**2017 Semester 1 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.

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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)**

1. Explain what is meant by a ‘residual power’ in the Commonwealth Constitution?

(2 marks)

(b) Indicate three approaches, constitutional and other, the Federal Government can adopt to urge the States to follow its policy direction. (3 marks)

(c) Identify **two** specific powers of the Australian Parliament and compare these **two** powers with the powers of the legislature in another political system. (5 marks)

**Question 2 (10 marks)**

1. What is meant by the term frontbencher in Australian politics? (2 marks)

(b) Describe three roles of an Opposition Leader in Australian politics. (3 marks)

1. Using a recent example, assess the significance of both a source and a limitation of prime

Ministerial power. (5 marks)

**Question 3 (10 marks)**

(a)What is meant by the term ‘original jurisdiction’ of the High Court? (2 marks)

(b) Describe three roles of the High Court in Australian law. (3 marks)

(c) Referring to at least one case, explain the significance of the role of the High Court in shaping common law in Australia. (5 marks)

**Question 4 (10 marks)**

1. What is a ‘minor political party’? (2 marks)

(b) Outline THREE roles of the executive in the Australian political and legal system. (3 marks)

(c) Cabinet dominates the legislative process.” Provide ONE argument that supports this statement and ONE argument that opposes this statement. (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:

|  |
| --- |
| The following is an edited extract of the submissions made by the company British American Tobacco Australia Limited (BATA) in July 2011 to the House of Representatives Health and Ageing Committee’s Inquiry into the Commonwealth Government’s Tobacco Plain Packaging Bill 2011(TPP Bill). A major provision of the Bill was to make companies, such as BATA that manufacture cigarettes, package their cigarettes in plain paper. The Bill subsequently became an Act of the Commonwealth Parliament in 2011.  BATA is opposed to the introduction of plain packaging. We believe there are significant legal obstacles to its implementation, the policy is not supported by real evidence and there are  significant consequences and implications which may arise if the  TPP Bill is passed.  The Government’s power to introduce plain packaging is constrained by law, not only by the general principles of public law, but also by international law ...  The introduction of plain packaging, including increasing the graphic health warnings from  the current size, ... may result in significant costs to the Government and the taxpayer.  The Government has relied on a number of studies, research and data to ... support its  claims that plain packaging will achieve its desired purposes. BATA does not consider that  those studies research and data support ... plain packaging.  There is no real world data to demonstrate that the plain packaging of tobacco products will  be effective in discouraging youth initiation, encouraging cessation, by existing smokers  or increasing the salience of health warnings, ... a point acknowledged on a number of  occasions by the Health Minister herself.  Should the Government introduce the TPP Bill, BATA has serious concerns about its ability to  comply with the legislation within the short timeframes provided by Clause 2 of the TPP Bill.  BATA respectfully requests that the Committee recommend the TPP Bill not come into force  until at least 12 months after the TPP Bill receives Royal Assent. |

**Question 5 (20 marks)**

1. What is ‘Royal Assent’?. (2 marks)

(b) With reference to Source 1, explain briefly two reasons why BATA opposed the Tobacco Plain Packaging Bill 2011 (TPP Bill). (4 marks)

(c) With reference to at least one pressure group other than BATA, discuss the role and impact of pressure groups on the lawmaking process of the Commonwealth Parliament.

. (6 marks)

1. Evaluate the significance of minor parties **and/or** independents in the law making process of the Commonwealth Parliament in the last 10 years. (8 marks)

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

**I could lose right to call Australia home: Peter Greste**

11 June, 2015

**Having spent 400 days in Cairo’s Tora prison on flawed terrorism charges, Al Jazeera journalist Peter Greste nominates himself as the sort of person who could be unjustly stripped of their Australian citizenship under a proposed crackdown on terror suspects.**

Should the plan go ahead, Greste believes his dual citizenship could result in the loss of his Australian citizenship if a minister exercising his or her discretion failed to take account of the flawed nature of his terrorism conviction in Egypt.

“On paper, if you were to look at the barest bones of my situation, I would be someone who would be a prime candidate to have his nationality stripped,” Greste said yesterday.

He said it was a dangerous departure from the rule of law to give ministers the discretion to strip terror suspects of their citizenship if they are dual nationals.

“I am a dual national and I am accused of terrorism charges; if you look at the specifics of the letter of what the government is trying to do, I would be a prime candidate. I think most Australians would recognise that probably would be inappropriate.”

Greste, who was speaking at the Lowy Institute in Sydney, said he considered judicial oversight and due process to be two of the most fundamental elements of Australian democracy.

“To take away judicial oversight and to hand it to a political figure is, I think, a very, very dangerous thing to do,” he said.

Under government proposals, a minister’s decision to strip terror suspects of Australian citizenship would be subject to judicial review, meaning courts could not consider the merits of the decision but would be limited to the narrow question of whether the minister had made an error of law.

Source:

<http://www.theaustralian.com.au/in-depth/terror/i-could-lose-right-to-call-australia-home-peter-greste/news-story/312646e471ab23d3f948b1a54a6793c8>

**Question 6 20 marks**

(a) What is meant by the term ‘judicial review’? (2 marks)

1. Discuss the criticism raised in the Source of the Government’s plan to strip suspected terrorists of their citizenship. Explain how judicial oversight could be used to address this criticism. (4 marks)

(c) Discuss how independence of the courts is established within the Australian Constitution. Evaluate the significance of this independence within Australia’s political and legal framework. (6 marks)

(d) Evaluate the significance of one contemporary issue related to legal power in Australia. (8 marks)

**End of section 2**

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

This section has **four** **(4)** questions. Answer **two (2)** questions in the space provided. Number your choice clearly.

Suggested working time for this section is 100 minutes.

**Question 7 (25 marks)**

‘The Governor-General is strong in theory but weak in reality’

Evaluate this statement.

**Question 8 (25 marks)**

‘Recent Commonwealth Parliaments have confirmed that the ability of governments to

implement their mandates is more a function of Parliament than the will of the people.’

Evaluate the validity of this claim.

**Question 9 (25 marks)**

‘There is only one reason for the present power of the Commonwealth government over

State governments within the Australian federal system and that is the growth of the financial dominance of Commonwealth governments over a number of decades.’

Evaluate the validity of this claim.

**Question 10 (25 marks)**

Despite not being mentioned in the Australian Constitution, the Prime Minister and Cabinet in practice exercise executive power, with few restrains

Evaluate this claim

**End of questions**

**Additional working space**

**Additional working space**

**Additional working space**

**Additional working space**

**ACKNOWLEDGEMENTS**