



Government of **Western Australia**
School Curriculum and Standards Authority

POLITICS AND LAW

ATAR COURSE

Year 12 syllabus

IMPORTANT INFORMATION

This syllabus is effective from 1 January 2022.

Users of this syllabus are responsible for checking its currency.

Syllabuses are formally reviewed by the School Curriculum and Standards Authority on a cyclical basis, typically every five years.

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Rationale

Politics and law is a critical study of the processes of decision making concerning society's collective future. The study of politics examines the structures and processes through which individuals and groups with different interests, beliefs and goals, deliberate and negotiate in order to make choices, respond to changing circumstances and enact laws. The study of law examines the system of laws governing the conduct of the people of a community, society or nation, in response to the need for regularity, consistency and justice based upon collective human experience.

A close relationship exists between politics and law. They relate through the judicial, executive and legislative arms of government; together they constitute how societies are governed. Laws generally embody social and political values that usually have a philosophical foundation.

The Politics and Law ATAR course aims to develop knowledge and understanding of the principles, structures, institutions, processes, and practices of political and legal systems, primarily in Australia and where appropriate, other systems and/or countries. The course challenges students to critically examine the effectiveness of political and legal systems using criteria, such as openness, responsiveness and accountability of those systems. The course provides for both a chronological and contemporary understanding of political and legal issues in society.

The skills and values developed in the Politics and Law ATAR course aim to allow students to become informed, active and effective participants in the political and legal decisions that affect their lives within society.

The study of the Politics and Law ATAR course contributes to students' intellectual, social, and ethical development. The course aims to support all students in developing a sense of identity, and a sense of political, legal, cultural and social awareness.

The study of the Politics and Law ATAR course can be a valuable background to careers in law, political advocacy, public administration, international relations, foreign affairs, community development, teaching, journalism, human resource management, government and commerce.

Course outcomes

The Politics and Law ATAR course is designed to facilitate achievement of the following outcomes.

Outcome 1 – Political and legal inquiry

Students use inquiry skills to communicate an understanding of the principles, structures, institutions, processes and practices of political and legal systems.

In achieving this outcome, students:

- plan ways to collect and organise information for the purpose of a political and legal investigation
- conduct an investigation using a variety of sources of information
- process and translate information to make findings and judgements
- apply and communicate findings according to purpose and audience.

Outcome 2 – Political and legal systems

Students understand the operation of, and the relationship between political and legal systems

In achieving this outcome, students:

- understand the principles, structures, institutions, processes and practices of political and legal systems
- understand the relationships between making, applying and enforcing the law.

Outcome 3 – Stability and change in political and legal systems

Students understand the nature of stability and change in political and legal systems.

In achieving this outcome, students:

- understand that a variety of factors can influence the stability of, and changes to political and legal systems
- understand that individuals and groups can influence the stability of, and changes to political and legal systems.

Outcome 4 – Citizenship in political and legal systems

Students understand the skills and practices of citizenship and the factors that influence participation in the political and legal system.

In achieving this outcome, students:

- understand the skills and practices of citizenship that can allow individuals and groups to participate in the political and legal system
- understand that political and legal rights can be influenced by the operation of the political and legal system.

Organisation

This course is organised into a Year 11 syllabus and a Year 12 syllabus. The cognitive complexity of the syllabus content increases from Year 11 to Year 12.

Structure of the syllabus

The Year 12 syllabus is divided into two units which are delivered as a pair. The notional time for the pair of units is 110 class contact hours.

Unit 3 – Political and legal power

This unit examines the political and legal system established by the Commonwealth Constitution (Australia) and the power wielded within the system, making reference to particular political and legal developments and issues.

Unit 4 – Accountability and rights

This unit examines avenues for, and the effectiveness of, accountability in relation to the three branches of government in Australia. The ways, and the extent to which, rights are protected, and democratic principles are upheld and/or undermined in Australia, and one other country, are also examined.

Each unit includes:

- a unit description – a short description of the focus of the unit
- unit content – the content to be taught and learned.

Organisation of content

The Politics and Law ATAR course develops student learning through three content areas:

- Political and legal systems
- Political and legal issues
- Political and legal research skills.

Representation of the general capabilities

The general capabilities encompass the knowledge, skills, behaviours and dispositions that will assist students to live and work successfully in the twenty-first century. Teachers may find opportunities to incorporate the capabilities into the teaching and learning program for the Politics and Law ATAR course. The general capabilities are not assessed unless they are identified within the specified unit content.

Literacy

Students develop literacy capability as they research, read and analyse sources of information on aspects of Australia's political and legal system and contemporary issues. They learn to understand and use language to discuss and communicate information, concepts and ideas related to the Politics and Law ATAR course.

Numeracy

Students develop and apply numeracy knowledge and skills to analyse, interpret and present information in numerical and graphical form and to make sense of data presented in relation to Australia's political and legal system.

Information and communication technology capability

Students develop information and communication technology (ICT) capability as they learn to use ICT effectively and appropriately to access, create and communicate information and ideas. Students develop the knowledge and skills to use digital technologies to research and source information on Australia's political and legal system, and other systems where required, including through internet search engines and websites, and library catalogues. Students develop and apply their ICT skills through organising and presenting information.

Critical and creative thinking

Students develop capability in critical and creative thinking as they learn to generate and evaluate knowledge, clarify concepts and ideas, seek possibilities, consider alternatives and solve problems. Critical thinking skills develop through the investigation of Australia's political and legal system, and other systems as required. Critical and creative thinking is further developed through the examination of contemporary political and legal issues.

Personal and social capability

Students develop personal and social capability as they learn to understand themselves and others, and manage their relationships, lives, work and learning more effectively. Students are encouraged to develop and apply personal, interpersonal and social skills, behaviours and dispositions through working collaboratively and constructively in groups. This allows them to develop their communication, decision-making, conflict resolution and leadership skills, and learn to appreciate the insights and perspectives of others.

Ethical understanding

Students develop ethical understanding as they identify and investigate ethical concepts, values and principles, and understand how reasoning can assist ethical judgement. Students recognise different perspectives and have opportunities to explore ambiguities and ethical considerations related to political and legal issues.

Intercultural understanding

Students develop intercultural understanding as they engage with their own cultures, values and beliefs and those of others. The capability involves students in learning about, and engaging with, diverse cultures in ways that recognise commonalities and differences and create connections with others in the context of political and legal systems.

Representation of the cross-curriculum priorities

The cross-curriculum priorities address contemporary issues which students face in a globalised world. Teachers may find opportunities to incorporate the priorities into the teaching and learning program for the Politics and Law ATAR course. The cross-curriculum priorities are not assessed unless they are identified within the specified unit content.

Aboriginal and Torres Strait Islander histories and cultures

The Politics and Law ATAR course provides an opportunity for students to learn about Aboriginal and Torres Strait Islander customs, systems of governance, customary lore and perspectives. They increase their understanding of contemporary Aboriginal and Torres Strait Islander Peoples' experiences of Australia's political and legal system.

Asia and Australia's engagement with Asia

The Politics and Law ATAR course provides an opportunity for students to learn about alternative political and legal systems through Australia's engagement with Asia, and build understanding of the connections between the peoples of Asia and Australia. Students have the opportunity to explore the experiences of people with Asian heritage in Australia's political and legal system.

Sustainability

The Politics and Law ATAR course provides an opportunity for students to learn how environmental and social wellbeing can be impacted by political and legal systems and how individuals and/or groups can work together to develop strategies to promote sustainability.

Unit 3 – Political and legal power

Unit description

This unit examines various aspects of the political and legal system established by the Commonwealth Constitution (Australia), including the roles and powers of the legislative, executive and judicial branches of government, with a comparison to a non-Westminster system; the influence of individuals, political parties and pressure groups on the law making process of parliament and the courts; and the operation of federalism and the balance of power between the Commonwealth and the States in Australia.

Political and legal developments and contemporary issues (the last three years) are used to provide a framework for the unit.

Unit content

An understanding of the Year 11 content is assumed knowledge for students in Year 12.

This unit includes the knowledge, understandings and skills described below. This is the examinable content.

Political and legal systems

- Essential to the understanding of political and legal power is the knowledge of:
 - responsible government
 - representative government
 - separation of powers
 - division of powers
 - Westminster conventions.
- legislative, executive and judicial powers with reference to the Commonwealth Constitution (Australia) **and** with comparison to one non-Westminster political and legal system
- functions of the Commonwealth Parliament in theory and in practice, including Sections 7, 24, 51, 53
- roles and powers of the Governor-General, including Sections 61, 62, 63, 64, 68, 28, 57, 72, and ‘the 1975 crisis’
- roles and powers of the Prime Minister, Cabinet and the Ministry
- roles and powers of the opposition and the shadow ministry at the Commonwealth level
- political mandates in theory and in practice, including competing mandates
- lawmaking process in parliament and the courts, with reference to the influence of
 - individuals
 - political parties
 - pressure groups
- 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
- federalism in Australia with reference to

- constitutional powers of State and Commonwealth parliaments, including exclusive, concurrent and residual powers, Sections 51, 52, 90, 107 and 109
- financial powers of the Commonwealth Parliament, including taxation power, tied or special purpose grants, including Sections 51(ii), 87, 90, 92 and 96
- change in the balance of power since federation, with reference to
 - financial powers, including vertical fiscal imbalance and horizontal fiscal equalisation, the Grants Commission
 - referral of powers Section 51(xxxvii)
 - the Council of Australian Governments (COAG)
 - National Federation Reform Council (NFRC) and the National Cabinet (replaced COAG June 2020)
 - co-operative federalism as opposed to coercive federalism
 - High Court of Australia constitutional interpretation, including external affairs power Section 51(xxix), corporations power Section 51(xx), and taxation powers
- formal and informal methods of constitutional change and their impact
 - referendums, including Section 128
 - High Court of Australia decisions
 - referral of powers
 - unchallenged legislation

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:

- at least one reform proposal to change the Commonwealth Constitution (Australia), such as
 - the move to become a republic
 - reference to Indigenous Australians in the Commonwealth Constitution (Australia)
 - recognition of local government in the Commonwealth Constitution (Australia)
 - Commonwealth Constitution (Australia) Section 44 (i), (ii) and (iii)

and

- at least one contemporary issue (the last three years) relating to political power

and

- at least one contemporary issue (the last three years) relating to legal power.

Political and legal research skills

Research provides the opportunity to examine aspects of political and legal systems. The following skills will be developed in this unit.

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 4 – Accountability and rights

Unit description

This unit examines the structures, processes and procedures of accountability in relation to the legislative, executive and judicial branches of government in Australia; how rights are protected, and democratic principles can be upheld and/or undermined, in Australia and one other country; and the experience of a particular group with respect to their political and legal rights in Australia.

Political and legal developments and contemporary issues (the last three years) are used to provide a framework for the unit.

Unit content

This unit includes the knowledge, understandings and skills described below. This is the examinable content.

Political and legal systems

- Essential to the understanding of accountability and rights are the practices of governance, including:
 - participation
 - the rule of law
 - human rights, including civil, political, economic, social and cultural
 - open government
 - natural justice
- the accountability of the Commonwealth Parliament
 - through elections for the House of Representatives and the Senate
 - through the House of Representatives and Senate Privileges Committees
 - within the procedures and processes of the Parliament
 - through judicial review
- the accountability of the Executive and public servants
 - through collective and individual ministerial responsibility
 - through Senate Estimates and at least one other committee of the Commonwealth Parliament
 - through the Commonwealth Auditor General and the Administrative Appeals Tribunal (AAT)
 - through judicial review
- the extent of the accountability of the Governor-General
 - through appointment
 - through removal
 - ‘the 1975 crisis’ and ‘the Hollingworth affair’
- the accountability of the courts within the Australian legal system
 - through the appeals process
 - through parliamentary scrutiny and legislation
 - through transparent processes and public confidence
 - through the censure and removal of judges, including Section 72

- the ways human rights are protected in Australia, including in the Constitution, common law, statutory law, and charter of rights, such as the *Charter of Human Rights and Responsibilities Act 2006* (Victoria), the *Human Rights Act 2004* (Australian Capital Territory) and the *Human Rights Act 2019* (Queensland)
- the ways human rights are protected in one other country
- the status of international covenants, protocols and treaties in protecting human rights in Australia
- the ways in which Australia and one other country can both uphold and/or undermine democratic principles, with reference to
 - political representation
 - popular participation
 - the rule of law
 - judicial independence
 - natural justice

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:

- the changing experience of a particular group with respect to their political and legal rights in Australia.

Political and legal research skills

Research provides the opportunity to examine aspects of political and legal systems. The following skills will be developed in this unit.

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

School-based assessment

The Western Australian Certificate of Education (WACE) Manual contains essential information on principles, policies and procedures for school-based assessment that needs to be read in conjunction with this syllabus.

Teachers design school-based assessment tasks to meet the needs of students. The table below provides details of the assessment types for the Politics and Law ATAR Year 12 syllabus and the weighting for each assessment type.

Assessment table – Year 12

Type of assessment	Weighting
<p>Investigation</p> <p>Students research a political or legal concept, event or issue. The investigation can be based on sources provided by the teacher, or require students to locate sources for research.</p> <p>Source material can be drawn from newspapers, television or radio broadcasts, journal articles, texts, speeches, court judgements or statutes and can include information, such as reportage, analysis and opinion pieces, news, current affairs and documentary transcripts and/or programs, opinion polls, election results, legal decisions, Bills/Acts and/or letters.</p> <p>Typically the format of the final presentation is a written report.</p> <p>One investigation should be completed for each unit.</p>	10%
<p>Short answer</p> <p>Typically a series of closed or partially open questions that can require a definition, description, explanation, discussion and/or comparison.</p> <p>At least two short answer tasks should be completed under test conditions.</p>	15%
<p>Essay</p> <p>Typically require a response to a question, statement or proposition. The question can require description, discussion, examination, comparison, assessment, analysis and/or evaluation.</p> <p>At least two essay tasks should be completed under test conditions.</p>	15%
<p>Source analysis</p> <p>Students respond to questions based on one or more sources. Source material can be drawn from newspapers, television or radio broadcasts, journal articles, texts, speeches, court judgements or statutes and can include information, such as reportage, analysis and opinion pieces, news, current affairs and documentary transcripts, opinion polls, election results, legal decisions Bills/Acts and/or letters.</p> <p>Questions can require both short and longer written responses.</p> <p>At least two source analysis tasks should be completed under test conditions.</p>	20%
<p>Examination</p> <p>Typically conducted at the end of each semester and/or unit and reflecting the examination design brief for this syllabus.</p>	40%

Teachers are required to use the assessment table to develop an assessment outline for the pair of units.

The assessment outline must:

- include a set of assessment tasks
- include a general description of each task
- indicate the unit content to be assessed
- indicate a weighting for each task and each assessment type
- include the approximate timing of each task (for example, the week the task is conducted, or the issue and submission dates for an extended task).

In the assessment outline for the pair of units, each assessment type must be included at least twice.

The set of assessment tasks must provide a representative sampling of the content for Unit 3 and Unit 4.

Assessment tasks not administered under test/controlled conditions require appropriate validation/authentication processes. For example, student performance for an investigation could be validated by a task, such as an essay which is completed in class after the investigation is submitted.

Grading

Schools report student achievement in terms of the following grades:

Grade	Interpretation
A	Excellent achievement
B	High achievement
C	Satisfactory achievement
D	Limited achievement
E	Very low achievement

The teacher prepares a ranked list and assigns the student a grade for the pair of units. The grade is based on the student's overall performance as judged by reference to a set of pre-determined standards. These standards are defined by grade descriptions and annotated work samples. The grade descriptions for the Politics and Law ATAR Year 12 syllabus are provided in Appendix 1. They can also be accessed, together with annotated work samples, through the Guide to Grades link on the course page of the Authority website at www.scsa.wa.edu.au

To be assigned a grade, a student must have had the opportunity to complete the education program, including the assessment program (unless the school accepts that there are exceptional and justifiable circumstances).

Refer to the WACE Manual for further information about the use of a ranked list in the process of assigning grades.

ATAR course examination

All students enrolled in the Politics and Law ATAR Year 12 course are required to sit the ATAR course examination. The examination is based on a representative sampling of the content for Unit 3 and Unit 4. Details of the ATAR course examination are prescribed in the examination design brief on the following page.

Refer to the WACE Manual for further information.

Examination design brief – Year 12

Time allowed

Reading time before commencing work: ten minutes

Working time for paper: three hours

Permissible items

Standard items: pens (blue/black preferred), pencils (including coloured), sharpener, correction fluid/tape, eraser, ruler, highlighters

Special items: nil

Additional information

Questions require the candidate to focus on the Australian political and legal system and can require reference to contemporary (the last three years) and/or recent (the last ten years) political and legal issues and/or events. Questions can require the candidate to make reference to political and legal systems of countries other than Australia.

Section	Supporting information
<p>Section One Short answer 30% of the total examination Three questions from a choice of four Suggested working time: 45 minutes</p>	<p>Each question has three parts.</p> <p>Questions can require the candidate to define, describe, identify, discuss, explain and/or compare.</p>
<p>Section Two Source analysis 20% of the total examination One question from a choice of two Suggested working time: 35 minutes</p>	<p>There are two sets of sources.</p> <p>Source material can be drawn from newspapers, television or radio broadcasts, journal articles, texts, speeches, court judgements or statutes and can include information, such as reportage, analysis and opinion pieces, news, current affairs and documentary transcripts, opinion polls, election results, legal decisions, Bills/Acts and/or letters. Cartoons are not included.</p> <p>Each question has four parts that increase in complexity. Parts can refer to:</p> <ul style="list-style-type: none"> • a term or phrase from the source • issues the source raises • associated principles, structures, institutions, processes and practices • links to political and legal knowledge. <p>The parts of the question can require the candidate to define, interpret, explain, discuss, compare, analyse, assess and/or evaluate.</p>
<p>Section Three Essay 50% of the total examination Two questions from a choice of four</p> <p>Part A: Unit 3 One question from a choice of two Suggested working time: 50 minutes</p> <p>Part B: Unit 4 One question from a choice of two Suggested working time: 50 minutes</p>	<p>Questions can require the candidate to describe, discuss, examine, compare, analyse and/or evaluate.</p>

Appendix 1 – Grade descriptions Year 12

A	Synthesises information and presents a reasoned, balanced and coherent argument about political and legal power or accountability and rights.
	Provides extensive and detailed descriptions and explanations of political and legal power or accountability and rights. Assesses, analyses and/or evaluates as appropriate.
	Utilises comprehensive and relevant examples to support explanations.
	Communicates effectively and appropriately by using relevant political and legal terminology.
B	Presents a mostly reasoned, balanced and coherent argument about political and legal power or accountability and rights.
	Provides detailed descriptions and explanations of political and legal power or accountability and rights. Attempts to assess, analyse and/or evaluate as appropriate.
	Utilises relevant examples to support explanations.
	Communicates using mostly relevant political and legal terminology.
C	Presents an argument with some reason, balance and cohesion about political and legal power or accountability and rights.
	Provides general descriptions and explanations of political and legal power or accountability and rights.
	Utilises mostly relevant examples to support explanations.
	Communicates using some relevant political and legal terminology.
D	Presents statements, rather than a reasoned, balanced and coherent argument, about political and legal power or accountability and rights.
	Provides limited descriptions and explanations of political and legal power or accountability and rights.
	Utilises limited relevant examples to support explanations.
	Communicates using limited relevant political and legal terminology.
E	Does not meet the requirements of a D grade and/or has completed insufficient assessment tasks to be assigned a higher grade.