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|  | **Semester One Examination, 2022**  **Question/Answer Booklet** |

POLITICS

### AND LAW

**UNIT 1**

Student Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Time allowed for this paper**

Reading time before commencing work: ten minutes

Working time for paper: two and a half 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 (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**

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| --- | --- | --- | --- | --- | --- | --- | --- |
| **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 | | 55 | 30 | | 40 |
| Section Two:  Source analysis | 2 | 1 | | 45 | 20 | | 27 |
| Section Three:  Essay - Australia’s political system | 2 | 1 | | 50 | 25 | | 33 |
| Total 75 | | | | | | | 100 |

**Instructions to candidates**

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 11 Information Handbook 2022.* Sitting this examination implies that you agree to abide by these rules.

2. 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.

**Section Two**: Consists of **two** questions. You must answer **one** question. Write your answers in this Question/Answer booklet.

**Section Three**: This section has **two** questions. Answer **one** question 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. 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.

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

This section has **four (4)** questions. You must answer **three (3)** 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: **55 minutes.**

**Question 1 (10 marks)**

(a) What is meant by ‘representative government’? (2 marks)

(b) Distinguish between ‘political participation’ and ‘political freedom’. (3 marks)

(c) Discuss **three** features of the rule of law, as it operates in Australia.

(5 marks)

**Question 2 (10 marks)**

(a) Outline the purpose of a constitution. (2 marks)

(b) Describe **three** features of the constitutional monarchy as it operates in the Australian political system. (3 marks)

(c) Discuss **two** reasons why the division of powers is an important feature of the structure of Australia’s political and legal system. (5 marks)

**Question 3 (10 marks)**

1. What is meant by the term executive as it applies in the Australian political system? (2 marks)

(b) Distinguish between the ‘government’ and the ‘opposition’ in either the state or federal legislature. (3 marks)

(c) Discuss the role of an independent judiciary in Australia’s political and legal system.

(5 marks)

**Question 4 (10 marks)**

(a) What is meant by ‘statutory interpretation’? (2 marks)

(b) Describe **three** maxims used in statutory interpretation. (3 marks)

1. Discuss the relationship between statute law and common law in Australia. (5 marks)

**End of Section One**

**Section Two: Source analysis (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: 45 minutes.

**Question 5: (20 marks)**

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

# The following is an edited extract entitled *Covid, federalism and our creative crisis* written by John Carroll and published in The Australian Newspaper on October 15, 2021.

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| On the COVID road, there have been abrupt and uncertain turns. Australia has just taken one of the sharpest. It has involved NSW and Victoria charting paths out of the most severe lockdowns to date, paths that are risky given the virulence of the Delta strain. The moment is timely to reflect on how well and how badly the different polities\* around the country have performed since the start of 2020.  To me, the most striking fact is the vindication of the federalist structure of separate state jurisdictions (and territories) vis a vis\*\* the Commonwealth. Never in the nation’s history has this diffusion of governance proved so important. We can now judge how fortunate it was that the numerous federal politicians, including Bob Hawke, who, over the years argued for the abolition of state governments, didn’t get their way. Mind, the abolition would never have happened, given the resistance of the electorate to even minor constitutional change.  The first benefit has been in much more agile and efficient decentralised responses to the fast-moving pandemic – the same has been true in the US, although with more mixed success. States without infection have been able to close borders and keep normal social and economic life going. Within states, regions with low infection have been exempted from severe restrictions. Within cities, it has been possible to isolate hotspots. Premiers became the most important leaders in the country, with their daily press conferences, especially in Melbourne and Sydney, monopolising public attention. Their announcements and their decisions have governed life in these abnormal times.  The second benefit of federalism has been that differences of opinion among the premiers have helped the public debate about alternative strategies in defending against COVID. The soft touch of the ex-NSW premier, and her reluctance to lock her state down, has contrasted with the tougher, go-hard, go-early reflexes of the Victorian Premier. A conjunction of circumstances and lessons learnt from NSW forced Daniel Andrews to change tactics, which he wisely did, leading to the two largest states having very similar projected paths out of the current lockdown. |

\* An organised society; a state as a political entity.

\*\* A Latin term meaning face to face.

(a) What is meant by the term ‘federalism’? (2 marks)

(b) With reference to **Source 1**, explain in your own words, **two** benefits of Australia’s federal structure in tackling the COVID-19 pandemic. (4 marks)

**Question 5** (continued)

1. Discuss **three** separate Westminster conventions and their relevance to the Australian political and legal system in the 21st century. (6 marks)

**Question 5** (continued)

(d) Evaluate the extent to which the Australian political and legal system was influenced by other key western liberal democracies. (8 marks)

**Question 6 (20 marks)**

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

# The following is an edited extract entitled *Voter ID bill may discourage turnout* written by Paul Karp and published by the Guardian Newspaper on 10 November, 2021.

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| The Coalition’s voter ID bill [formerly known as *Electoral Legislation Amendment (Voter Integrity)* Bill 2021] may discourage people from voting and “no evidence” has been provided regarding how it could prevent fraud, a parliamentary committee has warned.  The joint committee on human rights, chaired by Nationals MP Anne Webster, issued the warning in a report on Wednesday. It called on the special minister of state, Ben Morton, to explain how the bill would be effective and its impact on vulnerable groups.  If the voter integrity bill was passed, Australians would be asked to show photo or non-photo identification in order to vote.  The controversial bill was introduced in the October sittings of parliament, prompting fears it could be pushed through ahead of the 2022 election with the support of One Nation, which has claimed credit for it, and Centre Alliance, which has supported it in principle but is yet to decide its position.  The committee noted the bill could limit the right to participate in public affairs “if a person is unable to cast a vote … or potentially if there is a lower voter turnout because of a perception that identification is required to vote”.  It suggested the bill could also limit “the right to equality and non-discrimination” as requiring proof of identity “may have a disproportionate impact on particular groups”, including homeless people or Indigenous Australians in remote communities.  The committee said “protecting against voter fraud” may be a legitimate objective, but the government had not explained “why the current laws are insufficient … and why the measures address a pressing and substantial concern”.  The Coalition majority on the joint standing committee on electoral matters has recommended voter ID in reviews of the 2013, 2016 and 2019 elections.  But the human rights committee noted the Australian Electoral Commission had found instances of voter fraud were “vanishingly small”.  The committee said that “no evidence has been provided as to how the measure will protect against voter fraud, and therefore increase public confidence in the electoral system”. |

1. What is meant by a bill? (2 marks)

1. With reference to **Source 2**, explain in your own words, **two** arguments against the introduction of the *Electoral Legisation Amendment (Voter Integrity) Bill* 2021. (4 marks)

**Question 6** (continued)

1. Discuss **three** differences between laws made in the parliament and laws made through the courts in Australia. (6 marks)

**Question 6** (continued)

(d) Evaluate the extent to which parliamentary committees enhance the functions of parliament. (8 marks)

**End of Section Two**

**Section Three: Essay (25 Marks)**

This section has **two** questions. Answer **one** question. Number your choice clearly.

Suggested working time: **50 minutes.**

**Question 7 (25 marks)**

Evaluate the extent to which the legislative process in Australia provides the necessary standard of scrutiny required for good government at either the state or Commonwealth level.

**OR**

**Question 8 (25 marks)**

Evaluate the need for court hierarchies in the Australian legal system.

End of questions

**Additional working space**

**Additional working space**

**Additional working space**

**Additional working space**

**ACKNOWLEDGEMENTS**

**Question 5** Retrieved in December, 2021, from <https://www.theaustralian.com.au/inquirer/covid-federalism-and-our-creative-crisis/news-story/be0545d5af571cd17a2ddad39d468aec>>

# The following is an edited extract entitled *Covid, federalism and our creative crisis* written by John Carroll and published in The Australian Newspaper on October 15, 2021.

**Question 6** Source 2 is adapted from: McIntyre, J, Olijnk and Pender, K (2020, May 4) [Courts and COVID-19: Challenges and Opportunities in Australia](https://auspublaw.org/2020/05/courts-and-covid-19-challenges-and-opportunities-in-australia/), *Auspublaw*, Retrieved in December, 2020, from <https://auspublaw.org/2020/05/courts-and-covid-19-challenges-and-opportunities-in-australia/>