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|  | **Semester Two Examination, 2022****Question/Answer Booklet**Please place your student identification in this box |

POLITICS

### AND LAW

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| WA Student number: In figures |  |  |  |  |  |  |  |  |  |  |

 In words

**Time allowed for this paper**

Reading time before commencing work: ten minutes

Working time for paper: three hours

**Materials required/recommended for this paper**

***To be provided by the supervisor***

Number of additional

answer booklets used

(if applicable)

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 | 45 | 30 | 30 |
| Section Two:Source analysis | 2 | 1 | 35 | 20 | 20 |
| Section Three:Essay Part A: Unit 3 | 2 | 1 | 100 | 50 | 50 |
| Part B: Unit 4 | 2 | 1 |
|  **Total**  | 100 |

**Instructions to candidates**

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 12 Information Handbook 2021: Part II Examinations.* 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**: Consists of two parts each with two questions. You must answer one question from each part.

Write your answers in this Question/Answer booklet.

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% (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: **45 minutes.**

**Question 1 (10 marks)**

(a) Explain what is meant by ‘the public servants’ in Australia’s political system. (2 marks)

(b) Outline **three** roles of the Cabinet . (3 marks)

(c) Discuss two ways in which Cabinet solidarity undermines ‘open government’ in Australia. (5 marks)

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**Question 2 (10 marks)**

(a) Briefly explain the role of the Senate. (2 marks)

(b) Outline **three** features of Section 24 of the Commonwealth Constitution (Australia). (3 marks)

(c) Discuss the extent to which the Commonwealth Parliament achieves its representative function. (5 marks)

**Question 3 (10 marks)**

1. Outline the process of appointing the Queen’s representative in the Commonwealth of Australia. (2 marks)

(b) Outline **three** conventions that were broken during ‘the 1975 crisis’. (3 marks)

(c) Discuss **two** ways that the Governor General can be held accountable. (5 marks)

**Question 4 (10 marks)**

1. Outline **two ‘**express’ rights enshrined in the Commonwealth Constitution (Australia). (2 marks)

(b) Distinguish between ‘common law rights’ and ‘statutory law rights’ in Australia. (3 marks)

(c) With reference to **one** country other than Australia, discuss **two** ways that human rights are protected. (5 marks)

**End of Section One**

**Section Two: Source analysis 20% (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: 35 minutes.

**Question 5: (20 marks)**

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

# The following is an edited extract entitled ‘*Coalition shelves religious discrimination bill after Christian Lobby says changes do ‘more harm than good’’* written by Sarah Martin and Paul Karp and published in The Guardian <https://www.theguardian.com/world/2022/feb/10/coalition-shelves-religious-discrimination-bill-after-christian-lobby-says-changes-do-more-harm-than-good> on 10 February 2022.

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| The Coalition has shelved its divisive religious discrimination laws after amendments [passed in the House of Representatives] aimed at protecting LGBTQ+ students sparked a backlash from religious schools and conservatives. Facing calls from [pressure groups, like] the Christian Lobby to dump the amended laws, the government said it had received legal advice from the attorney general’s department that showed lower house amendments passed in the early hours of Thursday morning may have unintended consequences.… Despite expectations the bill would be introduced into the Senate on Thursday, the government faced calls from the Australian Christian Lobby to withdraw it. The lobby argued the SDA [Sex Discrimination Act] changes would “remove protections for Christian schools”.The government faced the prospect of the amendments also passing in the Senate after the Liberal senator Andrew Bragg put the government on notice of his intention to back the SDA changes along with Labor and a number of crossbench senators…The assistant Attorney General, Amanda Stoker, said on Thursday morning that the government was consulting with stakeholder groups to make sure ‘we can fully appreciate the implications of that amendment before we have to deal with the Senate’. …The Equality Australia Chief Executive, Anna Brown, said the changes to the Sex Discrimination Act were aimed at protecting students at religious schools who were vulnerable to discrimination, including LGBTQ+ students.‘If the government considers that there is a problem, it can bring forward amendments that reflect the will of parliament to remove discrimination’, Brown said. |

(a) Outline what is meant by a ‘pressure group’. (2 marks)

(b) With reference to **Source 1**, explain in your own words how **two** individuals or groups influenced the Religious Discrimination Bill and/or Sex Discrimination Act amendments. (4 marks)

**Question 5** (continued)

1. Discuss **one** strength and **one** weakness of the power of individuals to influence law making through the courts. (6 marks)

(d) Evaluate the extent to which mandates have allowed political parties and/or independents to influence the legislative process.(8 marks)

**Question 6 (20 marks)**

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

# The following is an edited extract entitled *Principles underpinning a Federal Judicial Commission* written by the Law Council of Australia and published in [https://www.lawcouncil.asn.au/resources/policies-and-guidelines/policy-statement-principles-underpinning-a-federal-judicial-commission on 5 December 2020](https://www.lawcouncil.asn.au/resources/policies-and-guidelines/policy-statement-principles-underpinning-a-federal-judicial-commission%20on%205%20December%202020).

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| It is essential to the promotion of the rule of law and the Australian constitutional system that there be a strong, independent, and transparent judiciary. Consistent with this aspiration, a means of fairly and punctually addressing complaints directed at the judiciary in an independent and structured manner is essential. A Federal Judicial Commission (Commission) would assist to provide a clear and structured framework for responding to such complaints, and if established appropriately, will serve to promote public trust and integrity in the complaint-handling process…It is envisaged that a Commission will address many of the perceived difficulties with current mechanisms, including:* The existing complaints mechanisms may be overly discretionary and informal.
* There is a lack of clarity around how a complaint relating to misbehaviour or incapacity of judicial officers in the federal system should be resolved where it is not sufficiently serious to be referred to Parliament for consideration of the removal of the judicial officer.
* There is no disciplining mechanism, and participation by judges in the complaints handling process is voluntary.
* There is no framework for handling otherwise relevant complaints in relation to the past conduct of people when they held a judicial office.
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1. Outline what is meant by ‘the rule of law’. (2 marks)

1. With reference to **Source 2**, explain in your own words **two** reasons why a Federal Judicial Commission should be established. (4 marks)

**Question 6** (continued)

1. With reference to two examples, discuss how the appeals process holds judges and majistrates to account for their decisions. (6 marks)

1. Analyse the effectiveness of parliamentary scrutiny and legislation compared with the censure and removal of judges as methods of judicial accountability in Australia.

 (8 marks)

**End of Section Two**

**Section Three: Essay 50% (25 Marks)**

This section has four questions. Answer **one** question from Part A: Unit 3 and answer **one** question from Part B: Unit 4. Write your answers on the pages following Question 10.

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: 100 minutes.

**Part A: Unit 3**

Answer **one** question from a choice of **two**.

**Question 7 (25 marks)**

‘Since Federation, informal constitutional change has occurred frequently and has therefore had the greater impact on Australia’s political and legal system’.

Assess this claim with reference to formal and informal change to the Commonwealth Constitution.

**OR**

**Question 8 (25 marks)**

‘The High Court’s most significant role has been to maintain the doctrine of separation of powers in Australia’s political and legal system’.

Evaluate the validity of this claim.

**Part B: Unit 4**

Answer **one** question from a choice of **two**.

**Question 9 (25 marks)**

‘In Australia, elections are the most effective mechanism for holding parliamentarians to account.’

Evaluate this claim.

**OR**

**Question 10 (25 marks)**

Analyse collective and individual ministerial responsibility compared with judicial review in terms of their effectiveness in holding the Australian political and administrative executive accountable.

End of questions

**Additional working space**

**Additional working space**

**Additional working space**

**Additional working space**

**ACKNOWLEDGEMENTS**

**Question 5** Source 1 is an adapted from: Martin, S. and Karp, P. (10 February 2022), Coalition shelves religious discrimination bill after Christian lobby says changes do ‘more harm than good’, *The Guardian,* Date retrieved 21 April 2022, from <https://www.theguardian.com/world/2022/feb/10/coalition-shelves-religious-discrimination-bill-after-christian-lobby-says-changes-do-more-harm-than-good> >

**Question 6** Source 2 is an adapted from: the Law Council of Australia (5 December 2020), Principles underpinning a Federal Judicial Commission, *Law Council of Australia*, Date retrieved 21 April 2022, from <https://www.lawcouncil.asn.au/resources/policies-and-guidelines/policy-statement-principles-underpinning-a-federal-judicial-commission>