



LEGAL STUDIES UNITS 3&4

2020 ADJUSTED Trial Examination

Reading time: 15 minutes

Writing time: 2 hours

QUESTION & ANSWER BOOK

Structure of book

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	7	7	40
B	3	3	40
			Total 80

- Students are to write in blue or black pen.
- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or correction fluid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question & answer book
- Additional space is available at the end of the book if you need extra paper to complete and answer.

Instructions

- All written responses must be in English.

Students are NOT permitted to bring mobile phones and/or any other unauthorised electronic devices into the examination room.

SECTION B

Instructions for Section B

Use stimulus material, where provided, to answer the questions in this section. It is not intended that this material will provide you with all the information to fully answer the questions.

Answer **all** questions in the spaces provided.

Question 3 (13 marks)

Source 1

The following is an extract of an Explanatory Statement regarding the *Biosecurity Act 2015*.

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Essential Goods) Determination 2020

The Commonwealth has used its exclusive constitutional powers under s.51 (ix), with respect to quarantine, to create the *Biosecurity Act 2015*. Under s.477 (1) of the *Biosecurity Act 2015*, the Health Minister made determinations in March 2020 to “prevent the entry or spread of a listed human disease (Covid-19) if movement poses a severe and immediate threat”.

Source: Federal Register of Legislation, <legislation.gov.au>

Source 2

The following are state Parliament responses to the Covid-19 crisis in March 2020.

Under the *Public Health Act 2016* (WA), **Western Australia** has adopted strict border restrictions, dividing the state into nine regions that residents cannot move between without good reason e.g. transporting freight.

Under s.3 of the *Public Health Act 2011* (SA) **South Australia** has opted not to enforce border restrictions, but ordered people to self-isolate for 14 days when entering the state, or face a fine of \$20,000.

- b. Suppose the Commonwealth Parliament is planning a High Court challenge against South Australia, whose laws are not restricting backpackers from moving across Western Australia's borders into South Australia to seek work.

The Commonwealth Parliament is arguing that the measures they introduced under the *Biodiversity Act 2015* are granted by their Constitutional power to quarantine people.

South Australia is arguing that they are upholding the backpackers' guaranteed Constitutional express right under s92 to be free to move "across borders" in order to work.

The High Court's previous interpretation of s.92 in the case of *Nationwide News* (1992) stated the Commonwealth Parliament can "prohibit movement if the law is to protect the State or its residents from injury."

- i. Outline one reason why s.109 of the Commonwealth Constitution is required in this situation. 2 marks

SAMPLE