



ATAR course examination, 2022

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

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

In words

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					
Part A: Unit 3	2	1	50	50	50
Part B: Unit 4	2	1	50		
Total					100

Instructions to candidates

- The rules for the conduct of the Western Australian external examinations are detailed in the *Year 12 Information Handbook 2022: 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.

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

See next page

Question 1

(10 marks)

(a) What is meant by Governor-General in Council?

(2 marks)

(b) Explain the role of the Governor-General of Australia in the legislative process. (3 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 2

(10 marks)

- (a) According to Section 51 of the Commonwealth Constitution (Australia), what is the role of the Commonwealth Parliament? (2 marks)

- (b) Identify **one** non-Westminster system and outline **two** powers of its legislature. (3 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 3

(10 marks)

- (a) Outline the role of public servants as part of the Commonwealth Executive. (2 marks)

- (b) Outline **two** differences between the Commonwealth Auditor General and the Administrative Appeals Tribunal (AAT). (3 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

- (c) With reference to **two** examples, discuss how the Australian courts have contributed to executive accountability in recent years. (5 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 4

(10 marks)

(a) Outline what is meant by 'public confidence' in the courts.

(2 marks)

(b) Outline **two** ways in which the Commonwealth Constitution (Australia) protects the independence of the Australian court system.

(3 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

- (c) Discuss **one** advantage and **one** limitation of the appeals process in terms of the accountability of the courts within the Australian legal system. (5 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

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 John Daley *Removing barriers to policy reform*, published by the Grattan Institute (July 2021).

Federalism is also often cited as a block to (policy) reform ...

In the clear majority of cases ... either the federal government or state and territory governments have clear responsibility, either as a matter of constitutional law or as a matter of political convention ...

Federalism does cause significant issues where responsibilities overlap and institutions have not been designed effectively ... Any change to the national Electricity Market effectively depends on agreement between the federal government and all the eastern states, and this has created problems in ensuring the orderly closure of coal plants, reducing the gaming of wholesale electricity markets, and designing markets to deliver reliable electricity with an increasing share of the renewables, ...

Federalism was also a significant issue for regulating labour hire platforms, and improving the management of chronic diseases – but in both cases progress is also blocked by strong vested interests not countered by a powerful evidence base.

In cases where federalism is a real issue, ideology is often an issue as well. For example, the federal Coalition struggles to deal rationally with climate change issues. As a result climate change reforms would have foundered irrespective of the federalism issues.

Federalism was the key blocker for GST reform. Any increase to GST would involve a lot of political pain for the federal government, but much of the additional revenue would flow to the states. It is hard to see a deal that provides enough upside for both the federal government and the states relative to the political pain inevitably associated with major tax changes.

See next page

(a) Outline what is meant by federalism in Australia. (2 marks)

(b) With reference to **Source 1** explain, in your own words, **two** reasons why federalism is a barrier to reform. (4 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 5 (continued)

(c) Discuss the division of powers in Australian federalism.

(6 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 6

(20 marks)

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

Source 2

Speech by Professor Gillian Triggs, Vice-Chancellor's Fellow at the University of Melbourne, at an Amnesty International and ANU Law School event, 18 April 2018, on a Bill of Rights.

The Coalition Government's suspension of the Racial Discrimination Act 1975 to facilitate the Northern Territory Intervention in 2007 is yet another notable illustration of how executive power can be abused or overreached. At the state level, we have also seen numerous new laws diminishing our freedoms: the NT's paperless arrest laws, Queensland's "bikie" laws and mandatory sentences, NSW's laws against 'annoying behaviour' during the Pope's visit (later declared invalid by the High Court) and attempts by both Victoria and WA to hold juveniles in adult prisons. These laws breach common law rights ... Only very occasionally have our courts been able to intervene to constrain the overreach of parliaments ...

The comfortable belief that the rights of Australians are adequately protected by the Constitution, by anti-discrimination laws, by the common law and by a free press, deserves urgent reassessment ...

The idea of executive discretion, or an overreach of that government power, does not excite much passion. I suspect most people do not understand that their elected representatives have extensive powers that are not subject to judicial supervision ...

Most concerning of all is the fact that the common law, the traditional check against executive abuse, is invariably ousted by the clear and unambiguous words of parliament. If human rights are not adequately protected by the Constitution, by legislation or by the common law, what are the other options?

Australia has evolved an essentially parliamentary approach to the protection of liberty. As parliaments enact the laws, they should also be guardians of common law freedoms and rights ...

The fact is that federal and state Parliaments have repeatedly failed to protect human rights and have legislated to restrict even the most widely recognised freedoms. Parliament continues to chip away at our rights, creating a new norm of tolerance for human rights violations.

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question 6 (continued)

(c) Discuss **two** statutes that protect human rights in Australia. (6 marks)

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

- (d) With reference to a country other than Australia, evaluate the extent to which **two** particular human rights are protected in that country. (8 marks)

End of Section Two

See next page

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

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.

Part A: Unit 3

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

Question 7

(25 marks)

Formal and informal methods of constitutional change have significantly altered the Commonwealth Constitution.

Evaluate this claim with reference to referendums, referral of powers and unchallenged legislation.

or

Question 8

(25 marks)

Political parties, rather than pressure groups, have a greater influence on the lawmaking process in the Commonwealth Parliament.

Evaluate this claim with reference to examples in recent years.

Part B: Unit 4

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

Question 9**(25 marks)**

Evaluate the extent to which Australia and **one** other country uphold the democratic principles of political representation and natural justice.

or

Question 10**(25 marks)**

Evaluate the extent to which elections and **two** procedures and processes of the Commonwealth Parliament hold it accountable.

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

End of questions

Question number: _____

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Question number: _____

Ruled lines for writing an answer.

Question number: _____

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

Supplementary page

Question number: _____

DO NOT WRITE IN THIS AREA AS IT WILL BE CUT OFF

ACKNOWLEDGEMENTS

- Source 1** Daley, J. (2021). *Gridlock: Removing barriers to policy reform*. Retrieved March, 2022, from <https://grattan.edu.au/wp-content/uploads/2021/07/Gridlock-Grattan-Report.pdf>
Used under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Unported Licence.
- Source 2** Triggs, G. (2018, April 18). *Australian Bill of Rights speech at Amnesty International and ANU Law School*. Retrieved March, 2022, from <https://www.amnesty.org.au/wp-content/uploads/2018/04/gillian-triggs-australian-bill-of-rights.pdf>

This document – apart from any third party copyright material contained in it – may be freely copied, or communicated on an intranet, for non-commercial purposes in educational institutions, provided that it is not changed and that the School Curriculum and Standards Authority (the Authority) is acknowledged as the copyright owner, and that the Authority's moral rights are not infringed.

Copying or communication for any other purpose can be done only within the terms of the *Copyright Act 1968* or with prior written permission of the Authority. Copying or communication of any third party copyright material can be done only within the terms of the *Copyright Act 1968* or with permission of the copyright owners.

Any content in this document that has been derived from the Australian Curriculum may be used under the terms of the Creative Commons [Attribution 4.0 International \(CC BY\)](https://creativecommons.org/licenses/by/4.0/) licence.

An *Acknowledgements variation* document is available on the Authority website.

Published by the School Curriculum and Standards Authority of Western Australia
303 Sevenoaks Street
CANNINGTON WA 6107