



## SAMPLE ASSESSMENT TASKS

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**POLITICS AND LAW**  
**ATAR YEAR 11**

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## Sample assessment task

### Politics and Law – ATAR Year 11

#### Task 8 – Unit 2

**Assessment type:** Investigation

**Conditions**

Two weeks allowed for completion of the task (two periods in class and homework)  
The validation essay is written in class at the end of this period

**Task weighting**

5% of the school mark for this pair of units

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**Part A**

Identify **three (3)** weaknesses of the civil trial process in Western Australia.

Research each weakness identified:

- identify the actual civil trial process to which it pertains
- explain why it is a weakness (include specific examples and/or data)
- include comments from various sources that support or question the process
- determine whether natural justice is impeded as a result (this could be why it is a weakness).

Research notes:

- should be relevant (i.e. relate to the weaknesses of the civil trial process), comprehensive (i.e. provide sufficient evidence), ordered, coherent and succinct
- can be organised under headings
- should not include downloads (except if a table)
- should have the source clearly recorded.

Construct a bibliography (following the school's protocols) to be submitted with the research notes as part of the task.

**Total = 20 marks**

**Part B**

A validation essay (unseen topic) will be written in class and incorporate both research information and associated work covered in class (i.e. the strengths of the civil trial process).

Your research notes and one page of notes related to class work can be used when writing the essay.

The research notes will be submitted with the essay.

**Total = 20 marks**

## Marking key for sample assessment task 8 – Unit 2

### Part A: Research notes

Description	Marks
<b>For each weakness identified (three to be identified)</b>	
Identifies a valid weakness	1 (for each)
Provides relevant and comprehensive information	1–3 (for each)
Presents the information in an ordered, coherent and succinct manner	1 (for each)
<b>Subtotal</b>	<b>/15</b>
<b>Referencing</b>	
Follows the school protocols in the construction of the bibliography	1–2
Acknowledges the source of the information within notes	1–2
Includes a range of sources/information	1
<b>Subtotal</b>	<b>/5</b>
<b>Total</b>	<b>/20</b>

### Part B: Validation essay

Discuss **two (2)** strengths and **two (2)** weaknesses of the Western Australian civil trial process and conclude whether or not natural justice prevails.

Description	Marks
Identifies two strengths of the civil trial process which could include: all facts are known by both sides; settlement can be reached at any stage; most cases are settled pre-trial Identifies two weaknesses of the civil trial process which could include: the length of the process; the cost of the process; one side using the process to cause delays; the difficulties of enforcing remedies Discusses each of the strengths and weaknesses identified and includes data or examples Identifies at least two aspects of natural justice which could include: the individual knows the allegations against them; the individual is able to access due process; the individual is able to argue the case before an unbiased judge Concludes whether or not natural justice prevails in the civil trial process with specific reference to particular aspects of natural justice and the civil trial process Uses relevant political and legal terminology	18–20
Identifies two strengths of the civil trial process Identifies two weaknesses of the civil trial process Discusses each of the strengths and weaknesses identified and includes some data or examples Concludes whether or not natural justice prevails in the civil trial process with a general reference to natural justice and the civil trial process Uses some relevant political and legal terminology	15–17
Identifies two strengths of the civil trial process Identifies two weaknesses of the civil trial process Outlines most of the strengths and weaknesses identified and includes limited data or examples Concludes whether or not natural justice prevails in the civil trial process with a general reference to natural justice and the civil trial process Uses some political and legal terminology OR Discusses either two strengths OR two weaknesses of the civil trial process AND identifies at least two aspects of natural justice AND concludes whether or not natural justice prevails in the civil trial process AND uses relevant political and legal terminology	10–14

Description	Marks
Identifies two strengths AND/OR weaknesses of the civil trial process Presents limited statements about the strengths AND/OR weaknesses identified AND/OR natural justice Uses limited data and/or examples Uses limited political and legal terminology	6–9
Makes minimal statements regarding the strengths AND/OR weaknesses of the civil trial process AND/OR natural justice Uses minimal or no political and legal terminology	1–5
<b>Total</b>	<b>/20</b>

Sample assessment task

Politics and Law – ATAR Year 11

Task 1 – Unit 1

**Assessment type:** Short answer

**Conditions**

Time for the task: 50 minutes  
In class under test conditions

**Task weighting**

10% of the school mark for this pair of units

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1. a) Outline **two (2)** features of a federal system of government. (2 marks)

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- b) Explain what is meant by exclusive powers and residual powers in the Australian federal system and give an example of each type of power. (3 marks)

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b) Outline the relationship between the High Court of Australia and the Western Australian Supreme Court. (3 marks)

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c) Explain English common law and discuss its influence on the Australian legal system. (5 marks)

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3. a) Outline what a Minister refers to in the Australian political system. (2 marks)

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b) Outline **three (3)** elements of responsible government. (3 marks)

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## Marking key for sample assessment task 1 – Unit 1

1. a) Outline **two (2)** features of a federal system of government.

Description	Marks
Identifies two features of a federal system of government OR identifies one feature and provides an explanatory example from the Australian federal system	2
Identifies one feature of a federal system of government OR provides an example associated with the Australian federal system	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>two tiers of government</li> <li>each level of government has its own powers</li> <li>each level of government is independent but also interdependent</li> </ul> Examples from the Australian federal system could include: <ul style="list-style-type: none"> <li>power is divided between the Commonwealth and States</li> <li>Commonwealth Parliament and State Parliaments</li> </ul>	

- b) Explain what is meant by exclusive powers and residual powers in the Australian federal system and give an example of each type of power.

Description	Marks
Defines both exclusive power and residual power using an appropriate example	3
Defines both exclusive power and residual power OR Defines one type of power AND provides an example of at least one type of power	2
Defines exclusive power OR residual power OR Provides an example of both exclusive power and residual power	1
<b>Answer:</b>	
<p><b>Exclusive power</b> – a power that only the Commonwealth Parliament may legislate for, or else it is specifically denied to the States Examples could include: external affairs, currency, customs and excise.</p> <p><b>Residual power</b> – a power not granted to the Commonwealth, thus remains with the States Examples could include: criminal law, education, health.</p>	

- c) Identify **two (2)** elements of the American/US federal system and discuss the influence of each on the structure of the Australian political and legal system.

Description	Marks
Identifies two elements of the American/US federal system Discusses how each element influenced a specific aspect of the Australian federal system	5
Identifies two elements of the American/US federal system Outlines how each element influenced the Australian federal system	3–4
Identifies two elements of the American/US federal system AND/OR Makes a general statement concerning the influence of the US federal structure on the Australian federal system	1–2
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>• division of power between the national and state governments</li> <li>• the Senate as a States House</li> <li>• equal representation of the States in the Senate</li> <li>• a two tiered legal system and one single Supreme Court.</li> </ul>	

2. a) Outline **two (2)** roles of the judiciary.

Description	Marks
Outlines two roles of the judiciary	2
Outlines one role of the judiciary OR Makes a general statement regarding the judiciary	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>• refers to the courts and judges</li> <li>• interprets and applies the law</li> <li>• settles disputes based on the law after hearing the evidence.</li> </ul>	

- b) Outline the relationship between the High Court of Australia and the Western Australian Supreme Court.

Description	Marks
Identifies the place of each court in the court hierarchy Indicates the appeal process from the Supreme Court (of Appeal) to the High Court Could use an example as part of the response	3
Identifies the place of each court in the court hierarchy AND/OR Indicates the appeal process from the Supreme Court (of Appeal) to the High Court OR Uses an example to show the relationship between the High Court of Australia and the Supreme Court of Western Australia	2
Identifies one aspect of the relationship between the High Court of Australia and the Supreme Court of Western Australia	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>• the High Court of Australia is the court to which all other courts in Australia are subject</li> <li>• the Supreme Court is the highest court within Western Australia</li> <li>• appeals can be made from the Supreme Court (of Appeal) and to the High Court.</li> </ul>	

c) Explain English common law and discuss its influence on the Australian legal system.

Description	Marks
Explains that English common law is a body of law established through and by English Courts over several centuries that became the bases for (precedent) decisions in later similar cases Discusses the influence of English common law on the Australian legal system Could use an example in the discussion	5
Makes a general statement concerning English common law Discusses OR outlines the influence of English common law on the Australian legal system OR uses an example to show the influence of English common law on the Australian legal system	3–4
Makes a general statement concerning English common law AND/OR the influence of English common law on the Australian legal system OR Uses an example to show the influence of English common law on the Australian legal system	1–2
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>English common law was formally adopted into NSW by the Australian Courts Act (1828) and into Western Australia (June 1829)</li> <li>English common law served as precedent but today would be persuasive precedent (different court hierarchy)</li> <li>the link between <i>Donoghue v. Stevenson</i> (1932) and <i>Grant v. Australian Knitting Mills</i> (1936) or similar case to show the influence (persuasive precedent).</li> </ul>	

3. a) Outline what a Minister refers to in the Australian political system.

Description	Marks
Identifies two elements regarding a Minister in the Australian political system AND/OR Uses an example of a current Minister including their portfolio	2
Makes a general statement about a Minister in the Australian political system OR Names a current Minister in the Australian political system	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>a senior member of the government</li> <li>is in charge of particular portfolio/s</li> </ul>	

b) Outline **three (3)** elements of responsible government.

Description	Marks
Outlines three elements of responsible government	3
Outlines two elements of responsible government	2
Outlines one element of responsible government OR Makes a general statement concerning responsible government	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>ministers are responsible to the parliament for their probity</li> <li>ministers are responsible to the parliament for the management of their portfolio</li> <li>a minister is expected to resign for the mismanagement of their portfolio or lack of probity</li> <li>if the government or an individual minister loses the support/confidence of the House then it/they are expected to resign.</li> </ul>	

- c) Outline what the executive refers to in the Australian political system and discuss **two (2)** roles of the executive branch of government.

Description	Marks
Identifies the executive in the Australian political system as the Prime Minister/Premier and Cabinet (the Governor-General/Governor may also be included) Identifies and discusses two roles of the executive branch of government	5
Identifies the executive in the Australian political system Identifies and outlines one or two roles of the executive OR Identifies and discusses one role of the executive	3–4
Makes a general statement concerning the executive and its role in the Australian political system AND/OR Identifies who is the executive within the Australian political system	1–2
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>• initiates policy proposals for the legislature</li> <li>• supervises the administration of laws passed by the legislature</li> <li>• manages the business of government</li> <li>• Governor-General/Governor gives Royal Assent to laws passed by the Parliament.</li> </ul>	

## Sample assessment task

### Politics and Law – ATAR Year 11

#### Task 3 – Unit 1

**Assessment type: Essay****Conditions**

Time for the task: 45 minutes

An unseen essay topic written in class under test conditions

**Task weighting**

10% of the school mark for this pair of units

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*Political and legal systems are often labelled as either being ‘democratic’ or ‘non-democratic’.*

Identify and discuss three features of each system, making reference to the Australian political and legal system and the North Korean political and legal system.

**Total = 20 marks**

## Marking key for sample assessment task 3 – Unit 1

Description	Marks
<p>Identifies Australia as a 'democratic' political and legal system</p> <p>Identifies several features of a democratic political and legal system which could include: sovereignty of Parliament; constitutionalism; the rule of law; separation of powers; free, fair and regular elections; power of the executive vis-à-vis the legislature; independent judiciary; freedom of the press/censorship</p> <p>Discusses three of these features in terms of the Australian political and legal system with some relevant examples</p> <p>Identifies North Korea as a non-democratic political and legal system</p> <p>Identifies several features of a non-democratic political and legal system which could include: the power of the executive compared to the legislature; the extent that the judiciary is independent; the role of the military/police; controlled elections; censorship and the press</p> <p>Discusses three of these features in terms of the North Korean political and legal system with some relevant examples</p> <p>Uses relevant political and legal terminology</p>	18–20
<p>Identifies Australia as a 'democratic' political and legal system</p> <p>Identifies features of a democratic political and legal system</p> <p>Discusses two of these features in terms of the Australian political and legal system with some relevant examples</p> <p>Identifies North Korea as a non-democratic political and legal system</p> <p>Identifies features of a non-democratic political and legal system</p> <p>Discusses two of these features in terms of the North Korean political and legal system with some relevant examples</p> <p>Uses relevant political and legal terminology</p>	15–17
<p>Identifies Australia as a 'democratic' political and legal system</p> <p>Identifies some features of a democratic political and legal system</p> <p>Discusses one of these features in terms of the Australian political and legal system with some examples</p> <p>Identifies North Korea as a non-democratic political and legal system</p> <p>Identify some features of a non-democratic political and legal system</p> <p>Discusses one of these features in terms of the North Korean political and legal system with some examples</p> <p>OR</p> <p>Discusses Australia as a democratic political and legal system <b>OR</b> North Korea as a non-democratic political and legal system</p> <p>Uses political and legal terminology</p>	10–14
<p>Identifies Australia as a 'democratic' political and legal system</p> <p>Makes statements regarding the Australian political and legal system with limited examples</p> <p>AND/OR</p> <p>Identifies North Korea as a non-democratic political and legal system</p> <p>Makes statements regarding the North Korean political and legal system with limited examples</p> <p>Uses limited political and legal terminology</p>	6–9
<p>Makes minimal statements concerning Australia and North Korea</p> <p>Minimal use of political and legal terminology</p>	1–5



## Sample assessment task

### Politics and Law – ATAR Year 11

#### Task 4 – Unit 1

**Assessment type:** Source analysis

#### Conditions

Time for the task: 45 minutes  
In class under test conditions

#### Task weighting

10% of the school mark for this pair of units

Read the source below and answer the questions that follow.

Virtually anyone can be sued if he or she has been negligent. It is claimed that negligence as a tort is founded on three related concepts of a duty of care, breach of that duty and damage suffered by the plaintiff as a result of the breach. In cases involving actual or threatened physical damage to property, the general common law principles of negligence were laid down by the English House of Lords in the famous case of *Donoghue v. Stevenson*. The court had to decide whether a manufacturer of a soft drink owed a duty of care to a person who purchased the soft drink, although the manufacturer and the purchaser had no direct contractual relationship. The question was, did the defendants owe the plaintiff a duty of care? Lord Atkin expressed it thus:

*In English law there must be and is some general conception of relations giving rise to a duty of care. The liability of negligence is no doubt based upon general public sentiment of moral wrong doing for which the offender must pay, but acts of omissions are not of a moral code, since you cannot in a practical world be treated so as to give a right to every person injured by them to demand relief... the rule that you are to love your neighbour becomes in law... you must not injure your neighbour; and the lawyer's question – "who is my neighbour?" receives a restricted reply. You must take reasonable care to avoid acts or omissions that you can reasonably foresee would be likely to injure your neighbour. Who then is my neighbour? The answer seems to be – persons who are so closely and directly affected by my acts that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which accord in question.'*

*Donoghue v. Stevenson (1931) UKHL 3 (26 May 1932)*

The House of Lords found that the manufacturer and the purchaser of the drink were so closely and directly related that the manufacturer owed the purchaser a duty of care.

Adapted from: House of Lords.(1932). Parliamentary Archives, HL/PO/JU/4/3/873: M'Alister or Donoghue (pauper) v. Stevenson. Retrieved March, 2008, from Commonwealth Legal Information Institute website:

[www.commonlii.org/cgi-bin/disp.pl/uk/cases/UKHL/1931/3.html?query=Donoghue](http://www.commonlii.org/cgi-bin/disp.pl/uk/cases/UKHL/1931/3.html?query=Donoghue)

**Total = 20 marks**

1. Explain what is meant by common law. (2 marks)

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2. With reference to the source, outline **three (3)** concepts on which negligence is founded. (3 marks)

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3. Explain the decision of the House of Lords in Donoghue v. Stevenson (1931) and the neighbour principle. (4 marks)

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4. Explain the principle of *stare decisis* and outline **three (3)** rules of *stare decisis*. (5 marks)

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## Marking key for sample assessment task 4 – Unit 1

1. Explain what is meant by common law.

Description	Marks
Identifies two features associated with common law	2
Identifies one feature associated with common law OR Makes a general statement about common law	1
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>body of law created through court decisions</li> <li>it develops through the doctrine of precedent.</li> </ul>	

2. With reference to the source, outline **three (3)** concepts on which negligence is founded.

Description	Marks
Outlines three elements of negligence	3
Outlines two elements of negligence	2
Outlines one element of negligence OR Makes a general statement regarding negligence in law	1
<b>Answer:</b>	
<ul style="list-style-type: none"> <li>a duty of care is owed</li> <li>breach of a duty of care</li> <li>damage suffered by the plaintiff as a result of the breach.</li> </ul>	

3. Explain the decision of the House of Lords in *Donoghue v. Stevenson* (1931) and the neighbour principle.

Description	Marks
Identifies and explains the decision and the neighbour principle	4
Identifies the decision and the neighbour principle and attempts an explanation of each aspect	2–3
Identifies the decision OR the neighbour principle OR Makes a general statement concerning <i>Donoghue v. Stevenson</i>	1
<b>Answer:</b>	
<p>The decision in <i>Donoghue v. Stevenson</i>:</p> <ul style="list-style-type: none"> <li>the manufacturer and the purchaser of the drink were so closely and directly related that the manufacturer owed the purchaser a duty of care.</li> </ul> <p>The neighbour principle:</p> <ul style="list-style-type: none"> <li>people one ought to consider because it is possible for them to be affected by one's acts or omissions to act.</li> </ul>	

4. Explain the principle of *stare decisis* and outline **three (3)** rules of *stare decisis*.

Description	Marks
Explains the principle of <i>stare decisis</i> AND outlines three rules	5
Explains the principle of <i>stare decisis</i> AND outlines one or two rules OR Outlines the principle of <i>stare decisis</i> AND outlines two rules OR Outlines three rules of <i>stare decisis</i>	3–4
Makes a general statement about <i>stare decisis</i> AND/OR Outlines one or two rules of <i>stare decisis</i>	1–2
<b>Answer:</b>	
<p>Explanation of <i>stare decisis</i> could include:</p> <ul style="list-style-type: none"> <li>• it is the basis of the doctrine of precedent</li> <li>• it is 'to stand by what has been decided'.</li> </ul> <p>The rules of <i>stare decisis</i> include:</p> <ul style="list-style-type: none"> <li>• precedents can only be set by a superior court (usually when exercising appellate jurisdiction)</li> <li>• all lower courts are bound by the decisions of higher courts in the same hierarchy</li> <li>• decisions of courts at the same level, or equal standing, are not binding.</li> </ul>	

5. With reference to a particular example, discuss the relationship between statute law and common law.

Description	Marks
Identifies an appropriate example Identifies that statute law is made by parliament AND common law is made by courts Discusses that parliament is sovereign and can abrogate common law by passing a statute	5–6
Identifies that statute law is made by parliament AND common law is made by courts Uses an example to show that statute law can replace/negate common law	3–4
Identifies that statute law is made by parliament AND/OR common law is made by courts AND/OR uses an example of statute law replacing/negating common law	1–2
<b>Answer could include but is not limited to:</b>	
<ul style="list-style-type: none"> <li>• common law principle of <i>terra nullius</i> and the Native Title Act 1994</li> <li>• common law principle related to farmer liability and straying animals <i>SGIC v. Trigwell</i> (1979) 142 CLR 61 and legislation such as the West Australian Highways (Liability for Straying Animals) Act 1983.</li> </ul>	