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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)
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| Term 1Week 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
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| Term 1Week 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 2Week 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 2Week 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 2Week 6 | **Exam Revision** |
| Term 2Week 7-8 | **Examination Period (3 Hour Exam)** |

# Semester 2

# Unit 2 – Representation and Justice

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| Week | Key Teaching Points |
| Term 2Week 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
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|  Term 3Week 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)
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| 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 3Week 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
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| Term 4Week 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 4Week 5 | **Exam Revision** |
| Term 4Week 6-7 | **Examination Period (3 Hour Exam)** |