



Western Australian Certificate of Education Examination, 2014

Question/Answer Booklet

POLITICS AND LAW

Stage 3

Please place your student identification label in this box

Student Number: In figures

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In words

Time allowed for this paper

Reading time before commencing work: ten minutes
Working time for paper: 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 notes or other items of a non-personal nature in the examination room. 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 exam
Section One: Short response	4	3	45	30	30
Section Two: Source analysis	2	1	35	20	20
Section Three: Extended response Part A: Unit 3A	2	1	50	50	50
Extended response Part B: Unit 3B	2	1	50		
Total					100

Instructions to candidates

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 12 Information Handbook 2014*. Sitting this examination implies that you agree to abide by these rules.
2. Write your answers in this Question/Answer Booklet.
3. You must be careful to confine your responses to the specific questions asked and to follow any instructions that are specific to a particular question.
4. Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.
 - Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
 - Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question that you are continuing to answer at the top of the page.

See next page

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

This section has **four (4)** questions. You must answer **three (3)** questions.

Part A: Answer **one (1)** question from a choice of **two (2)**.

Part B: Answer **one (1)** question from a choice of **two (2)**.

The third response can be chosen from **either** of the remaining questions in Part A **or** Part B.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

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- Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question that you are continuing to answer at the top of the page.

Suggested working time: 45 minutes

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Part A: Unit 3A

Question 1

(10 marks)

(a) What is representative government?

(2 marks)

(b) Distinguish the role of the Shadow Ministry from the role of the Ministry in the Commonwealth Parliament.

(3 marks)

Question 2

(10 marks)

(a) What is judicial legalism?

(2 marks)

(b) Outline **three** separate judicial roles of the High Court of Australia.

(3 marks)

Part B: Unit 3B

Question 3

(10 marks)

(a) What is meant by 'public confidence in the courts'?

(2 marks)

(b) Outline how a judge in Australia may be censured **or** removed.

(3 marks)

Question 4

(10 marks)

(a) What is meant by a 'cultural right' **and** an 'economic right'?

(2 marks)

(b) What are international covenants and protocols **and** what is their status in the Australian legal system?

(3 marks)

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

This section has **two (2)** questions. You must answer **one (1)** question. Write your answer in the space provided.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

- Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
- Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question that you are continuing to answer at the top of the page.

Suggested working time: 35 minutes.

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

Source 1: Unit 3A

The following is an edited extract of the submissions made by the company British American Tobacco Australia Limited (BATA) in July 2011 to the House of Representatives Health and Ageing Committee's Inquiry into the Commonwealth Government's Tobacco Plain Packaging Bill 2011 (TPP Bill). A major provision of the Bill was to make companies, such as BATA that manufacture cigarettes, package their cigarettes in plain paper. The Bill subsequently became an Act of the Commonwealth Parliament in 2011.

BATA is opposed to the introduction of plain packaging. We believe there are significant legal obstacles to its implementation, the policy is not supported by real evidence and there are significant consequences and implications which may arise if the TPP Bill is passed.

The Government's power to introduce plain packaging is constrained by law, not only by the general principles of public law, but also by international law ...

The introduction of plain packaging, including increasing the graphic health warnings from the current size, ... may result in significant costs to the Government and the taxpayer.

The Government has relied on a number of studies, research and data to ... support its claims that plain packaging will achieve its desired purposes. BATA does not consider that those studies, research and data support ... plain packaging.

There is no real world data to demonstrate that the plain packaging of tobacco products will be effective in discouraging youth initiation¹, encouraging cessation² by existing smokers or increasing the salience³ of health warnings, ... a point acknowledged on a number of occasions by the Health Minister herself.

Should the Government introduce the TPP Bill, BATA has serious concerns about its ability to comply with the legislation within the short timeframes provided by Clause 2 of the TPP Bill.

BATA respectfully requests that the Committee recommend the TPP Bill not come into force until at least 12 months after the TPP Bill receives Royal Assent.

¹youth initiation – the commencement of smoking by young people

²cessation – stopping, ending, quitting

³salience – most significant and important aspect

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

Source 2: Unit 3B

The following is an edited extract of Chapter 4 of the Australian Government Electoral Reform Green Paper¹. The chapter discusses the current arrangements of who is eligible to vote in Commonwealth elections.

The Australian Constitution provides that members of Parliament are to be 'directly chosen by the people' (s.7 and s.24) and allows the Parliament to make laws regarding the 'qualification of electors' (s.8 and s.30). The Australian Constitution does not clearly define the franchise, affording a large degree of discretion² to the Parliament to make laws providing for the qualification of electors.

Since 1902, the franchise has slowly expanded to include more members of the Australian community. For example in 1962, all Indigenous Australians were enfranchised; and in 1973 the general voting age was lowered to 18 years.

Under the Electoral Act, persons are generally eligible to vote in Commonwealth elections if they are Australian citizens who are 18 years of age or older. Particular exceptions apply, excluding the following persons from the entitlement to enrol and vote, including:

- persons who are serving a prison sentence of three years or more;
- persons who by 'reason of unsound mind, are incapable of understanding the nature and significance of enrolment and voting'; and
- persons who have been convicted of treason or treachery and have not been pardoned.

Some concerns have been raised about current provisions which exclude a person from voting by reason of unsound mind. Criticisms of this exclusion have largely focused on its potential impact on persons with a disability and it is arguable that the ageing of the Australian population may result in more electors with diminished capacity³.

¹Green Paper – a document written for a government to discuss matters relating to particular laws and to suggest possible reforms to existing laws.

²discretion – choice, ability to change

³diminished capacity – the reduction in the ability of a person to understand and carry out basic tasks.

Section Three: Extended response**50% (50 Marks)**

This section has **four (4)** questions. Answer **one (1)** question from Part A: Unit 3A and answer **one (1)** question from Part B: Unit 3B. Write your answers in the spaces provided following Question 10.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

- Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
- Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question that you are continuing to answer at the top of the page.

Suggested working time: 100 minutes.

Part A: Unit 3A

Answer **one (1)** question from a choice of **two (2)**.

Question 7**(25 marks)**

‘There is only one reason for the present power of the Commonwealth government over State governments within the Australian federal system and that is the growth of the financial dominance of Commonwealth governments over a number of decades.’

Evaluate the validity of this claim.

or

Question 8**(25 marks)**

‘The powers of the Prime Minister are considerable, but so are the limits.’

Evaluate the validity of this claim.

Part B: Unit 3B

Answer **one (1)** question from a choice of **two (2)**.

Question 9**(25 marks)**

Discuss the powers that the Governor-General and Ministers, other than the Prime Minister, may exercise and assess the extent to which each is held accountable.

or

Question 10**(25 marks)**

Discuss the role of the High Court of Australia (HCA) and **either** the Administrative Appeals Tribunal (AAT) **or** Royal Commissions (RCs) in terms of the accountability of the executive and public servants and assess the extent to which each contributes to the operation of open government in Australia.

End of questions

INITIALS	DATE

ACKNOWLEDGEMENTS

Section Two

Source 1

Adapted extract from: British American Tobacco Australia Limited. (2011, July 22). *Submission on the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011: Submissions to the House of Representatives Health and Ageing Committee*. [Potts Point, NSW]: BATA, pp. 3–4. Retrieved February 16, 2014, from www.google.com.au/url?url=http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees%3Furl%3Dhaa/billtobaccopackage/subs/sub53.pdf&rct=j&frm=1&q=&esrc=s&sa=U&ei=U8erU6_dEsP5kgXyxoH4BA&ved=0CBsQFjAB&usg=AFQjCNF0GyKukYn5dfO9n4NC_k2u9v8WtQ
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Source 2

Adapted extract from: *Electoral reform green paper: Strengthening Australia's democracy*. (2009). [Canberra: Dept. of the Prime Minister and Cabinet], Part 1: Australia's electoral architecture, chapter 4: The franchise, pp. 30–32, 42. Retrieved January 28, 2014, from www.dpmc.gov.au/consultation/elect_reform/strengthening_democracy/docs/strengthening_australias_democracy.pdf

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