2018 Mock Exam
Question/Answer Booklet

Year 12
POLITICS
AND LAW ATAR

Name:

Please place your student identification label in this box

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

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.

Structure of this paper

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. 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)**

(a) Explain what is meant by the term 'Federal Executive Council' in Australia. (2 marks)

(b) Identify and briefly describe **three (3)** conventions that reflect the principle of responsible government in Australia. (3 marks)

(c) Discuss **two (2)** powers of the executive arm in a non-Westminster system compared to the powers of the Governor-General in Australia. (5 marks)

Question 2 **(10 marks)**

(a) Explain the meaning of the term ‘political mandate’. (2 marks)

(b) Outline **three (3)** ways pressure groups are able to influence law-making processes in the Commonwealth Parliament (Australia).

(3 marks)

(c) Discuss **one** argument for and **one** argument against minor parties and/or independents in the Senate claiming a 'competing' mandate. (5 marks)

Question 3 **(10 marks)**

(a) What is meant by the term ‘rule of law’? (2 marks)

(b) Identify and explain briefly **three (3)** factors that help reinforce public confidence in the courts. (3 marks)

(c) Explain **two (2)** processes within the Australian judicial system that strongly reflect the principles of natural justice. (5 marks)

Question 4 **(10 marks)**

(a) Explain what is meant by the term ‘open government’. (2 marks)

(b) Identify **three (3)** provisions in the Constitution (Australian) which promote government accountability. (3 marks)

(c) Discuss **two (2)** international covenants**,** protocols or treaties which have influenced the protection of rights within the Australian political and/or legal system. (5 marks)

End of section 1

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.

- 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.

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

Unit 3: Role and Powers of the High Court of Australia

The following is an edited extract from the Sydney Morning Herald Newspaper entitled *"Two ways forward now that the High Court has ruled on citizenship of MPs"*, written by George Williams and updated on 27 October 2017.

Section 44 of the Constitution says that a person cannot sit in the Federal Parliament if they are a "subject or a citizen … of a foreign power". A unanimous High Court has adhered to the ordinary and natural meaning of these words. It has disqualified five parliamentarians because they are the citizens of another nation… In reaching these outcomes, the Court rejected every attempt to read exceptions and qualifications into section 44.

The High Court's reading of section 44 is strict and unsurprising. It means that a dual national is barred from Parliament even where they were born in Australia, are ignorant of their other citizenship and have never attempted to use the rights or privileges of another country. A person can even be disqualified where they become a dual national later in life due to legal changes in another country.

The government's opponents will be emboldened by this decision. They may redouble their efforts to identify further MPs who fall foul of the High Court's ruling… Such cases threaten the Turnbull government's hold on power.

All this is a very unsatisfactory way of running a national Parliament. However, there are other paths forward. One is to conduct an audit of the eligibility of all parliamentarians to identify those MPs who may now be disqualified due to the High Court ruling. There is now sufficient certainty about the state of the law on section 44 to enable this to be conducted immediately.

The second option is to recognise that section 44 of the Constitution is ill-suited to modern times and should be amended. This part of the Constitution was drafted in the 1890s when dual citizenship was rare, and Australia more isolated and inward-looking. Today, the section runs counter to Australia's national interests. It is not consistent with our sovereignty to permit the eligibility of our parliamentarians to be determined by the citizenship laws of foreign nations.

Sadly, the current crisis was entirely predictable. Parliamentary reports recognised in 1981 and 1997 that section 44 could wreak havoc. On both occasions, Parliament recommended that the section be changed. It is now time to act upon these findings. The Australian people should be asked at a referendum to alter section 44 so that a person can sit in our National Parliament provided they are an Australian citizen.

Question 5 **(20 marks)**

(a) Explain the term ‘constitution’. (2 marks)

(b) With reference to the source, identify and explain **two (2)** criticisms of Section 44 which were highlighted by the dual citizenship crisis. (4 marks)

(c) Identify and discuss **two (2)** separate legal cases that demonstrate the different jurisdictions of the High Court of Australia. (6 marks)

(d) Evaluate the impact of the High Court of Australia in its role as a ‘constitutional court’ on the Australian political and/or legal system. (8 marks)

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

Source 2

Unit 4: Parliamentary Accountability

The following is an edited extract from the ABC News entitled *"Bruce Billson referred to Privileges Committee over payments from Franchise Council"*, written by Andrew Dickson and updated on 4 September 2017.

Former Small Business Minister Bruce Billson has been referred to the Parliamentary Privileges Committee after revelations he failed to disclose payments from a lobby group while he was still in parliament... Mr Billson became executive director of the Franchise Council of Australia (FCA) after quitting politics at the July 2016 federal election, but it has since been revealed that he began receiving his $75,000 salary months before he left Parliament.

In referring the Mr Billson to the committee, Speaker Tony Smith highlighted two matters for consideration:

- "The first is corruption in the execution of a Member's office as a Member … the acceptance by a member of either house of a bribe to influence him in his conduct as a Member, or of any fee, compensation or reward in connection with the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to either House, or to a committee is a contempt," he told Parliament.
- "The second is lobbying for reward or consideration … no Members of the House shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect … advocate or initiate any cause or matter on behalf of any outside body or individual; or urge any Member of either House of Parliament, including ministers, to do so, by means of any speech, question, motion, introduction of a bill, or amendment to a motion or bill."

Mr Billson was dropped from the ministry in a reshuffle by the new Prime Minister, Malcolm Turnbull, in November 2015. In March 2016 he announced that he was going to take on the role of executive director of the FCA…

If Mr Billson is found to have acted improperly, he could be found to be in contempt of parliament. The Department of Prime Minister and Cabinet is also conducting its own investigation on whether Mr Billson breached ministerial guidelines.

Question 6 **20 marks**

(a) Explain the term 'Privileges Committee' and its role in the Commonwealth Parliament. (2 marks)

(b) With reference to the source, identify and explain **two (2)** matters that the Privileges Committee investigated in the Federal Parliament. (4 marks)

(c) Identify and discuss **two (2)** processes and/or procedures of the Commonwealth Parliament that contribute to its accountability. (6 marks)

(d) Evaluate the extent to which elections can hold Members of the House of Representatives and/or Senators accountable. (8 marks)

End of Section 2

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

This section has **four (4)** questions. Answer one (1) question from Part A: Unit 3 and answer one (1) question from Part B: Unit 4. Write your answers in the spaces provided following Question 10.

Suggested working time for this section is 100 minutes.

Part A: Unit 3

Answer **one (1)** question from a choice of **two (2).**

Question 7 **(25 marks)**

"The idea of federalism in contemporary Australia no longer reflects the intent of the founders of the Constitution in 1901".

Assess the validity of this claim.

or

Question 8 **(25 marks)**

"Given the history of past proposals to amend the Commonwealth Constitution (Australia), it is unlikely that any of the current proposals for change will be successful".

Assess the validity of this claim with reference to one current proposal to change the Constitution.

Part B: Unit 4

Answer **one (1)** question from a choice of **two (2).**

Question 9 **(25 marks)**

Explain how and evaluate the extent to which parliamentary committees, the judicial system and ministerial responsibility hold the executive to account in Australia.

or

Question 10 **(25 marks)**

Explain how and evaluate the extent to which the political and/or legal rights of a particular group in Australian society have changed over time.

End of questions

Additional working space

Additional working space

Additional working space

Additional working space

ACKNOWLEDGEMENTS

Source1:
This source is an edited extract from the Sydney Morning Herald Newspaper entitled *"Two ways forward now that the High Court has ruled on citizenship of MPs"*, written by George Williams and updated on 27 October 2017.

Retrieved on 1 April 2018 from https://www.smh.com.au/opinion/two-ways-forward-now-that-the-high-court-has-ruled-on-citizenship-of-mps-20171027-gz99sp.html

Source 2:

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Retrieved on 1 April 2018 from http://www.abc.net.au/news/2017-09-04/bruce-billson-referred-to-privileges-committee-over-payments/8869798