



## ATAR course examination, 2023

### Question/Answer booklet

# POLITICS AND LAW

Place one of your candidate identification labels in this box.  
Ensure the label is straight and within the lines of 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

Number of additional  
answer booklets used  
(if applicable):

### Materials required/recommended for this paper

#### *To be provided by the supervisor*

This Question/Answer booklet

#### *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					50
Part A: Unit 3	2	1	50	25	
Part B: Unit 4	2	1	50	25	
<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 2023: 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 preferably using a blue/black pen. Do not use erasable or gel pens.

Section Two: Consists of two questions. You must answer one question. Write your answers in this Question/Answer booklet preferably using a blue/black pen. Do not use erasable or gel pens.

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 preferably using a blue/black pen. Do not use erasable or gel pens.
- 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.

**See next page**

**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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**See next page**

Question 1

(10 marks)

- (a) Outline what is meant by 'the opposition' in the Commonwealth Parliament. (2 marks)

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- (b) Explain **one** factor the opposition in the Commonwealth Parliament faces when presenting as a viable alternative government. (3 marks)

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- (c) Discuss **two** factors that have enhanced the role of the opposition in the Commonwealth Parliament in recent years. (5 marks)

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**Question 2**

**(10 marks)**

(a) Outline what is meant by the term 'political mandate'.

(2 marks)

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(b) Explain **one** reason why, in theory, political parties in the Senate cannot claim a mandate. (3 marks)

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- (c) Discuss **two** reasons why political mandates have declined in importance in recent years.  
(5 marks)

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**Question 3**

**(10 marks)**

- (a) Outline what is meant by 'the executive' in the Australian political system. (2 marks)

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- (b) Explain the role of Senate Estimates in the Commonwealth Parliament. (3 marks)

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(c) Identify and discuss the role of **one** committee of the Commonwealth Parliament, apart from Senate Estimates, that keeps the executive accountable. (5 marks)

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Question 4

(10 marks)

(a) In terms of the practices of governance, outline what is meant by 'participation'. (2 marks)

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(b) Explain **one** difference between the rule of law and natural justice. (3 marks)

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- (c) With reference to a country other than Australia, discuss **two** ways the rule of law is upheld or undermined in that country. (5 marks)

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End of Section One

See next page

**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 an online article by Frank Bongiorno (Australian National University (ANU)) and Emily Millane (University of Melbourne) and published in *The Conversation* (17 August, 2022) entitled 'Morrison's multiple portfolios: why the law has nothing to do with it'.

... Australia's system of government would cease to function without its actors being willing to observe conventions that do not have the status of law ...

The lifeblood of the system is convention and practice ... Many of these conventions and practices were inherited, and then adapted, from Britain ...

'Responsible government' was a colonial adaptation of a model that was also evolving in Britain. That is why we use the term 'Westminster system' as a catch-all for Australia's system of parliamentary government ...

The lower house of a parliament, ostensibly elected to make laws, would in practice find 'its principal business in making and keeping the executive accountable' that 'should be chosen by the legislature out of persons agreeable to and trusted by the legislature.' Under Westminster convention, a cabinet required the confidence of the popularly elected chamber which, in turn was the mechanism for the government's accountability to the nation. Morrison did not apparently see that in secretly having himself sworn into a range of portfolios, he was misleading parliament ...

... during his press conference ... Morrison referred multiple times to the popular expectations of him. He was responsible for 'every drop of rain'. Morrison seems to imagine the public believed government started and ended with him.

... we now seem to have a system in which it is considered a legitimate defence of one's highly unconventional behaviour to say that no law was broken. But this is not a legitimate defence in a system of parliamentary government that rests substantially on convention. It is rather a serious menace to democracy.

See next page

- (a) Outline what is meant by 'conventions' in Australia's system of government. (2 marks)

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- (b) With reference to **Source 1** discuss, in your own words, Morrison's defence of having himself secretly sworn into a range of portfolios when he was Prime Minister. (4 marks)

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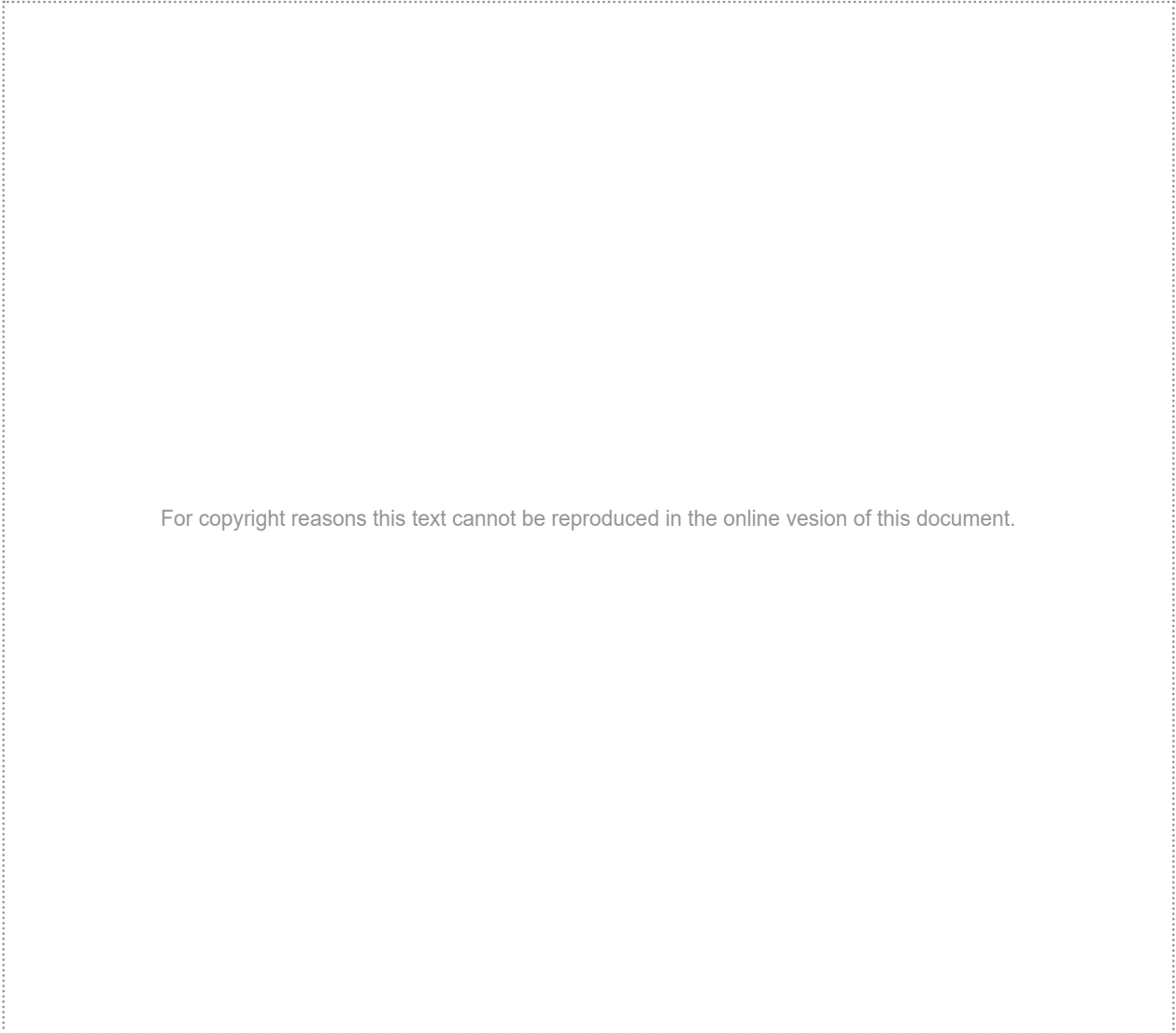


**Question 6**

**(20 marks)**

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

**Source 2**



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**See next page**



(a) Outline what is meant by 'democratic principles'. (2 marks)

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(b) With reference to **Source 2** discuss, in your own words, why the expulsion of members 'should be left to the voters at election time'. (4 marks)

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Question 6 (continued)

- (c) With reference to examples, discuss **two** ways the courts have a role in keeping the Commonwealth Parliament 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)**

High Court interpretation of the Commonwealth Constitution has significantly altered the operation of Australian federalism.

Evaluate this claim with reference to both financial and non-financial judgements.

**or**

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

The roles and powers of the Governor-General are either regulated by convention or are redundant.

Evaluate this claim.

**See next page**

**Part B: Unit 4**

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

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

Analyse how, and to what extent, the Australian court system is self-regulating and therefore requires no external accountability.

or

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

Analyse how, and to what extent, the Australian political and legal system promotes the protection of human rights.

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**End of questions**



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## ACKNOWLEDGEMENTS

- Source 1** Bongiorno, F., & Millane, E. (2022, August 18). *Morrison's Multiple Portfolios: Why the Law has Nothing to do With it*. Retrieved May, 2023, from <https://theconversation.com/morrison-s-multiple-portfolios-why-the-law-has-nothing-to-do-with-it-188892>
- Source 2** Adapted from: Twomey, A. (2019, March 16). *Can a Senator be Expelled from the Federal Parliament for Offensive Statements?* Retrieved May, 2023, from <https://theconversation.com/can-a-senator-be-expelled-from-the-federal-parliament-for-offensive-statements-113711>

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