**2016 Semester 1 Exam**

**Question/Answer Booklet**

**Name:**

Year 12

POLITICS

Please place your student identification label in this box

### AND LAW

### ATAR

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| Student Number: In figures |  |  |  |  |  |  |  |  |  |  |

In words

#### Time allowed for this paper

Reading time before commencing work: Ten minutes

Working time for paper: Two 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, pencils, eraser, correction fluid, 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 notes or other items of a non-personal nature in the examination room. If you have any unauthorised material with you, hand it to the supervisor before reading any further.

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**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 exam |
| Section One:  Short response | 4 | 3 | 45 | 30 | 30 |
| Section Two:  Source analysis | 2 | 1 | 35 | 20 | 20 |
| Section Three:  Essay | 4 | 2 | 100 | 50 | 50 |
|  | | | | | 100 |

**Instructions to candidates**

1. The rules for the conduct of this examination are detailed in the *Year 12 Information Handbook, 2016*. Sitting this examination implies that you agree to abide by these rules.

2. Answer the questions in the space provided.

2. 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.

3. Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

* + Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
  + Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

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

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

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

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  + Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time for this section is 45 minutes.

**Question 1 (10 marks)**

1. Discuss what is meant by ‘responsible government’ in the Australian political system?

(2 marks)

(b) Outline **three (3)** examples of ‘Westminster conventions’ that operate in the Australian political and legal system. (3 marks)

(c) Explain how the separation of powers differs in a non-Westminster system from Australia’s system of government. (5 marks)

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**Question 2 (10 marks)**

1. Identify **two** **(2)** functions of executive government in Australia which are carried out by the Governor-General. (2 marks)

(b) Differentiate between the **three (3)** roles of the Governor-General. (3 marks)

1. The Governor-General of Australia has the potential to use their power in an undemocratic manner. Discuss this statement providing **one** **(1)** argument for and **one (1)** argument against. (5 marks)

**Question 3 (10 marks)**

(a)Explain the meaning of ‘common law’. (2 marks)

1. Identify and describe **three (3)** ways a pressure group may attempt to influence the lawmaking process within parliament. (3 marks)

(c) With reference to a contemporary example, discuss how political parties can influence the formation or blocking of legislation. (5 marks)

**Question 4 (10 marks)**

1. What is a ‘political party’? (2 marks)

(b) Identify and describe **three (3)** main roles of the Opposition. (3 marks)

(c) Identify the current Opposition Leader of the Commonwealth of Australia and discuss how they can be seen to have fulfilled **two (2)** of their roles. (5 marks)

**End of Section One**

**Section Two: Source analysis 20% (20 Marks)**

This section has **two (2)** questions. You must answer **one (1)** question. Write your answers in the space provided.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

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  + Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time for this section is 35 minutes.

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

# Source 1:

**Looking Back On The Hung Parliament**

The hung parliament extended the power of the minority to the House too.

Crossbenchers gave support in return for concessions, which varied from a promise to act on carbon pricing, to regional programs, parliamentary reform, and a pledge to run full term and much else. One thing going in favour of Julia Gillard was that the crossbenchers believed she was more likely than Tony Abbott to shy away from an early election.

Supporters of the hung parliament argue that when a government has to negotiate with crossbenchers it can lead to better legislation. And Windsor has talked up how regional Australians have been given a voice.

Parliament has a much more active role, rather than the House being a rubber stamp. The government is kept on its toes. Having the parliament “hung” is another check and balance in the system, so the argument goes.

The current parliament has actually achieved a lot. In formal terms, according to Parliamentary Library figures, it passed 561 acts from government bills, up from just over 400 in the previous parliament.

More than one fifth (22.1%) of these were opposed, much higher than the proportion in any recent federal parliament (looking at the last six parliaments, including this one, the next highest proportion of acts which had been opposed was just over 9%). The high proportion opposed tells us something of the fractiousness of the parliament, where the Abbott opposition has been particularly aggressive.

Of course the overall number of pieces of legislation passed doesn’t mean a great deal because much of it is pedestrian or non-controversial.

Source:

http://theconversation.com/looking-back-on-the-hung-parliament-16175

**Question 5 (20 marks)**

1. Explain what is meant by the term ‘Decline of Parliament Thesis.’ (2 marks)

1. According to the Source, why is a hung parliament effective in formulating legislation?

(4 marks)

(c) Discuss the role of private member bills in the legislative process. (6 marks)

1. With reference to the current government, assess the evidence for the ‘decline of parliament thesis’ and consider to what extent this may be overstated. (8 marks)

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

**I could lose the right to call Australia home: Peter Greste**

11 June, 2015

**Having spent 400 days in Cairo’s Tora prison on flawed terrorism charges, Al Jazeera journalist Peter Greste nominates himself as the sort of person who could be unjustly stripped of their Australian citizenship under a proposed crackdown on terror suspects.**

Should the plan go ahead, Greste believes his dual citizenship could result in the loss of his Australian citizenship if a minister exercising his or her discretion failed to take account of the flawed nature of his terrorism conviction in Egypt.

“On paper, if you were to look at the barest bones of my situation, I would be someone who would be a prime candidate to have his nationality stripped,” Greste said yesterday.

He said it was a dangerous departure from the rule of law to give ministers the discretion to strip terror suspects of their citizenship if they are dual nationals.

“I am a dual national and I am accused of terrorism charges; if you look at the specifics of the letter of what the government is trying to do, I would be a prime candidate. I think most Australians would recognise that probably would be inappropriate.”

Greste, who was speaking at the Lowy Institute in Sydney, said he considered judicial oversight and due process to be two of the most fundamental elements of Australian democracy.

“To take away judicial oversight and to hand it to a political figure is, I think, a very, very dangerous thing to do,” he said.

Under government proposals, a minister’s decision to strip terror suspects of Australian citizenship would be subject to judicial review, meaning courts could not consider the merits of the decision but would be limited to the narrow question of whether the minister had made an error of law.

Source:

http://www.theaustralian.com.au/in-depth/terror/i-could-lose-right-to-call-australia-home-peter-greste/news-story/312646e471ab23d3f948b1a54a6793c8

**Question 6 (20 marks)**

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

1. Discuss the criticism raised in the Source of the Government’s plan to strip suspected terrorists of their citizenship. Explain how judicial oversight could be used to address this criticism. (4 marks)

(c) Discuss how independence of the courts is established within the Australian Constitution. Evaluate the significance of this independence within Australia’s political and legal framework. (6 marks)

(d) Evaluate the significance of one contemporary issue related to legal power in Australia. (8 marks)

**End of Section Two**

**Section Three: Essay 50% (50 Marks)**

This section has **four** **(4)** questions. Answer **two (2)** questions in the space provided. Number your choice clearly.

Suggested working time for this section is 100 minutes.

**Question 7 (25 marks)**

“The powers of the Prime Minister are considerable, but so are their limits.”

Evaluate the validity of this claim.

**Question 8 (25 marks)**

Write an essay which assesses the strength of competing mandates found within the federal parliament.

**Question 9 (25 marks)**

‘There is only one reason for the present power of the Commonwealth government over

State governments within the Australian federal system and that is the growth of the financial dominance of Commonwealth governments over a number of decades.’

Evaluate the validity of this claim.

**Question 10 (25 marks)**

Evaluate the ability of the High Court to influence the power of the federal government with reference to **at least** one landmark decision.

**End of Section Three**

**Additional working space**

**Additional working space**

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