

2019 WACE Exam



Comments and
suggestions

POLITICS AND LAW ATAR (Units 3 & 4)	WACE 2019 Averages				
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	%
Short Answer	1.34	2.03	3.02		6.39
	2	3	5		64%
Source Analysis	1.58	3.17	3.02	3.95	11.72
	2	4	6	8	59%
Essay	14.02				14.02
	25				56%
TOTAL					59%
				WACE MEAN	58.98



Short Answers

Short Answers

Make sure you do **three**. No less, no more!

- **PART A (2 marks)**

- Its easy to throw away marks on part (a) – **hunt for 2nd mark**
- Two clear points (include example)

- **PART B (3 marks)**

- Often ask for 3 things – make sure to make 3 clear points
- **Signpost** your answer – use guide words: eg ‘firstly’, ‘secondly’, ‘finally’
- Use **Examples!**
- Don’t WAFFLE – there’s not enough time or space

Short Answers

- **PART C (5 marks)**
 - Treat it like a 'mini-essay'.
 - **Define** key terms
 - Show content **depth**
 - Make an **argument** and/or **evaluation** (don't be too descriptive).
 - PAL **vocabulary**
 - **Examples** (essential)
 - **Stance** may be necessary

Define terms. Stance (if approp).

Outline

Discussion of first point:
Show content knowledge

Use PAL vocab

Examples essential

Discussion of second point

Show content knowledge

Use PAL vocab

Examples essential

Tie back. Restate stance

1a.

Outline **one source** of the **powers** of the **Governor-General** in the Commonwealth Constitution. (2marks)

- **Constitution** – s61 [vests executive powers with the Queen & her representative, the Governor General]
- **Executive power** lies with the Queen & she delegates this to her representative, the Governor General.
- **Reserve powers** that are exercisable by the Governor General at their own discretion.

1b.

Explain the **relationship** between the **Governor-General and the Federal Executive Council (FEC)** as outlined in **Section 62** of the Commonwealth Constitution. (3 marks)

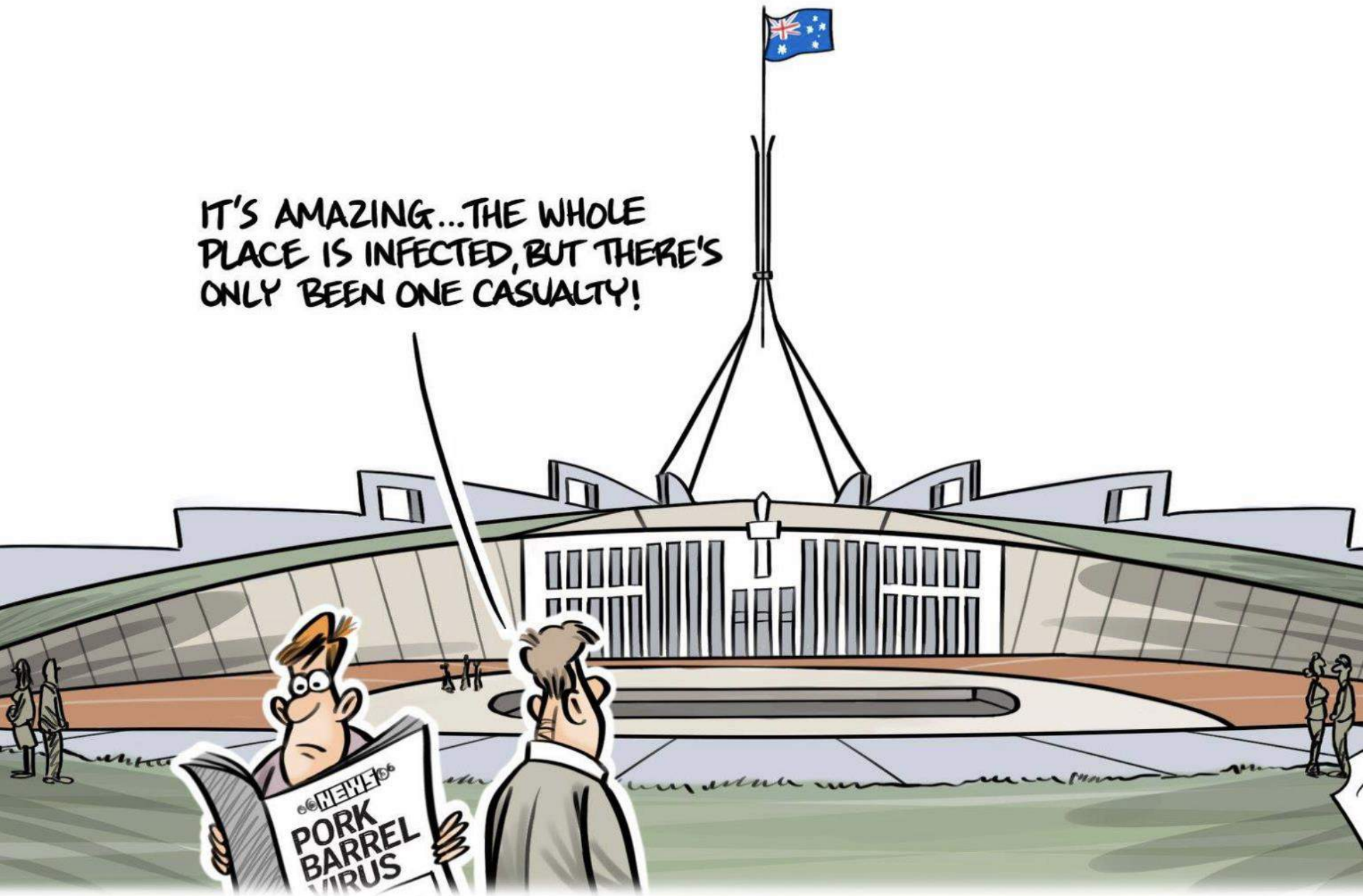
- **s62** - *There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors and shall hold office during his pleasure.*
- **The Governor General is the President** of the Federal Executive Council [FEC or EXCO]
- **Convention** binds the GG to 'act on the advice of the Federal Executive Council' and so this gives EXCO defacto executive power, that is, it gives Cabinet (that has no recognized power in the Constitution) the power to legally enact its policies.

1c.

Discuss **one** argument **for** and **one** argument **against** the power of the **GG to dismiss a Minister**, including a PM. (5m)

- **FOR** – s64 refers to the appointment of ministers & requires that they be members of Parliament. This **section** underlines the principle of responsible government – ministers are elected representatives & are accountable to the Parliament. They hold office ‘at the GG’s pleasure’.
- Being independent of the government, they can hold Ministers to account.
- In cases where a Minister refuses to resign, this allows the PM to request it.
- **Eg: 1975 Crisis** – the govt became unworkable due to Senate blocking Supply, the GG relied on his reserve powers to sack the PM & his Ministers.
- **AGAINST** – The GG is unelected whereas the PM & Ministers have been elected by the majority will in a representative democracy.

IT'S AMAZING...THE WHOLE
PLACE IS INFECTED, BUT THERE'S
ONLY BEEN ONE CASUALTY!



2a.

According to the C/w Constitution, outline in which **bodies C/w judicial power** is vested. (2 marks)

- Judicial power is the power to adjudicate & make legally binding decisions in resolving disputes & interpreting statutes (including the Constitution).
- s71 vests judicial power in a supreme court to be known as the High Court of Australia & other courts that have been created by the C/w parliament
- The HCA also has judicial power to hear appeals from any court jurisdiction in Australia – s73
- The HCA has original jurisdiction as outlined in s75 & s76

2b.

Explain the concept of '**separation of powers**' as it exists in Australia. (3 marks)

Theoretically, SOP has 'power' split between 3 separate branches of govt [Legislature, Executive, Judicature] such that each are independent of the other, and power is not confined to one branch.

- **Rejects 'arbitrary power'** exercised by one branch of govt.
- **In Australia** the extent of the SOP is not as complete as outlined by Montesquieu, due to its origins as a Westminster system where the Executive must sit within the Legislature (s64). This means that the executive is drawn from & is accountable to the legislature.

2c.

Discuss **two** features of the **separation of powers** as it operates in a particular **non-Westminster** political & legal system. (5 marks)

- The **US has complete SOP** in that each of the Legislature, Executive & Judicature are completely independent of each other.
- **SOP is outlined in the Constitution** – the President is the head of state & the head of govt & can not sit in the Congress. The Pres appoints his executive (Secretaries of State) who must not be in the Congress. If they happen to be elected MHRs/Senators, they must resign from this House to be in the executive branch.
- **Congress** is dominated by political parties & focuses on the legislative process. The President can also introduce legislation but must get a Senator/MHR to do it on his behalf.
- The **Judicature** is independent of the other 2 Arms of govt, however, Justices are appointed by the President with a 2/3 confirmation by the Senate....so not complete separation.

3a.

Outline the purpose of **Standing Orders** in the C/w Parliament. (2 marks)

- **Standing orders** are provided for in the Constitution (s50) and are approved by the relevant chamber – HofR and Senate in C/w Parliament and in State parliaments.
- Their **purposes** are to set the rules for how the chambers' businesses are managed, set rules of questions and debates, determine how legislation is passed, maintain order in the chamber, provide sanctions for breach of standing orders, etc.
- Examples include voting on motions, requiring relevance when answer questions (QT), questioning witnesses in committees, etc.
- s94A – eject members from the HofR.

3b.

Explain **one** way in which the **Senate** can keep the C/w **Parliament** **accountable**. (3 marks)

- **Focus** is C/w Parliament, NOT executive.
- **Identify** what it is that Parliament does that requires accountability (legislation could be a strong focus).
- **Choose one** - Reject bills from the HoR through a motion on the floor, scrutinize bills in the chamber and in committee (and make amendments), seek witness testimony in legislative committees, especially the Senate Estimates process, etc.
- A specific example would ensure the 3rd mark.

3c.

Discuss **one** argument for and **one** argument against the proposition that 'elections keep the House of Representatives accountable'. (5 marks)

- Requires clear arguments for **AND** against – this needs to be clearly signposted. Briefly identify **purpose of elections** and their importance for the HoR – principally, the formation of government.
- **For**– performance of individual MP is judged (Briggs-Sharkie; Abbott - Steggall), performance of govt (or opposition) and the MPs status within (solidarity), voting system (preferential) provides for protest vote to act as a warning to incumbent MPs, etc.
- **Against** – 2-party system dominates, voters choose party over candidate, presidential campaigning (Scomo 2019 election), voters ignorant of preference deals resulting in unintended MP election, limited to the calling of an election, etc.

4a.

Outline what is meant by '**transparent processes**' in the Australian courts. (2 marks)

- **Define** transparent process as courtroom procedure open to public scrutiny.
- **Identify** one-two features of this such as:
 - public hearings,
 - court procedure made available in advance,
 - decisions are public and published (Law reports),
 - HCA hearings televised online.

4b.

Explain the process for **removing Justices** from the High Court in Australia. (3 marks)

- Justices of the HCA are identified in s71.
- **s72** outlines their removal process – clear formal steps of both houses (must be in the same session) agree there is ‘proven misbehaviour or incapacity’ by the Justice and the GG is informed in-Council.
- No such removal has occurred but Lionel Murphy (1986) came close. Students should not discuss any other court.

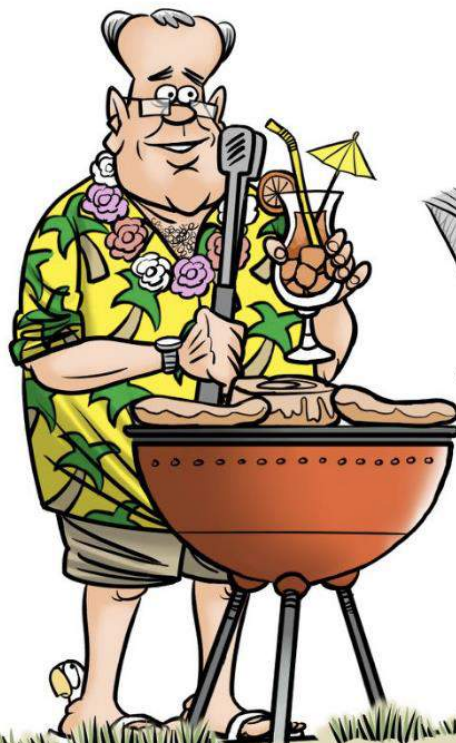
4c.

Discuss **two** ways in which the C/w **Parliament can hold the courts accountable.** (5 marks)

- **Identify** what the courts need to be accountable for – common law, statutory interpretation, judicial processes, behaviour of justices & the way they're managed, etc.
- This question is **NOT** limited to the HCA and can include recent concerns about the Federal Circuit Court (Street & Vasta) as well as individual federal judges.
- **Ways include:**
 - endorse common law (Mabo to Native Title Act 1993),
 - statutes that require reporting (Federal Court Act 1976, Acts Interpretations Act 1901),
 - removal of Justices (*s72 ibid*),
 - Parliamentary inquiry through commissions (Parliamentary Commission of Inquiry Act 1986).

THERE'S NOTHING LIKE
A FAIR DINKUM AUSSIE
BARBIE ON AUSTRALIA
DAY!

YEAH, GREAT... YOU
GOT ANYTHING
BUT PORK?



Polly.



Source Analysis

Source Analysis

- **PART A (2 marks)**

- Drawn from source and may require a definition or brief explanation of a term
- Make sure you use the **context of the source** to guide your answer
- As for short answer – Hunt for 2nd mark

- **PART B (4 marks)**

- Will ask for reference to the source *'in your own words'*
- Use **signpost** words if the question asks for 2 points etc (firstly, secondly)
- **Quote** from the source
- **Examples** beyond the source may illustrate your answer

Source Analysis

- **PART C (6 marks) and PART D (8 marks)**
 - These are often inspired by the source, rather than a direct quote from the source
 - **Define** terms from the question
 - Show content **depth**.
 - **Argument and/or evaluation**, (don't be too descriptive).
 - Rich **examples** are essential.
 - Make **links** to the source – remember it's a source analysis, not a short answer!

Source 1

The following is an edited extract from a Radio National broadcast on Wednesday 12 August, 2015 by Erica Vowles, *What the history of referendums tells us about constitutional recognition*.

Professor George Williams, a constitutional law expert at the University of New South Wales who has written several books on our nation's founding document, says that while there are structural reasons why referendums are tough to pass, there are also good reasons why some fail ...

'The reasons get down to a few things. One is that people don't know much about the constitution, so when they are asked to vote yes or no they often come from the point of view that's often filled with ignorance, and when that happens the "don't know, vote no" idea takes shape.

Another factor is politicians often haven't sold the proposal well. They have put proposals that people haven't understood and often are really unconvinced about whether they need to be enacted. Often that fits into the category that politicians federally ask for more power. In fact, most of our 44 referendums have been federal politicians asking for extra power, and people have said, "No we are actually happy with the powers you've got".

While some countries change their constitution through parliament, in Australia a referendum requires more than 50 per cent of a national vote, and four of the six States also have to vote in favour of the change ...

I HEREBY CONVENE
THE PARLIAMENTARY
STANDING COMMITTEE
ON INDIGENOUS AFFAIRS...

ULURU STATEMENT FROM THE
HEART



5a.

Outline the **purpose of s128** of the C/w Constitution. (2 marks)

- **S128** - provides that any proposed law to alter the Constitution must be passed by an absolute majority in both Houses of the C/w Parliament. If passed by both Houses, it is submitted to a referendum at least 2 - 6 months, after it has been passed by Parliament. In certain circumstances, a proposed amendment can be submitted to a referendum if it is passed on two separate occasions by only one House of the Parliament.
- **At the Referendum** the proposed alteration must be approved by a 'double majority'. That is:
 - a **national majority** of electors in the states & territories AND
 - a **majority** of electors in a **majority of the states** (i.e. at least 4/6 states).
- **The purpose** is to ensure that the only formal method of changing the words of the Constitution lies with a vote by the people of Australia, ie, a democratic means of changing this document.

5b.

With reference to **Source 1**, explain in your own words, **two** reasons why some **referendums fail**. (4 marks)

- **Responses** must be put into the student's own words.
- **Lack of understanding of the proposed change** &/or why it is necessary will result in voters voting NO. *"don't know, vote no idea"*
- **Lack of public education** on the proposed change will result in voters voting NO. *"politicians often haven't sold the proposal well"*
- **Lack of bipartisan support** will lead to mixed messages.
- **Lack of trust**, especially where the C/w Parliament is concerned & the possibility of them increasing their powers through the proposed change. *"No we are actually happy with the powers you've got"*
- **Double majority** is an extremely high standard to achieve – *"In Australia a referendum requires more than 50% of a national vote, and four of the six states also have to vote in favor of the change"*
- *Eg: 1977 simultaneous elections received – 62% of National vote but only 3/6 states, so it failed.*

5c.

With reference to **two successful referendums** in Australia, discuss how each altered the C/w Constitution. (6 marks)

- Required sound knowledge of **2 successful referendums** & how they altered the Constitution.
- **1928 – States debts** taken over by the C/w = inclusion of s105A
- **1946 – Social welfare** allowing C/w to expand power = inclusion of s 51xxiiiA
- **1967 – Indigenous changes** = deleted s127 & altered s51xxvi so that Aborigines were included in the census
- **1977 – casual vacancies in Senate** = altered s15 to ensure the party of the senate position fills the vacancy
- **1977 - retirement age of judges** = altered s72 such that justices must retire on their 70th birthday, prior to this the appointment was 'for life'.

5d.

Evaluate the impact of **referrals of power** in bringing about informal change to the C/w Constitution. (8 marks)

- **Define ‘referral of power’** – s51xxxvii enables the C/w Parliament to make laws on matters that the States have ‘referred to them’.
- **Reasons why** States may want to refer a power could be a lack of resources (\$) to deal with the matter or a desire to regulate laws across the nation.
- **Process** – State must pass legislation in its parliament to officially refer the power to the C/w.
- **Eg: The Criminal Code Amendment (Terrorism) Act (2003)** – all States referred power to the C/w following the 9/11 terror attack on US.
- **1977 – SA & Tas** referred powers regarding rural railways, possibly to save \$'s
- **1986 – all States** (except WA) referred power to C/w so the Family Court could hear cases over custody of children from de facto couples as though they were married couples.
- **2008** – NSW, Vic, SA, ACT & Qld transferred **Water** policy to C/w – Murray Darling Basing Management. (s100)

The following is edited from an extract published by the Centre for Independent Studies entitled *The Limits of Australian Anti-discrimination Law* written by Helen Andrews in August 2016.

... Equality before the law is a fundamental tenet of the Anglosphere¹ legal system – all the more so in countries like Australia and the United States that pride themselves on their lack of a titled aristocracy.

...

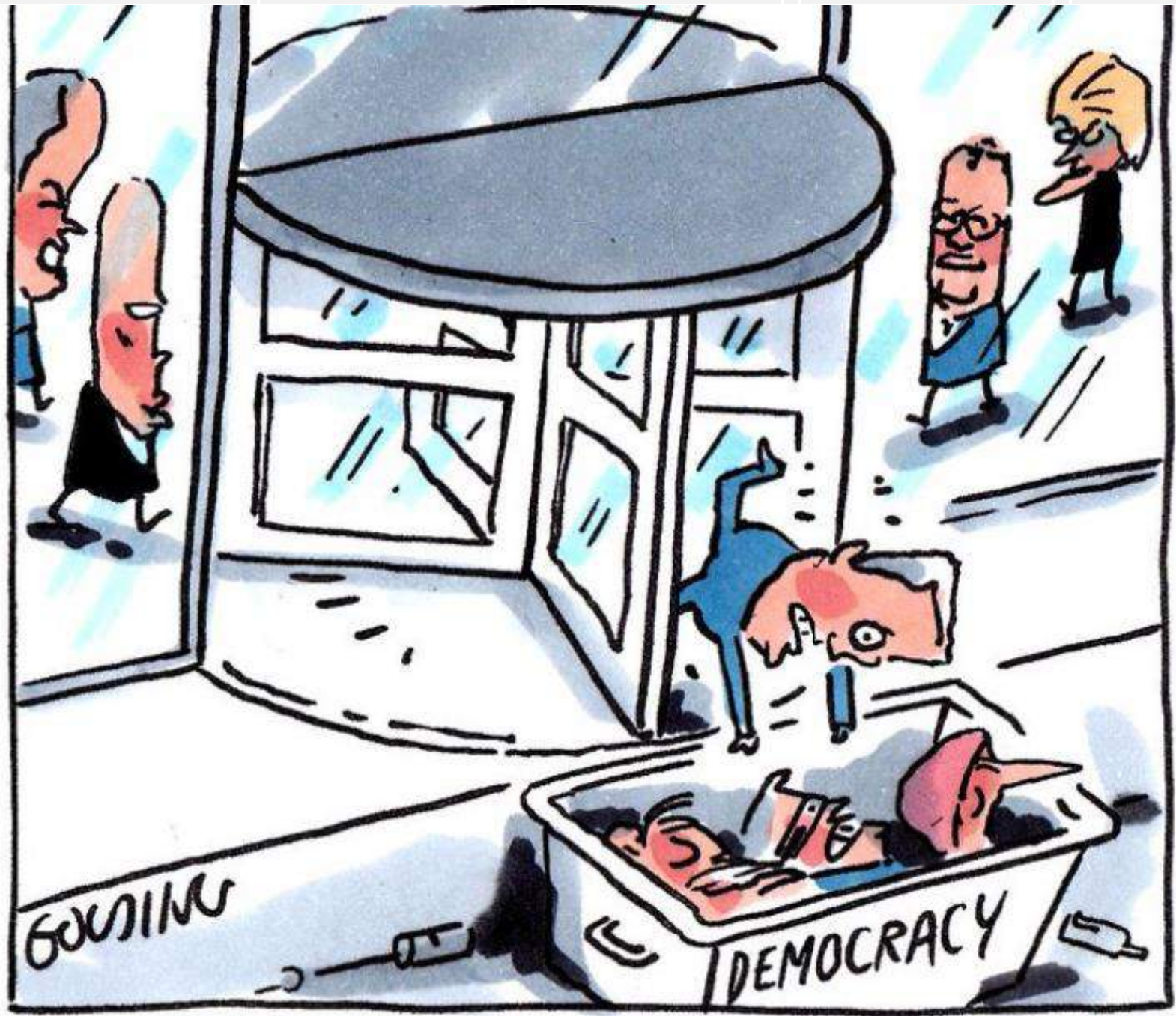
Racial vilification complaints accounted for 18% of complaints filed with the AHRC² under the *Racial Discrimination Act* in 2014–15. In terms of public interest, however, speech-limiting provisions are among the most prominent features of anti-discrimination law. The case of *Eatock v Bolt* was a flashpoint in this debate, due to the national prominence of the respondent, columnist Andrew Bolt. The aspect of this decision most threatening to free speech rights was not the judge's finding that Bolt's columns constituted vilification on the grounds of race, but his findings that the columns did not fall under the protections in section 18D for 'fair comment on [a] matter of public interest' ... One can acknowledge the validity of racial vilification as a legal offence and still recognise that the political issues raised by Bolt – the allocation of taxpayer-funded grants and, more broadly, the rise of identity politics – are topics of legitimate interest to Australian citizens.

...

Too often in their 50-year history, anti-discrimination laws have been expanded not for any logical reason, much less any evidence-based reason, but simply because a minority seemed to be 'next' or had 'come of age' as a pressure group. Too rarely have people stopped to ask whether anti-discrimination law is really the best means for accomplishing some new political goal, especially given that ... anti-discrimination laws may not even be accomplishing the goals for which they were expressly designed any more.

¹Anglosphere – a group of English-speaking countries that share common roots in British culture and history

²AHRC – Australian Human Rights Commission



6a.

Outline what is meant by **'equality before the law'**. (2 marks)

Define the term and apply to an example (how provided).

Liberal democratic principle of treatment by judicial officers towards those presented before them regardless of a range of demographic features.

Consider Racial Discrimination Act, Sex Discrimination Act, etc.

6b.

With reference to **Source 2**, explain in your own words, **two** issues associated with the **expansion of anti-discrimination law**. (4 marks)

- Needs to identify and explain two issues, drawn from the source.
- **Could include:**
 - Expanded not because of evidence or need but whose turn it is;
 - The application of the laws is questioned as to whether they achieve their original intent;
 - Not resolving actual issues but enhancing causes/political goals; and
 - Being used to stifle legitimate political debate.

6c.

Discuss **two rights protected by common law** in Australia today. (6 marks)

- Identify common law's origins.
- Identifies two rights that are based on court rulings and have not since been confirmed, altered or over-turned by statute.
- **Consider:**
 - ACTV, et al (political expression), Dietrich (fair trial), Timber Creek (native title and cultural practice)
 - **Discussion** should include brief statement why they were created and how the C/w or higher courts have not sought to significantly amend or over-turn, thereby reinforcing common law rights.
 - **Students** should be aware of which examples are statutory and constitutional and thereby avoid them.

6d.

Evaluate the extent to which specific **statutes have impacted the experience of a particular group** in Australia in terms of their political & legal rights. (8 marks)

- Students should try to examine both 'political' and 'legal' rights even if one is greater than the other.
- Past exam reviews have complained about state-based examples when C/w examples are abundant.
- Focus is on statutes, not common or constitutional law.
- Students need to determine the extent of change and should therefore start from 1901 and progress to today highlighting key statutes and the changes affected, concluding with the 'evaluation of extent'.

Women

Political

Franchise Act (1902) – Non-ATSI women

C/w Electoral Act (1962) – ATSI women

Legal

Public Service Act Amendment (1966)

Maternity Leave Act (1973)

Family Law Act (1975)

Passports Act (1984)

regulations amended

Sex Discrimination Act (1984)

Workplace Gender Equality Act (2012)

A dark, textured, organic shape on a light background, resembling a splash or a piece of paper with a hole. The shape is irregular and has a rough, fibrous appearance. The background is a light, mottled grey with some darker spots and a subtle texture.

Essays

ESSAYS

INTRODUCTION

Introductions count – invest in a good introduction (at least 1/3 of a page):

- Define / explain **key terms** from the question (ALL key terms)
- State **stance** – most questions ask you to assess, or evaluate the validity of a statement (*for, against or on one hand, on the other hand*)
- **Avoid** weasel words e.g. the statement is 'somewhat true'
- Outline your **main ideas** – i.e. the main things you're going to write about. There should be ONE per paragraph. (this is why planning is essential)

ESSAYS

MAIN BODY PARAGRAPHS (MBPs)

- ONE main idea per paragraph – these should've been outlined in introduction
- Use the **PEEAL** format for each MBP:
 - **POINT** of the paragraph
 - **EXPLANATION / EVALUATION** - Richly detailed content should be included here. Show the depth of what you know
 - **EVIDENCE / EXAMPLES** - Use rich examples to illustrate. Knowing examples means you know content – they're not add-ons
 - **ARGUMENT** - should be analytical, thoughtful, related to the topic
 - **LINK** - Relate the paragraph to the topic or to the next paragraph.

ESSAYS

CONCLUSION

Often under-done because of time – don't throw away these 3 marks

- **Restate** your stance
- Give an **overview** of your paragraph **ideas** by gathering ideas and evidence into a summary of your argument
- **Finish well** (*coda*: a final succinct remark).

Description	Marks
Explains relevant terms and outlines parameters of discussion	
Explains all relevant terms and outlines parameters of discussion	5
Explains some relevant terms and outlines parameters of discussion	4
Indicates what is to be addressed in the discussion	3
Attempts to provide a focus for discussion	2
Makes a general statement concerning the topic/claim	1
Subtotal	5
Discussion of relevant issues including pertinent examples	
Discusses relevant issues comprehensively using a well-structured format and supportive examples in a cohesive, logical sequence and relevant political and legal terminology	9-10
Discusses some relevant issues incorporating some examples in a cohesive, logical sequence and using relevant political and legal terminology	7-8
Limited discussion with limited examples in a logical sequence and some relevant political and legal terminology	5-6
Limited discussion of the issues with limited political and legal terminology	3-4
Makes general statements concerning the topic	1-2
Subtotal	10
Evaluation / assessment / analysis	
Evaluates/assesses/analyses the claim using specific evidence which demonstrates a comprehensive understanding of the topic	7
Evaluates/assesses/analyses the claim using appropriate evidence which demonstrates an understanding of the topic	6
Evaluates/assesses/analyses the claim using some evidence which demonstrates some understanding of the topic	5
Constructs a relevant but weak evaluation/assessment/analysis	4
Constructs a weak evaluation/assessment/analysis	3
Limited evaluation/assessment/analysis	2
No relevant evaluation/assessment/analysis. A statement only	1
Subtotal	7
Conclusion	
Draws together the argument linking evidence	3
Summarises the argument	2
Makes general/superficial statements	1
Subtotal	3
Total	25

STAB... STAB... STAB... STAB... STABILITY!



GOSLING

Question 7


(25 marks)

In recent years the **Prime Minister's roles and powers** have been too dependent on the Senate of the Commonwealth Parliament.

Evaluate this claim.

- **Recent** – Rudd [2009] – Gillard – Rudd – Abbott - Morrison [2019]
- **Discussion of PM Roles** – Head of govt + sets political agenda + advises GG + deals with crisis.
- **Discussion of PM powers** – hire/fire Ministers; chair Cabinet; powers to appoint/remove PS; set election date...
- **Role of Senate** – House of Review; co-equal powers s53; though convention says Senate can't pass \$ Bills they can frustrate the govt; Senate Estimates & Committees; significant Cross benchers & the need to negotiate with them (Jaqui Lambie).
- **Issues** – consideration of relevant Egs relating to 'Roles' & 'Powers'
 - **2019 Scomo** relied on Lambie's support of the repeal of the Medevac laws to get this passed in the Senate.
 - **2015** - Senator Brandis & Gillian Triggs (HR commissioner), he was censured but PM wasn't forced to take any action on the matter

- Senate can block/frustrate/delay/introduce legislation
- **2016** – 2 pieces of legislation rejected (Clean Energy Finance Corporation & Registered Organisation Commission)
- **2016 (Nov)** – Senate rejected the SSM Plebiscite Bill
- **2016** – Senate & Electoral Reform; sat for 39hrs; Greens backed the govt to pass thru the Senate
- **2017 (Mar)** – ALP+Greens+ NXT+Lambie voted together to defeat changes to s18C of the RDAAct 1975
- **14/2/2019** – Senate passed the **Medevac** Bill & then it passed the HoR whilst the Govt opposed this bill.
- **Senate** can also agree & endorse govt legislation. Eg. 2018 Telecommunications & other Legislations (Assistance & Access) Bill saw the Opposition support the bill.
- **Decide election date** –
 - Turnbull called a DD in 2016 due to the failure of ABCC & ROC according to s57.
 - 2019 – Scomo called election to validate/legitimize his position, he was the underdog but he took control & mounted a strong campaign to win...against the odds.
- **Appt of senior PS** – Abbott dismissed 3 Dept Secretaries, while in 2016 Turnbull appointed Hockey as US Ambassador. 2020 Secretary of DPMC Phil Gaetjins did inquiry into Bridget McKenzie over the \$100 mill Sportsrorts.
- **Evaluation** – has the Senate had a big or small impact on the power of the PM?



ALL IN FAVOUR OF HOLDING
A POSTAL SURVEY ON WHAT
OUR RULING SHOULD BE
JUST FOR A LAUGH...?

JUDGES
ONLY

KUGELKA. 7 SEPTEMBER 2017

Question 8

(25 marks)

The **High Court** of Australia, through its **judgments**, has had a **significant political impact** in Australia.

Evaluate this claim, making reference to particular judgments of the High Court of Australia.

Define – HCA – s71 vests judicial power in a supreme court to be known as the High Court of Australia... It sits at the apex of the Aust court hierarchy.

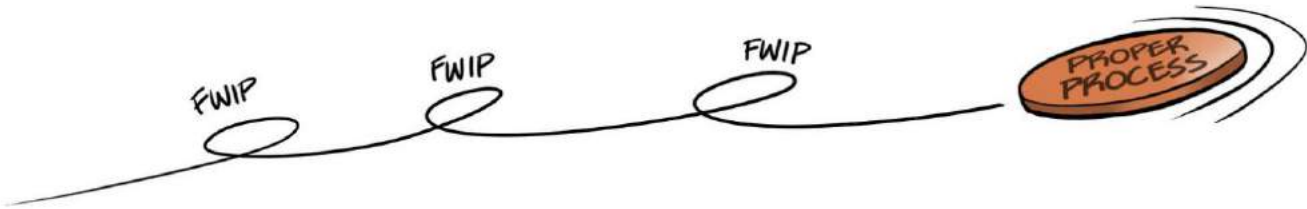
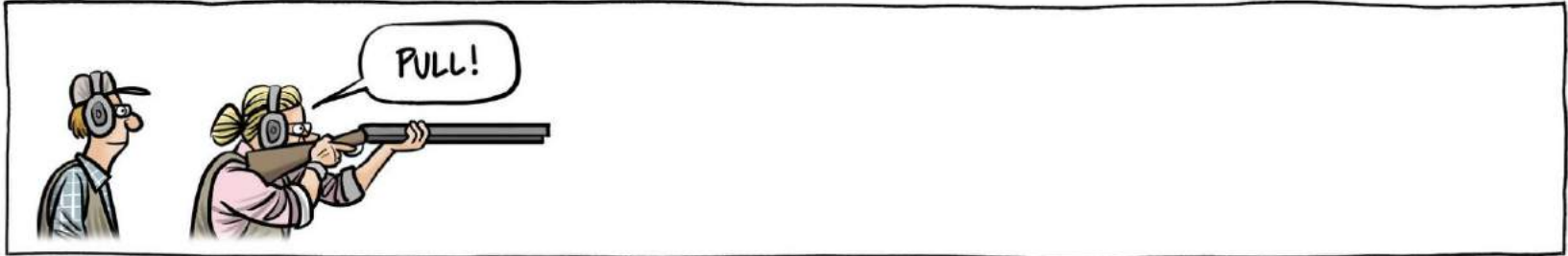
Jurisdiction – s73: appellate + s75: original + s76: additional original including interpreting the Constitution.

Significant – major impacts on Aust society = generally Landmark judgments

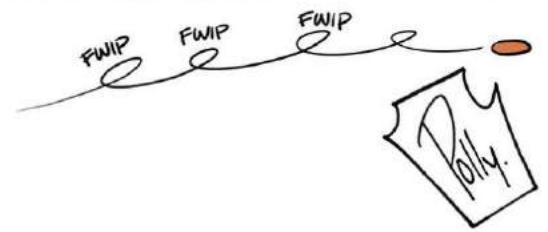
‘Political impact’ – those judgments that have affected:

- **Decisions that impact on federal balance:**
 - Engineers case (Amalgamated Society of Engineers v Adelaide Steamship Co (1920))
 - Franklin dam (C/w of Aust & Anor v The State of Tas & Ors (1983))
 - Work Choices (NSW V C/w of Aust; WA v C/w of Aust (2006))

- **Decisions that impact on federal balance & financial powers:**
 - Uniform Tax (SA v C/w of Aust (1942))
 - Ha case (Ha & Ors v NSW; Walter Hammond & Assoc Pty Ltd v NSW (1997))
- **Decisions made by Executive/Cabinet:**
 - Malaysia Solution invalid (Plaintiff M70/2011 v Minister for Immigration & Citizenship (2011))
 - Williams No 1 (2012) = executive; Williams No 2 (2014) = legislation
- **Validity of Members of Parliament:**
 - S44i – Ros Culleton, Barnaby Joyce, Fiona Nash, Larissa Waters, Scot Ludlam, Stuart Roberts



GEEZ, BRIDGET... NOT EVEN CLOSE.



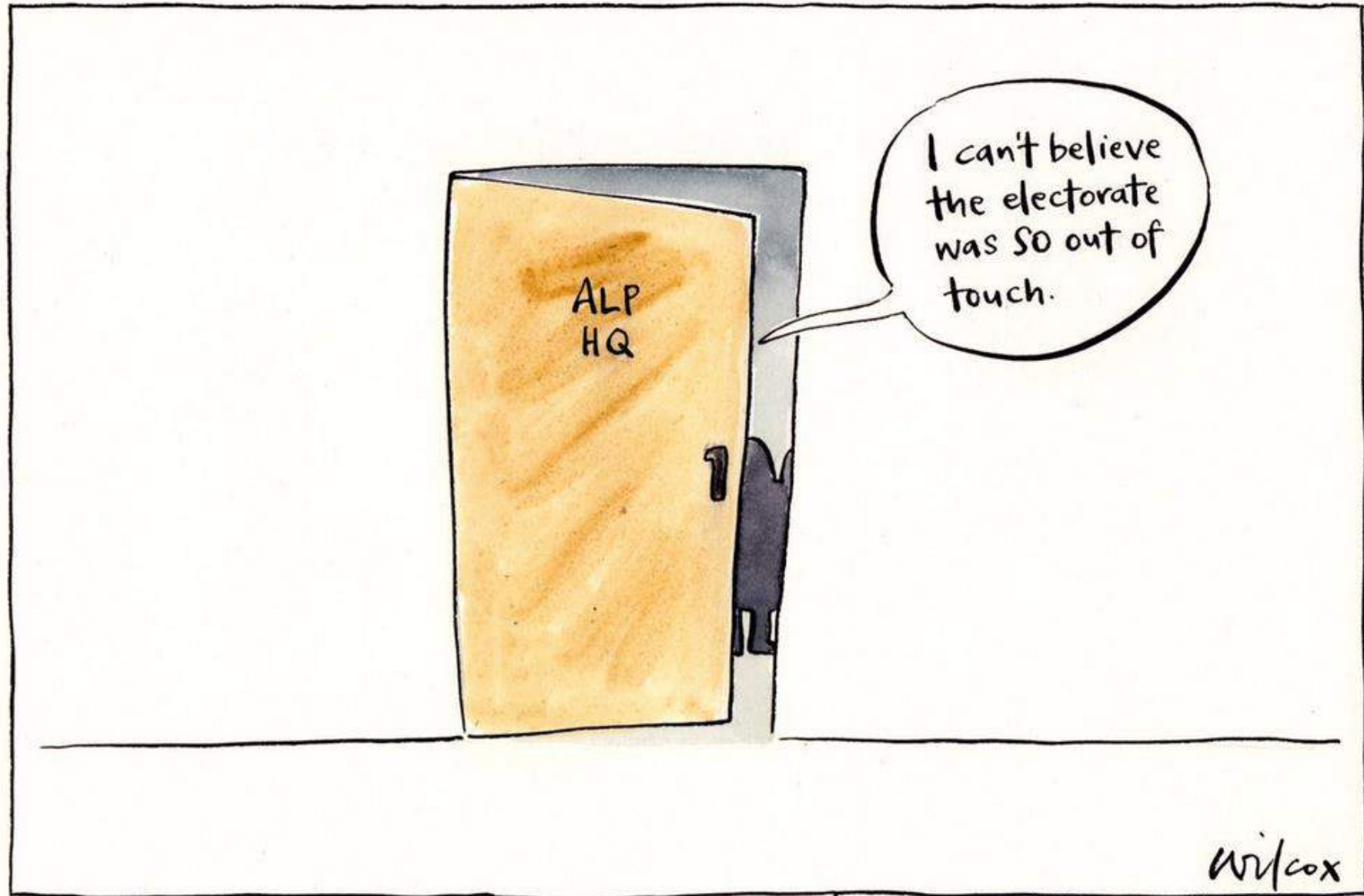
Question 9

(25 marks)

Analyse the **extent** to which **collective and individual ministerial responsibility** and **Senate Estimates** have held the **Executive accountable** in the Australian political and legal system in recent years.

- Focus should be on the **political executive**
- There are **three methods** of accountability in two distinct areas
 - executive holding itself accountable
 - IMR and
 - CMR and
 - the legislature (Senate) holding the executive accountable.
- Students need to outline the function and processes of each of the three and how success would look.
- Requires recognition of strengths and weaknesses of the three methods – this provides opportunity for **'extent'**.
- Requires examples of successful and unsuccessful (refer to what is achieved by 'success') of each of the three from the past 10 years.

- CMR could include resignations by Ministers following leadership spills (plenty to choose from – the mass resignations of ministers when there were the changes b/n Rudd – Gillard – Rudd; those following Turnbull’s overthrow of Abbott & then the fallout from Scomo’s ascension).
- Dismissal of Crean due to lack of CMR.
- **IMR** provides a lot of ‘extent’ – Garrett (no resign but responsible), Brandis and Cash (not resign), Fitzgibbon, Joyce and Ley (resigned all due to personal behaviour), Robert (resigned due to financial gain).
- **Senate Estimates** has led to few (3?) resignations but it shines spotlight on Executive actions and its members’ behaviours.
- Student analysis should identify both effective and comparative less effective accountability in all three areas. Analysis should be through clearly ordered evidence (good, unbiased examples)



Wilcox

Question 10

(25 marks)

Analyse the **extent** to which Australia and **one** other country uphold the **democratic principles of popular participation and the rule of law**.

- Students should identify '**other**' country as early as possible.
- Students need to be clear about what '**democratic principles**' means and how they are relevant for the categories of '**popular participation**' (regular elections, voting rights and methods, political association, etc.) and '**rule of law**'.
- Students can choose to answer all categories one country at a time or one category at a time for both countries. It is **not seeking a comparison**.
- Students need to do more than define and explain each feature of the categories. They **need to analyse their strengths (upheld) and weaknesses (undermined)**.
- Some features of each category will require more or less analysis than others. Students should place their **analysis in order of best evidenced arguments**.

- A wide range of Australian examples can be referred to:
- Constitution (7 and 24) Electoral Act (free and fair, compulsory voting, etc.)
 - Brown v Tasmania (participation and protest),
 - ACTV et al (participation and speech),
 - Communist Party (association), etc. can look at upholding popular participation.
 - Anti-terror and public safety laws, political apathy (evidenced by declining memberships to political parties), partisan politics limits private members bill and 'delegate representation' are **examples of undermining** popular participation.
- Australia upholds principles of the Rule of Law, such as appeals and fair trial, through High Court decisions (Plaintiff S157, Dietrich, etc.) and through stare decisis but undermines it through access to legal aid and poor education of legal responsibilities and rights (leading to over-representation of some groups).

- For an alternative country, consider the **United States**.
- **Popular participation** is upheld through free, fair and regular elections, especially of the HoR, the Constitution's amendments (15, 19, 24, 26) and the voting laws of the states, restoration of voting rights for former felons.
- It is **undermined** by the voting laws of the states (particularly current felons and poor areas), registration requirements to be a candidate, etc.
- **The Rule of Law** is upheld through right to appeal, constitutional limitations to the executive, constitutional rights (particularly natural justice and due process) through amendments (Miranda – 5 and 6), limit of Supreme Court to create law (Erie Railroad) and stare decisis but **undermined** by legal costs, racial profiling, election of judges, etc.

MAXIMISING THE EXAM

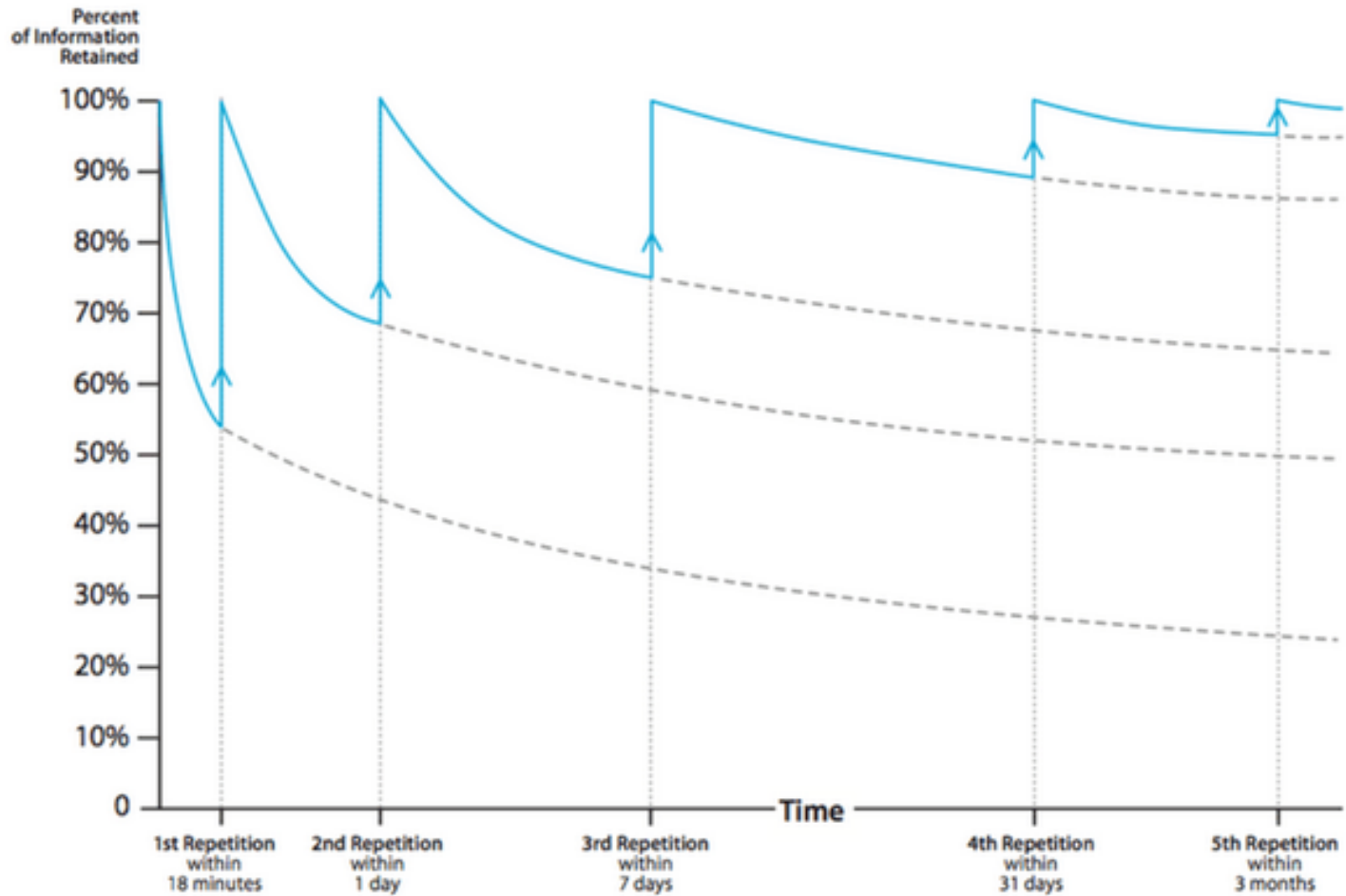
ENDING WELL

- Leave time to **read** and **edit**
- If you Think and Plan then Write – **NO asterisks and arrows!!!** (examiners see this as disorganised thinking)
- If correcting, **no white-out**
- Write with '**flow**'
- Write **dense text** – information + evidence + economy (no waffle, no weasel words)
- Use rich and relevant **examples**
- Demonstrate deep understanding by **linking** relevant PAL concepts.

Before the Exam

- Have a **study plan**
- Focus on **concepts** – understand them in context. ‘Joined up thinking’. Linking ideas deepens understanding
- Learn **examples** – good ones can be used for different questions
- Practice **questions** – use textbook activities,
- Use 2018 **news** – what’s been going on?
- Other students’ brains? **Collaborate** – read each other’s work, constructive feedback, learn from peers
- Work with your **teacher** – they are your BEST EVER resource!
They want you to succeed as much as you do!

Rate of Forgetting with Study/Repetition



Reading Time

Use the 10 minutes wisely

- Read **BOTH sources** first. You can decide which source analysis to do AND you may discover content and examples that may be used elsewhere in the paper
- Mentally prepare by **selecting** your questions, options and **planning** responses;
- **Stay calm**

'Marker in Mind' and a 'Paper that Pops'

Always **keep your marker in mind** – make their job easy with...

- Good writing
- Logical flow
- Interesting argument

Make your **paper pop!**

- 2019 examples
- Connection and links
- Maturity

Your WACE marker has many papers and works for hours into the night

- Make your paper stand out from the pile of papers on their desk

EXAM TECHNIQUES

Time budget. Each mark is worth 1.8 minutes of your time

- Short Answer = 18 mins per question
- Source Analysis = 36 mins
- Essays = 45 mins each

Sequence. Up to you – whatever works!

- Major thing: Don't miss anything!

Mix it up – take '**brain breaks**' e.g. ...

- Essay, 2 Short Answers, Source Analysis, other Essay, 3rd Short Answer

Study Smart and you won't need any luck!

