**ATAR mock examination, 2020**

**Question/Answer Booklet**

**Name:**

POLITICS

Please place your student identification label in this box

### AND LAW

### Units 3 and 4

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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 (blue/black preferred), pencils (including coloured), sharpener,

correction fluid/tape, eraser, 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 material. 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 examination |
| Section One  Short answer | 4 | 3 | 45 | 30 | 30 |
| Section Two  Source analysis | 2 | 1 | 35 | 20 | 20 |
| Section Three  Essay  Part A: Unit 3  Part B: Unit 4 | 2  2 | 1  1 | 100 | 50 | 50 |
|  | | | | | 100 |

**Instructions to candidates**

1. The rules for the conduct of Western Australian external examinations are detailed in the *Year 12 Information Handbook 2020.* Sitting this examination implies that you agree to abide by these rules.

2. Answer the questions according to the following instructions.

Section One: Consists of four questions. You must answer three questions. Write your answers in this Question/Answer booklet.

Section Two: Consists of two questions. You must answer one question. Write your answers in this Question/Answer booklet.

Section Three: Consists of two parts each with two questions. You must answer one question from each part. Write your answers in this Question/Answer booklet.

3. 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.

4. Supplementary pages for planning/continuing your answers to 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, i.e. give the page number.

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

This section has **four** questions. You must answer **three** questions. Write your answers in the spaces provided.

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

Suggested working time: 45 minutes.

**Question 1 (10 marks)**

(a) Explain the meaning of the term ‘horizontal fiscal equalisation’. (2 marks)

(b) Briefly outline **two** recent reforms and/or programs that are jointly administered by the

Commonwealth and States/territories.

(3 marks)

(c) Discuss the extent to which **two** financial powers of the Commonwealth Parliament

allow it to dominate the federation.

(5 marks)

**Question 2 (10 marks)**

1. Differentiate between a micro party and a minor party. (2 marks)

1. Outline **two** recent examples of pressure groups successfully impacting government policy. (3 marks)

1. Discuss the effectiveness of Independent members of Parliament by referring to one recent example of them influencing the formulation of legislation.

(5 marks)

**Question 3 (10 marks)**

(a)Briefly outline the role of the AAT. (2 marks)

1. Explain how the convention of Cabinet Solidarity supports OR weakens accountability.

(3 marks)

(c) Discuss **two** ways in which the legislative branch of a political system you have

studied (other than Australia) holds the executive branch accountable.

. (5 marks)

**Question 4 (10 marks)**

1. What is meant by the term ‘open government’? (2 marks)

1. Outline **three** ways that the principle of natural justice is upheld in Australia

(3 marks)

(c) Discuss **two** ways that executive power is controlled and checked in Australia.

(5 marks)

**End of Section One**

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

This section has **two** questions. You must answer **one** 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, i.e., give the page number.

Suggested working time for this section is 35 minutes.

**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 a paper ‘Opposition in parliamentary democracies: a framework for comparisons’ by Bruce Stone, published in the Australasian Parliamentary Review Volume 29 Issue 1 (Autumn 2014)

A key factor distinguishing oppositions is size. The number of parliamentary representatives of the opposition relative to those of the governing party, is likely to affect the authority it brings to its parliamentary roles.

A large opposition, one that is similar in size to the governing party/ies, should be a strong opposition, with a sense of its moral authority to challenge government forcefully and, given the closeness of the contest for power, a strong incentive to do so.

On the other hand, a small opposition, especially if this is a long-term characteristic of a political system, weakens the government’s sense that it is under challenge and that it needs, as a result, to remain responsive to public concerns expressed by the parliamentary opposition. These propositions would seem to apply whether opposition is concentrated or dispersed.

In Australia, where opposition, especially in lower houses, tends to be relatively concentrated, a large opposition heightens the sense of two-sided competition for executive and legislative power.

An opposition’s ability to project itself as a government-in-waiting will be stronger the more credible the electoral threat it poses to the governing party and this will tend to be related to its parliamentary strength.

Western Australia, unlike Queensland, has been a jurisdiction of large oppositions. Such opposition poses a real (electoral) threat to governments making it more likely that government will see the need to justify the actions it takes.

1. What is meant by the term ‘Shadow Minister’? (2 marks)

1. With reference to **Source 1**, explain in your own words, **two** benefits of having a

large opposition. (4 marks)

1. Discuss the impact of the proportional voting system on the composition of the

Australian Senate. (6 marks)

1. Briefly explain the notion of ‘competing mandates’ and indicate who has a stronger

claim to a mandate in the Australian Parliament. (8 marks)

**Question 6 (20 marks)**

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

**Source 2**

The following is an edited extract from a paper ‘Five Reasons Why Australia Should Adopt a Statutory National Bill of Rights’ by Zak Vidor Staub published by the Australian Human Rights Institute at the UNSW (Sydney) Oct 2019

Whilst there is a [patchwork](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9899/99rp20#Arguments) of domestic and international mechanisms that promote the maintenance of human rights within Australia, a clear and unifying codification of rights is lacking.

A Bill of Rights represents one possible solution to this, as it would work within the framework of democracy to promote the rights of all individuals, including those in the minority.

A Bill of Rights is most effective when functioning within a robust and vibrant democracy so that it may be upheld and depended upon.

Further, as a statutory Bill of Rights would ultimately be under the control of the Commonwealth Parliament, in that they would have the ability to design and reform it, it would not entail the same [transfer of power](https://www.gotocourt.com.au/legal-news/australia-bill-of-rights/) to the courts as a constitutional amendment.

A statutory Bill of Rights could be [changed](https://www.humanrights.gov.au/sites/default/files/content/letstalkaboutrights/downloads/HRA_questions.pdf) by the Commonwealth Parliament, allowing it to more easily evolve with society and remain relevant. This would distinguish it from systems like the USA’s constitutionally entrenched rights regime, which is extremely difficult to reform due to the USA’s rigid constitutional structure.

This would also allow the protections that are enumerated to adapt and more consistently reflect the view of contemporary society. This is because the parliament of the day would [represent](https://family.org.au/should-australia-have-a-bill-of-rights/) the Australian political landscape at that time. By allowing such significant control of the process to remain with Parliament, parliamentary sovereignty would remain intact.

1. Outline **two** constitutional rights of citizens expressly protected by the Australian Commonwealth Constitution. (2 marks)

1. With reference to **Source 2**, explain in your own words, **two** reasons/benefits as to why Australia should adopt a Statutory National Bill of Rights.

(4 marks)

1. Discuss **two** separate ways human rights are protected in one country (other than Australia) that you have studied.

(6 marks)

1. Briefly explain how well Australia’s commitment to international covenants, protocols and treaties protects human rights in Australia.

(8 marks)

**End of Section Two**

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

This section has **four** questions. Answer **one** question from Part A: Unit 3 and answer

**one** question from Part B: Unit 4. Write your answers in the spaces provided following

Question 10.

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

Suggested working time for this section is 100 minutes.

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**Part A: Unit 3**

Answer **one** question from a choice of **two.**

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**Question 7 (25 marks)**

Assess the extent to which the democratic operation of the Australian Parliament is hindered by political parties and executive dominance.

**or**

**Question 8 (25 marks)**

Assess the extent to which the legislative, executive and judicial powers are more obviously separated in Australia than in one non-Westminster system that you have studied.

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**Part B: Unit 4**

Answer **one** question from a choice of **two.**

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**Question 9 (25 marks)**

The office of the Governor-General is highly controversial in Australia in terms of their powers, appointment and accountability.

Evaluate this claim making reference to specific Governors-General of Australia.

**or**

**Question 10 (25 marks)**

Discuss the role of the courts in the Australian legal system and evaluate the extent to which the judiciary is held to account.

**End of questions**

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**ACKNOWLEDGEMENTS**

**Source 1:**

Stone, B. (2014) “Opposition in Parliamentary Democracies”, *Australasian Parliamentary Review* 29, 1: 19-31

Retrieved on 18 May 2020 from

<https://www.aspg.org.au/wp-content/uploads/2017/09/Opposition-in-parliamentary-democracies.pdf>

**Source 2:**

Staub, Z.V. (2019) *Five Reasons Why Australia Should Adopt a Statutory National Bill of Rights”* Australian Human Rights Institute, University of New South Wales.

Retrieved on 18 May 2020 from

<https://www.humanrights.unsw.edu.au/news/five-reasons-why-australia-should-adopt-statutory-national-bill-rights>