Government of **Western Australia**
Curriculum Council

WACE
Western Australian Certificate of Education

Western Australian Certificate of Education Examination, 2010

Question/Answer Booklet

POLITICS AND LAW

Stage 3

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

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, pencils, eraser, correction fluid/tape, 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 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.

2010/32338

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Ref: 10-115

Structure of this paper

Section	Number of questions available	Number of questions to be answered	Suggested working time (minutes)	Marks available	Percentage of exam
Section One: Short response	4	3	45	30	30
Section Two: Source analysis	2	1	35	20	20
Section Three Part A Unit 3A: Extended response	2	1	50	50	50
Part B Unit 3B: Extended response	2	1	50		
				Total	100

Instructions to candidates

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 12 Information Handbook 2010.* Sitting this examination implies that you agree to abide by these rules.

2. Answer the questions in the space provided.

3. You must be careful to confine your responses to the specific questions asked and to follow any instructions that are specific to a particular question.

4. Sections One and Two: Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

   Section Three: Pages are included at the end of this booklet for planning and writing your answer.
   - Planning: If you use the pages for planning, indicate this clearly at the top of the page.
   - Answering the question: In the pages provided indicate clearly the question number you are answering.

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

This section has **four (4)** questions. You must answer **three (3)** questions.

Part A: Answer **one (1)** question from a choice of **two (2)**.
Part B: Answer **one (1)** question from a choice of **two (2).**
The third response can be chosen from **either** of the remaining questions in Part A **or** Part B.

Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time: 45 minutes

Part A: Unit 3A

Question 1 **(10 marks)**

(a) What is 'federalism'? (2 marks)

(b) With reference to the Constitution of the Commonwealth of Australia, distinguish between exclusive, concurrent and residual powers. (3 marks)

(c) ‘In Australia, the Commonwealth has gained dominance in Commonwealth-State financial relationships.’ Discuss **two** main reasons why this has occurred. (5 marks)

Question 2 **(10 marks)**

(a) In the context of judicial interpretation, what is meant by the term 'legalism'? (2 marks)

(b) Distinguish between the original jurisdiction and the appellate jurisdiction of the High Court of Australia. (3 marks)

(c) Outline the main features of **one** High Court of Australia constitutional decision. Assess the constitutional significance of this decision. (5 marks)

Part B: Unit 3B

Question 3 **(10 marks)**

(a) What is meant by the term 'natural justice'? (2 marks)

(b) Outline **three** features of 'judicial independence' in Australia. (3 marks)

(c) Evaluate **two** processes by which Australian courts and judges are held accountable for their decisions. (5 marks)

Question 4 **(10 marks)**

(a) What is meant by ‘access’ and ‘equity’ in a legal system? (2 marks)

(b) With reference to a country other than Australia, outline **three** ways in which a group or an individual can experience obstacles to achieving their rights as citizens. (3 marks)

(c) Assess the extent to which **two** main barriers to participation by a particular group or individual in Australia's political and legal system have been reduced. (5 marks)

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

This section has **two (2)** questions. You must answer **one (1)** question. Write your answer in the space provided.

Spare pages are included at the end of this booklet. They can be used as additional space if required to continue an answer. If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time: 35 minutes

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

Source 1: Unit 3A

Extract from:
Narelle Miragliotta, Wayne Errington and Nicholas Barry (2010). *The Australian political system in action*. South Melbourne: Oxford University Press, 13–14.

> The Australian [Commonwealth] Constitution was neither a product of a revolution (as in the United States) nor a long process of institutional struggle (as in Britain). It was designed by men who had respect for both systems of government. Just as the British had insisted on written constitutions for the Australian colonies, a written constitution was necessary for Federation in 1901. Indeed, Australia's constitution was in the first instance an Act of the British Parliament. The system of responsible government was not fully explained in the constitution. Attendees of the federation conventions during the 1890s were mostly drawn from colonial parliaments and simply assumed that the system of government with which they were familiar would persist at the Commonwealth level. The Australian [Commonwealth] Constitution thus says nothing about the office of prime minister or cabinet, and very little about political parties. A casual reading of the Australian [Commonwealth] Constitution gives the impression that the Governor-General is the most powerful actor in national politics. A lack of clearly codified rules for government is not as unusual as you might think. The United Kingdom has no written constitution at all, relying instead on conventions and certain pieces of legislation.

Question 5 **(20 marks)**

(a) What is a constitution? (2 marks)

(b) Distinguish between an Act of Parliament and a ‘convention’ of Parliament. (4 marks)

(c) Discuss the extent to which **three** key features of the 'unwritten' constitution of the United Kingdom were adopted as part of the Constitution of the Commonwealth of Australia. (6 marks)

(d) ‘The Australian Constitution ... says nothing about the office of the prime minister ... A casual reading of the Constitution gives the impression that the Governor-General is the most powerful actor in national politics.’

Assess the main powers of the Governor-General and Prime Minister as ‘actors’ (participants) in national politics. (8 marks)

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

Source 2: Unit 3B

Extract from:

Graham Maddox (2005), *Australian Democracy in Theory and Practice,* (5th edn). Frenchs Forest, NSW. Pearson Education Australia, 465.

Question 6 **20 marks**

As scholars have maintained, the miracle of democracy is that people are content to abide by decisions of the electors, and that losers are prepared to accept their disappointment and wait for their turn to seek office at some other time. 'People with guns obey those without them'. That is why we emphasise the fragility of democracy, since it could easily be unravelled 'by people with guns' or other means of overwhelming power. It is our civic duty to see to it that democracy does not even begin to be eroded by undermining the principles through which its fragile existence is sustained. Australians should be greatly worried, even if it is out of self-interest, that their government is prepared to demonise human beings from other places.

(a) What is meant by the word 'democracy'? (2 marks)

(b) Distinguish between 'consensus' and 'open government' as practices of governance. (4 marks)

(c) Discuss **three** ways in which the ‘opposition’ can hold the ‘executive’ to account in a democracy, using Australia as an example. (6 marks)

(d) Assess the main ways Australian citizens can exercise their ‘civic duty’ to maintain the ‘miracle of democracy’ and the main ways their actions may also undermine democracy.
(8 marks)

Section Three: Extended response **50% (50 Marks)**

This section has **four (4)** questions. Answer **one (1)** question from Part A: Unit 3A and answer **one (1)** question from Part B: Unit 3B.

Pages are included at the end of this booklet for planning and writing your answers.

- Planning: If you use the pages for planning, indicate this clearly at the top of the page.
- Answering the question: In the pages provided indicate clearly the question number you are answering.

Suggested working time: 100 minutes

Part A: Unit 3A

Answer **one (1)** question from a choice of **two (2).**

Question 7 **(25 marks)**

The claim in Australia that Parliament has been reduced to a 'rubber stamp' of the Cabinet has been described by some commentators as 'the decline of parliament thesis'.

Assess the validity of the 'decline of parliament thesis'.

or

Question 8 **(25 marks)**

'Our instrument of government, the Constitution, was never meant to be a hard and fast piece of machinery … the wording provided for its alteration but voters have been reluctant to approve reform.'

Explain the provisions for formally amending the Constitution of the Commonwealth of Australia by referendum and, referring to at least **one** reform proposal, assess why amendment is so difficult.

Part B: Unit 3B

Answer **one (1)** question from a choice of **two (2)**.

Question 9 **(25 marks)**

'Particularly in recent years Australian Parliaments have created, or strengthened, a number of accountability bodies such as the auditor general, ombudsman, tribunals and commissions'.

Explain why accountability is an important feature of Australia's political and legal system and evaluate how at least one body performs its accountability role.

or

Question 10 **(25 marks)**

'There has been much debate about whether Australia should adopt a legislative Charter of Rights.'

Assess the main arguments **for** and the main arguments **against** Australia adopting a legislative Charter of Rights.

End of questions

Question number: _____

Question number: _____

Question number: _____

Question number: _____

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Question number: _____

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Question number: _____

Additional working space

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ACKNOWLEDGEMENTS

Source 1 Miragliotta, N., Errington, W., and Barry, N. (2010). *The Australian Political System in Action*. South Melbourne: Oxford University Press, pp. 13–14.

Source 2 Maddox, G. (2005). *Australian democracy in theory and practice.* (5th ed). Frenchs Forest, NSW: Pearson Education Australia, p. 465.

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