

INSIGHT

Trial Exam Paper

2008

LEGAL STUDIES

Written examination

STUDENT NAME:

QUESTION AND ANSWER BOOK

Reading time: 15 minutes

Writing time: 2 hours

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
12	12	60

- Students are permitted to bring the following items into the examination: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring sheets of paper or white out liquid/tape into the examination.
- Calculators are not permitted in this examination.

Materials provided

- The question and answer book of 16 pages.
- Additional writing space is provided at the end of this book if you require more space to complete an answer.

Instructions

- Write your **name** in the box provided.
- Make use of the stimulus material where included. However, it is not intended that this material will provide all the information to fully answer the question.
- You must answer the questions in English.

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

Instructions

Answer **all** questions in the spaces provided. In Question 12 answer either part **a.** or **b.** Indicate which part, **a.** or **b.**, of Question 12 you have answered.

Question 1

What is the role of the Governor-General in relation to the legislative process?

2 marks

Question 2

We have a federal constitution. Why is it possible for there to be different laws on the same topic in every Australian state?

2 marks

Question 3

Last week, a Supreme Court judge made a decision on the meaning of a word in a Victorian Act following an appeal on a point of law from the Magistrates' Court. What is the effect of this?

2 marks

Question 4

Explain the jurisdiction of the Family Court of Australia.

2 marks

Question 5

All methods of dispute resolution involve some drawbacks.

Identify and explain **two** disadvantages of conciliation.

2 marks

Question 6

What needs to take place for the Constitution to be changed? Given the history of referenda in Australia, what issues can impact on their success?

Question 7

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2 marks

- b.** Compare one way in which democratic and/or human rights are constitutionally protected in Australia with that of another country that you have studied this year.

2 marks

Question 8

Evaluate **two** alternatives and/or reforms to the present jury system in Victoria.

4 marks

Question 9

Dan has been charged with a range of serious offences following a fight in which he nearly killed Tom.

- a. Describe **one** right Dan could exercise during the police investigation of this offence.

- b. Describe **one** power that the police could exercise during their investigation of this incident.

- c. Outline the original criminal jurisdiction of the court which is most likely to hear this case.

- d.** Who has the burden of proof in Dan's trial?

- e. Compare the role of the judge in Dan's trial, given the adversarial nature of our system, with the role of the judge in the inquisitorial system.

[illegible]

- f. Identify **one** aim of sentencing that the judge may consider if Dan is found guilty, and illustrate this aim through **two** sentencing options available to her.

1 + 1 + 1 + 1 + 4 + 2 = 10 marks

Question 10

“In Victoria, civil disputes can be resolved at a tribunal or in the courts.”

Evaluate key aspects of each method and indicate which you think is better to resolve civil disputes.

6 marks

Question 11

Discuss **two** perceived advantages and **two** perceived disadvantages of parliament as a law-making body.

[illegible]

For Question 12, indicate the part (a. or b.) you have chosen in the box provided.

a. “Courts are really quite weak lawmakers. No matter what they do, their laws are always subject to change.”

OR

- Explain **one** recent/current problem with criminal procedure and **one** recent/current problem with civil procedure.

What will be the implications of each change for the effective operation of our legal system?

Question 12 – continued

END OF QUESTION AND ANSWER BOOK

Extra space for responses

[illegible]

