

This course will run the two units, 3 and 4, concurrently. The student Semester 1 grade will therefore be an estimate

Term	Week	Topic and key teaching points	Syllabus content	WALT/ WILF	Assessment
1	1-2	UNIT 3: POLITICAL AND LEGAL SYSTEMS The Commonwealth Constitution: legislative, executive and judicial powers <ul style="list-style-type: none"> Responsible government and executive power in Australia The USA (a non-Westminster system) Constitution: legislative, executive and judicial powers <ul style="list-style-type: none"> Representative government in Australia and the USA Similarities (legislative and judicial powers) and differences (especially executive powers and the checks and balances) between the two systems 	<ul style="list-style-type: none"> Essential to the understanding of political and legal power is the knowledge of: <ul style="list-style-type: none"> responsible government representative government separation of powers division of powers Westminster conventions. Legislative, executive and judicial powers with reference to the Commonwealth Constitution (Australia) and with comparison to one non-Westminster political and legal system 	WALT – Recap of the structures, institutions and influences on Australian government WILF – Produce a graphic organiser comparison of Australian and US systems of government.	

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1	3-4	<p>Functions of the Commonwealth Parliament in theory and practice</p> <ul style="list-style-type: none"> legislative, including Section 51 <ul style="list-style-type: none"> legislative process in the House of Representatives and Senate executive control party discipline minor/micro parties and independents the Senate and political power (contemporary issue of political power from the last three years) authorise expenditure, including Section 53 make and unmake government: executive accountability representation, including Section 7 and Section 24 <ul style="list-style-type: none"> party discipline processes of the parliament and representation forum for national debate 	<ul style="list-style-type: none"> functions of the Commonwealth Parliament in theory and in practice, including Sections 7, 24, 51, 53 at least one contemporary issue (the last three years) relating to political power <p>lawmaking process in parliament and the courts, with reference to the influence of</p> <ul style="list-style-type: none"> individuals political parties pressure groups <p>Political and legal research skills</p> <p>Communication</p>	<p>WALT – The functions and processes of parliament</p> <p>WILF – Define discuss and evaluate the function and processes of parliament in a short answer format</p>	<p>(week 3)</p> <p>Task 1: An in-class, short-answer test on legislative, executive and judicial powers under the Commonwealth Constitution</p>
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1	5-6	<p>Case Study: 1975 Dismissal</p> <ul style="list-style-type: none"> • Key events • Significance <p>Impact of the 1975 Dismissal in the short and longer term</p>	<ul style="list-style-type: none"> • roles and powers of the Governor-General, including Sections 61, 62, 63, 64, 68, 28, 57, 72, and 'the 1975 crisis' • roles and powers of the Prime Minister, Cabinet and the Ministry • roles and powers of the opposition and the shadow ministry at the Commonwealth level <p>Political and legal research skills</p> <ul style="list-style-type: none"> • Research and analysis • Communication 	<p>WALT – The events and significance of the 1975 constitutional crisis</p> <p>WILF – Plan an extended response explaining the key events and significance of the 1975 crisis</p>	<p>(Hand out Week 6)</p> <p>Task 2 Part A – Investigation into a proposed constitutional reform</p>
1	7-8	<p>Topic 1: Framework of Politics and Law in Australia</p> <p>Changing the Constitution</p> <ul style="list-style-type: none"> • Formal and informal methods of constitutional change and their impact <ul style="list-style-type: none"> ▪ referendums, including Section 128 ▪ High Court of Australia decisions ▪ referral of powers ▪ unchallenged legislation 	<ul style="list-style-type: none"> • at least one reform proposal to change the Commonwealth Constitution (Australia), such as <ul style="list-style-type: none"> ▪ the move to become a republic ▪ reference to Indigenous Australians in the Commonwealth Constitution (Australia) ▪ recognition of local government in the Commonwealth Constitution (Australia) 	<p>WALT – Methods and proposals for constitutional change</p> <p>WILF – Investigate proposals for constitutional change and how these would be implemented</p>	<p>(Week 8)</p> <p>Task 2 Part B – Validation Essay</p>

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		<ul style="list-style-type: none"> ▪ Case study: 1999 Republic referendum – reasons for its failure <i>Group investigation/Discussion forum</i> • Case Study 1: Inclusion of Indigenous Australians in the Constitution • Case Study 2: Recognising local government in the Constitution. 	<ul style="list-style-type: none"> ▪ Commonwealth Constitution (Australia) Section 44 (i), (ii) and (iii) • formal and informal methods of constitutional change and their impact <ul style="list-style-type: none"> ▪ referendums, including Section 128 ▪ High Court of Australia decisions ▪ referral of powers ▪ unchallenged legislation 		
1	9-10	<ul style="list-style-type: none"> • Provisions in the Constitution related to judicial power and function • Sources of power and functions of the High Court • Landmark decisions and trends of the High Court over time • Jurisdiction, common law precedent, court hierarchy and statutory interpretation <p>Common law decisions</p>	<ul style="list-style-type: none"> • roles and powers of the High Court of Australia, including Sections 71, 72, 73, 75 and 76 with reference to at least one common law decision and at least one constitutional decision • lawmaking process in parliament and the courts, with reference to the influence of 	<p>WALT – The roles and powers of the High Court</p> <p>WILF – Respond to sources relating to High Court decisions and their implications</p>	<p>(week 10) Task 3 – Source analysis on High Court powers and decisions</p>

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		<ul style="list-style-type: none"> the defence of qualified privilege: <i>Harbour Radio Pty. Ltd. v Trad</i> (2012) HCA 44 negligence/duty of care/foreseeability of risk of injury: <i>Mulligan v Coffs Harbour City Council</i> (2005) HCA 63 <i>Mabo v Queensland (No. 2)</i> ('Mabo case') [1992] HCA 23; (1992) 175 CLR 1 F.C. 92/014 (3 June 1992) <p>Constitutional decisions</p> <ul style="list-style-type: none"> <i>JT International SA v Commonwealth of Australia; British American Tobacco Australasia Limited & Ors v Commonwealth of Australia</i> (2012) HCA 30 <i>Plain Packaging Act 2011</i> and Section 51(xxxi) <i>New South Wales & Ors v Commonwealth</i> (2006) HCA 52 <i>Work Choices legislation 2006</i> and Section 51(xx) 	<ul style="list-style-type: none"> individuals political parties pressure groups <ul style="list-style-type: none"> at least one contemporary issue (the last three years) relating to legal power. 		
1	11-12	<ul style="list-style-type: none"> Defining Federalism – types and models Responsible government and path to federation in Australia Federalism and the Australian system of government 	<p>Political and legal systems</p> <ul style="list-style-type: none"> federalism in Australia with reference to <ul style="list-style-type: none"> constitutional powers of State and Commonwealth parliaments, including exclusive, concurrent and residual powers, Sections 51, 52, 90, 107 and 109 	<p>WALT – The operation of federalism in Australia</p> <p>WILF – Plan and write an essay evaluating the operation of federalism in Australia</p>	

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		<ul style="list-style-type: none"> Constitutional provisions which define the Australian federal system 	<ul style="list-style-type: none"> financial powers of the Commonwealth Parliament, including taxation power, tied or special purpose grants, including Sections 51(ii), 87, 90, 92 and 96 formal and informal methods of constitutional change and their impact <ul style="list-style-type: none"> referendums, including Section 128 High Court of Australia decisions referral of powers unchallenged legislation <p>Political and legal research skills Communication</p>		
1	13	<p>What are some of the key common law and constitutional decisions made by the High Court?</p> <p>How and why has the federal balance of power shifted since federation?</p> <ul style="list-style-type: none"> Changing balance of power Sources of State power Contemporary issues 	<ul style="list-style-type: none"> change in the balance of power since federation, with reference to <ul style="list-style-type: none"> financial powers, including vertical fiscal imbalance and horizontal fiscal equalisation, the Grants Commission referral of powers Section 51(xxxvii) the Council of Australian Governments (COAG) 	<p>WALT – Describing the relationship between levels state and Commonwealth government</p> <p>WILF – Write an essay evaluating the shifts in the balance of power since federation</p>	<p>Task 4: An in-class essay on federalism in Australia and changes over time</p>



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		<ul style="list-style-type: none">◦ National Federation Reform Council (NFRC) and the National Cabinet (replaced COAG June 2020)◦ co-operative federalism as opposed to coercive federalism◦ High Court of Australia constitutional interpretation, including external affairs power Section 51(xxix), corporations power Section 51(xx), and taxation powers <ul style="list-style-type: none">• formal and informal methods of constitutional change and their impact<ul style="list-style-type: none">▪ referendums, including Section 128▪ High Court of Australia decisions▪ referral of powers▪ unchallenged legislation <p>Political and legal research skills Communication</p>		
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1	14	Exam Revision			
1	15	Exam			Task 5: Semester 1 Examination
2	1-2	Unit 4: Accountability and Rights <ul style="list-style-type: none"> Protecting rights Safeguarding rights - how does Australia compare with: <ul style="list-style-type: none"> United States Canada New Zealand South Africa A Bill of Rights for Australia? An examination of arguments for and against a Bill of Rights for Australia 	<ul style="list-style-type: none"> Essential to the understanding of accountability and rights are the practices of governance, including: <ul style="list-style-type: none"> participation the rule of law human rights, including civil, political, economic, social and cultural open government natural justice 	WALT – How rights are protected in Australia and overseas WILF – Investigate the experience of a particular group in Australia and how effectively their human rights are protected	(Hand out week 1) Task 6 Part A: Investigation of the ways human rights are protected for a selected group of people in Australia

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		<ul style="list-style-type: none">• the ways human rights are protected in Australia, including in the Constitution, common law, statutory law, and charter of rights, such as the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria), the <i>Human Rights Act 2004</i> (Australian Capital Territory) and the <i>Human Rights Act 2019</i> (Queensland)• the ways human rights are protected in one other country• the status of international covenants, protocols and treaties in protecting human rights in Australia• the ways in which Australia and one other country can both uphold and/or undermine democratic principles, with reference to<ul style="list-style-type: none">▪ political representation▪ popular participation▪ the rule of law▪ judicial independence▪ natural justice		
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2	3-4	<ul style="list-style-type: none">▪ Electoral systems – issues and reforms cont.▪ Processes and processes of the parliament▪ The Committee system<ul style="list-style-type: none">○ Privileges Committees• Judicial review	<ul style="list-style-type: none">• the accountability of the Commonwealth Parliament<ul style="list-style-type: none">▪ through elections for the House of Representatives and the Senate▪ through the House of Representatives and Senate Privileges Committees▪ within the procedures and processes of the Parliament▪ through judicial review <p>Political and legal research skills Communication</p>	<p>WALT – Mechanisms for accountability of parliament</p> <p>WILF – Write an essay evaluating the mechanisms for creating accountability for parliament</p>	<p>(week 4)</p> <p>Task 6 Part B: An in-class validation essay based on research</p>

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2	5-6	<ul style="list-style-type: none"> Recap Convention of Responsible Government Recap The Executive – theory and practice, role and function The Westminster model <ul style="list-style-type: none"> Responsible government Chain of Responsibility Collective and ministerial responsibility 	<ul style="list-style-type: none"> the accountability of the Executive and public servants <ul style="list-style-type: none"> through collective and individual ministerial responsibility through Senate Estimates and at least one other committee of the Commonwealth Parliament through the Commonwealth Auditor General and the Administrative Appeals Tribunal (AAT) through judicial review 	<p>WALT – Mechanisms for accountability of the executive in theory and practice</p> <p>WILF – Respond to a written source to evaluate the mechanisms for executive accountability</p>	<p>(week 5)</p> <p>Task 7: An in-class essay on accountability of the Commonwealth Parliament</p>
2	7	<ul style="list-style-type: none"> Quick review the 1975 Dismissal/powers of the Governor General Accountability and the office of the Governor General <ul style="list-style-type: none"> Appointment and removal 1975 Crisis Hollingworth Affair 	<ul style="list-style-type: none"> the extent of the accountability of the Governor-General <ul style="list-style-type: none"> through appointment through removal 'the 1975 crisis' and 'the Hollingworth affair' 		<p>(week 7)</p> <p>Task 8: An in-class teacher-generated source analysis on the extent of accountability of the Executive and Public Servants</p>

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	8-9	Topic 5: Accountability – The Courts <ul style="list-style-type: none"> Review key concepts <ul style="list-style-type: none"> Court Hierarchy Rule of Law Doctrine of Precedent Statutory Interpretation Natural justice The Appeals Process Parliamentary scrutiny and legislation <ul style="list-style-type: none"> Transparency of process and public confidence Censure and removal of justices (s72) 	<ul style="list-style-type: none"> the accountability of the courts within the Australian legal system <ul style="list-style-type: none"> through the appeals process through parliamentary scrutiny and legislation through transparent processes and public confidence through the censure and removal of judges, including Section 72 	WALT – Mechanisms for judicial accountability WILF – Respond to a series of short answer questions on judicial accountability	(week 9) Task 9: An in-class short answer test on the accountability of courts
2	10-11	REVISION			
2		EXAMS			



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EXAMS