



Victorian Certificate of Education 2004

LEGAL STUDIES

Written examination

Wednesday 10 November 2004

Reading time: 3.00 pm to 3.15 pm (15 minutes)

Writing time: 3.15 pm to 5.15 pm (2 hours)

QUESTION 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	20
B	2	1	20
C	2	1	20
			Total 60

- 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 white out liquid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question book of 4 pages.
- One or more script books.

Instructions

- Write your **student number** in the space provided on the front cover of the script book(s).
- Number each question clearly.
- You should make use of stimulus material where it is included. However, it is not intended that this material will provide you with all the information to fully answer the question.
- All written responses must be in English.

At the end of the examination

- Place all other used script books inside the front cover of the first script book.
- You may keep this question book.

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

SECTION A**Instructions for Section A**

Answer **all** questions in the script book(s) provided.

Question 1

Provide **two** reasons why judges need to interpret statutes.

2 marks

Question 2

Joe is very concerned. He talks constantly to you about how he believes a particular law is unfair. He knows you are studying Legal Studies and asks for your advice.

Explain to Joe **two** ways individuals and groups can influence a change in the law.

Give **two** reasons why laws might need to change.

2 + 2 = 4 marks

Question 3

Outline **one** role played by the Crown in the Australian parliamentary system.

1 mark

Question 4

This year you have studied one formal law reform body. Describe its role in assessing the need for change in the law.

2 marks

Question 5

Outline the jurisdiction of **one** of the following courts

Childrens Court **or**

Coroners Court

and **one** of the following tribunals

Victorian Civil and Administrative Tribunal – residential tenancy list **or**

Victorian Civil and Administrative Tribunal – anti-discrimination list

2 + 2 = 4 marks

Question 6

Describe **one** possible improvement to the adversary system of trial.

3 marks

Question 7

Describe **two** elements a legal system requires in order to be effective.

4 marks

Total 20 marks

END OF SECTION A

SECTION B**Instructions for Section B**

Answer all parts of **one** question in the script book(s) provided.

Question 8

- a. i. *In 2002 the Prime Minister publicly considered holding a referendum to change the Commonwealth Constitution. The opposition indicated that it was worth thinking about.*

Explain how the Constitution can be changed by holding a referendum. Comment on **two** factors that could influence the outcome of a referendum.

- ii. Using **one** example, illustrate how the lawmaking powers of the State and Commonwealth Parliaments have been changed by High Court interpretation of the Commonwealth Constitution.

6 + 4 = 10 marks

- b. Describe how courts and Parliament make law. Discuss **two** differences between the lawmaking processes of courts and Parliament.

10 marks

OR

Question 9

- a. Explain the process of lawmaking by courts. Include in your answer an evaluation of **two** strengths and **two** weaknesses of this process.

10 marks

- b. *Parliament has the ability to delegate lawmaking powers to subordinate authorities and to check this process. This is both a strength and a weakness.*

Describe the lawmaking process of Parliament and discuss the views expressed in this statement.

10 marks

Total 20 marks

**END OF SECTION B
TURN OVER**

SECTION C**Instructions for Section C**

Answer all parts of **one** question in the script book(s) provided.

Question 10

- a. Discuss how the adversary system of trial used by courts can be quite different to the form of dispute settlement used by tribunals.

12 marks

- b. Using **three** examples, discuss changes or proposed changes which have helped, or could help, overcome limitations faced by people using our legal system.

8 marks

OR

Question 11

Calls have been made to limit a defendant's right to trial by jury in criminal cases. In certain matters, such as serious fraud cases, it has been argued that trials should be heard before a judge alone.

- a. i. Describe the role of the judge and jury in criminal trials.
ii. Explain **two** arguments **for**, and **two** arguments **against**, the suggestion of limiting the right to trial by jury in criminal cases. Giving reasons, what is your view on this issue?

4 + 8 = 12 marks

- b. Using **two criminal** pre-trial procedures and **two civil** pre-trial procedures to illustrate your answer, consider how pre-trial procedures can promote or limit the effective operation of the legal system.

8 marks

Total 20 marks

END OF QUESTION BOOK