



Victorian Certificate of Education 2008

SUPERVISOR TO ATTACH PROCESSING LABEL HERE

STUDENT NUMBER

Figures

Words

Letter

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LEGAL STUDIES

Written examination

Wednesday 12 November 2008

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

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

QUESTION AND ANSWER BOOK

Structure of book

<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
11	11	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 and answer book of 19 pages.
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

- Write your **student number** in the space provided above on this page.
- 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.

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

Instructions

Answer **all** questions in the spaces provided. In Question 11 answer either part **a.** or part **b.** Indicate which part, **a.** or **b.**, of Question 11 you have answered.

Question 1

Sally has just become an Australian citizen and is interested in learning more about the Australian legal system. She is particularly interested in the way laws are changed.

- a.** Outline the role played by the Crown in the law-making process.

- b.** Explain **one** reason why laws may need to be changed. Provide an example to illustrate your answer.

- c.** Identify and explain **one** way in which Sally can participate in influencing a change in a law.

1 + 2 + 2 = 5 marks

Question 2

David has just lost his civil action in the County Court. He has had difficulty reading his judgment, and does not understand why the judge has interpreted a Victorian Act of Parliament.

- a. Outline **two** reasons why statutes may need to be interpreted.

- b. David wants to appeal the outcome of his case. In which court would the appeal be heard?

2 + 1 = 3 marks

Question 3

Describe **one** function of the Coroner's Court.

2 marks

TURN OVER

Question 4

The police strongly suspect that Tony, aged 40, has committed a criminal offence and wish to interview him at the police station.

Explain **one** individual right that Tony has and **one** power the police have in this situation.

[illegible]

4 marks

Question 5

Using **one** of the countries listed below, explain **two** ways in which that country's approach to the constitutional protection of democratic and human rights **is similar to, or different from**, the approach provided by the Commonwealth Constitution of Australia.

The countries you may use for the comparison with Australia are Canada, New Zealand, South Africa, the United Kingdom or the United States of America.

(In your answer you may explain two similarities, **or** two differences, **or** one similarity and one difference.)

Country used for comparison with Australia _____

4 marks

TURN OVER

Question 6

The following scenario contains several errors in the way this trial has been conducted.

Anna, aged 30, was charged with murder and her case went directly to the Supreme Court. A magistrate today in the Supreme Court thanked the jury of 12 for their time. With a majority verdict, the jury found Anna guilty of murder and sentenced her to 15 years imprisonment. One of the jurors knew Anna's brother very well from work.

Identify **three** errors in the above scenario and explain the correct process or procedure which should have occurred.

[illegible]

6 marks

Question 7

James and his friends were celebrating James' 35th birthday at a local restaurant. At the end of the night, James decided that he may have had too much to drink and called a taxi. On the way out, James tripped on some worn carpet and fell to the floor, causing him a serious injury. After consulting his lawyer, James decides to sue the restaurant for compensation.

- a. Identify which party has the burden of proof in this case.

- b. Outline **one** role of the judge if this case goes to trial.

- c. Advise James on the purpose of **two** pre-trial procedures which his lawyer might use in this case.

1 + 1 + 4 = 6 marks

TURN OVER

Question 8

A writer in a legal journal said, ‘Alternative dispute resolution is now the best way to resolve civil disputes’. Critically evaluate the effectiveness of alternative dispute resolution in resolving disputes and indicate whether you agree with the writer’s comment.

[illegible]

‘Two strengths of parliament as a law-maker are that it makes laws which reflect the views of the community and can make laws whenever the need arises.’

[illegible]

6 marks

‘The doctrine of precedent limits the role of the courts as law-makers. However, the courts can still make significant changes to the law.’

[illegible]

[illegible]

8 marks

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

Discuss the above statement and indicate the extent to which you agree with it, giving reasons for your answer. Include in your answer an explanation of how law-making powers are divided between State and Commonwealth Parliaments by the Commonwealth Constitution.

Discuss the above statement and indicate the extent to which you agree with it, giving reasons for your answer. Include in your answer an explanation of two elements of an effective legal system.

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

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Question 11 – continued

[illegible]

[illegible]

10 marks

END OF QUESTION AND ANSWER BOOK

Clearly number all responses in this space.

[illegible]

TURN OVER

[illegible]

A script book is available from the supervisor if you need extra paper to complete your answer. Please ensure you write your **student number** in the space provided on the front cover of the script book. **At the end of the examination, place the script book inside the front cover of this question and answer book.**