



## ATAR course examination, 2021

### Question/Answer booklet

# POLITICS AND LAW

Please place your student identification label in this box

WA student number: In figures

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In words

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### Time allowed for this paper

Reading time before commencing work: ten minutes

Working time: 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 material. 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 examination
Section One Short answer	4	3	45	30	30
Section Two Source analysis	2	1	35	20	20
Section Three Essay					
Part A: Unit 3	2	1	100	50	50
Part B: Unit 4	2	1			
<b>Total</b>					100

## Instructions to candidates

- The rules for the conduct of the Western Australian external examinations are detailed in the *Year 12 Information Handbook 2021: Part II Examinations*. Sitting this examination implies that you agree to abide by these rules.
- Answer the questions according to the following instructions.
 

Section One: Consists of four questions. You must answer three questions. Write your answers in this Question/Answer booklet.

Section Two: Consists of two questions. You must answer one question. Write your answers in this Question/Answer booklet.

Section Three: Consists of two parts each with two questions. You must answer one question from each part. Write your answers in this Question/Answer booklet.
- You must be careful to confine your answers to the specific questions asked and to follow any instructions that are specific to a particular question.
- Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

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

This section has **four** questions. You must answer **three** questions. Write your answers in the spaces provided.

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 45 minutes.

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Question 1

(10 marks)

(a) What is a 'Shadow Minister' in the Commonwealth Parliament?

(2 marks)

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(b) Outline **three** roles of the Shadow Ministry in the Commonwealth Parliament.

(3 marks)

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Question 2

(10 marks)

(a) According to Westminster conventions, outline the role of the constitutional monarch.

(2 marks)

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(b) Outline **three** roles of the Prime Minister as head of the Cabinet.

(3 marks)

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**Question 3**

**(10 marks)**

(a) Briefly explain 'individual ministerial responsibility' (IMR).

(2 marks)

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(b) Distinguish between the Senate Estimates and **one** other committee of the Commonwealth Parliament.

(3 marks)

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**Question 4**

**(10 marks)**

(a) Briefly explain 'economic rights'.

(2 marks)

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(b) Distinguish between constitutional and statutory protection of human rights in Australia.

(3 marks)

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

This section has **two** questions. You must answer **one** question. Write your answer in the spaces provided.

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 35 minutes.

**Question 5****(20 marks)**

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

**Source 1**

The following is an edited extract from a 2016 High Court judgment summary: *New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act* (2016) HCA 50.

Today the High Court, by majority, dismissed an appeal from the Court of Appeal of the Supreme Court of New South Wales. The majority held that land in Berrima which had been the site of a gaol<sup>1</sup> and correctional centre (“the claimed land”) was not claimable under s 36 of the *Aboriginal Land Rights Act 1983* (NSW) (“the ALR Act”) because it was “lawfully ... occupied” under s 36(1)(b) of that Act. ...

By grant of special leave, the NSW ALC [Aboriginal Land Council] appealed to the High Court. A majority of the High Court held that the claimed land was occupied at the date of claim by reference to the activities taking place on it, and that it did not need to be actively used for its dedicated gaol purposes to be “lawfully occupied” as that would deny “occupied” a separate sphere of operation from “used” in s 36(1)(b).

The majority considered the NSW ALC’s argument that the claimed land could not lawfully be occupied without statutory authorisation. It held that s 2 of the *New South Wales Constitution Act 1855* (Imp) did not abrogate the executive’s power to appropriate waste lands to itself by way of dedication, use or occupation. Rather, s 2 made the executive’s power over waste lands subject to the control of the legislature of New South Wales.

The majority rejected an argument that CSNSW [Correctional Services NSW] was not empowered to occupy the claimed land. As the owner of the claimed land, the State [NSW] could lawfully occupy the claimed land through the executive government and its agents, including employees of CSNSW.

<sup>1</sup> gaol – jail

- (a) Outline what is meant by 'grant of special leave'. (2 marks)

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- (b) With reference to **Source 1**, explain in your own words, **two** reasons why the High Court, by majority, dismissed the appeal of the New South Wales Aboriginal Land Council (NSW ALC). (4 marks)

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- (d) Evaluate the significance of **one** contemporary issue relating to legal power in Australia.  
(8 marks)

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## Question 6

(20 marks)

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

**Source 2**

The following is an edited extract from an online article by Stewart Jackson, Lecturer, University of Sydney and published in *The Conversation* (19 May, 2019) entitled '*Abbott's loss in Warringah shows voters rejecting an out-of-touch candidate and a nasty style of politics*'.

On election night 2019, as Australia voted to return the Liberal-National Party government of Scott Morrison, one seat defied the trend – Warringah. ...

Abbott was blamed for destabilising the party since losing the prime ministership himself in the lead up to the 2016 election. ...

This sense of being out of touch, perhaps most strongly exhibited by Abbott's continued insistence that he would come back to lead the Liberal Party if he was asked to, even when Liberal voters were strongly opposed to this, propelled Steggall's attempt to wrest the seat from Abbott.

Abbott's own preselection, which might have been thought uncontroversial, was a scene of anger and dismay. Although he won 68% of the votes to endorse him, this also implies that even party members were losing patience with his activities within the party. ...

The result in Warringah must be seen as a local phenomenon, especially when taken against the backdrop of the general election and the failure of some other high profile campaigns.

The GetUp! Campaign in Peter Dutton's seat of Dickson would appear to have had limited effect, considering that Dutton had a 2% swing towards him. Several high-profile candidates who it was thought would struggle to retain their seats (George Christensen in Dawson, and Barnaby Joyce in New England) recorded double-digit swings towards them, suggesting their voters may or may not approve of their personal behaviour, but they do endorse the direction of their party.

This again emphasises the very localised nature of Abbott's defeat. Far from a repudiation of Liberal values, it has been the repudiation of one individual's form of political action. ...



- (a) Outline what is meant by 'preselection'. (2 marks)

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- (b) With reference to **Source 2**, explain in your own words, **two** factors that contributed to Tony Abbott's defeat in the 2019 election. (4 marks)

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**Question 6** (continued)

(c) Discuss **two** reasons why elections may not keep the Senate accountable. (6 marks)

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**Section Three: Essay****50% (50 Marks)**

This section has **four** questions. Answer **one** question from Part A: Unit 3 and answer **one** question from Part B: Unit 4. Write your answers on the pages following Question 10.

Supplementary pages for planning/continuing your answers to questions are provided at the end of this Question/Answer booklet. If you use these pages to continue an answer, indicate at the original answer where the answer is continued, i.e. give the page number.

Suggested working time: 100 minutes.

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**Part A: Unit 3**

Answer **one** question from a choice of **two**.

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**Question 7****(25 marks)**

The powers exercised by the States in Australian federalism have changed significantly since Federation.

Evaluate this claim.

**or**

**Question 8****(25 marks)**

The House of Representatives in the Commonwealth Parliament has several functions, but these have been compromised in recent years.

Evaluate this claim with reference to at least **three** distinct functions of the House of Representatives.

**Part B: Unit 4**

Answer **one** question from a choice of **two**.

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**Question 9****(25 marks)**

Judicial independence is a fundamental element of the rule of law. However, this does not mean that the Australian courts are unaccountable.

Evaluate this claim.

or

**Question 10****(25 marks)**

Evaluate the extent to which the political and legal rights of a particular group in Australia have improved since Federation.

**End of questions**















Question number: \_\_\_\_\_

Lined area for writing an answer, consisting of 20 horizontal lines.

























## ACKNOWLEDGEMENTS

**Question 5** Extract from: *New South Wales Aboriginal Land Council v Minister administering the Crown Lands Act*. (2016, 14 December). HCA 50. Retrieved June, 2021, from <https://cdn.hcourt.gov.au/assets/publications/judgment-summaries/2016/hca-50-2016-12-14.pdf>

**Question 6** Extract from: Stewart, J. (2019, May 19). *Abbott's loss in Warringah shows voters rejecting an out-of-touch candidate and a nasty style of politics*. Retrieved June, 2021, from <https://theconversation.com/abbotts-loss-in-warringah-shows-voters-rejecting-an-out-of-touch-candidate-and-a-nasty-style-of-politics-117379>

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