**2015 PLEAWA Mock Exam**

3A / 3B

POLITICS

### AND LAW

**SUGGESTED ANSWER GUIDE**

**This is a suggested answer guide only. Alternative answers to questions may be possible.**

**Assessment key words used include:**

**Discuss**: identify issues and provide points for and/or against

**Distinguish:**  recognise or note/indicate as being distinct or different from;

note differences between

**Explain**: relate cause and effect; make the relationships between things

evident; provide why and/or how

**Evaluate:** make a judgement based on criteria; determine the value of

**Identify** recognise and name

**Outline:** sketch in general terms; indicate the main features of

**Section One: Short response 30% (30 Marks)**

**Part A: Unit 3A**

**Question 1 (10 marks)**

**(a) What is meant by the term ‘division of powers’ in the Australian political and legal system? (2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clear explanation of the term with reference to the allocation of responsibilities, such as residual, exclusive and concurrent powers, given to different levels of government through the Constitutional framework of the nation. | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) Outline three financial powers of the Commonwealth Parliament. (3 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Three examples of financial powers of the Commonwealth Parliament could include:   * S.51.(ii.) Taxation; but so as not to discriminate between States or parts of States: * S.86 On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth. * S.87 During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure * S.90 On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive. * S.96 During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.   Other examples are possible ie S.92 and 105A. | 3 |
| * Two distinct examples are outlined. | 2 |
| * One distinct example outlined, three examples ‘listed’ or merely a general description given. | 1 |

**(c) Identify the Opposition Leader of the Commonwealth of Australia and discuss the how they can be seen to have fulfilled two of their roles. (5 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Provides a detailed discussion of two roles of the Opposition Leader and identifies current occupant. Discusses, using examples, how they can be seen to have: * Chaired party meetings * Developed party policy * Chosen a shadow Cabinet * Acted as the chief spokesperson of the party within and   outside of parliament | 4-5 |
| * Provides some discussion, possibly generalized information on two roles. | 2-3 |
| * Identifies (gives name of) Bill Shorten as the current Leader of the Opposition. | 1 |

**Question 2 (10 marks)**

**(a) Explain the meaning of the term ‘pressure group’ in terms of Australian politics**. **(2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clear explanation of the term with reference to a group of likeminded individuals who seek to influence the government without becoming the government themselves. | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) Outline three ways a pressure group may attempt to influence the lawmaking process within parliament. (3 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Outline of three ways including but not limited to * Direct Action – strikes and protests in order to influence the creation of bill, the debate of a bill in the second reading or committee stage or vote in the third reading stage. * Lobbying * Legal Action * Approaching the Executive * Election Campaigning * Approaching Political Parties   Note: all responses should be clearly linked to the legislative process within parliament such as that done for direct action. | 3 |
| * Two ways outlined. | 2 |
| * One way outlined. | 1 |

1. **Discuss two reasons why federalism in Australia is often described as being ‘coercive’. (5 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Discusses in detail, two reasons. This may include defining coercive federalism as being characterised by an imbalance of power whereby the central government effectively dominates the states and can influence their actions.  Examples of this might be developed including:  The immense financial power of the Commonwealth as a result of the the vertical fiscal imbalance which arose after the 1942 Uniform (Income) Tax Agreement Act and its cases.  The fact that the Commonwealth Grants Commission, over which the Commonwealth has some control, is responsible for the carve up of the GST and states rely heavily on this GST revenue.  The fact that revenue base of states can diminish over time leaving them more open to influence by the Commonwealth ie WA and falling mineral royalties.  Other answers are possible and may include specific examples of coercion such as those from the Gillard and Rudd governments. | 4-5 |
| Discusses two reasons. | 2-3 |
| Gives a statement. | 1 |

**Part B: Unit 3B**

**Question 3 (10 marks)**

**(a) In terms of good governance, what is meant by the term ‘open government’?**

**(2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clear explanation of the term with reference to a high degree of transparency and accountability in public processes. It can be seen to mean the ability to see who made decisions and what decisions were made. | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) Distinguish between ‘an administrative inquiry’ and a ‘Royal Commission’ as methods of executive accountability. (3 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Outline of the meaning of 'an administrative inquiry’ and ‘Royal Commission’ provided with a clear difference between the two provided within the response.  This may include reference to the fact that that an administrative inquiry refers to an internal investigation established by the executive into a matter. A Royal Commission is a judicial like inquiry body, established by the executive which is carried out through external processes to the executive under the Royal Commissions Act of 1902.  A difference between the two can be seen in the fact that an administrative inquiry reports its findings to the PM or the Minister whereas the findings of a Royal Commission are published in the public domain. Other differences could focus on the role of terms of reference in a RC but not in an AI. | 3 |
| * Two terms outlined but no clear difference offered. | 2 |
| * One term discussed or a merely general description of responsibility. | 1 |

**(c) Discuss two ways that the Commonwealth Parliament can be held accountable in Australia.** **(5 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Explains in detail two ways that the Commonwealth Parliament can be held accountable in Australia.  This may include reference to:   * through elections to the House of Representatives and the Senate * through the committee system including the Privileges Committee * within the procedures and processes of parliament * through judicial review | 4-5 |
| Explains two ways of judicial accountability using either generalised information or detail on one method. | 2-3 |
| Gives a statement about judicial review. | 1 |

**Question 4 (10 marks)**

**(a) With regard to human rights, what is meant by the term ‘international covenant’?**

**(2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clear explanation of the term with reference to an agreement under international law entered into by actors in international law, namely sovereign states and international organizations. It is another name for a treaty. | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) Outline two arguments for and one argument against the view that the Australian political and legal system upholds the ideal of ‘popular participation’. (3 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Identifies two arguments for and one argument against the view that Australia upholds ‘popular participation’ with reference to arguments such as:   * Universal franchise for all citizens aged 18+ and enrolled on the electoral role * Referendum process established under S.128 requires the involvement of the people of the commonwealth and of the states. * Pressure groups have the ability to influence lawmaking and policy through their input into the political and legal system.   One argument against the view can be seen in the fact that the Governor General is unelected by the populace. (Note other arguments possible). | 3 |
| * Identifies two arguments. | 2 |
| * Identifies one argument. | 1 |

**(c) Discuss two methods of human rights protection in a country other than Australia. (5 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Explains what is meant by the term and discusses two examples with reference to another country. For example, in terms of the USA, this could include reference to:   * The US Bill of Rights which consists of a series of amendments to the Constitution which came into force in 1789. * US Supreme Court - Upon the Bill of Rights exists a vast and complex expanse of case law has developed through the US Supreme Court who interpret the Constitution. * Individual rights are also protected under State constitutions in the US. Indeed, one reason why the US Constitution did not at first contain a Bill of Rights was because these were already protected in most cases at the State level. * Statute Law - ie the Civil Rights Act of 1964. | 4-5 |
| Explains the term and one example. | 2-3 |
| Explains the term. | 1 |

**Section Two: Source analysis 20% (20 Marks)**

**Source 1 : Unit 3A – The South African Presidency**

**Question 5 (20 marks)**

1. Explain what is meant by the phrase ‘head of state’. **(2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clear explanation of the term with reference "a symbolic national leader who is expected to embody the values and aspirations of his people." | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) With reference to the source, identify and explain two powers of the South African President. (4 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Identifies and explains two ways in detail and in doing so refers to source (i.e. ‘In source 1..” or uses direct quotes) * He appoints ministers and influences the appointment of senior officials. * He chairs the cabinet, steers some cabinet committees, and appoints the chairs of others. * He can dominate foreign policy. And he can adopt any other policy area and make it his own. * In addition, he can bypass full cabinet and terrify his ministers with the threat of dismissal. * A president also appoints members of public bodies, giving him a huge realm of patronage. * The president is also (usually) the head of the largest party in parliament. This provides him with a unique opportunity to combine state and party instruments in the exercise of power | 4 |
| * Identifies and explains two ways without explanation of both or * May refer to source (i.e. ‘In source 1..” or uses direct quotes) | 3 |
| * identifies two ways without explanation or * May refer to source (but does so in general terms possibly by summing up source material) | 2 |
| * Identifies a way | 1 |

**(c) Discuss one similarity and one difference between the role of the South African President and that played by the Australian Governor General. (6 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clearly discusses in detail ONE similarity and ONE difference. This could be in reference to their role as Head of State of South Africa and the representative of the Queen in Australia. | 5-6 |
| * Discusses ONE similarity and ONE difference | 3-4 |
| * Identifies ONE similarity or ONE difference | 1-2 |

1. **Identify two powers held by the Prime Minister of Australia and evaluate the current Prime Minister’s (or another recent Prime Minister’s) use of these powers**

**(8 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * + Clearly identifies two powers held or exercisable by the Prime Minister and evaluates the use of these by Tony Abbott, Kevin Rudd or Julia Gillard.   + Answers may refer to the fact that the PM is the chair of Cabinet, advises the Governor General in the exercise of his / her power, heads the party with a majority of seats in the Lower House and can use party lines to effect in this regard. | 7-8 |
| * + Identifies two powers and discusses them with detail. | 5-6 |
| * + Identifies two powers. * May use generalized, or vague examples. | 3-4 |
| * Refers to a power of a Prime Minister. * Provides a general statement. | 1-2 |

**Source 2: Unit 3B – Lebanese Migrants in NSW (as of 2008)**

**Question 6 20 marks**

**(a) Explain what is meant by the term ‘public office’. (2 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * + - Clear explanation of the term with reference to a position of authority or service involving responsibility to the public, usually in terms of the government. | 2 |
| * Mention of only part of the meaning of the term. | 1 |

**(b) With reference to the source, identify and explain two examples which prove that**

**Lebanese migrants have been involved in the political system in Australia.**

**(4 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Identifies and explains two examples and in doing so refers to source (i.e. ‘In source 2..” or uses direct quotes) * The Governor of NSW in 2008 was Professor Marie Bashir. "Professor Bashir is the granddaughter of pioneer Lebanese immigrants who established themselves in Redfern as wholesalers" * Alexander Bookallil "was an Alderman on Cooma Municipal Council from 1942 to 1974 and also a member of the Monaro County Council for twelve years". * Tony Kaltoum Rahme who migrated from the village of Becharrie in 1962 was also a Mayor of Monaro. * Michael Yarad was an Alderman on Taree Municipal Council. | 4 |
| * Identifies two examples but explains one only | 3 |
| * Identifies two examples * May refer to source (but does so in general terms possibly by summing up source material) | 2 |
| * Identifies an example | 1 |

**(c) Discuss one setback and one achievement of an individual or group in the Australian political and legal system. (6 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| Discusses, in detail, one setback and one achievement of an individual or group in the Australian political and legal system. | 5-6 |
| Discusses one setback and one achievement of an individual or group in the Australian political and legal system. | 3-4 |
| Some general reference made to one setback and one achievement of an individual or group in the Australian political and legal system. | 1-2 |

**(d) Identify and evaluate two democratic upheld in a country other than Australia. (8 marks)**

|  |  |
| --- | --- |
| Description | Marks |
| * Clearly identifies two democratic principles upheld in another country and evaluates these. * Will use detailed examples to support the evaluation   Answers will depend upon the country studied by students. | 7-8 |
| * Identifies two democratic principles upheld in another country and discusses in detail. | 5-6 |
| * Identifies two democratic principles upheld in another country and discusses these. * May use generalized, or vague examples. | 3-4 |
| * Identifies two democratic principles upheld in another country. | 1-2 |

**Section Three: Extended answer 50% (50 Marks)**

**Question 7 25 marks**

“The 44th Commonwealth Parliament, is dominated by Cabinet, and we are seeing a decline in the proper functioning of parliament as a result”.

**Evaluate the validity of this claim.**

|  |  |
| --- | --- |
| **Description** | **Marks** |
| * Defines in detail the terms ‘Cabinet' and 'parliament' and 'the proper functioning of parliament'. * Presents a critical evaluation of the claim * Integrates numerous relevant highly detailed examples to illustrate the points made. * Presents a reasoned, balanced and very coherent discussion using relevant political and legal terminology. | 21-25 |
| * Defines the terms ‘Cabinet' and 'parliament' and 'the proper functioning of parliament'. * Presents an evaluation of the claim * Integrates relevant examples to illustrate the points made. * Presents a reasoned, balanced and coherent discussion using relevant political and legal terminology. | 16–20 |
| * Shows some understanding of the terms ‘Cabinet' and 'parliament' and 'the proper functioning of parliament'. * Presents a discussion of the claim * Provides some relevant or mostly relevant examples to illustrate the points made. * Presents a discussion with some reason, balance and coherence using some relevant political and legal terminology. | 11–15 |
| * Presents statements regarding the terms ‘Cabinet' and 'parliament' and 'the proper functioning of parliament'. * Presents limited discussion of the claim * Provides limited relevant examples. * Presents statements rather than a reasoned, balanced and coherent discussion using limited relevant political and legal terminology. | 6–10 |
| * Shows minimal to no understanding of key terms. * Presents minimal or no description * Provides minimal or no relevant examples. * Presents minimal statements and no discussion with minimal or no relevant political and legal terminology. | 0–5 |

**Question 8 25 marks**

“Although constitutional change is difficult to achieve in Australia, it is needed more than ever.”

**Evaluate the validity of this claim.**

|  |  |
| --- | --- |
| **Description** | **Marks** |
| * Defines in detail the term ‘constitutional change' * Presents a critical evaluation of the claim * Integrates numerous relevant highly detailed examples to illustrate the points made. * Presents a reasoned, balanced and very coherent discussion using relevant political and legal terminology. | 21-25 |
| * Defines the term ‘constitutional change'. * Presents an evaluation of the claim * Integrates relevant examples to illustrate the points made. * Presents a reasoned, balanced and coherent discussion using relevant political and legal terminology. | 16–20 |
| * Shows some understanding of what is meant by the term ‘constitutional change' * Presents a discussion of the claim * Provides some relevant or mostly relevant examples to illustrate the points made. * Presents a discussion with some reason, balance and coherence using some relevant political and legal terminology. | 11–15 |
| * Presents statements regarding the term ‘constitutional change' * Presents limited discussion of the claim * Provides limited relevant examples. * Presents statements rather than a reasoned, balanced and coherent discussion using limited relevant political and legal terminology. | 6–10 |
| * Shows minimal to no understanding of the key term. * Presents minimal or no description of constitutional change * Provides minimal or no relevant examples. * Presents minimal statements and no discussion with minimal or no relevant political and legal terminology. | 0–5 |

**Question 9 25 marks**

Explain how and evaluate the extent to which the judiciary is accountable in Australia.

|  |  |
| --- | --- |
| **Description** | **Marks** |
| * Defines in detail the terms ‘judiciary' and accountability * Presents a critical evaluation of the extent to which the judiciary is accountable in Australia. * Integrates numerous relevant highly detailed examples to illustrate the points made. * Presents a reasoned, balanced and very coherent discussion using relevant political and legal terminology. | 21-25 |
| * Defines the terms ‘judiciary' and accountability * Presents an evaluation of the extent to which the judiciary is accountable in Australia. * Integrates relevant examples to illustrate the points made. * Presents a reasoned, balanced and coherent discussion using relevant political and legal terminology. | 16–20 |
| * Shows some understanding of what is meant by the terms * Presents a discussion of the extent to which the judiciary is accountable in Australia. * Provides some relevant or mostly relevant examples to illustrate the points made. * Presents a discussion with some reason, balance and coherence using some relevant political and legal terminology. | 11–15 |
| * Presents statements regarding the terms ‘judiciary' and accountability * Presents limited discussion of the extent to which the judiciary is accountable in Australia. * Provides limited relevant examples. * Presents statements rather than a reasoned, balanced and coherent discussion using limited relevant political and legal terminology. | 6–10 |
| * Shows minimal to no understanding of the terms * Presents minimal or no description of the extent to which the judiciary is accountable in Australia. * Provides minimal or no relevant examples. * Presents minimal statements and no discussion with minimal or no relevant political and legal terminology. | 0–5 |

**Question 10 25 marks**

Explain how and evaluate the extent to which human rights are protected in Australia.

|  |  |
| --- | --- |
| **Description** | **Marks** |
| * Defines in detail the term 'human rights'. * Presents a critical evaluation of the extent to which human rights are protected in Australia. * Integrates numerous relevant highly detailed examples to illustrate the points made. * Presents a reasoned, balanced and very coherent discussion using relevant political and legal terminology. | 21-25 |
| * Defines the term 'human rights'. * Presents an evaluation of the extent to which human rights are protected in Australia. * Integrates relevant examples to illustrate the points made. * Presents a reasoned, balanced and coherent discussion using relevant political and legal terminology. | 16–20 |
| * Shows some understanding of what is meant by the term 'human rights'. * Presents a discussion of the extent to which human rights are protected in Australia. * Provides some relevant or mostly relevant examples to illustrate the points made. * Presents a discussion with some reason, balance and coherence using some relevant political and legal terminology. | 11–15 |
| * Presents statements regarding 'human rights' * Presents limited discussion of the extent to which human rights are protected in Australia. * Provides limited relevant examples. * Presents statements rather than a reasoned, balanced and coherent discussion using limited relevant political and legal terminology. | 6–10 |
| * Shows minimal to no understanding of the terms * Presents minimal or no description of the extent to which human rights are protected in Australia. * Provides minimal or no relevant examples. * Presents minimal statements and no discussion with minimal or no relevant political and legal terminology. | 0–5 |

**End of Answer Guide**