

Student Name: _____

LEGAL STUDIES

Units 3 & 4 – Written examination



2008 Trial Examination

Reading time: 15 minutes

Writing time: 2 hours

QUESTION & ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
13	13	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 permitted in this examination.

Materials supplied

- Question and answer book of 17 pages.

Instructions

- Print your name in the space provided on the top of this page.
- All written responses must be in English.

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

Instructions

Answer **all** questions in the spaces provided. For Question 13 you must answer either part **a.** or part **b.** Indicate which part of Question 13 you have answered.

Question 1

Outline the structure of the Commonwealth Parliament.

2 marks

Question 2

The principle of the separation of powers ensures that no one body has absolute power or control in the Australian Parliament. Explain this principle of the separation of powers.

2 marks

Question 3

Resolving both criminal and civil cases in Australian Courts is based on the adversary system of trial. Describe **one** feature of this system. In your answer highlight **one** strength and **one** weakness of the feature you described.

2 + 1 + 1 = 4 marks

TURN OVER

Question 4

Formal pressures to change a law can come from a number of different bodies or sources. Name **one** formal law reform body that can initiate change and describe the process this body goes through to implement law reform.

1 + 2 = 3 marks

Question 5

Comment on the impact that **Section 109** of the Commonwealth Constitution can have on both the Commonwealth and States.

2 marks

Question 6

Outline the original and appellate criminal jurisdiction of **either** the County **or** Supreme Court in Victoria.

Question 6 – continued
TURN OVER

2 + 2 = 4 marks

Question 7

The division of law making powers between the Commonwealth and the States can be altered through High Court interpretation of the Commonwealth Constitution. Using an example, explain how the High Court's interpretation of the Constitution occurs and how this can impact on the division of powers.

[illegible]

Question 7 – continued

3 + 2 = 5 marks

Question 8

Pre-trial procedures are essential, before each criminal matter can proceed to trial.

Describe **two** criminal pre-trial procedures.

2 + 2 = 4 marks

TURN OVER

Question 9

The doctrine of precedent relies on the operation of a hierarchy of courts. One cannot effectively exist without the other.

- a. Explain **both** the doctrine of precedent and the hierarchy of courts

[illegible]

2 + 2 = 4 marks

- b. Discuss one strength and one weakness of lawmaking through the court system.**

Question 9 – continued

2 + 2 = 4 marks

Question 10

Australia's approach to the constitutional protection of democratic and human rights is similar to some countries, but different to others. Compare and contrast this approach to another country that you have studied this year. (Canada, New Zealand, United Kingdom, United States of America or South Africa)

Question 10 – continued
TURN OVER

6 marks

Question 11

Some individuals face many difficulties in gaining access to the law. Identify **one** difficulty and discuss recent or suggested changes to help individuals overcome this difficulty, thereby improving their access to the law.

Question 11 – continued

2 + 2 = 4 marks

Question 12

When trying to resolve or settle a civil dispute, the plaintiff can pursue action in court or elect to use alternative methods of dispute resolution. Describe **two** methods of alternative dispute resolution, evaluating their effectiveness in resolving minor civil matters.

Question 12 – continued
TURN OVER

6 marks

Question 13

Answer **either** part **a.** or part **b.** of this question

EITHER

- a.** “Parliament is the only elected body to make laws for the community. They should therefore have all the law making powers.”
- Critically evaluate this statement commenting on the complimentary role courts play, in the lawmaking process.

OR

- b.** There are four elements used as a checklist to evaluate the effectiveness of our legal system. Comment on any two using criminal or civil procedure to support your answer.

10

Either **a.** or **b.**

10 marks

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Question 13 – continued

TURN OVER

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Extra space for responses

Clearly number all responses in this space.

[illegible]

TURN OVER

[illegible]
