Section Two: Source analysis (20 Marks)

This section has **two (2)** questions (Qu 5 & Qu 6). 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 40 minutes.

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**Unit 1: Democracy and the rule of law**

**Question 5**

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

**Source 1**

*The following is an article which appeared in The Daily Telegraph (NSW) via* <https://www.news.com.au/national/nsw-act/courts-law/geoffrey-rush-has-won-his-defamation-suit-against-the-daily-telegraph/news-story/cef9b45c76d875b454bef3ad45b065aa> (accessed April 16th 2019)

Australian actor Geoffrey Rush has won his defamation lawsuit against a Sydney newspaper that published articles accusing him of inappropriate conduct.

Justice Michael Wigney handed down his judgment this afternoon after the Academy Award-winner sued *The Daily Telegraph*and its journalist Jonathon Moran over the claims.

The stories, published at the end of 2017, related to a complaint about Rush’s behaviour made by an actress he worked with during the Sydney Theatre Company’s production of *King Lear* in 2015 and 2016.

It was alleged that Rush, 67, was improper in his interactions with Eryn Jean Norvill.

Justice Wigney ruled that the stories in question conveyed a range of serious imputations and found them defamatory, and that the newspaper and journalist’s truth defence had not been established.

Norville’s evidence was not credible, he ruled, nor was that of fellow actor Mark Leonard Winter, who also testified in court.

“I have found that (the newspaper and journalist) … have not discharged their onus of proving the substantial truth of the … articles in question,” Justice Wigney said.

“I was not ultimately persuaded that Ms Norvill was an entirely credible witness.”

He said her “evidence was inconsistent with statements she gave to journalists about what it was like working with Mr Rush, including that she loved his ebullience, and loved working with him”.

Justice Wigney said her evidence demonstrated that she was “prone to exaggeration and embellishment”.

Justice Wigney awarded $850,000 in aggravated damages as well as special damages for economic loss, but will determine how much at a later date.

[…]

# (20 marks)

1. Explain what is meant by “civil law”. (2 marks)

1. With reference to **Source 1**, identify and explain **two** reasons why the court found in favour of Geoffrey Rush. (4 marks)

1. Discuss the **advantages** and **disadvantages** of the adversarial civil trial process.

(6 marks)

1. Evaluate the proposition that parliament has more power than the courts in making law. (8 marks)

**End of Section 1**

**Unit 2: Representation and justice**

**Question 6**

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

**Kim Jong-un expected to win 100 per cent of votes in 'sham' North Korea election** <**https://www.abc.net.au/news/2019-03-12/north-korea-kim-jong-un-elections-pyongyang/10889100> 12 March 2019 8.09am (accessed 16th April 2019)**

**Millions of North Koreans went to the polls on Sunday, in an election in which the results are a foregone conclusion. Candidates in each district are preselected by the ruling party, and run unopposed. Voting is mandatory, and it is unlikely anyone would dare to leave their ballot blank, especially since there is only one name on each voting paper and people cannot vote in secret.**

**People were voting for North Korea's national legislative body, the Supreme People's Assembly, which is elected every five years.**

**Though it has an impressive number of members — 687 in total — in reality they have no real power. The Supreme People's Assembly meets just once or twice a year to pass laws put forward by Chairman Kim and his State Affairs Commission, the highest state body.**

**"It is, in fact, a rubber-stamp parliament passing laws that are recommended by the regime," Leonid Petrov, a North Korea expert at the Australian National University, said of the Supreme People's Assembly.**

**Candidates are drawn largely from the ruling Korean Workers' Party, by the Democratic Front for the Reunification of the Fatherland, but there are two smaller parties that also field candidates.**

**However these provide only a weak illusion of competition, according to Dr Petrov, as both smaller parties come under the umbrella of the Korean Workers' Party.**

**All North Korean citizens aged 17 and older are required to vote in elections — and there are even official election monitors. But with only one candidate to choose from in each district, voters don't have anything resembling a choice.**

**The voting came to an end on Sunday "amid patriotic enthusiasm of all the people", state media agency KCNA declared.**

**Official voter turnout is likely to be close to 100 per cent. In the last national elections, held in 2014, official voter turnout was 99.97 per cent. The same turnout figures were reported in lower-level elections the following year.**

**State newspaper Rodong Sinmun said in an editorial ahead of the election that voters should cast their ballots "with their loyalty to the party and the leader, absolute support to the DPRK Government and the will to share their destiny with socialism to the last", according to a translation by KCNA Watch.**

**In other words, candidates — including Mr Kim — will almost certainly receive 100 per cent of the votes, as they did in previous years.**

**Any rejection of political candidates by, for example, crossing out the single name listed or refusing to vote "is interpreted as treason", according Freedom House, a US-based democracy watchdog.**

**As well as the election being a "100 per cent sham", Dr Petrov said, "there is no independent court system where the results can be contested [and] there's no free media who could raise the questions about the impartiality or fairness of the elections".**

**"There's no way of undermining the system, it's a bulletproof system … in order to maintain the dictatorship in power indefinitely," he said.**

# (20 marks)

1. Define the term ‘election’. (2 marks)

1. With reference to **Source 2**, explain **two reasons** why the North Korean election does not meet the criteria to be considered ‘free and fair’. (4 marks)

1. Discuss **one** argument for and **one** argument against compulsory voting.

(6 marks)

1. Evaluate the extent to which contemporary election processes promote free and fair elections in Australia. (8 marks)

**End of Section 2**