



SAMPLE COURSE OUTLINE

POLITICS AND LAW
ATAR YEAR 11

Acknowledgement of Country

Kaya. The School Curriculum and Standards Authority (the Authority) acknowledges that our offices are on Whadjuk Noongar boodjar and that we deliver our services on the country of many traditional custodians and language groups throughout Western Australia. The Authority acknowledges the traditional custodians throughout Western Australia and their continuing connection to land, waters and community. We offer our respect to Elders past and present.

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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 11

Unit 1 – Semester 1 – Democracy and the rule of law

| Week | Syllabus content | Suggested teaching points |
|------|--|--|
| 1 | Political and legal systems <ul style="list-style-type: none"> Essential to the understanding of democracy and the rule of law is knowledge of: <ul style="list-style-type: none"> the separation of powers doctrine sovereignty of parliament division of powers representative government Westminster conventions of responsible parliamentary government constitutionalism federalism judicial independence. operating principles of a liberal democracy <ul style="list-style-type: none"> equality of political rights majority rule political participation political freedom | Political and legal systems <ul style="list-style-type: none"> Essential to the understanding of democracy and the rule of law is knowledge of: <ul style="list-style-type: none"> the separation of powers doctrine sovereignty of parliament division of powers representative government Westminster conventions of responsible parliamentary government constitutionalism federalism judicial independence. <p><i>The concepts and terms above are to be taught at the appropriate points in the unit</i></p> <ul style="list-style-type: none"> Types of Democracies: <ul style="list-style-type: none"> direct representative liberal Democracy in Australia – the operating principles of a liberal democracy: <ul style="list-style-type: none"> political rights and equality of political rights majority rule political participation political (and personal) freedoms – to what extent do they exist? E.g. Bombie Laws Other elements of a liberal democracy: <ul style="list-style-type: none"> separation of powers; sovereignty of parliament; the rule of law; limited government; consent of the governed. E.g. US 2020 Election and the Jan 6 Capitol Riots as a comparison to the Australian system The concept of the Rule of Law and the extent to which it is upheld in Australia <p>To what extent do the operating principles of a liberal democracy and the rule of law exist in Australia?</p> <p>To what extent is democracy fragile/stable?</p> |
| 2–4 | <ul style="list-style-type: none"> structure of the Australian political system and the Australian legal system, including: <ul style="list-style-type: none"> separation of powers federalism representative government Westminster conventions of responsible parliamentary government constitutional monarchy common law system roles of the legislative, executive and judicial branches of government | <ul style="list-style-type: none"> Structure of Australia's political and legal system, including: <ul style="list-style-type: none"> the doctrine of the separation of powers and the extent to which Australia has a true separation of powers; sovereignty of parliament; judicial independence federalism: Australia's federal structure and the division of powers representative government constitutionalism, constitutional monarchy and Westminster conventions of responsible |

| Week | Syllabus content | Suggested teaching points |
|------|---|--|
| | <ul style="list-style-type: none"> key influences on the structure of the political and legal system in Australia <ul style="list-style-type: none"> the Westminster system of government English common law the American federal system the Canadian federal system the Swiss referendum process Political and legal research skills Communication | <p>parliamentary government and the Australian political system</p> <ul style="list-style-type: none"> common law system The roles of the legislative, executive, and judicial branches <ul style="list-style-type: none"> in general in Australia <ul style="list-style-type: none"> key influences on the structure of the political and legal system in Australia: <ul style="list-style-type: none"> Westminster system of government; Westminster conventions of responsible government (Section 64); English Common Law and doctrine of precedent. Key elements and what is reflected in the Australian political system? American federal system and senate – States’ House and House of Review. Key elements and what is reflected in the Australian federal system? Canadian federal system. Key elements and what is reflected in the Australian federal system? Swiss referendum process and Section 128 of the Commonwealth Constitution <p>How are these influences reflected in Australia’s political and legal system?</p> <ul style="list-style-type: none"> Political and legal research skills Communication <p>See page 5 for further information</p> <ul style="list-style-type: none"> Task 1: Source Analysis (Week 4) |
| 5–7 | <p>Political and legal systems</p> <ul style="list-style-type: none"> structures and processes of <ul style="list-style-type: none"> one democratic political and legal system one non-democratic political and legal system with reference to the operating principles of a liberal democracy Political and legal research skills Research and analysis Communication | <p>Political and legal systems</p> <ul style="list-style-type: none"> Australia as an example of a democratic political and legal system <ul style="list-style-type: none"> overall review assess the extent to which the operating principles of a liberal democracy are upheld within the structures and processes of Australia’s political and legal system Review the meaning of judicial independence and its existence in Australia Non-democratic systems of government – monarchy, dictatorship, oligarchy, aristocracy (China, North Korea, or Russia as an example of a non-democratic system) <ul style="list-style-type: none"> the structure of the non-democratic system in terms of executive, legislative and judicial branches the processes within each branch; the relationship between the branches; the extent that the operating principles of a liberal democracy are practised/exist; the extent that judicial independence is practised/exists |

| Week | Syllabus content | Suggested teaching points |
|------|---|--|
| | | <ul style="list-style-type: none"> Review the concepts of constitutionalism and the rule of law and assess the extent to which these are upheld in Australia and the non-democratic system Similarities and differences between a democratic and non-democratic political and legal system Political and legal research skills <ul style="list-style-type: none"> Research and analysis Communication <p>See page 5 for further information</p> <p>Task 2 Part A: Investigation (Weeks 5–6) Begin research as material is covered in class</p> <p>Task 2 Part B: Validation essay (Week 7)</p> |
| 8–11 | <p>Political and legal systems</p> <ul style="list-style-type: none"> types of laws made by parliaments (statute law) legislative processes at the State or Commonwealth levels <p>Political and legal issues 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"> at least one contemporary issue (the last three years) involving the legislative process. <p>Political and legal systems</p> <ul style="list-style-type: none"> types of laws made by courts (common law) and subordinate authorities (delegated legislation) key influences on the structure of the political and legal system in Australia <ul style="list-style-type: none"> English common law the court hierarchy, methods of statutory interpretation and the doctrine of precedent <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication | <p>Political and legal systems Law-making in Australia – Parliament</p> <ul style="list-style-type: none"> Review representative government and the role of the legislative body (Commonwealth and State parliament) Parliament and statute law: the legislative process of the Commonwealth or State Parliament Use relevant recent bills/legislation to explain the legislative process Strengths and weaknesses of the legislative process and parliament as a law-making body <p>Political and legal issues</p> <ul style="list-style-type: none"> At least one contemporary issue (the last three years) involving the legislative process: <ul style="list-style-type: none"> use a bill to examine a contemporary issue involving the legislative process (i.e. executive dominance and/or minor party/independent influence and/or obstructionist upper house e.g., Medevac Bill) <p>Political and legal systems Law-making in Australia – Courts</p> <ul style="list-style-type: none"> Types of legal systems: <ul style="list-style-type: none"> what is a common law system? what is a civil law system? Australian Courts and common law: <ul style="list-style-type: none"> what is judicial power? role of courts in law-making; common law Doctrine of precedent and court hierarchy in Australia rules of precedent flexibility of precedent difficulties in applying past decisions methods of statutory interpretation reasons for statutory interpretation effects of statutory interpretation Use relevant examples and cases to explain courts and law-making Strengths and weaknesses of common law and the courts as a law-making body |

| Week | Syllabus content | Suggested teaching points |
|-------|---|--|
| | | <ul style="list-style-type: none"> Relationship between courts and parliament in law-making – parliamentary sovereignty and the relationship between statute law and common law <ul style="list-style-type: none"> use relevant examples and cases to explain the relationship between parliament and the courts Subordinate authorities and delegated legislation <ul style="list-style-type: none"> e.g. statutory authorities such as the Reserve Bank of Australia; specialist agencies; government departments why is legislation delegated to subordinate authorities? delegated legislation process <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication <p>See page 5 for further information</p> <p>Task 3: Short Answer (Week 10)</p> |
| 12–14 | <p>Political and legal systems</p> <ul style="list-style-type: none"> key processes (pre-trial, trial and post-trial) of civil and criminal trials in Western Australia | <p>Political and legal systems</p> <ul style="list-style-type: none"> Elements of an effective legal system Trial systems: <ul style="list-style-type: none"> the adversarial system of trial the inquisitorial system of trial What is natural justice? Key processes of civil and criminal trials in Western Australia: <ul style="list-style-type: none"> Pre-trial Trial Post-trial |
| | <p>Political and legal issues</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"> at least one contemporary issue (the last three years) involving the judicial process. <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication | <p>Political and legal issues</p> <ul style="list-style-type: none"> At least one contemporary issue (the last three years) involving the judicial process: <ul style="list-style-type: none"> problems involving jury trials or judge-only trials to examine a contemporary issue involving the judicial process e.g., Bradley Edwards trial; Lloyd Rayney trial <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication <p>See page 5 for further information</p> <p>Task 4: Essay (Week 14)</p> |
| 15 | <p>Political and legal systems</p> <ul style="list-style-type: none"> key processes of at least one non-common law (inquisitorial) system | <p>Political and legal systems</p> <ul style="list-style-type: none"> Review the inquisitorial trial Key processes of the Indonesian legal system: pre-trial, trial and post-trial stages Brief overview of strengths and weaknesses of the inquisitorial system (Unit 2 material) |
| 16 | Task 5: Semester 1 Examination | |

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

Unit 2 – Semester 2 – Representation and justice

| Week | Syllabus content | Suggested teaching points |
|------|---|---|
| 1–2 | Political and legal systems <ul style="list-style-type: none"> Essential to the understanding of representation and justice is knowledge of: <ul style="list-style-type: none"> the principles of fair elections political participation natural justice. key processes of at least one non-common law (inquisitorial) system (briefly introduced in Unit 1) strengths and weaknesses of the processes and procedures of at least one non-common law system | Political and legal systems <ul style="list-style-type: none"> Essential to the understanding of representation and justice is knowledge of: <ul style="list-style-type: none"> the principles of fair elections political participation natural justice. <p>These concepts and terms above are to be taught at the appropriate points in the unit</p> Political and legal systems <ul style="list-style-type: none"> Review features of the inquisitorial system of trial. Compare with adversarial system of trial Review natural justice? Strengths and weaknesses of the inquisitorial system Key pre-trial, trial and post-trial processes of the Indonesian legal system – civil and criminal (briefly introduced in Unit 1) Similarities between French and Indonesian systems |
| 3–4 | Political and legal systems <ul style="list-style-type: none"> strengths and weaknesses of Western Australia's adversarial civil and criminal law processes Political and legal research skills Research and analysis Communication | Political and legal systems <ul style="list-style-type: none"> Strengths and weaknesses of Western Australia's adversarial criminal law processes Strengths and weaknesses of Western Australia's adversarial civil law processes Political and legal research skills Research and analysis Communication <p>See page 10 for further information</p> |
| 5 | Political and legal issues <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"> at least one contemporary issue (the last three years) centering on justice. Political and legal systems <ul style="list-style-type: none"> a recently implemented or proposed reform (the last ten years) to the civil or criminal law process in Western Australia Political and legal research skills Communication Research and analysis | Political and legal issues <ul style="list-style-type: none"> at least one contemporary issue (the last three years) centering on justice: <ul style="list-style-type: none"> examine the implications of the cost of legal representation. Political and legal systems <ul style="list-style-type: none"> a recently implemented or proposed reform (the last ten years) to the civil or criminal law process in Western Australia: <p>Implemented reform:</p> <ul style="list-style-type: none"> no body no parole laws – introduced in WA in 2018 Proposed reform (at least one of the following): <ul style="list-style-type: none"> raising the age of criminal responsibility reducing the exemptions for jury duty reducing pre-trial steps increasing the number of specialist judges increasing the level of questioning allowed by judges jury trials to be replaced with specialist/expert panels |

| Week | Syllabus content | Suggested teaching points |
|------|---|---|
| | | <ul style="list-style-type: none"> ▪ an automatic option for a defendant to elect to have a 'judge alone' trial i.e. not with a jury (and no need to show cause) ▪ codifying damages and costs ▪ 2017 WA Law Reform Commission recommendation to establish a WA Judicial Commission to investigate complaints against judicial officers • Political and legal research skills • Communication • Research and analysis <p>See page 10 for further information</p> <p>Task 6: Source Analysis (Week 5)</p> |
| 6–8 | <p>Political and legal systems</p> <ul style="list-style-type: none"> • Essential to the understanding of representation and justice is knowledge of: <ul style="list-style-type: none"> ▪ the principles of fair elections ▪ political participation ▪ natural justice. • political representation with reference to the role of individuals, political parties and pressure groups <p>Political and legal issues</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"> • at least one contemporary issue (the last three years) centering on representation. <p>Political and legal research skills</p> <ul style="list-style-type: none"> • Communication | <p>Political and legal systems</p> <ul style="list-style-type: none"> • Political Representation: <ul style="list-style-type: none"> ▪ What is an election and what are its functions? Links to democratic principles ▪ What is a political party? ▪ Role of major, minor and micro political parties in Australia. ▪ What is a pressure group? ▪ What is the role of pressure groups in the Australian political and legal system? ▪ Examine the various ways political parties and pressure groups participate in the political and legal system ▪ Examine how individuals, political parties and pressure groups participate in the electoral processes <p>Political and legal issues</p> <ul style="list-style-type: none"> • at least one contemporary issue (the last three years) centering on female or minority/Indigenous representation in Australian parliament – each political party <p>Political and legal research skills</p> <ul style="list-style-type: none"> • Communication <p>See page 10 for further information</p> <p>Task 7: Short Answer (Week 8)</p> |
| 9–12 | <p>Political and legal systems</p> <ul style="list-style-type: none"> • the Western Australian and Commonwealth electoral systems since Federation, including: <ul style="list-style-type: none"> ▪ compulsory voting ▪ preferential voting ▪ proportional voting ▪ the franchise • advantages and disadvantages of the electoral systems in Australia with reference to at least one recent (the last ten years) election • a recently implemented or proposed reform (the last ten years) to the electoral systems in Australia | <p>Political and legal systems</p> <ul style="list-style-type: none"> • Electoral systems in Western Australia and the Commonwealth since Federation: <ul style="list-style-type: none"> ▪ simple majority / First past the post ▪ preferential system ▪ Proportional system • Differing systems for the houses of parliament and the extent to which each system allows for representation • Malapportionment • Advantages and disadvantages of different electoral systems with reference to at least one election (last 10 years) |

| Week | Syllabus content | Suggested teaching points |
|------|--|--|
| | <ul style="list-style-type: none"> ways individuals, political parties and pressure groups can participate in the electoral processes in Australia <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication | <ul style="list-style-type: none"> Impact of changes to the franchise Impact of compulsory voting and group ticket voting on electoral outcomes Political donations and electoral reform <p>How fair are Australian elections?</p> <p>To what extent do they uphold/undermine the principles of a liberal democracy?</p> <p>Recent reforms:</p> <ul style="list-style-type: none"> Senate voting reform, March 2016: Commonwealth Electoral Act 1918 was amended, changing the voting method for Senators: <ul style="list-style-type: none"> political party logos allowed to be printed on House of Representatives and Senate ballot papers introduced forms of optional preferential voting for both above-the-line and below-the-line on Senate ballot papers Group voting tickets for the Senate abolished restriction introduced that an individual cannot be a registered officer or a deputy registered officer for more than one federally registered party Other reforms that could also be reviewed: <ul style="list-style-type: none"> 2010: telephone voting was trialled at the federal election for blind/vision impaired voters; electronic electoral enrolment was introduced 2011: prisoners were restored the right to enrol and vote if sentence was less than three years (after the High Court decision in <i>Roach v AEC</i> – this change in the law overturned the amended statute; the case was brought on Roach's behalf by the Human Rights Law Centre) 2012: Electoral Commissioner could now directly enrol an unenrolled person or update a voter's address if the AEC receives information they had moved WA State elections changing from maximum term to fixed term, starting with the 9 March 2013 WA state general election (after legislation was proclaimed in 2011 to fix the date of state general elections as the second Saturday in March, every four years) Analyse whether, and to what extent, the reform did, or could have, improved on democratic outcomes using a recent election as an example. Democratic outcomes could focus on participation and representation: <ul style="list-style-type: none"> the ways the reform impacted on the extent to which they participated the ways that the reform improved the accuracy of representation of the people's will |

| Week | Syllabus content | Suggested teaching points |
|-------|---|---|
| | | <p>For example:</p> <ul style="list-style-type: none"> The 2016 double dissolution election saw voters able to indicate more than one preference above the line, hence empowering the voters, rather than the parties, with the allocation of preferences. <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication <p>See page 10 for further information</p> <p>Task 8: Essay (Week 12)</p> |
| 13–15 | <p>Political and legal systems</p> <ul style="list-style-type: none"> the electoral systems of another country <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication | <p>Political and legal systems</p> <ul style="list-style-type: none"> An alternative electoral system – the USA, including first past the post, the Electoral College, the impact of the franchise, non-compulsory voting, political participation The Electoral College and the election of the President Congressional Elections <ul style="list-style-type: none"> advantages and disadvantages of electoral systems used in the USA case study: 2016/2020 Presidential Election, 2022 Midterm Elections <p>To what extent are the principles of a liberal democracy upheld/undermined in the American electoral system/American elections?</p> <p>Political and legal research skills</p> <ul style="list-style-type: none"> Research and analysis Communication <p>See page 10 for further information</p> <p>Task 9 Part A: Investigation (Week 13–15)</p> <p>Task 9 Part B: Validation essay (Week 15)</p> |
| 16 | Task 10: Semester 2 Examination | |

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