**2019 Mock 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: 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.

* + 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 45 minutes.

**Question 1 (10 marks)**

(a) Explain the difference between concurrent and residual powers. (2 marks)

(b) Outline the provisions of s109 of the Constitution of Australia as it affects

State/Federal legislation and briefly explain how the section operates.

(3 marks)

(c) Discuss **two** structures and/or processes embodied in the constitution that

protect States’ powers and limit Commonwealth responsibility.

(5 marks)

**Question 2 (10 marks)**

1. Explain the difference between the Cabinet and the Outer Ministry. (2 marks)

1. Outline **three** roles of a Cabinet Minister in the Australian political system. (3 marks)

1. Discuss the method that Australia uses to appoint the head of government in comparison with the method used in another political system you have studied.

(5 marks)

**Question 3 (10 marks)**

(a)Explain what is meant by the term ‘international covenant’. (2 marks)

1. Explain how an international treaty is implemented in the Australian political

and legal system. (3 marks)

(c) Discuss **two** international covenants**,** protocols or treaties which relate to

Australia’s international human rights protections. (5 marks)

**Question 4 (10 marks)**

1. Explain what is meant by the term ‘political rights’ in Australia. (2 marks)

1. Outline **three** legal protections, accessible to minority groups, that exist in the

Australian political and legal system. (3 marks)

(c) Discuss the extent to which either the **political** or **legal** rights of a particular

group have improved in Australia since Federation. (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.

Supplementary pages for planning/continuing your answers to the 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, ie, give the page number.

Suggested working time for this section is 35 minutes.

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**Question 5 (20 marks)**

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

**Source 1**

The following is an edited extract from an article ‘**The *response to the Referendum Council report suggests a narrow path forward on Indigenous constitutional reform’,*** posted by Harry Hobbs, from Constitutional Law and Indigenous Rights, UNSW*,* in ‘The Conversation’ June 2017.

## What does the Referendum Council report say?

The Referendum Council’s report largely endorsed the Uluru Statement.

A majority of the council recommended a referendum be held to change the Constitution to establish an Indigenous “voice to parliament”. One council member, former Liberal senator Amanda Vanstone, did not support a referendum at this time, arguing further community consultations are necessary before a referendum is held.

In affirming the aspirations recorded in the Uluru Statement, the Referendum Council’s report has shifted the debate on constitutional reform.

PM [Turnbull’s remarks](https://twitter.com/SkyNewsAust/status/886821998080303104) on Monday show it is now highly unlikely that either major party will embark on constitutional reform unless the changes “meet the expectations of the First Australians”.

Both leaders struck slightly different tones in their initial comments on the report. [Turnbull](http://www.skynews.com.au/news/top-stories/2017/07/17/referendum-council-wants--indigenous-voice-.html) was non-committal. He described the recommendation for an Indigenous “voice” as a “very big idea”, but one that was “short on detail”. [Shorten acknowledged](https://twitter.com/SkyNewsAust/status/886823372029542400) that a “voice” was a legitimate aspiration that should not be pushed aside. Nonetheless, he too considered the recommendation would be a “big change”.

Constitutionally enshrining an Indigenous “voice to parliament” would be a structural change to Australia’s governance framework. Deputy Prime Minister Barnaby Joyce argued the ‘proposal was a third chamber in politics or something that sits beside or above the Senate, and that idea, just won’t fly.’ Similarly, the Institute of Public Affairs’ Simon Breheny argued that an Indigenous “voice” would be “[undemocratic](https://www.theguardian.com/australia-news/2017/jul/17/referendum-council-endorses-uluru-call-indigenous-voice-parliament)”.

But rather than being incompatible with democracy, an Indigenous “voice to parliament” would rectify a persistent democratic fault in Australian society. And yet, implicit in Turnbull’s and Shorten’s statements that an Indigenous “voice to parliament” would be a “big change” is the notion that it may be too difficult. It will be, but only if Australians refuse to hear Indigenous people.

1. Explain **two** requirements necessary for the success of a referendum to formally change the Australian constitution. (2 marks)

1. With reference to **Source 1**, identify and explain in your own words, **two** reservations that are expressed about the recommendations of the Referendum Council.

(4 marks)

1. Discuss the likelihood of this proposal (to recognise Aboriginal people in the Constitution) or another proposal you have studied, being successfully passed in a referendum.

(6 marks)

1. Evaluate **two** methods of constitutional change in Australia other than referenda and outline a successful example of each of these changes.

(8 marks)

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

**Source 2**

The following is an edited extract from an article posted by Mary Anne Neilsen, from the Law and Bills Digest Section of the Parliamentary Library in Canberra which related to proposed reforms to the Freedom of Information and Whistle-blower legislation put forward by the Gilllard Government in Oct 2010.

**Public sector accountability and transparency**

The agreements between the minority Gillard Labor Government with the various independents have a common theme of pursuing principles of transparent and accountable government. Aligned with these promises is a new and important phase of information disclosure in Australian government administration set to commence later this year.

**Freedom of Information reform**

Freedom of information (FOI), or the statutory right of access to government documents, is justified on the grounds that it encourages transparency and political accountability and promotes public participation in government and representative democracy.

In the 1970s Australia was a leading nation in introducing FOI laws into a Westminster-style democracy. However, over time there was a general view that those 1970s reforms were not successful—that there was minimum cultural change and that a presumption in favour of disclosure was not practised across government. It was felt that government agencies could exploit restrictions and gaps in FOI laws to make it harder for the public to gain access to government information, especially information that might be embarrassing to the government or agency.

The Rudd Labor Government introduced major FOI changes with the principal objects of promoting a pro-disclosure ethos across the Government and building a stronger foundation for more openness in government.

A major part of the FOI reforms is the creation of an Information Commissioner position. It is an independent statutory position, with a range of functions that include investigation of complaints about FOI administration, merit review of access denial decisions, publication of FOI guidelines, and providing advice to government on information policy.

Another change that is likely to enhance the right to access is that agencies are being encouraged as part of a new scheme to make documents public independently of an FOI request. This information publication scheme is due to commence in May 2011 and again, the Information Commissioner will play a large role in providing guidance and a stimulus to agencies.

The new FOI scheme has been welcomed. It has been described as the biggest shake-up in the FOI Act’s history which hopefully will be effective in causing a permanent cultural shift of openness within public administration.

**Question 6 20 marks**

1. Explain what is meant by ‘open government’ as it applies to the Australian political

system. (2 marks)

1. With reference to **Source 2** identify and explain, in your own words, **two** benefits which will flow from the Freedom of Information reforms. (4 marks)

1. What is ‘natural justice’ and briefly outline **two** ways that it is achieved in Australia.

(6 marks)

1. Evaluate how judicial independence from the legislative branch of government can protect human rights in Australia compared to another political system that you have studied this year. (8 marks)

**End of Section Two**

**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.

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Part A: Unit 3

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

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**Question 7 (25 marks)**

Non-Westminster systems of government clearly differentiate between the separate powers of the Executive and the Legislature, whereas in the Constitution of Australia this is not so noticeable.

Analyse this statement with reference to the Australian system of government and one other non-Westminster system of government you have studied.

**or**

**Question 8 (25 marks)**

‘The High Court of Australia can make laws. As a result, its judgments are often

considered contentious and controversial.”

Analyse this statement, referring to at least one common law ruling and at least one

constitutional law ruling made by the High Court of Australia.

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Part B: Unit 4

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

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**Question 9 (25 marks)**

‘As the power of the Executive arm of government steadily increases it is becoming apparent that the ability to hold it to account is diminishing.’

Evaluate this statement with reference to the Executive arm of government.

**or**

**Question 10 (25 marks)**

‘Since 1975 the office of the Governor-General has been the subject of debate on

several occasions.’

Evaluate this statement with reference to the powers and roles of the Governor-General as well as the apparent lack of accountability for their actions, making reference to at least **two** specific Governors-General of Australia.

**End of questions**

**Additional working space**

**Additional working space**

**Additional working space**

**Additional working space**

**ACKNOWLEDGEMENTS**

**Source1:**

The following is an edited extract from an article ‘**The *response to the Referendum Council report suggests a narrow path forward on Indigenous constitutional reform’,*** posted by Harry Hobbs, from Constitutional Law and Indigenous Rights, UNSW*,* in ‘The Conversation’ June 2017.

Retrieved on 2 April 2019 from <https://theconversation.com/response-to-referendum-council-report-suggests-a-narrow-path-forward-on-indigenous-constitutional-reform-80315>

**Source 2:**

Is an edited extract from an article posted by Mary Anne Neilsen, from the Law and Bills Digest Section of the Parliamentary Library in Canberra which related to proposed reforms to the Freedom of Information and Whistle-blower legislation put forward by the Gilllard Government in Oct 2010

Retrieved on 2 April 2019 from <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook43p/publicsectoraccountability>