**Semester 1, 2020 Exam**

**Question/Answer Booklet**

**Name:**

Please place your student identification label in this box

**POLITICS**

**AND LAW**

**UNIT 1**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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:**  Part A:  Extended response | 2 | 1 | 50 | 50 | 50 |
| **Section Three:**  Part B:  Extended response | 2 | 1 | 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.

Suggested working time for this section is 45 minutes.

# (10 marks)

1. Outline the purpose of the principle of ‘separation of powers’. (2 marks)

1. Explain the principle of ‘division of powers’ as it applies in Australia.  
    (3 marks)

1. Discuss **two** features of the rule of law, as it operates in Australia. (5 marks)

# (10 marks)

1. Explain the term ‘parliamentary government’. (2 marks)

1. Explain the concept of federalism as it applies in Australia. (3 marks)

1. With reference to a non-democratic system, evaluate the extent to which Australia and the non-democratic system uphold the principle of ‘pluralism’. (5 marks)

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# (10 marks)

1. Explain the term ‘constitutionalism’. (2 marks)

1. Outline **three** foreign influences on Australia’s political and legal system. (3 marks)

1. Discuss **one** argument for and **one** argument against the proposition that ‘Australia’s constitution accurately describes its political and legal system’. (5 marks)

# (10 marks)

1. Explain what is meant by ‘parliamentary sovereignty’. (2 marks)

1. Explain the relationship between the law-making powers of the House of Representatives and the Senate. (3 marks)

1. Discuss **one** strength and **one** weakness of delegated legislation. (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.

* + 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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**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 Australian* by Paul Garvey on 14 October 2019via<<https://www.theaustralian.com.au/nation/west-australian-push-for-choice-of-judge-or-jury-trial/news-story/d8198c8b8ce7126039c5eacb26368ba6>> (accessed February 13th 2020)

Accused criminals would have the freedom to choose between judge-alone or jury trials under a push by leading legal figures who claim high-profile defendants such as George Pell never have “a ghost of a chance in front of a jury”.

The proposal, being explored by a West Australian parliamentary committee, would give the accused a far greater say over the nature of their trial and would sit in sharp contrast to that of Victoria, where all criminal cases are heard by a jury.

Former WA governor Malcolm McCusker QC and veteran criminal lawyer Tom Percy QC have both emphatically backed the move, noting it was increasingly difficult for a fair jury trial in the modern era — particularly in cases involving sex crimes and drug charges.

As it stands, defendants in Western Australia must demonstrate there are exceptional circumstances that meant justice would be better served through a judge-alone trial. The upcoming trial of Bradley Edwards, the accused Claremont serial killer, will be a judge-alone trial due to the extraordinary public focus on the case.

Supporters of the change argue that broadening access to judge-alone trials will deliver better justice and potentially reduce the time and cost of trials. Mr McCusker said he believed that in particularly complex legal matters, judge-alone trials would take half the time of those with juries. He said the main improvement would be that, unlike juries, judges are compelled to deliver detailed reasons for their decisions. That would provide far clearer means for both defendants and prosecutors to appeal.

# (20 marks)

1. Outline the meaning of the term ‘jury’. (2 marks)

1. With reference to **Source 1**, explain in your own words, **two** reasons that the use of jury trials should be reformed in Western Australia’s legal system. (4 marks)

1. Discuss how  **two** key processes of civil trials in the adversarial system in Western Australia promote the principles of natural justice. (6 marks)

1. Evaluate the extent to which the key processes of **one** non-common law system promote the principle of the rule of law. (8 marks)

**Unit 2: Representation and justice**

**Question 6**

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

*Extract from* **Morrison’s $158 billion tax plan set to sail through Senate after deals with crossbenchers** The Conversation, Michelle Grattan <<https://theconversation.com/morrisons-158-billion-tax-plan-set-to-sail-through-senate-after-deals-with-crossbenchers-119873>> (accessed 20th February 2020)

The Morrison government will finish the first week of the new parliament with its election centrepiece - [the $158 billion, three-stage tax package](https://www.budget.gov.au/2019-20/content/tax.htm#appendix) – passed into law.

The first stage of the tax relief – in the form of an offset for low- and middle-income earners when people submit their returns - will be available as soon as the Tax Office makes the necessary arrangements over the next few days. Getting the legislation through this week means there is only minimal slippage from the July 1 start date that was promised in the budget.

The numbers fell into place with Tasmanian crossbench senator [Jacqui Lambie declaring she would vote for the package](https://www.abc.net.au/news/2019-07-04/jacqui-lambie-backs-full-income-tax-cuts/11277064). She had negotiated with the government on her demand that it forgive the $157 million social housing debt her state owes the Commonwealth. This would save Tasmania $15 million a year, which Lambie wants used to deal with issues of homelessness and social housing.

…

The other crossbench votes needed for the package come from independent Cory Bernardi and the two Centre Alliance senators.

Centre Alliance extracted a deal over action on gas prices.

It said in a Thursday statement that it had "worked with the government on both short- and long-term reforms to deal with gas market concerns.”

The government would announce the full package in coming weeks, it said.

# (20 marks)

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

1. With reference to **Source 2**, explain in your own words, **two** reasons that the government’s tax relief policy passed successfully through the Senate. (4 marks)

1. Discuss the extent to which **two** key features of the legislative process promote liberal democratic principles. (6 marks)

1. Evaluate the extent to which **one** contemporary issue involving the legislative process, undermines the principle of ‘representative government’. (8 marks)

**End of Section Two**

Section Three: Extended answer 50% (50 Marks)

This section has **four** **(4)** questions. Answer **one (1)** question from Part A: Unit 1 and answer **one (1)** question from Part B: Unit 2 in the space provided. Number your choice clearly.

Suggested working time for this section is 100 minutes.

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**PART A**

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

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# (25 marks)

Evaluate the extent to which the Australian political and legal system is a product of international influences.

**OR**

# (25 marks)

With reference to the principles of ‘majority rule’ and ‘political freedom’, evaluate the extent to which Australia is a liberal democracy.

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**PART B: Unit 2**

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

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# (25 marks)

Analyse the extent to which statute law is more powerful than common law.

**OR**

# (25 marks)

‘Separation of powers is fundamental to democracy.’ Analyse this claim, with reference to one democratic and one non-democratic political and legal system you have studied.

**End of questions**

**Additional working space**

**Additional working space**

**Additional working space**

**Additional working space**

**ACKNOWLEDGEMENTS**

Source 1:

Garvey, P: “West Australian push for choice of judge or jury trial” *The Australian* 14 October 2019via<<https://www.theaustralian.com.au/nation/west-australian-push-for-choice-of-judge-or-jury-trial/news-story/d8198c8b8ce7126039c5eacb26368ba6>> (accessed February 13th 2020)

Source 2:

Grattan, M: “Morrsion’s $158 billion tax plan set to sail through Senate after deals with crossbenchers” *The Conversation*, <<https://theconversation.com/morrisons-158-billion-tax-plan-set-to-sail-through-senate-after-deals-with-crossbenchers-119873>> (accessed 20th February 2020)