

GOVERNOR-GENERAL'S TERTIARY ESSAY COMPETITION 2007 QUESTIONS

- Answer one of the nine questions only
- Written answers should not exceed 2500 (referencing is not included in the word count)
- The citation system of your faculty /school or the referencing featured in the past winning essays posted on this website should be used to acknowledge all material consulted in preparing the written answer
- Participants should retain a hard copy of their submitted work

Please note: Question 7 has been amended as of 22 March 2007 to account for recent legislation relating to the issue outlined in the question.

Further note to all applicants submitting essays on Question 7.

The High Court Judgments handed down in *Vickie Lee Roach v Electoral Commissioner and the Commonwealth* on 26th September 2007, preventing the Commonwealth from universally disenfranchising all prisoners on election day should not be referred to when answering question 7. With consideration for those who have already submitted their entries for question 7, this is to ensure that all applicants who have attempted or attempting this question are given equal treatment.

However, if you answered or will answer question 7 and are selected to be interviewed by the final judging panel, you should be prepared to relate your essay to the recent decision made in *Roach V Electoral*.

(1) Prime Minister John Howard has told Parliament:

"...There has been a lot of discussion about the basis people are using to form their views on the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006 and the extent to which one's religious background and religious teaching can influence the conclusion they reach."
(reprinted in Sydney Morning Herald, 6 December 2006)

What is the appropriate role, if any, of faith and religion in Australian public policy, especially when expressed in legislation?

(2) The Canadian Founding Fathers sought to establish a strong central government. Their Australian counterparts, on the other hand, sought to establish a coordinate system with strong States. In reality, both federations have moved in the opposite direction to that intended by their Founding Fathers. Canada is one of the most decentralised federal systems in the modern world, Australia one of the most centralised.

Do you agree? What lessons are there in this development, especially for nations, such as Iraq, contemplating the introduction of a federal system?

(3) Australia has troops, police and advisers deployed in East Timor, Papua New Guinea, the Solomon Islands and elsewhere. Considering the ability of the Commonwealth to admit new States to the Federation under s. 121 of the Constitution, would the admission of some or all of the Pacific microstates into the Australian nation be beneficial or detrimental to either party? Would some alternative (perhaps analogous to the status of Puerto Rico) be preferable?

(4) Sir Robert Menzies said in 1962:

"It gives you a pleasant feeling of mastery if you are sitting in front of a television screen and you can turn it to another channel." (Sydney Morning Herald, 22 December 1962)

Considering the above, do you think the Commonwealth Government's recent changes to media ownership laws represent a threat to diversity of public opinion, an accommodation of technological change, or have some other significance?

(5) The Commonwealth Government has recently been conducting a review into the Australian Citizenship Act 1948 (Cth). What has been recommended and what is your opinion of these recommendations? Does recent British, American or Canadian experience teach any useful lessons?

(6) At the age of 17 years people can enrol as provisional voters, while at 18 years all persons must be enrolled to vote. How significant is the franchise to you, and what would it take for many 18-25 year olds to see voting as something just as prized as many other "rights [rites?] of passage" associated with adulthood?

(7) All prisoners jailed for an offence forfeit their entitlement to vote in federal elections. How reasonable is this stance, when one of the tenets of our democracy is universal suffrage? Does the practice of other democracies offer useful guidance?

(8) Some people believe Australians have been provided with a "black armband" view of our history, in which white settlers attempted to eradicate Aboriginal peoples. Others say that to celebrate the social, political and economic achievements of white forefathers is a form of Imperialism. Does either view have credibility or is an alternative view more credible?

(9) Justice Kirby in his dissenting judgment in the Work Choices Case stated:

"This Court and the Australian Commonwealth need to rediscover the federal character of the Constitution. It is a feature that tends to protect liberty and to restrain the over-concentration of power which modern government, global forces, technology, and now the modern corporation, tend to encourage." (New South Wales v Commonwealth [2006] HCA 52, [612])

Do you agree? Why? Discuss the strengths and weaknesses of the Australian federal system following the High Court's decision in the Work Choices Case.