and 76 with reference to at least one common law decision and at least one constitutional decision</li> <li>lawmaking process in parliament and the courts, with reference to the influence of <ul style="list-style-type: none"> <li>individuals</li> <li>political parties</li> <li>pressure groups</li> </ul> </li> </ul> <p><b>Political and legal issues</b></p> <p>The political and legal issues are best addressed in combination with the relevant content of the Australian political and legal system. This requires an examination of:</p> <ul style="list-style-type: none"> <li>at least one contemporary issue (the last three years) relating to legal power</li> </ul>	<p><b>Political and legal systems</b></p> <p>Roles and powers of the High Court of Australia, including Sections 71, 72, 73, 75 and 76</p> <p>Common law decisions</p> <ul style="list-style-type: none"> <li>the defence of qualified privilege: <i>Harbour Radio Pty. Ltd. v Trad</i> (2012) HCA 44</li> <li>negligence/duty of care/foreseeability of risk of injury: <i>Mulligan v Coffs Harbour City Council</i> (2005) HCA 63</li> <li><i>Mabo v Queensland (No. 2) ('Mabo case')</i> [1992] HCA 23; (1992) 175 CLR 1 F.C. 92/014 (3 June 1992)</li> </ul> <p>Constitutional decisions</p> <ul style="list-style-type: none"> <li><i>JT International SA v Commonwealth of Australia; British American Tobacco Australasia Limited &amp; Ors v Commonwealth of Australia</i> (2012) HCA 30 <i>Plain Packaging Act 2011</i> and Section 51(xxxi)</li> <li><i>New South Wales &amp; Ors v Commonwealth</i> (2006) HCA 52 <i>Work Choices legislation 2006</i> and Section 51(xx)</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></p> <p>A contemporary issue relating to legal power (last three years)</p>

Week	Syllabus content	Suggested teaching points
11–14	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• federalism in Australia with reference to <ul style="list-style-type: none"> <li>▪ constitutional powers of State and Commonwealth parliaments, including exclusive, concurrent and residual powers, Sections 51, 52, 90, 107 and 109</li> <li>▪ financial powers of the Commonwealth Parliament, including taxation power, tied or special purpose grants, including Sections 51(ii), 87, 90, 92 and 96</li> <li>▪ change in the balance of power since federation, with reference to <ul style="list-style-type: none"> <li>○ financial powers, including vertical fiscal imbalance and horizontal fiscal equalisation, the Grants Commission</li> <li>○ referral of powers Section 51(xxxvii)</li> <li>○ intergovernmental relations through the Council of Australian Governments (COAG, 1992 to 2020) replaced by National Cabinet (2020 to present) with Ministerial Councils (2022 to present) reporting to it</li> <li>○ co-operative federalism as opposed to coercive federalism</li> <li>○ High Court of Australia constitutional interpretation, including external affairs power Section 51(xxix), corporations power Section 51(xx), and taxation powers</li> </ul> </li> </ul> </li> <li>• formal and informal methods of constitutional change and their impact <ul style="list-style-type: none"> <li>▪ referendums, including Section 128</li> <li>▪ High Court of Australia decisions</li> <li>▪ referral of powers</li> <li>▪ unchallenged legislation</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>Political and legal systems</b></p> <p>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>• intergovernmental relations through the Council of Australian Governments (COAG, 1992 to 2020) replaced by National Cabinet (2020 to present) with Ministerial Councils (2022 to present) reporting to it</li> <li>• Ministerial Councils reporting to National Cabinet on key priorities include Data and Digital, Education, Energy and Climate Change, Health, Housing and Homelessness, Skills and Workforce and the Council on Federal Financial Relations (CFFR). The list of councils may change as National Cabinet’s priorities change</li> <li>• co-operative federalism and coercive federalism</li> <li>• High Court of Australia (HCA) constitutional interpretation</li> <li>• Section 51(xxix) external affairs power</li> <li>• Section 51(xx) corporations power, taxation powers</li> <li>• consequences for federalism in Australia</li> </ul> <p>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>

Week	Syllabus content	Suggested teaching points
		<b>Political and legal research skills</b> <ul style="list-style-type: none"> <li>• Communication</li> </ul> <b>Task 4: Essay (Week 14)</b>
15	<b>Task 5: Semester 1 Examination</b>	

### Political and legal research skills

The following skills will be developed during the year.

#### Research and analysis

- identify, define, distinguish, analyse and evaluate principles and terms
- describe, discuss, analyse and evaluate the operation and key features of a political and legal system
- analyse statute law, common law, political decisions and legal decisions
- distinguish between fact and opinion, theory and practice and formal and informal processes
- identify and evaluate alternative conclusions
- identify or propose solutions
- predict intended or unintended consequences

#### Communication

- use political and legal formats, terminology and techniques to suit an audience
- utilise techniques to explore ideas and construct reasoned arguments
- use an appropriate method of referencing

## Semester 2 – Unit 4 – Accountability and rights

Week	Syllabus content	Suggested teaching points
1	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• Essential to the understanding of accountability and rights are the practices of governance, including:               <ul style="list-style-type: none"> <li>▪ participation</li> <li>▪ the rule of law</li> <li>▪ human rights, including civil, political, economic, social and cultural</li> <li>▪ open government</li> <li>▪ natural justice</li> </ul> </li> </ul> <p>(Note: these concepts should be considered throughout the unit as appropriate.)</p> <ul style="list-style-type: none"> <li>• the extent of the accountability of the Governor-General               <ul style="list-style-type: none"> <li>▪ through appointment</li> <li>▪ through removal</li> <li>▪ ‘the 1975 crisis’ and ‘the Hollingworth affair’</li> </ul> </li> </ul>	<p><b>Political and legal systems</b></p> <p>The extent of the accountability of the 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>
2–4	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• the accountability of the Commonwealth Parliament               <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> </li> </ul> <p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Communication</li> </ul>	<p>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: Short answer (Week 4)</b></p>

Week	Syllabus content	Suggested teaching points
5–6	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• the accountability of the Executive and public servants <ul style="list-style-type: none"> <li>▪ through collective and individual ministerial responsibility</li> <li>▪ through Senate Estimates and at least one other committee of the Commonwealth Parliament</li> <li>▪ through the Commonwealth Auditor General and the Administrative Review Tribunal (ART) (previously the Administrative Appeals Tribunal)</li> <li>▪ through judicial review</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>Political and legal systems</b></p> <p>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>• the Commonwealth Auditor General and the Administrative Review Tribunal (ART) (previously the Administrative Appeals Tribunal)</li> <li>• judicial review</li> </ul> <p>An overall review of the practices of governance in Australia</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 7: Source analysis (Week 6)</b></p>
7–8	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• the accountability of the courts within the Australian legal system <ul style="list-style-type: none"> <li>▪ through the appeals process</li> <li>▪ through parliamentary scrutiny and legislation</li> <li>▪ through transparent processes and public confidence</li> <li>▪ through the censure and removal of judges, including Section 72</li> </ul> </li> </ul>	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• The accountability of the courts within the Australian legal system (including judges) through <ul style="list-style-type: none"> <li>▪ the appeals process (including appeals from the States Courts of Appeal when granted Special Leave to Appeal by the High Court)</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> </li> </ul>
9–10	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• the ways human rights are protected in Australia, including in the Constitution, common law, statutory law, and charter of rights, such as the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria), the <i>Human Rights Act 2004</i> (Australian Capital Territory) and the <i>Human Rights Act 2019</i> (Queensland)</li> <li>• the ways human rights are protected in one other country</li> <li>• the status of international covenants, protocols and treaties in protecting human rights in Australia</li> </ul>	<p>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> </ul>

Week	Syllabus content	Suggested teaching points
	<p><b>Political and legal research skills</b></p> <ul style="list-style-type: none"> <li>• Research and analysis</li> <li>• Communication</li> </ul>	<ul style="list-style-type: none"> <li>• charters of rights, such as the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria), the <i>Human Rights Act 2004</i> (Australian Capital Territory) and the <i>Human Rights Act 2019</i> (Queensland) and their limitations in terms of protecting rights</li> </ul> <p>The ways human rights are protected in the USA The status of international covenants, protocols and treaties in protecting human rights in Australia</p> <ul style="list-style-type: none"> <li>• the International Covenant on Civil and Political Rights (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 A: Investigation (Week 9)</b> Begin research as material is covered in class</p> <p><b>Task 8 Part B: Validation essay (Week 10)</b></p>
11–14	<p><b>Political and legal systems</b></p> <ul style="list-style-type: none"> <li>• the ways in which Australia and one other country can both uphold and/or undermine democratic principles, with reference to <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> </li> </ul> <p><b>Political and legal issues</b> The political and legal issues are best addressed in combination with the relevant content of the Australian political and legal system. This requires an examination of:</p> <ul style="list-style-type: none"> <li>• the changing experience of a particular group with respect to their political and legal rights in Australia</li> </ul>	<p><b>Political and legal systems</b> The ways in which Australia and 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> 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>

Week	Syllabus content	Suggested teaching points
	<b>Political and legal research skills</b> <ul style="list-style-type: none"> <li>Communication</li> </ul>	<b>Task 9: Essay (Week 14)</b>
15	<b>Task 10: Semester 2 examination</b>	

### Political and legal research skills

The following skills will be developed during the year.

#### Research and analysis

- identify, define, distinguish, analyse and evaluate principles and terms
- describe, discuss, analyse and evaluate the operation and key features of a political and legal system
- analyse statute law, common law, political decisions and legal decisions
- distinguish between fact and opinion, theory and practice and formal and informal processes
- identify and evaluate alternative conclusions
- identify or propose solutions
- predict intended or unintended consequences

#### Communication

- use political and legal formats, terminology and techniques to suit an audience
- utilise techniques to explore ideas and construct reasoned arguments
- use an appropriate method of referencing