



POLITICS AND LAW DRAFT SAMPLE EXAMINATION STAGE 2

Section 7 of the *New WACE Manual: General Information 2008 Revised Edition* outlines the policy on WACE examinations.

Further information about the WACE Examinations policy can be accessed from the Curriculum Council website at http://newwace.curriculum.wa.edu.au/pages/about_wace_manual.asp.

The purpose for providing a sample examination is to provide teachers with an example of how the course will be examined. Further finetuning will be made to this sample in 2008 by the examination panel following consultation with teachers, measurement specialists and advice from the Assessment, Review and Moderation (ARM) panel.



Western Australian Certificate of Education, Draft Sample Examination Question/Answer Booklet

POLITICS AND LAW WRITTEN PAPER STAGE 2

Please place your student identification label in this box

Student Number: In figures

--	--	--	--	--	--	--	--

In words

Time allowed for this paper

Reading time before commencing work: Ten minutes
Working time for paper: Three hours

Material required/recommended for this paper

To be provided by the supervisor

This Question/Answer Booklet

To be provided by the candidate

Standard items: Pens, pencils, eraser, correction fluid, ruler, highlighter

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	Suggested working time	Number of questions available	Number of questions to be attempted	Marks
One: Short answers	60 minutes	6	4	40 (40%)
Two: Source analysis	60 minutes	3	2	40 (40%)
Three: Essays	60 minutes	4	1	20 (20%)
[Total marks]				100

Instructions to candidates

The rules for the conduct of Curriculum Council examinations are detailed in the *Student Information Handbook*. Sitting this examination implies that you agree to abide by these rules.

SECTION ONE: SHORT ANSWERS

40 Marks

In this section there are **SIX (6)** questions. Answer **FOUR (4)** questions only. Each question is worth 10 marks.

Suggested writing time: 60 minutes

Question 1

(a) Define the term 'constitutionalism'.

[2 marks]

(b) Outline THREE principles of a democracy.

[3 marks]

(c) Assess ONE argument for and ONE argument against the proposition that the ‘separation of powers’ doctrine is reflected in the Australian Constitution.

[5 marks]

Draft

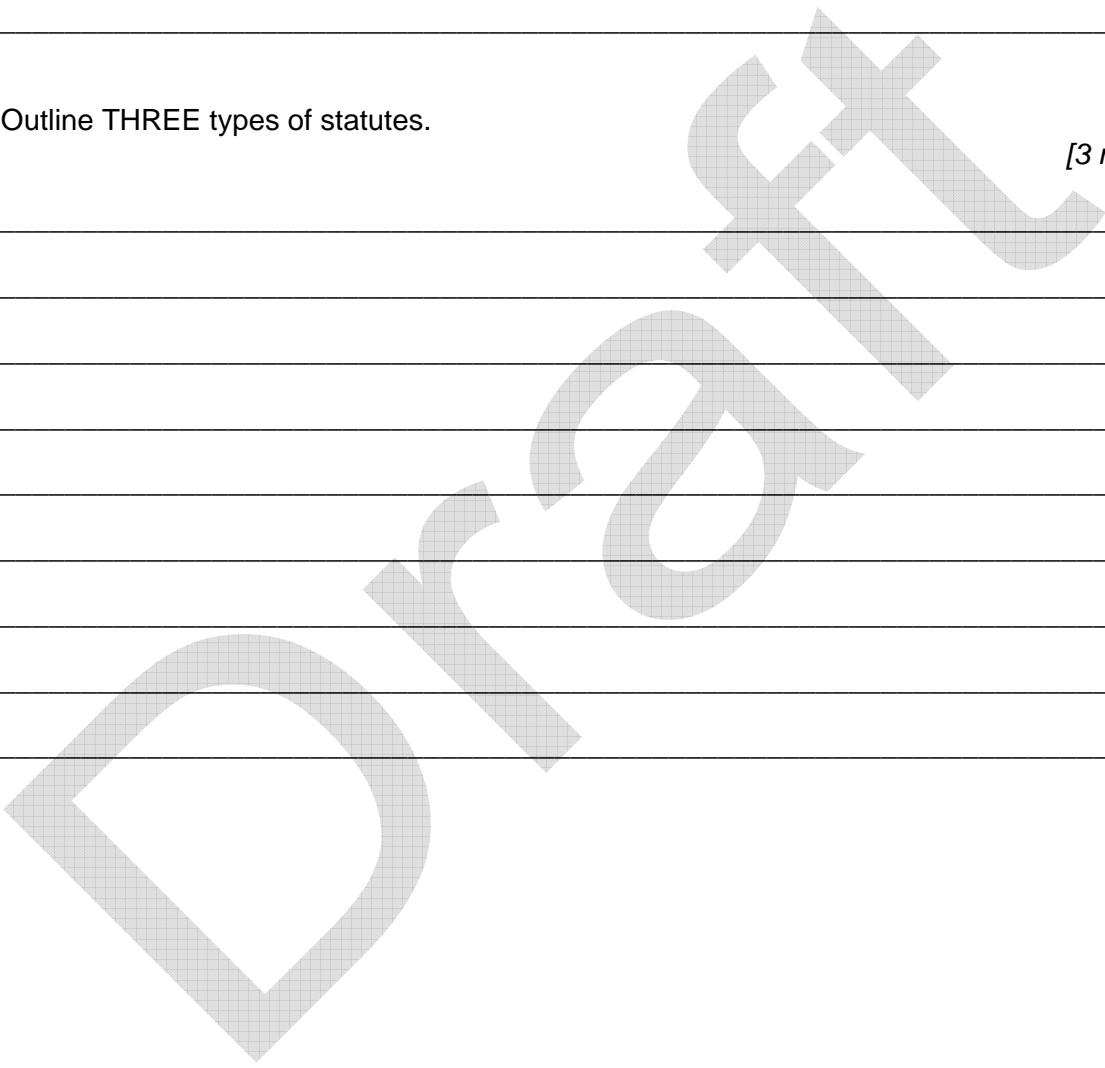
Question 2

(a) Define the term 'civil law'.

[2 marks]

(b) Outline THREE types of statutes.

[3 marks]



(c) Analyse ONE strength and ONE weakness of 'judge made law'.

[5 marks]

Ruled lines for writing the answer. The page contains 18 horizontal lines.

Draft

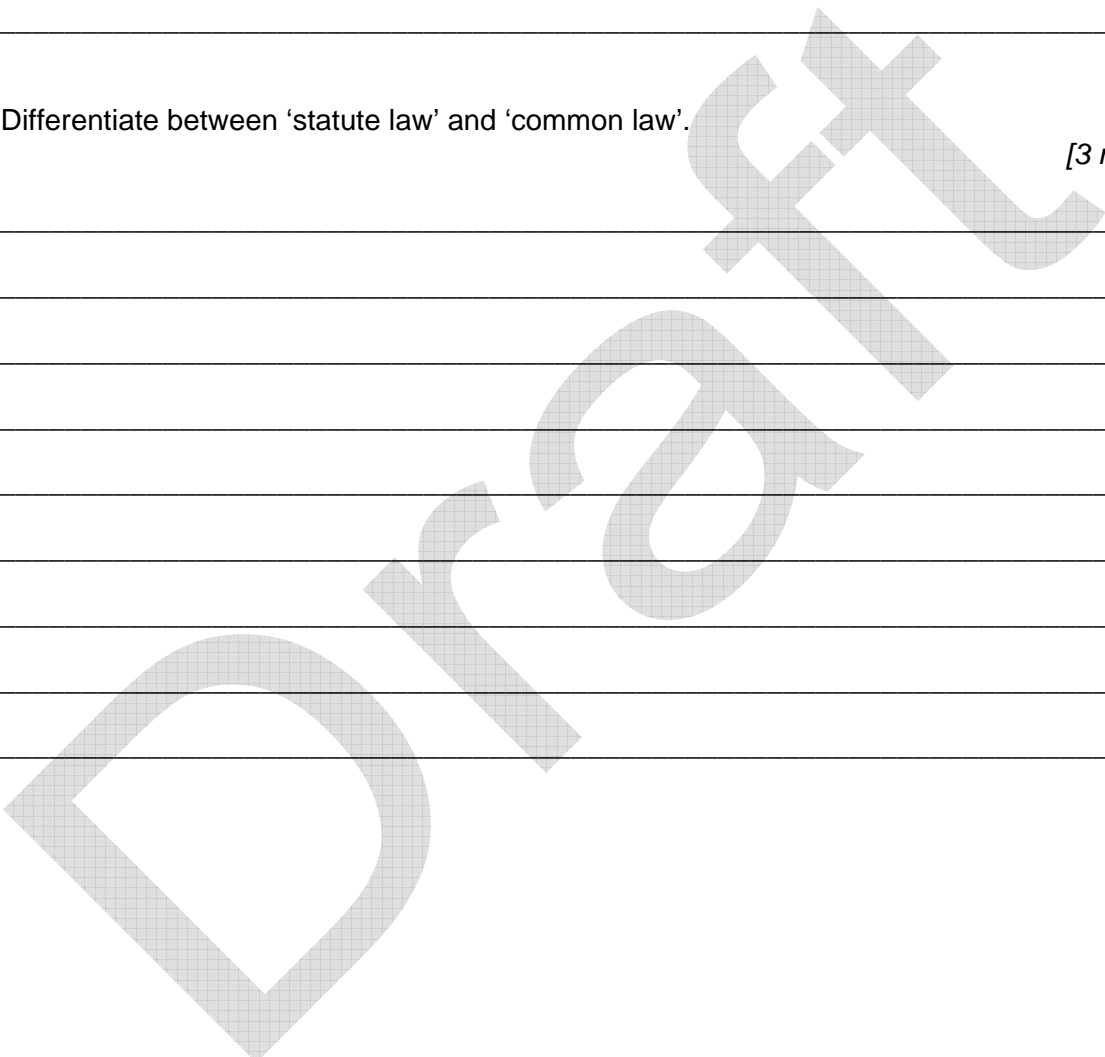
Question 3

(a) Define the term 'sovereignty of parliament'.

[2 marks]

(b) Differentiate between 'statute law' and 'common law'.

[3 marks]



(c) Explain ONE advantage and ONE disadvantage of delegated legislation.

[5 marks]

Draft

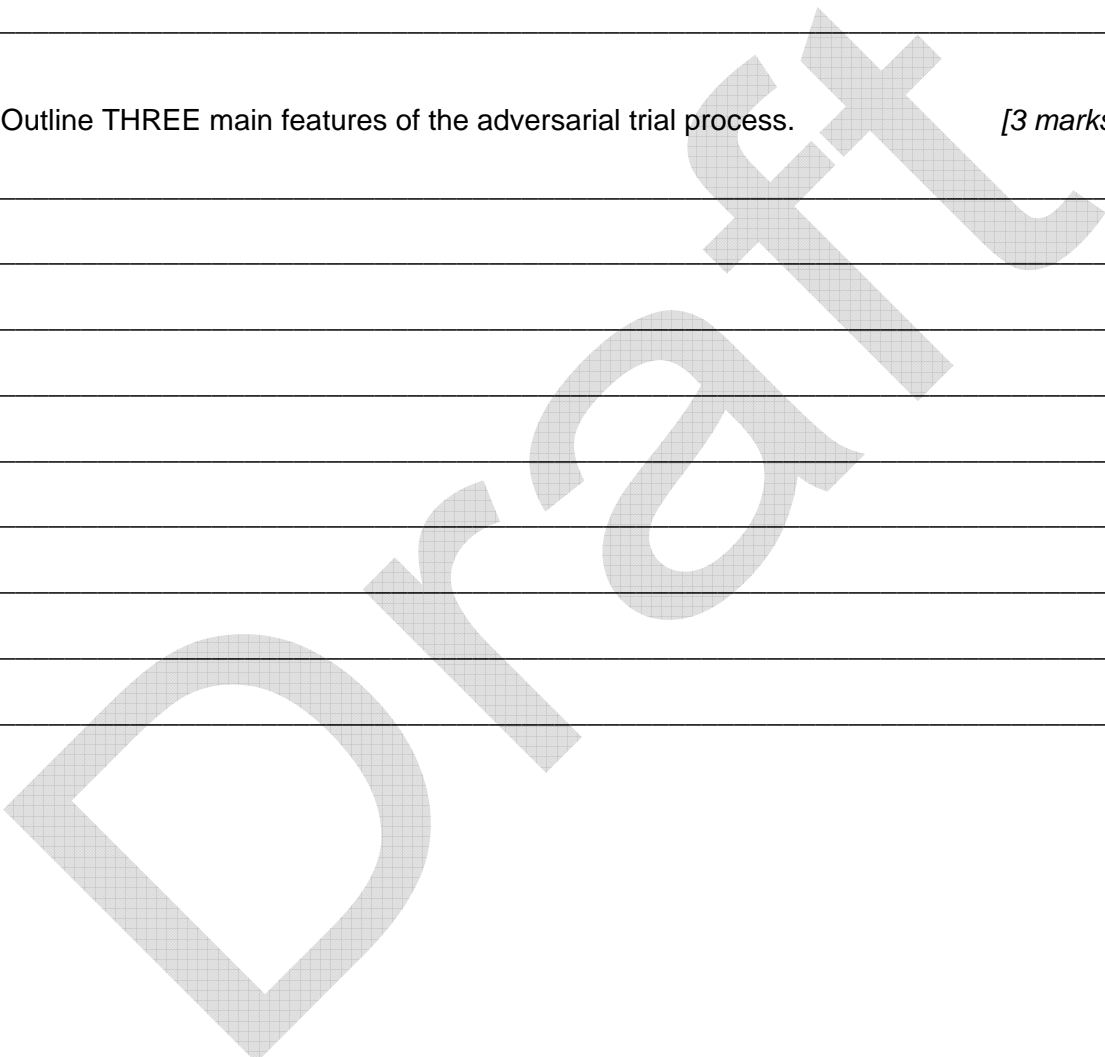
Question 4

(a) Define the legal term 'pleadings'.

[2 marks]

(b) Outline THREE main features of the adversarial trial process.

[3 marks]



(c) Assess ONE advantage and ONE disadvantage of 'mediation' in the civil trial process.

[5 marks]

Draft

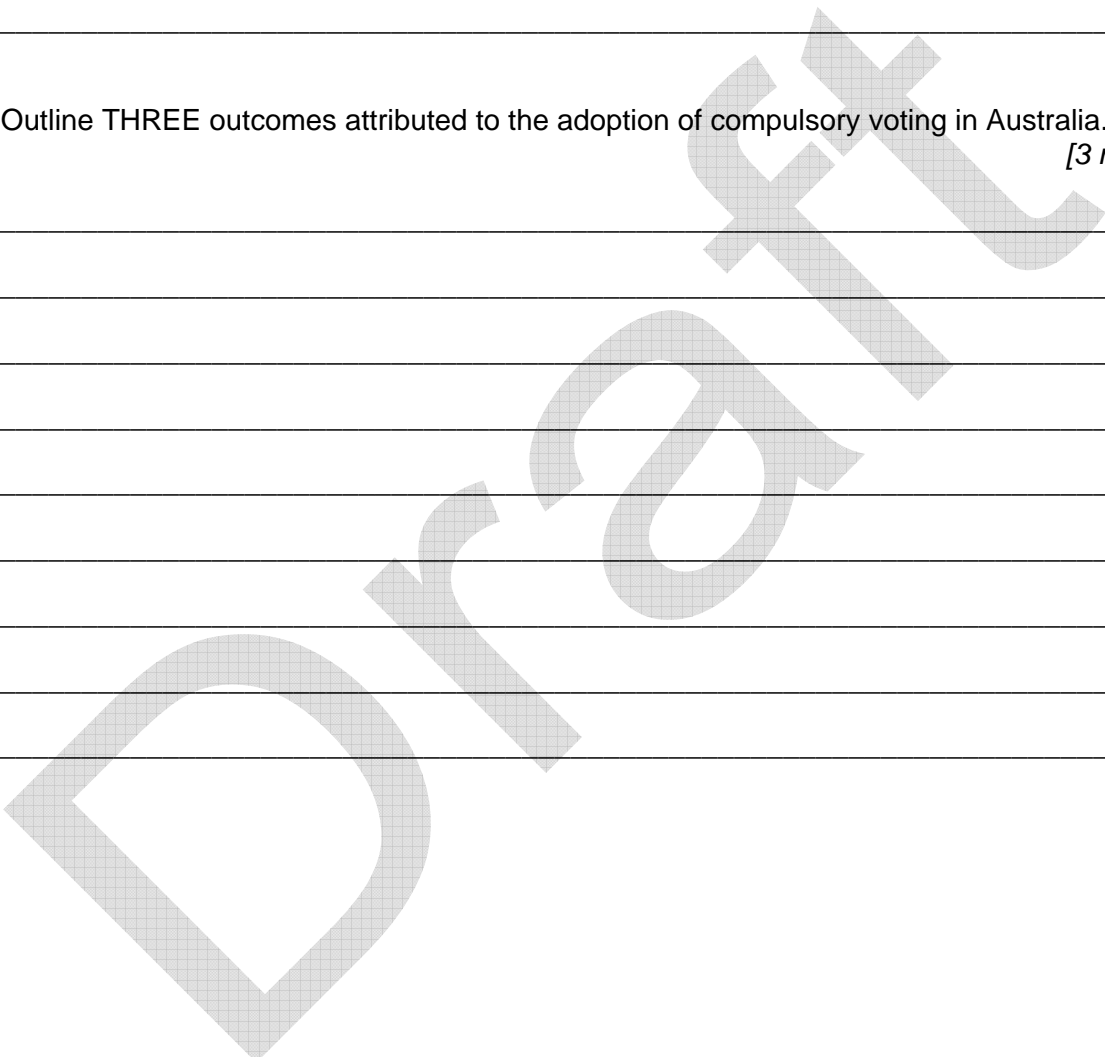
Question 5

(a) What is 'group ticket voting' as used by the Australian Senate?

[2 marks]

(b) Outline THREE outcomes attributed to the adoption of compulsory voting in Australia.

[3 marks]



Question 6

(a) Define the term 'political party'.

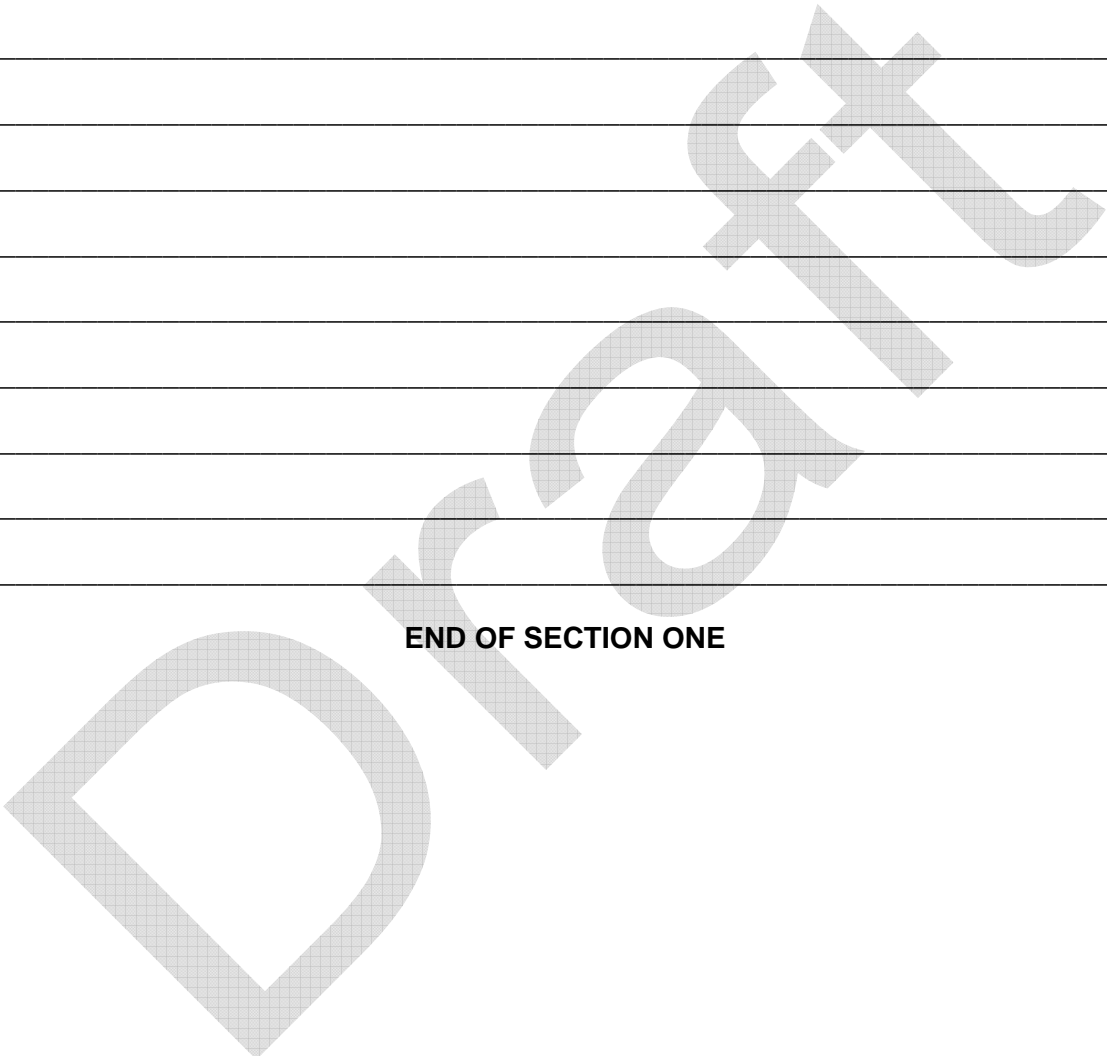
[2 marks]

(b) Name ONE pressure group and outline THREE ways it can participate in Australia's electoral processes.

[3 marks]

(c) To what extent do members of parliament typically represent their electorates? Refer to ONE Australian parliament in your answer. *[5 marks]*

END OF SECTION ONE



SECTION TWO: SOURCE ANALYSIS**40 marks**

Answer any TWO of the following THREE questions

Suggested writing time: 60 minutes

Question 7

Read the document below and answer the questions that follow

For copyright reasons this material cannot be reproduced in the online version of this document, but may be viewed at <http://vtr.aec.gov.au/HouseDivisionFirstPrefs-13745-105.htm#menubookmark>.

[From: Australian Electoral Commission, 2007]

(a) Define the term 'informal vote'.

[2 marks]

(b) On the basis of the first preference vote, name the likely eventual winner. Justify your choice with reference to data from the document.

[3 marks]

(c) Explain the term 'two candidate preferred' as used in the election results for the seat of Bennelong.

[2 marks]

(d) Explain TWO possible problems a sitting member faces when contesting a 'marginal seat' such as Bennelong. *[4 marks]*

(e) Explain whether the electoral result in Bennelong could be considered fair. *[4 marks]*

Question 8

Source 1

Article 25 of the International Covenant on Civil and Political Rights (1966) states in part:

'Every citizen shall have the right and the opportunity,...., and without unreasonable restrictions:

1. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- 2 To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
3. To have access, on general terms of equality, to public service in his [her] country.

Excerpt from *International Covenant on Civil and Political Rights*

Source 2

For copyright reasons this material cannot be reproduced in the online version of this document, but may be viewed at [http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20\(reasons\).pdf](http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20(reasons).pdf)

(a) Define the term 'genuine periodic elections' as used in Source 1.

[2 marks]

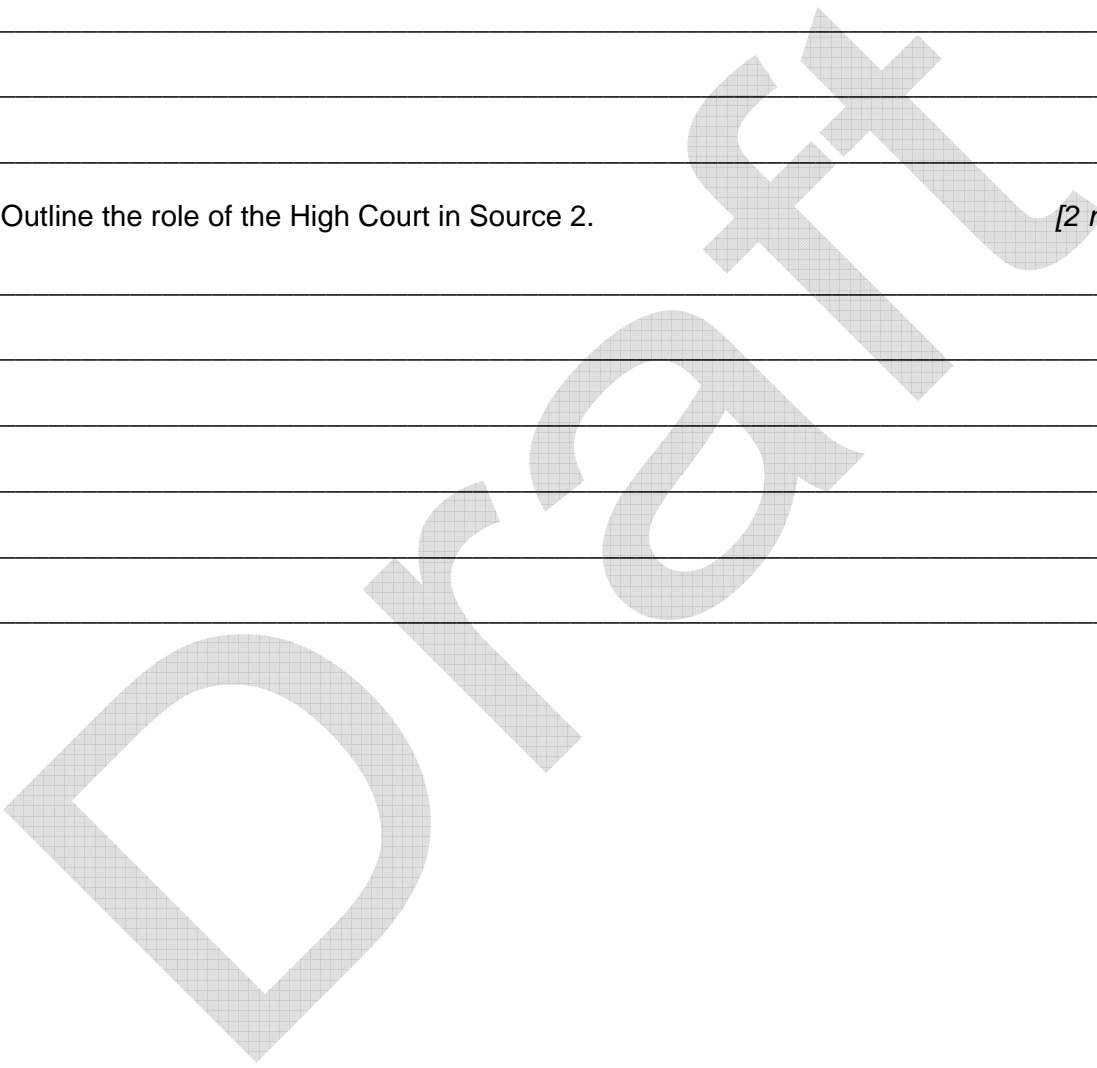
(b) Explain who does not have the right to vote and why according to this High Court judgement.

[2 marks]

Draft

(c) Explain the phrase 'directly or through freely chosen representatives' in Source 2. [3 marks]

(d) Outline the role of the High Court in Source 2. [2 marks]



(e) Present ONE argument for and ONE argument against prisoners being given the right to vote in commonwealth and state elections. Refer to Source 2 in your answer. [5 marks]

Draft

- (f) Using Sources 1 and 2, assess how the electoral laws of Australia comply with Article 25 of the International Covenant on Civil and Political Rights. *[6 marks]*

Draft

Question 9.**Document Three**

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- Stevenson¹. 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 Aitken 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 or 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 effected by my acts that I ought reasonably to have them in contemplation as being so effected when I am directing my mind to the acts or omissions which accord in question.'

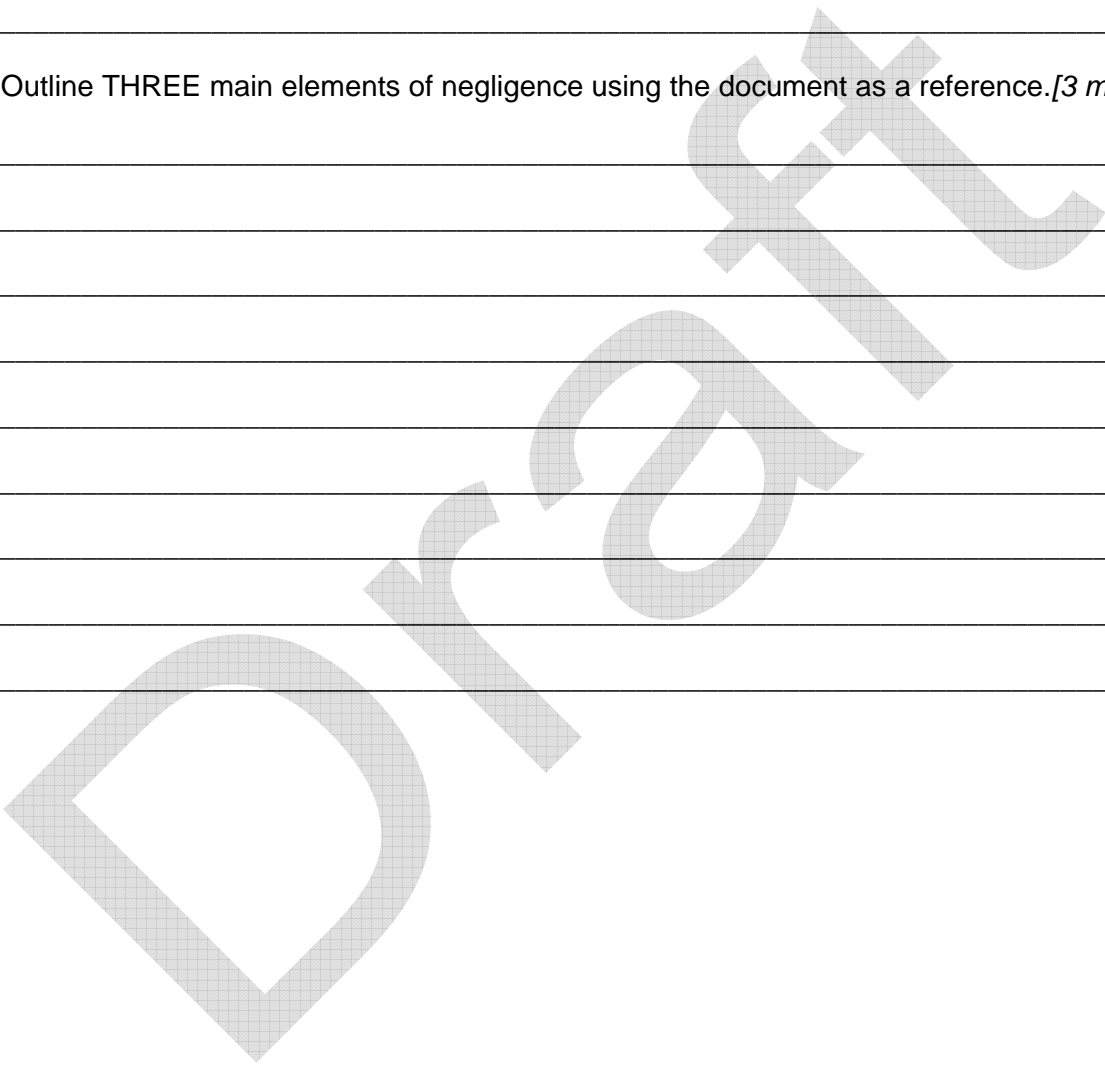
Donoghue v Stevenson [1931] UKHL 3 (26 May 1932)

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.

(a) Explain the legal meaning of the term 'tort' using the document as a reference.

[2 marks]

(b) Outline THREE main elements of negligence using the document as a reference. *[3 marks]*

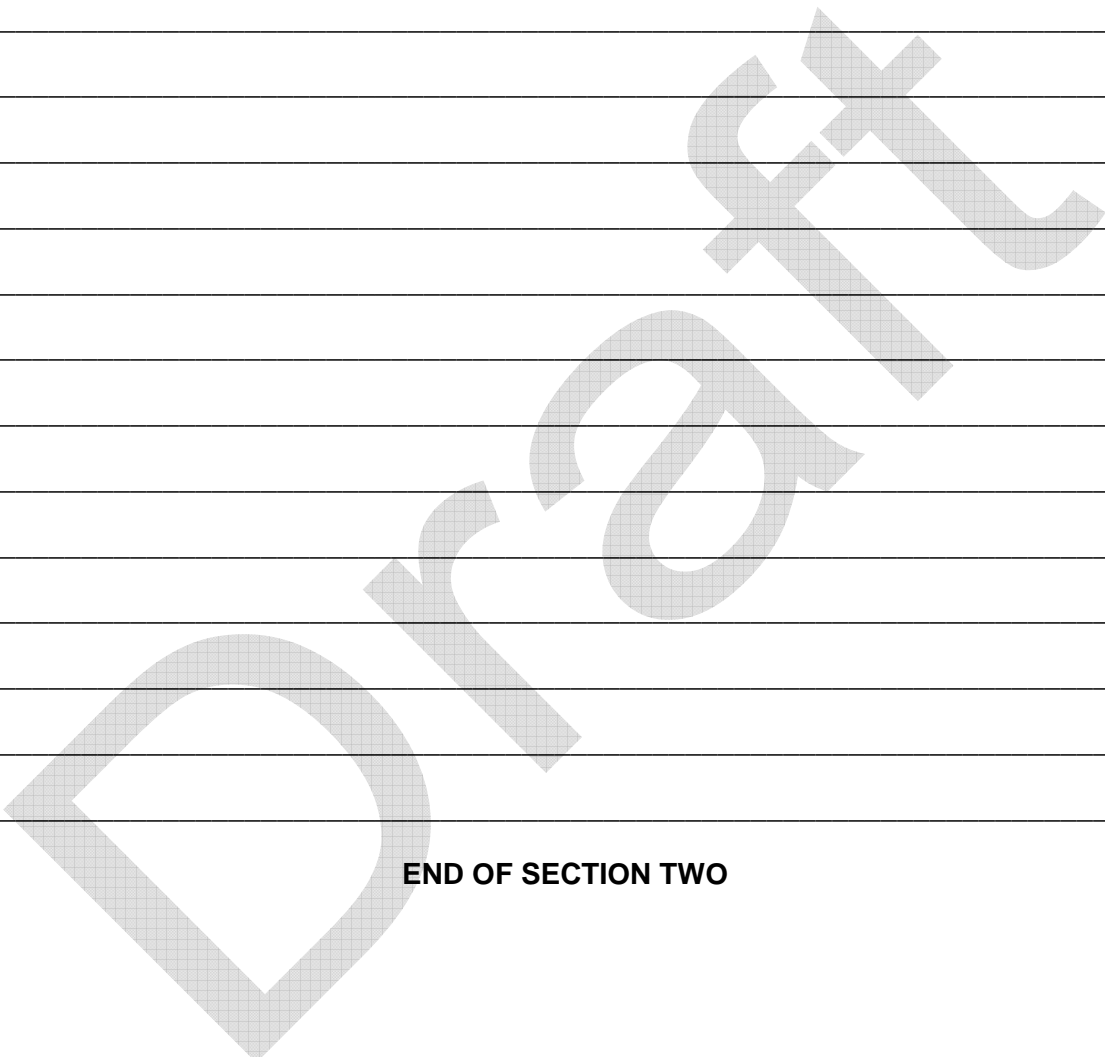


(c) According to Lord Atkins; how does the 'good neighbour' principle influence peoples' actions? [4 marks]

(d) Assess the significance of at least ONE Australian common law decision. [5marks]

(e) Explain the avenues open to pursue a civil action in Western Australia. (6marks)

Lined area for writing the answer to question (e). The area contains approximately 20 horizontal lines.



END OF SECTION TWO

SECTION THREE: ESSAY

20 marks

In this section there are **FOUR** questions. Answer **ONE** question only.

Suggested writing time: 60 minutes.

Question 10

Describe the Australian federal system of government and explain the key external influences on the system adopted at Federation.

[20 marks]

Question 11

Political and legal systems are often labelled as either being 'democratic' or 'non-democratic'. Compare the features and operations of such systems.

[20 marks]

Question 12

Explain the major differences in the key processes of Western Australia's trial system and at least ONE non common law country.

[20 marks]

Question 13

'Justice is often the subject of broad public debate'.

Assess whether this is the case with reference to at least one contemporary Australian justice issue.

[20 marks]

SEE NEXT PAGE

Draft

ACKNOWLEDGEMENTS

DOCUMENT SET ONE

From: Australian Electoral Commission. (2007). Virtual Tall Room, House of Representatives, NSW DIVISION - BENNELONG, from <http://vtr.aec.gov.au/HouseDivisionFirstPrefs-13745-105.htm#menubookmark>

DOCUMENT SET TWO

Source 1: Adapted from: Office of the High Commissioner for Human Rights. (1976). International Covenant on Civil and Political Rights. Retrieved March, 2008, from: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

Source 2: Adapted from: High Court of Australia. (2007). Vickie Lee Roach v Electoral Commissioner and Commonwealth of Australia. Retrieved March, 2008, from [http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20\(reasons\).pdf](http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20(reasons).pdf)

DOCUMENT SET TWO

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: <http://www.commonlii.org/cgi-bin/disp.pl/uk/cases/UKHL/1931/3.html?query=Donoghue>