
WELCOME TO THE 2017 PLEAWA SUNDOWNER



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WACE 2017 EXAMINATION REVIEW

FOR UNIT 3 AND UNIT 4



2016 POLITICS AND LAW WACE PAPER - OVERVIEW

903 students

60.09% mean

Teacher examiner forum reported welcome improvement overall, but a lack of specificity

Perhaps provided a clear opportunity for students to demonstrate their ability to explain, distinguish and evaluate key terms and concepts



SHORT ANSWER: “EXPLAIN” AND “DISCUSS”

Every part a and part b started with “explain”.

Every part c required students to “discuss”

SCSA glossary defines:

- **Explain:** “relate cause and effect; make the relationships between things evident; provide why and/or how”
- **Discuss:** “identify issues and provide points for and/or against”

Encourage students to be prepared for this and respond comprehensively to a 2 marker, as well as providing more than a list for 3 markers.

N.B: “**Assess**” has been removed from the short answer examination design brief

1A: EXPLAIN THE TERM CABINET

Perhaps the days of “engine room of government” are over?

Rather: “a committee of the executive comprising of the prime minister and senior ministers, governed entirely by Westminster convention, which determines the overall policy direction of government”

Not the same as the ministry. Students should know the difference between cabinet and outer ministry.

Thanks for the awesome glossary mr king and pleawa 😊



1B: EXPLAIN BRIEFLY THREE ROLES AND / OR POWERS OF CABINET

Encourage students to understand terms like “the role of” so they can respond with actual tasks performed by the cabinet, not concepts that are relevant to cabinet.

E.g: determining the legislative agenda for parliament and developing the annual budget are functions of cabinet

Neither cabinet solidarity nor selecting the prime minister is considered a role or power of cabinet



1B

Avoid lists. Clearly structured sentences make it easier to award marks....”Firstly,....Secondly, a final role is...”

Also help students to distinguish between ministers individually and cabinet, particularly in the language of their response.

Eg: “ the role of ministers in cabinet is to...” would not be answering the question directly.



1C: DISCUSS ONE ARGUMENT FOR AND ONE ARGUMENT AGAINST THE PROPOSITION THAT THE OPPOSITION DOES NOT KEEP THE CABINET ACCOUNTABLE

Try to present each argument clearly, persuasively and separately.

Then support with an example to boost the credibility of that argument.



1C

Eg: an argument supporting this claim is that the opposition struggles to carry 'votes of no confidence' in the HOR due to the government holding a majority & strong party discipline. This was clear when Labor failed to censure Stuart Robert over a trip to China....

An argument against this claim is that oppositions can effectively hold cabinet to account through using the senate, as shown when the Shorten opposition forced the Abbott government to abandon parts of its first budget, like the \$7 GP co-payment.

Students should avoid simply relating ways / methods of the opposition if the question requires an argument.



2A: EXPLAIN WHAT IS MEANT BY A RESERVE POWER OF THE GG

Definitely constitutional!

A power which is exercised without, or contrary to, the advice of the PM or the Federal Executive Council (EXCO)

Section 64 is a reserve power

Not to be confused with express powers, which are exercised on the advice of ministers



2B: EXPLAIN BRIEFLY THREE ROLES OF THE GG

Plenty of examples to choose from:

Avoid lists

Be constitutional. Use sections where possible and confident. Not specifically required by the question but can't hurt?



2C: DISCUSS ONE ARGUMENT FOR AND ONE ARGUMENT AGAINST THE PROPOSITION THAT THE GG ACTED IMPROPERLY BY DISMISSING THE WHITLAM GOVERNMENT

Requires concise and detailed understanding of the crisis.

Specific syllabus point

What conventions were actually broken by the GG? Why was this “improper”? What are the relevant sections of the constitution?

More specific, detailed arguments will be more persuasive

Beware of passionate Republicans! May be tempting for some students to become subjective.



3A: EXPLAIN A PURPOSE OF THE PRIVILEGES COMMITTEES OF THE COMMONWEALTH PARLIAMENT

Ensure students respond with **a purpose**, not simply a definition.

Eg; “to hold MHRs and Senators responsible for their use of parliamentary privilege by investigating alleged abuses of privilege. This can help to achieve the accountability function of parliament.

When students see purpose there should be a verb in their response



3B: EXPLAIN BRIEFLY THREE PROCEDURES AND/OR PROCESSES OF THE COMMONWEALTH PARLIAMENT THAT PROMOTE ITS ACCOUNTABILITY

Most problematic question

Required very careful reading

Many procedures that promote accountability (like elections) are not accurate content for this question because they are not a “process of the CW parliament”



3B

Requires students to understand the difference between executive accountability and legislative accountability.

Relevant procedures could be naming procedure under Standing Orders, Censure Motions against an MHR or a Senator, Question Time (?)

Focus on procedures “of, by and for” the parliament in order to keep it accountable.

Not ministerial responsibility (accountability of the executive)



3C: WITH REFERENCE TO ONE EXAMPLE, DISCUSS HOW JUDICIAL REVIEW PROMOTES THE ACCOUNTABILITY OF THE COMMONWEALTH PARLIAMENT

Similar issues to 3b, assessing the ability of students to distinguish between the legislative and the executive and procedures that promote the accountability of each branch, distinctly.

Required knowledge of a High Court case that has found C/w (not state) legislation invalid



3C

Examples could be Williams no 2 (2014), Plain packaging act (2011)

Students should then relate that example to how it “promotes the accountability of parliament”.

Would you use Communist party in 1951? You could use this eg. Because the question doesn't refer to 'contemporary' or 'recent' example.



4A: EXPLAIN THE PROCESS OF APPOINTING A JUSTICE TO THE HIGH COURT OF AUSTRALIA

Needs more than the GG

Include on the advice of the government, specifically the CW attorney-general

Consider the existence of relevant legislation

Section 72 wouldn't hurt



4B:EXPLAIN BRIEFLY THREE ELEMENTS OF NATURAL JUSTICE AS IT IS PRACTICED IN AUSTRALIA

Ensure students can distinguish between rule of law and natural justice

Weakness of students but it should be a strength

Ratified marking key identifies key points and new text also explains well

Mostly in regards to the requirements of a fair hearing



4C: DISCUSS TWO WAYS HOW PUBLIC CONFIDENCE IS PROMOTED IN AUSTRALIAN COURTS

Students should be able to identify and explain distinct procedures and then discuss how these procedures promote public confidence (how and why)

Public viewing and participation

Media reporting of cases



4C

Appeals process 😊

The requirement of judges to provide written reasons (*ratio*) for their decisions 😊

I like students to select procedures which are specifically “legal”, so they can minimise the risk of being vague.



SOURCE ANALYSIS: EXPLAIN, COMPREHEND, DISCUSS AND EVALUATE

SCSA Glossary defines “**evaluate**”: to ascertain the value or amount of; appraise carefully

No real issues with parts (a) in qu 5 and 6

Part b: students are required to reference the source directly and find two distinct points. Mostly comprehension.

Encourage them to bring in their **own knowledge** to support main terms evident in the source. Can't hurt.

Whilst this means that some students may need strategies to help them read carefully and accurately, really this part is a “gift”



5C: DISCUSS ONE ARGUMENT FOR AND ONE ARGUMENT AGAINST SENATORS CLAIMING A “COMPETING MANDATE.”

Similar approach to this type of question in a 5 marker, but more detailed discussion and perhaps stronger examples to justify 6 marks

Again, beware of the language of the question. Students need to do more than explain what a competing mandate is?

They need to say that senators can / cannot claim a competing mandate “because” ...



5C

Students would do well to consider on what platform senators, particularly those who hold the balance of power, were elected.

NXT, Greens, One Nation

Would hope that the current senate after the double dissolution would provide lots of exciting material for students to discuss.



5C

Can also consider the fact that the senate is in theory a “house of review”

Can also look at the electoral quota, which particularly after a double dissolution, could be used to justify a “disproportional representation” argument, thus reducing their right to claim a mandate that can compete with a government / majority mandate



5D: EVALUATE THE ROLE AND POWER OF CONTEMPORARY SENATES WITH THE SENATE'S INTENDED ROLE AT FEDERATION

Need to know what the “intended role” was, so **“states house”** must be explained, preferably with evidence (s7)

Then a discussion of the contemporary senate (or vice versa)

Then an evaluation of how similar, or how different the contemporary senate is from the intended.

Insist that students know the make up of the current senate, particularly the numbers of those considered “cross benchers”



EXAMPLES EXPLAINED IN THAT BIT OF EXTRA DETAIL.

5D

Must acknowledge the influence of partisan representation over state representation

But consider NXT and representation of South Australian interests as well as Jacquie Lambie representing Tasmania.

Encourage students to reach a conclusion, even if a balanced one, regarding how the role and power of the senate has changed. The **“theory vs practice”**

Examples of blocking legislation, house of review function increased, but states house diminished?



DOES AN 8 MARKER REQUIRE A “MINI ESSAY”?

6C: DISCUSS ONE ARGUMENT FOR AND ONE ARGUMENT AGAINST THE PROPOSITION THAT “PUBLIC SERVANTS SHOULD BE HELD **DIRECTLY** ACCOUNTABLE FOR THEIR ACTIONS

Same criteria as 5c, in terms of discussing each argument to a greater extent

What are the reasons that public servants should be accountable?

Reasons why they should not?

The convention of individual ministerial responsibility would be an argument against this claim



6C

Another area of weakness?

Not about the minister, but it is tied in with ministerial responsibility.

Consider the extent of power held by public servants, so accountability necessary

Unrealistic that ministers can be responsible for every decision

Gillard in defence of Garrett “can’t be up in every roof”

If ministers can escape responsibility by blaming public servant, then the whole structure of responsible government is weakened.



6D: EVALUATE THE SIGNIFICANCE OF TWO WESTMINSTER CONVENTIONS WITHIN AUSTRALIA'S POLITICAL AND LEGAL SYSTEM

Significance – importance, relevance

Westminster conventions (ie: practices, procedures) rather than the Westminster system

Students should be able to “discuss the operation of the convention in the Australian system”



6D

Do we see the convention occurring in reality? Does it impact on Australia's political system? If so, then it is significant, if not, then it is less significant.

Examples essential. Try to use more contemporary examples as these will boost the relevance of the student's evaluation of significance.

Eg: IMR seemed less relevant under Howard, with examples like Bishop, but more significant now, with Brough, Briggs, Robert, and Sussan Ley.

ESSAYS: EVALUATE AND ASSESS

Terms must be defined properly as a priority

Otherwise discussion and evaluation loses strength (or can be meaningless)

Consider the **new marking key** for essays (please see handout)

- **Assess**: make a judgement of value, quality, outcomes, results or size
- **Evaluate**: to ascertain the value or amount of; appraise carefully difference between the two



Q7: HIGH COURT DECISIONS HAVE BEEN THE MOST SIGNIFICANT REASON FOR CHANGE IN THE FEDERAL BALANCE OF POWER
EVALUATE THIS CLAIM.

Emphasis here is on **“the most”**, meaning students would have needed to **explain other methods** of change in the federal power balance as well as high court decisions, in order to provide a complete and legitimate evaluation.

Detailed knowledge of at least three (maybe more?) High court decisions that have resulted in **changing the CW / state power balance**.



Q7

Try to encourage students to use recent cases as well as historical cases to build their argument

Financial powers may need to be **linked** to HCA cases, like Uniform Tax, Ha and Hammond

Phrases like “on balance”, can be good sentence starters to encourage evaluation.

Best responses can show both sides of the argument, but argue why one position is stronger.



Q8: “SINCE 2006, EVENTS HAVE CONFIRMED THAT THE POWERS OF AN AUSTRALIAN PRIME MINISTER DEPEND **ENTIRELY** ON PERSONAL SUPPORT WITHIN A PARTY. EVALUATE THIS CLAIM.

So much fun!

Sadly, examiners reported this questions as being poorly done. The mean for this question was 12.69/25

Leadership spills:

- Rudd → Gillard → Rudd: look at #s in the party room votes
- Abbott → Turnbull



Q8

Turnbull's policy "compromises" after becoming leader.

Again, like q7, other sources of pm power need to be explained and evaluated in order to properly answer the question.

Lots about the prime minister in the syllabus so good to teach it thoroughly



Q9: ASSESS THE EXTENT TO WHICH A PARTICULAR GROUP IN AUSTRALIA HAVE EXPERIENCED CHANGES IN ITS POLITICAL AND LEGAL RIGHTS

This question required **political and legal rights**, not broad human rights. Also required knowledge of the “experience” and evaluation of change.

Defining terms perhaps even more crucial in this question which is always popular

Harder than it looks...

I tell my students that if they select this question, they better write a “wow factor” essay as it is so often poorly done, and needs to stand out

Q9

Requires actual changes of legislation or common law

Students must be precise – not enough to generally describe social and economic conditions MUST look at political and legal changes to rights.

Some students still misusing 1967!

Choose a group that students can work with...are there specific political and legal changes, facts they can learn and use in their responses?

Aboriginal and Torres Strait Islander people still very popular selection

Q10: ASSESS THE IMPORTANCE OF INTERNATIONAL COVENANTS, PROTOCOLS AND TREATIES IN PROTECTING HUMAN RIGHTS IN AUSTRALIA IN RELATION TO OTHER METHODS OF PROTECTION

In order to reach an assessment, students needed to explain covenants, protocols and treaties in relation to Australia

Good to link these to specific statute and common law

Would then also need to explain the other methods of protection (constitution, common law, statute law) and compare their significance to international covenants etc.

Which methods have made more of a difference and why?



TAKEAWAYS

Read the question really carefully. When students practice responding to questions, can they explain to you the meaning of the key words in the questions?

Define and explain key terms in a factual manner.

Use relevant, accurate examples that you can relate directly to the relevance of the key concept.

Practice demonstrating how you can **distinguish** one key term from another.



2018 PAPER?

Consider the design brief - !!! This has not yet been updated to reflect the changes communicated by SCSA in the circulars during 2016 (re: essays)

Examiners are very keen to have students explain the meaning of key terms, specifically those at the top of the syllabus (the overview):

Unit 3: “essential to the understanding of political and legal power is the knowledge of *responsible government, representative government, separation of powers, division of powers and Westminster Conventions.*”



Unit 4: “essential to the understanding of *accountability and rights are the practices of governance, including participation, the rule of law, human rights, including civil, political, economic, social and cultural, open government, consensus, effectiveness, accountability, natural justice and equity.*”

Looking for those students who can explain, distinguish and evaluate.

Key words that weren't in 2016 paper: interpret, **compare**, analyse



BE AWARE...

Design brief:

This has not yet been updated to reflect the changes communicated by SCSA in the circulars during 2016 (re: essays)

- *required to answer 1 from 2 essays in Unit 3 AND*
- *required to answer 1 from 2 essays in Unit 4*

Grading in Year 11:

- SCSA have now published on their extranet some Year 11 assessment and work samples that reflect performances at 'A', 'B', 'C' levels, using grade descriptors.

Note: We grade students on their cumulative/holistic performance, we do not grade individual pieces of work.

TEACHING AND LEARNING WITH THE NEW TEXT

FOR UNIT 3 AND UNIT 4



TEXTBOOK



- The text was deliberately designed and developed to support teaching and learning within and outside of the classroom through:
 - Comprehensive descriptions and elaborations on course content;
 - Chapter summaries;
 - In-text highlights of important statements, facts and conclusions;
 - Relevant pictures and cartoons to engage students and encourage discussion on contemporary issues;
 - Activities for each chapter that reflect the assessments types as well as the WACE examination, and number;
 - Glossary for key terms; and
 - Comprehensive index for locating critical information.

TEACHING AND LEARNING PEDAGOGY – ABOUT THE TEXT BOOK

- Comprehensively addresses each syllabus point of the WACE Unit 3 and 4 PAL courses
- Assumes some existing conceptual understandings from Year 11 PAL Units 1 & 2
- Sufficiently detailed for use as a **FLIPPED CLASSROOM** resource and discussion generator
- Content and language are at a level appropriate as a:
 - Reference for teachers new to the subject
 - Primary resource for students as follows:
 - Relatively independent use by top students with some teacher clarification
 - Some teacher direction and interpretation for mid-ability students
 - Teacher support and interpretation in the choice of text material for lower ability students

TEACHING AND LEARNING PEDAGOGY – USING EXAMPLES

The text is rich in **EXAMPLES** from *recent* and *contemporary* Australian political and legal history.

- Examples can be used:
 - to *illustrate* syllabus concepts in real life contexts;
 - to *enhance* marks in assessments;
 - to *stretch* student learning by building RELATIONAL understanding across syllabus points.

TEACHING AND LEARNING PEDAGOGY – USING ACTIVITIES

The text provides *PAL specific ACTIVITIES* written to match *PAL assessment types*

- Activities are:
 - *Short answer* formats which can be used as discussion points, homework or practice questions
 - *Source analyses* using sources from within the text itself
 - *Essay questions* which can be used as discussion points, to plan essay responses or to write as practice essays
 - *Investigations* specific to syllabus points that can be used to stimulate student inquiry and motivation
- Teachers may use the activities as inspiration for their own assessment design

TEACHING AND LEARNING PEDAGOGY – USING SUMMARIES

The text includes detailed *SUMMARIES* that can be used in different ways

Summaries can be used to:

- Review a chapter (post-read)
- Provide an overview before commencing a syllabus point (pre-read)
- Stimulate discussion and recall detail (Q&A “stretching” of concepts)
- Assist students recapitulate a series of syllabus points (useful for study)

TEACHING AND LEARNING PEDAGOGY – CARTOONS AND IMAGES

The text includes amazing **CARTOONS** and **IMAGES** that serve a real purpose.

- Cartoons and images were selected or commissioned to enhance meanings within the text – they are NOT simply decoration or to break up the text
- Use cartoons and images to stimulate discussion
- Relate the messages within the cartoons and images to the text
- Great for different learning styles

The wrap-around cover pages relate to course concepts and contemporary examples – use them as teaching / learning resources

TEACHING AND LEARNING PEDAGOGY – WHAT’S NOT INCLUDED

The text DOES NOT include:

- Separate chapters or sections on **CONTEMPORARY ISSUES** relating to political and legal power
- Separate chapter on changing experience of a group’s political and legal rights

Why?

- Issues are dealt with in the context of the syllabus points and are embedded in the chapters. Many of the examples are based on recent and contemporary issues.
- Teachers are choosing to study diverse topics and issues.
- Embedding the issues within the contexts of the course is the SCSA syllabus recommended way to teach them
- Teachers may take embedded examples and expand them through discussion or other resources

TEACHING AND LEARNING PEDAGOGY – Q&A

- Do you have any questions?
- 😊 Feedback appreciated

EVENTS 2017



EVENTS IN THE WORKS

- Tuesday 7th March – Joe Spagnolo at Scotch College @ 6pm
- Tuesday 2nd May – Anne Aly (MHR Cowan) at St Mary's Anglican Girls' School 4.30 for a 5pm start
- Saturday in September – Year 12 WACE revision student seminar at TBC

* Feedback process on new textbook.