



Student Name: _____

LEGAL STUDIES

Unit 4

Outcome 2A (Parliament and the Courts)

QUESTION AND ANSWER BOOK

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	4	4	15
B	2	2	15
			Total 30

- 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 and answer book of 9 pages
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

- Write your **student name** in the space provided above on this page.
- All written responses must be in English.

Question 3 (4 marks)

The following quote is from Susan Kiefel, the current Chief Justice of the High Court of Australia.

‘Judges, at different times, have been described as “activists”, on the one hand, or as “black letter lawyers, on the other ...’

With reference to this quote, distinguish between judicial activism and judicial conservatism.

SAMPLE

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 space provided.

Question 1 (15 marks)

Source 1

The following is an extract from section 44 (i) of the *Australian Constitution*.

Section 44 of the Constitution states:

44. Any person who -

(i.) Is under any acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or citizen of a foreign power: ...

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives

Source 2

The following is a summary of the issue and outcome of the High Court case of *Re Canavan* [2017] HCA 45

In 2017 the High Court of Australia heard a set of cases together in *Re Canavan* to determine the eligibility of a number of members to be elected to Parliament after doubts arose due to them holding **dual citizenship**. The High Court unanimously determined that section 44(i) of the Constitution disqualified a person with dual citizenship from sitting as a member of the Federal Parliament unless they take steps to **renounce** their foreign citizenship.

Explanation of terms:

- **dual citizenship:** a citizen of more than one country
- **renounce:** surrender or give up

- a. Outline **one** effect of the High Court's interpretation of section 44 of the Australian Constitution in *Re Canavan*. 2 marks

b. Describe **one** reason why the High Court may have needed to interpret section 44 (i) of the Constitution.

3 marks

SAMPLE

c. Explain the relationship between the High Court case of Re Canavan and the doctrine of precedent.

4 marks

SAMPLE