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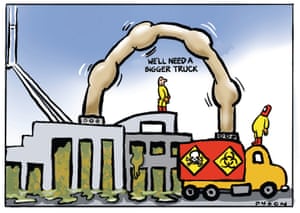
**Year 11 Politics and Law 2024**

**Teaching and Learning Program**

Unit 1 – Democracy and the Rule of Law

Unit 2 – Representation and Justice

Teacher: Mr. Jonathan Morey



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# Semester 1

# Unit 1 – Democracy and the Rule of Law

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| Week | Key Teaching Points |
| Term 1 Week  1-3 | **Introduction**   * Course requirements, assessments, resources, and organisation * Overview of course * Relevance of ATAR Politics & Law (e.g. news, current affairs, career pathways)   **Roles of the Legislative, Executive and Judicial Branches of Government**   * Arms of government in the Commonwealth Constitution (legislature, executive and judiciary, Ch. 1-3)   + Constitutional vs. political executive * Doctrine of the separation of powers (Baron d’Montesquieu)   + Responsible parliamentary government   + Judicial independence (e.g. appointment, removal)   + Constitutionalism and judicial review * Extent to which the separation of powers is upheld in Australia   **Structure of the Political and Legal System in Australia**   * Federalism   + Division of powers between State and Commonwealth parliaments (i.e. exclusive, concurrent, and residual powers – s51, s52, s107, s109)   + Changing balance of power since federation     - Coordinate, cooperative, and coercive federalism     - Financial powers (i.e. vertical fiscal imbalance and horizontal fiscal equalisation)     - High Court of Australia’s constitutional interpretation (e.g. Uniform Tax Cases 1942/1957) |
| Term 1  Week  4-5 | **Key Influences on the Structure of the Political and Legal System**   * Westminster system and English common law * Conventions   + Individual and collective ministerial responsibility   + 1975 Constitutional Crisis * American and Canadian federal systems * Swiss referendum process (s108) * Significance of each influence on shaping the structure of the political and legal system in Australia   **Task 1: Short Answer – Structure of the Political & Legal System - Week 4 – 10%** |
| Term 1 Week  6-7 | **Operating Principles of a Liberal Democracy**   * Distinguish between democratic and non-democratic states * Define ‘liberal democracy’ and outline operating principles with reference to recent examples in Australia   + Equality of political rights   + Rule of law   + Majority rule   + Political participation and freedom |
| Term 1  Week  8-9 | **Structures & Processes of Democratic & Non-Democratic Systems**   * Overview of Iran **OR** Saudi Arabia **OR** China   + Representative government and majority rule   + Separation of powers and relationship between arms of government   + Liberal democracy and protection of political and legal rights   + Rule of law and judicial independence   **Task 2: Essay – Influences on the Political & Legal System – Week 8 – 10%** |
| Term 2  Week 1 –3 | **Types of Laws**   * Constitutional, statute, common, delegated * Relationship between statute and common law * Example of parliamentary sovereignty   **Legislative Processes at Commonwealth Level**   * Structure and functions of the Commonwealth Parliament   + Legislation, representation, responsibility, debate, and the formation of government * Purpose of statute law   + Parliamentary sovereignty   + Implementing policy, authorising expenditure, amending existing law, responding to court decisions (e.g. *Skene & Rossato)* * Legislative process   + Role of committees (e.g. Senate Estimates, Senate Standing Committee for Scrutiny of Delegated Legislation)   + Delegation of legislative power   **Contemporary Issue Involving the Legislative Process**   * Influence of the Senate crossbench, for example:   + *Fair Work Amendment (Supporting Australia’s Jobs and Economic Recovery) Act 2021*   **Task 3: Investigation – Democratic & Non-Democratic Systems – Week 1-2 – 5%** |
| Term 2  Week  4-5 | **Court Hierarchy & Methods of Statutory Interpretation**   * State and federal court hierarchy   + General and specific jurisdiction * Statutory interpretation   + Methods: maxims, rules of interpretation, Interpretation Acts   **Common Law & Doctrine of Precedent**   * Define “precedent” and distinguish between binding and persuasive precedents * Principle of stare decisis and judicial reasoning (ratio decidendi and obiter dicta) * Relationship between statute and common law (e.g. *Mabo, Skene*)   **Contemporary Issue involving the Judicial Process**   * Role of the High Court in *Montgomery v Minister for Immigration [2021]*   **Task 4: Source Analysis – Legislative Process – Week 4 – 10%** |
| Term 2  Week 6 | **Exam Revision** |
| Term 2  Week  7-8 | **Examination Period (3 Hour Exam)** |

# Semester 2

# Unit 2 – Representation and Justice

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| Week | Key Teaching Points |
| Term 2  Week 9– 11 | **Commonwealth Voting & Electoral Systems Since Federation**   * Purpose of democratic elections (e.g. accountability, stability, representation) * Brief history of electoral and voting systems in Australia since Federation * Features of Australian elections   + Secret ballot, compulsory voting, independent oversight, one vote  one value * Majoritarian   + Simple Majority/First Past the Post     - Advantages and disadvantages   + Preferential (Post-Commonwealth Electoral Act 1918)     - Advantages and disadvantages * Proportional   + Single transferable vote     - Advantages and disadvantages   **Recently Implemented Reform to Electoral and Voting Systems in Australia**   * Senate voting reforms and 2016 election   **Electoral and Voting System of United States**   * Simple majority, franchise, non-compulsory voting * The Electoral College and Presidential elections * Congressional elections * Strengths and weaknesses of USA’s electoral system |
| Term 3  Week  1-4 | **Task 6: Short Answer – Electoral Systems in Australia & USA – Week 1 – 10%**  **Political Representation**   * Define representation and political participation * Models of representation   + Delegate, trustee, partisan, mirror * Political parties   + Distinguish between political ideologies using the political spectrum   + Define and outline major, minor and micro-parties in Australia   + Distinguish between a political party and independent * Pressure groups   + Define and outline their role in the political and legal system   + Pluralism vs. corporatism * Discuss the participation of individuals, political parties, and pressure groups in Australia’s electoral processes   **Contemporary Issue Centering on Representation**   * Difference between political parties in terms of female representatives in the Australian Parliament * Proposals to advance gender equality in the Commonwealth parliament (e.g. EMILY’s List, quotas) |
| Term 3 Week  5-9 | **Task 7: Source Analysis – Political Representation – Week 5 – 10%**  **Key Processes of Civil & Criminal Trials in Western Australia**   * Civil Processes * Pre-trial, trial, and post-trial procedures * Alternative dispute resolution – mediation and arbitration * Criminal Processes   + Pre-trial, trial, and post-trial procedures   **Contemporary Issue Centering on Justice**   * Children in detention: Age of criminal detention, strip searches, solitary confinement, state of detention centres   **Strengths and Weaknesses of Western Australia’s Adversarial Processes**   * Competing ideas of justice – natural, procedural, substantive * Elements of natural justice   + Evidence-based decisions, equal hearing, transparency, independent adjudication * Access to justice and legal representation * Evaluation of adversarial criminal and civil law processes   **Task 8: Essay – Justice & Criminal Process in WA – Week 9 – 10%** |
| Term 3  Week 10– Term 4 Week 2 | **Key Processes of a Non-Common Law System – China**   * Distinguish between common and civil law systems * Key processes of the Chinese civil law system   + Relationship between the People’s Courts and People’s Congress   + Role of the People’s Procuratorate in pre-trial and trial processes   + Role of judges, people’s assessors, and adjudication committees   + Trial procedure   **Strengths and Weaknesses of Non-Common Law System**   * Evaluation of Chinese civil law system   + Case studies – Li Zhuang, Karm Gillespie, Bo Xilai |
| Term 4  Week  3-4 | **Proposed/Recent Reform to the Criminal Process in Western Australia**   * *High Risk Offenders Bill 2019* – continuing detention orders * *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*   **Task 9: Investigation – Criminal Processes in Australia & China – Week 3 – 5%** |
| Term 4  Week 5 | **Exam Revision** |
| Term 4  Week  6-7 | **Examination Period (3 Hour Exam)** |